

Proposed Regional Plan for Northland

S42A recommendations | July 2018

This document was updated on 27 July 2018 with corrections as set out in "Errata to Proposed Regional Plan for Northland - S42A recommended changes". The corrections are highlighted red and indicated by the word "Errata" in the margin



Contents

A INTRODUCTION TĪMATANGA KŌRERO	3
-----------------------------------	---

B DEFINITIONS WHAKAMĀRAMATANGA	7
----------------------------------	---

C RULES NGĀ TURE	35
C.1 Coastal activities	37
C.2 Activities in the beds of lakes and rivers and in wetlands	115
C.3 Damming and diverting water	139
C.4 Land drainage and flood control	147
C.5 Taking and using water <Replace "using" with "use of">	155
C.6 Discharges to land and water	166
C.7 Discharges to air	216
C.8 Land use and disturbance activities	232

D POLICIES NGĀ KAUPAPA	251
D.1 Tangata whenua	251
D.2 General	255
D.3 Air	265
D.4 Land and water	268
D.5 Coastal	285
D.6 Natural Hazards	297

E CATCHMENTS NGĀ WHAITUA	299
----------------------------	-----

F OBJECTIVES NGĀ WHĀINGA	307
----------------------------	-----

G ADMINISTRATIVE MATTERS NGĀ TAKE WHAKAHAERE	311
G.1 Cross-river coastal marine area boundary	311
G.2 Statutory acknowledgements	314
G.3 Financial contributions	315
G.4 Coastal occupation charging	319

H APPENDICIES ĀPITI HANGA	321
H.1 Wastewater network management plans <Delete>	321
H.2 Stormwater management plans <Delete>	322
H.3 Chimney height requirements	323
H.4 Erosion control plans	333
H.5 Water quality standards	334
H.6 Environmental flows and levels	338
H.7 Managing groundwater and surface water connectivity	343
H.8 Wetland definitions relationships	345
H.9 Interpretation of noxious, dangerous, offensive and objectionable effects	346

I MAPS NGĀ MAHERE MATAWHENUA	349
--------------------------------	-----

A Introduction | Tīmatanga Kōrero

Purpose of this document

This document is the Proposed Regional Plan for Northland with the recommended changes as a result of considering submissions. This document is to be read in conjunction with the Section 42A reports which summarise and analyse the submissions on the the Proposed Regional Plan, and make recommendations on possible amendments in response to those submissions.

It's important to note that the changes in this document are recommendations only and they have no legal weight.

Guide to recommended changes

In this document, recommended additions are shown as underlined and recommended deletions as ~~strikethrough~~. Each recommended change is referenced with a footnote of one of the following:

- The submitter that give jurisdiction for the change e.g. "Department of Conservation" (substantive changes can only be made as a result of a submission). Note - there may be other submissions that may also provide the jurisdiction but only one has been referenced.
- For a consequential change which clearly relates to a change as a result of a submission, the footnote has the submission followed by a reference to the consequential change e.g. "Department of Conversation, consequential change to C.1.4.1".
- For a consequential change which doesn't clearly relate to a change as a result of a submission (e.g. it's as a result of changes to two or more submissions or two or more provisions), the footnote will state that it's a consequential change and briefly explain why.
- A clarification, noted with the word "Clarification". Clarifications are minor changes that don't change the meaning e.g. to fix grammatical errors and improve readability, and changes in wording to fit the style of the plan changes as a consequence of other amendments. The jurisdiction for these changes comes from clause 16(2), Schedule 1, RMA and the general decision making powers of clause 10, Schedule 1, RMA⁽¹⁾.

This document retains the numbering of the Proposed Regional Plan for Northland as notified. Completely new provisions (as opposed to amendments) are either noted as such (e.g. New policy – XYZ) or given a new number to differentiate it from the as-notified text.

<The karakia, mihi, and whakatauaki to be inserted before the contents pages>

Karakia

He karakia ki nga Atua

Ko Rangī

Ko Papa

Ka puta

Ko Rongo

A prayer to Māori gods

There's Rangī

There's Papa

The birth's

Of Rongo

¹ Amendments to the wording that do not alter the meaning or effect of a rule are permissible, even though not directly in response to submissions, see *Foodstuffs (Otago Southland) Properties Ltd v Dunedin CC* (1993) 2 NZRMA 497

Ko Tane Mahuta

Of Tane Mahuta

Ko Tangaroa

Of Tangaroa

Ko Tumatauenga

Of Tumatauenga

Ko Haumietikitiki

Of Haumietikitiki

Ko Tawhirimatea

Of Tawhirimatea

Tokona Te Rangi ki runga

Of Ruamoko

Te Papa ki raro

Separate the Sky above

Ka puta Te Ira Tangata

The Land below

ki Te Whai Ao

In a world of light the human element is born into

Ki Te Ao Marama

the physical world

E rongo whakairia ake ki runga

Let peace elevate back up above

Tuturu whakamaui Kia Tina! Tina! Haumie hui e!

Bind us together

Taiki e! A karakia to the gods

Let it be so!

Whakatauaki

Toitū te marae a Tane mahuta

If the land is well

Toitū te marae a Tangaroa

If the sea is well

Toitū te tangata

The people will thrive

Mihi

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

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.

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

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

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

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

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

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

living, be united with the land above.

Ko te mahere a-rohe mo Te Tai Tokerau (te Mahere) i whakaputaina e te Kaunihera a rohe o Te Taitokerau i runga i te Ture Whakahaere Rauemi 1991 (te RMA). He pokapū a-rohe, he whenua, he

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

wai, he mahere takutai, me nga ture me nga kaupapa here anake hei arahi i nga tukanga whakaaetanga rauemi.

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

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

Tena koutou, tena koutou, tena tatou katoa.

1991 (the RMA). It is a combined regional air, land, water and coastal plan, and only contains rules and policies to guide resource consent processes.

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

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

Greetings to you, greetings to us all.

Introduction

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

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

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.

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

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

2 Clarification
3 Clarification
4 Clarification
5 Clarification

B Definitions

| Whakamāramatanga

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

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

1 Clarification

2 Heritage NZ

3 Refining NZ

4 Minister of Conservation and Horticulture New Zealand

5 Consequential amendment because the limits were relocated from D.4 to the appendix

<u>Alteration (in relation to a Historic Heritage Site)</u> (6)	Means any changes to the fabric or characteristics of a structure or building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally and includes any sign attached to the structure or building. It includes Seismic Upgrading'. It does not include Historic Heritage Site 'Repair' or 'Maintenance'.
Ambient air quality	The general quality of the surrounding air, reflecting the cumulative effect of all <u>existing</u> ⁽⁷⁾ activities, both anthropogenic and natural.
Anchoring	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.
Anti-fouling	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.
<u>Archaeological site</u> ⁽⁸⁾	<u>In terms of S.6 of the Heritage New Zealand Pouhere Taonga Act 2014, means any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. Modification to archaeological sites as defined above require resource consent (an authority) from Heritage New Zealand Pouhere Taonga.</u> <u>(Note- Under the RMA definition of Historic Heritage the term Archaeological Site is not limited to pre-1900 activity and may include evidence of archaeological significance such as sites of later activity of heritage interest (e.g. World War 2 army camps).</u> <u>(Note ii - Installing signs into pre-1900 built heritage sites may require an authority from Heritage New Zealand)</u> <u>(Note iii - 19th Century buildings and structures above and below ground are archaeological sites and may require an authority depending upon the nature of the works proposed.</u>
Artificial watercourse	A man-made channel constructed in or over land for carrying water and includes an irrigation canal, <u>road side drains and water tables</u> . ⁽⁹⁾ water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river, or stream or <u>natural wetland</u> . ⁽¹⁰⁾
<u>Aupouri Aquifer management unit</u> ⁽¹¹⁾	<u>A water quantity management unit as depicted in I 'Maps Ngā mahere matawhenua'.</u>

Errata

6 Heritage NZ

7 Fonterra

8 Heritage NZ

9 New Zealand Transport Agency

10 Minister of Conservation

11 Clarification

<i>Authorised</i>	Expressly allowed by a: <ol style="list-style-type: none"> 1) national environmental standard or other regulations, or 2) a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or 3) a resource consent.
<i>Beach scraping</i>	The transfer of material (generally sand) and other loose material such as stones and shells from the lower part of the foreshore (beach), usually by mechanical equipment, to re-distribute the sand to the upper beach/dune system, in order to repair or restore natural dune protection. ⁽¹²⁾
<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>Biosolid</i>	A sewage or sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived from industrial wastewater treatment plants.
<i>Bore</i>	A drilled ⁽¹³⁾ 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>Catchment-specific allocation limit</i> ⁽¹⁴⁾	An allocation limit that has been set for a specific river or aquifer, and can be based on: <ol style="list-style-type: none"> 1) the total allocation from the river or aquifer that exceeds a default allocation limit as determined under Policy D.4.16 for Rivers and Policy D.4.17, or 2) waterbody-specific information.

¹² Royal Forest and Bird Protection Society NZ

¹³ Clarification

¹⁴ Consequential amendment because of amendments to C.5.1.12, C.5.1.13, D.4.16 and D.4.17

<i>Cleanfill material</i>	<p>Natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <ol style="list-style-type: none"> 1) combustible or putrescible components apart from up to 10 percent untreated timber and up to five percent green waste by volume in each load, and 2) <u>hazardous substances</u>, and 3) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, and 4) materials that may present a risk to human health, and liquid waste, and 5) materials containing asbestos. <p><u>It does not include the placement of overburden material as part of any quarrying activity.</u>⁽¹⁵⁾</p>
<i>Coastal aquifer</i> ⁽¹⁶⁾	<u>A water quantity management unit as depicted in I 'Maps Ngā mahere matawhenua'.</u>
<i>Coastal <u>hazard riparian and foredune</u> management area</i>	<p>Coastal <u>hazard riparian and foredune</u> management area is: ⁽¹⁷⁾</p> <ol style="list-style-type: none"> 1) any land within a horizontal distance of 10 metres landward from the coastal marine area, or 2) the land between the coastal marine area and the bottom of the landward side of the foredune, where the land adjacent to the coastal marine area is vegetated or unvegetated sand dunes.
<i>Coastal dune restoration</i>	A programme designed to return or restore a coastal environment to a more natural state, with the aim of allowing the active beach and dune system to better function as a natural system, operating by natural coastal processes. The key purpose is to improve protection against coastal hazards. Coastal dune restoration can involve all or some of the following activities: removal of exotic flora and fauna; removal of fill/spoil, rock, rubble or other introduced materials; dune re-contouring to achieve a more natural substrate and/or shape; and/or the planting of appropriate native 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. The management unit is <u>shown depicted</u> ⁽¹⁸⁾ in I 'Maps Ngā mahere matawhenua'.
<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.
<i>Composting operation</i>	Any activity undertaken to produce compost.
<i>Community Controlled Organisation</i>	Includes but is not limited to: not-for-profit corporations, incorporated societies, charitable bodies, organised clubs, sports clubs, religious groups and education providers.

15 GBC Winstone

16 Clarification

17 Auckland Council

18 Clarification

<p><i>Constructed wetland</i></p>	<p>A wetland developed deliberately by artificial means or constructed on a site where:</p> <ol style="list-style-type: none"> 1) a wetland has not occurred naturally previously, and 2) the current wetland vegetation cover cannot be delineated as indigenous, or 3) a wetland has been previously constructed legally. <p>This does not include <i>induced wetland</i>, <i>reverted wetland</i> or wetland created for conservation purposes; for example, as a requirement of resource consent. Examples of constructed wetlands includes wetlands created and subsequently maintained principally for or in connection with</p> <ol style="list-style-type: none"> 1) an effluent treatment and disposal system, or 2) stormwater management, or 3) an artificial water storage facility, detention dam, reservoir for firefighting, domestic and community water supply, or 4) other artificial wetland and water bodies including open drainage channels (that are authorised, such as those in drainage schemes), and engineered soil conservation structures <u>and roadside drainage channels</u>.⁽¹⁹⁾ <p>A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and sedges.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> 1) "Constructed wetland" is the same as "man made wetland" in the Regional Policy Statement. 2) The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website. 3) <u>The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'</u>.⁽²⁰⁾
<p><i>Contractor (in relation to agrichemical application)</i></p>	<p>Any person or organisation who, by agreement with owner, occupier or manager of any land, applies or causes to be applied any agrichemical in an agricultural, horticultural or related situation for hire or reward. It does not include an employee or an owner, occupier or manager.</p>
<p><u><i>Contributing catchment</i></u></p>	<p><u>The catchment area necessary to calculate estimated flood flows using a recognised engineering method.</u></p> <p><u><i>Note: Recognised engineering methods include:</i></u></p> <ol style="list-style-type: none"> 1) <u>Pearson and McKerchar, Flood Estimation - A Revised Design Procedure, Transactions, Vol 16, No2/CE, November 1989,</u> 2) <u>Technical Memorandum 61, A Method of Estimating Design Peak Discharge, MWD, 1980,</u> 3) <u>"Estimation of Mean Annual Flood in New Zealand", George A. Griffiths and Alastair I. McKerchar, NIWA, Journal of Hydrology (NZ) 51 (2):111-120 2012.</u>⁽²¹⁾

¹⁹ New Zealand Transport Agency

²⁰ New Zealand Transport Agency

²¹ Clarification

<u>Core local infrastructure</u>	District parks and reserves, network infrastructure and public roads maintained by local authorities ⁽²²⁾
<u>Cultivation</u> ⁽²³⁾	The disturbance of earth by machinery in preparation for planting or replanting pasture or crops, but does not include: <ol style="list-style-type: none"> 1) direct drilling and no-till practices, or 2) mechanical land preparation associated with plantation forestry.
Dairy support cattle	Dry cows and dairy replacement cattle.
Dam	A structure intended primarily to retain or control surface water flows to form a reservoir, including a weir, but excluding a stopbank.
Dam crest	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.
Dam height	The vertical distance from the dam crest to: <ol style="list-style-type: none"> 1) in the case of a dam across a river, from the natural bed level of the river at the lowest downstream outside limit of the dam, or⁽²⁴⁾ 2) in the case of a dam not across a river, from the lowest elevation at the outside limit of the dam.
<u>Deep lake</u> ⁽²⁵⁾	A lake with a maximum depth of greater than 10 metres.
Deep soakage system	A hole excavated to utilise permeable subsoil layers or weathered rock at depth under poorly draining soils for the purpose of disposing effluent. These holes may be backfilled with material such as scoria.
<u>Default allocation limit</u> ⁽²⁶⁾	An allocation limit that applies to multiple rivers or aquifers.

²² Whangarei District Council

²³ Horticulture New Zealand

²⁴ Whangarei District Council

²⁵ Clarification

²⁶ Consequential amendment because of amendments to C.5.1.12, C.5.1.13, D.4.16 and D.4.17

<u>Deposition of material for beneficial purposes</u>	<p>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:</p> <ol style="list-style-type: none"> 1) beach replenishment/renourishment 2) environmental/ecological enhancement 3) restoration or enhancement of natural coastal defences from coastal hazards. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • deposition of dredged material or solid matter for reclamation purposes • dumping (deliberate disposal) of waste or other matter • creation of hard protection structures⁽²⁷⁾
Dewatering	The removal of groundwater from an excavation that has perforated below the groundwater table in an aquifer ⁽²⁸⁾ .
<u>Demolition (in relation to a Historic Heritage Site)</u> (29)	Means to damage and demolish a building or structure resulting in complete or significant loss of heritage form and fabric. The temporary dismantling of parts of a building or structure for the purposes of 'Seismic Upgrading' does not constitute 'Demolition' or 'Partial Demolition'.
Domestic type wastewater	Wastewater originating from toilets, kitchens, bathrooms, showers, baths, basins, and laundries from residential dwellings, commercial, industrial or other premises. It does not include industrial or trade wastewater from an industrial or trade premises. ⁽³⁰⁾
Dust sensitive area	<ol style="list-style-type: none"> 1) Residential buildings and associated garden areas, and 2) school, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and 4) community buildings and grounds, including places of worship and marae, and 5) orchards, sensitive crops and commercial growing areas, and 6) water bodies used for the supply of drinking water and for stock drinking, and 7) wetlands and areas of indigenous vegetation and species habitat indigenous habitat areas,⁽³¹⁾ and 8) apiaries.
Earth	Any matter constituting the land, such as soil, clay, sand, or rock.

27 Mangawhai Harbour Restoration Society Inc

28 Clarification

29 Heritage NZ

30 Consequential amendment because of the inclusion of a definition of industrial or trade wastewater

31 GBC Winstone

<i>Earthworks</i>	<p>The mechanical disturbance of <u>the surface of the land/earth</u>⁽³²⁾ by excavation, cutting and filling, blading, ripping, contouring, <u>quarrying</u>⁽³³⁾ or placing or replacing <u>earth</u>, but does not include:</p> <ol style="list-style-type: none"> 1) <u>earthworks associated with a plantation forestry activity, or</u>⁽³⁴⁾ 2) <u>the placement of cleanfill material</u>⁽³⁵⁾, or 3) <u>cultivation/land preparation</u>⁽³⁶⁾, or 4) construction, <u>repair, alteration or maintenance</u>⁽³⁷⁾ of bores, or 5) the maintenance of walking and other recreational tracks, or 6) the placement of roading aggregates during road and track works, or 7) <u>directional drilling, boring or thrusting up to 250mm diameter, or</u>⁽³⁸⁾ 8) digging post holes, or 9) planting trees.
<u><i>Ecological complexes</i></u>	<u>Interaction of species with their physical and chemical environment at densities that result in ecological functioning, including biogeochemical processes and habitat provision, that is necessary for safeguarding the life-supporting capacity of an ecosystem.</u> ⁽³⁹⁾
<i>Effectively excluded</i>	Effectively barred from access to the beds of lakes and rivers, drains, wetlands, and the coastal marine area either through a natural barrier (such as a cliff), a permanent fence, or new technologies such as a 'virtual' GPS fence. Temporary fencing may be used in flood prone areas.
<u><i>Effluent</i></u> ⁽⁴⁰⁾	<p><u>Liquid waste or liquid containing waste solids.</u></p> <p><u>Note: In this plan, the term is used interchangeably with wastewater.</u></p>
<u><i>Ephemeral stream</i></u> ⁽⁴¹⁾	<u>Stream 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.</u>

32 Clarification

33 GBC Winstone Ltd

34 Clarification

35 Consequential amendment to the deletion of rule C.6.7.1

36 Horticulture New Zealand

37 First Gas Ltd

38 Spark New Zealand Trading Ltd

39 Royal Forest and Bird Protection Society NZ

40 Northland Fish and Game Council

41 Northland Fish and Game

<i>Erosion control plan</i>	Means a <u>regional council approved</u> ⁽⁴²⁾ plan developed by a suitably qualified professional which specifically identifies areas of gully, landslide, and earthflow erosion and measures to mitigate sediment yield from these areas <u>and meets the requirements of Appendix H.4.</u> ⁽⁴³⁾ <u>For the purposes of Erosion Control Plans suitably qualified professional means a person who:</u> <ol style="list-style-type: none"> 1) <u>Has at least five years experience in the management of pastoral, horticultural or arable farm systems; and</u> 2) <u>Has completed advanced training or has tertiary qualifications in soil conservation, soil science or sediment management, or</u> 3) <u>Is a Northland Regional Council Land Management Advisor</u> ⁽⁴⁴⁾
<i>Erosion prone land</i> ⁽⁴⁵⁾	<u>Land defined as land use capability units 6e17, 6e19, 7e1 - 7e10, 8e1 - 8e3, and 8s1. The land use capability units are generally depicted in the New Zealand Land Resource Inventory digital database and also shown in Maps.</u>
<i>Farm wastewater</i>	All <u>wastewater</u> 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. <u>It does not include horticultural wastewater.</u> ⁽⁴⁶⁾
<i>Farm wastewater storage facilities</i>	<u>Facilities, including include</u> ponds and tanks, <u>for storing or treating farm wastewater, but do not include sumps.</u> ⁽⁴⁷⁾
<i>Fertiliser</i> ⁽⁴⁸⁾	<u>A substance or biological compound or mix of substance or biological compounds that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of:</u> <ol style="list-style-type: none"> 1) <u>nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</u> 2) <u>manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</u> 3) <u>fertiliser additives; and</u> 4) <u>includes non-nutrient attributes of the materials used in fertiliser.</u> <u>It does not include substance that are plant growth regulators that modify physiological functions of plants.</u>

⁴² Landcorp Farming Ltd

⁴³ Landcorp Farming Ltd

⁴⁴ Landcorp Farming Ltd

⁴⁵ Clarification (The term replaces 'highly erodible land', but the definition has not changed.)

⁴⁶ Horticulture New Zealand

⁴⁷ Clarification

⁴⁸ Horticulture New Zealand

<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 water, including floodwaters, 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. <i>Note: In catchments where the spatial extent of these areas have been mapped by the regional council, they are referred to as mapped 100-year flood hazard areas. These flood plains have been adjusted to account for projected climate change effects, including higher storm rainfall intensity. They are available to view on the regional council's website.</i>
<i>Fully allocated</i> ⁽⁴⁹⁾	Where the total volume of fresh water permitted by a rule in this plan and permitted and consented to be taken is equal to a catchment-specific allocation limit or exceeds an default allocation limit for a river by more than 10 percent of the seven-day mean annual low flow or a default allocation limit for a aquifer by more than five percent of the annual average recharge. Catchment-specific allocation limits and default allocation limits are set in Policy D.4.16 and Policy D.4.17.
<i>Functional need</i>	When an activity (including structures) is dependent <u>due to its technical or operational requirements</u> on having its location in the coastal marine area to operate. <u>This excludes, but is not limited to, dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</u> <i>Note: this therefore excludes, but is not limited to: dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</i> ^{(50) (51)}
<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>	<u>Spraying taking place at ground level but does not include hand-held spraying. Any method of spray application where the equipment from which the agrichemical is emitted is on the ground but does not include hand held spraying.</u>
<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 <u>property an activity</u> from a coastal hazard, including erosion. ⁽⁵²⁾

49 Consequential amendment because of the deletion of C.5.1.1 and D.4.18

50 Royal Forest and Bird Protection Society NZ

51 Transpower

52 Fonterra

<u>Hazardous substance</u> ⁽⁵³⁾	Has the same meaning as defined in section 2 of the Hazardous Substances and New Organisms Act 1996.
High risk coastal hazard area	<p><u>Locations</u> <u>Land</u> that has <u>ve</u> been assessed (<u>mapped</u>) as relatively high risk from the effects of coastal hazards (erosion and inundation) over a planning horizon of 50 years. For coastal erosion, this likelihood corresponds to a 66% chance that coastal erosion will reach the landward extent of the setback line by 2065. For coastal inundation, the coastal hazard zone is based on a 2% annual exceedance probability event for the year 2065. These are commonly referred to as 'coastal hazard 1 zones' in district plans.</p> <p><u>Note: 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.</u>⁽⁵⁴⁾</p>
High risk industrial <u>and</u> ⁽⁵⁵⁾ trade premises	<p>An industrial or trade premises⁽⁵⁶⁾ used for any of the following purposes and <u>which</u> stores, uses or generates <u>hazardous substances</u> <u>contaminants in the industrial or trade process</u>⁽⁵⁷⁾ at the site <u>which</u> <u>that</u> are exposed to rain <u>or and can be entrained in</u> stormwater⁽⁵⁸⁾:</p> <ol style="list-style-type: none"> 1) boat construction and maintenance, 2) port activities including dry docks, 3) commercial cement, concrete or lime manufacturing or storage, 4) chemical manufacture, formulation or bulk storage, recovery, processing or recycling, 5) fertiliser manufacture or bulk storage, 6) storage of hazardous wastes including waste dumps or dam tailings associated with mining activities, 7) petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or <u>refinery</u>⁽⁵⁹⁾, or facilities for recovery, reprocessing or recycling petroleum-based materials, <u>but excludes service stations, truck stops and refueling facilities</u>⁽⁶⁰⁾, <u>and</u> 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.
High risk flood hazard area	<p>Land where there is at least a 10% chance of river flooding occurring annually.</p> <p><i>Note: Within catchments where the spatial extent of these areas have been mapped by the regional council, they are referred to as mapped 10 year flood hazard areas. They are available to view on the regional council's public website.</i></p>

53 Whangarei District Council

54 Clarification

55 Clarification

56 Clarification

57 Clarification

58 Clarification

59 Clarification

60 The Oil Companies

<i>High sediment-yielding land</i>	Land in the Doubtless Bay, Waitangi, Mangere and Whangarei Harbour catchments identified as having high sediment yield as shown in I 'Maps Ngā mahere matawhenua'. The thresholds for High Sediment Yielding land is: land that has an estimated sediment yield of 250 tonnes / km ² / year or more in the Waitangi, Mangere and Whangarei Harbour catchments and 500 tonnes / km ² / year or more in the Doubtless Bay catchment.
<i>Highly erodible land</i> ⁽⁶¹⁾	Land defined as land use capability units VIe17, VIe19, VIIe1 – VIIe10, VIIIe1 – VIIIe3, and VIIIe1. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition, and also shown in Maps.
<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'. <u>Historic heritage areas may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.</u> ⁽⁶²⁾
<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'. <u>Historic heritage sites may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.</u> ⁽⁶³⁾
<i>Horticulture wastewater</i> ⁽⁶⁴⁾	<u>Wastewater from vegetable washing and greenhouses and may include sediment and residues from the activity, but does not include animal effluent or animal products.</u>
<i>Horticulture wastewater system</i> ⁽⁶⁵⁾	<u>A system, including structures, pipes and facilities, for capturing, storing and treating horticulture wastewater</u>
<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> ⁽⁶⁶⁾	<u>The immersed surfaces of a vessel including A</u> 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. ⁽⁶⁷⁾
<i>Impervious area</i>	An area with a surface that prevents or significantly retards the soakage of water into the ground, and includes: 1) roofs, 2) paved areas and sealed or compacted parking areas or patios,

61 Broadspectrum

62 Heritage NZ

63 Heritage NZ

64 Horticulture New Zealand

65 Horticulture New Zealand

66 Ministry for Primary Industries

67 Clarification and Ministry for Primary Industries

	<p>3) sealed or compacted metal roads and driveways, and</p> <p>4) layers engineered to be impervious such as compacted clay.</p> <p>Impervious areas do not include:</p> <p>1) grass and bush areas,</p> <p>2) gardens and other vegetated areas,</p> <p>3) porous or permeable paving and living roofs,</p> <p>4) permeable artificial surfaces, fields or lawns, and</p> <p>5) slatted decks.</p>
<i>Incineration device</i>	<p>A device made from non-combustible materials designed to burn waste that:</p> <p>1) contains all embers and sparks, and</p> <p>2) has a grate and lid or spark arrestor; and</p> <p>3) <u>is not used to generate energy.</u> ⁽⁶⁸⁾</p>
<u>Indigenous vegetation</u> ⁽⁶⁹⁾	<u>Vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance</u>
<i>Induced wetlands</i>	<p>Are wetlands that have formed naturally on ecological sites where wetlands did not previously exist, as a result of human activities such as construction of roads and railways bunds. While such wetlands have not been constructed for a specific purpose, they can be considered to be artificial in many cases given they arise through physical alteration of hydrology through mechanical modification. Induced wetlands are a type of natural wetland.</p> <p><i>Note:</i></p> <p><u>The relationship between the various types of wetlands is shown in:</u> H.8 'Wetland definitions relationships'.⁽⁷⁰⁾</p>
<u>Industrial or trade wastewater</u> ⁽⁷¹⁾	<u>Wastewater containing contaminants from an industrial or trade premises.</u>
<i>In-stream</i>	Located in the bed of an <u>intermittently flowing</u> or permanent, river or lake.
<i>In-water hull cleaning</i>	The cleaning of a vessel hull below the water level when the boat is afloat.
<i>Intermittently flowing river</i>	<p>A river that is naturally dry at certain times of the year and has two or more of the following characteristics:</p> <p>1) it has natural pools,</p> <p>2) it has a well-defined channel, such that the bed and banks can be distinguished,</p>

68 Tegel Foods

69 Royal Forest and Bird Protection Society of New Zealand

70 New Zealand Transport Agency

71 Whangarei District Council

	<p>3) it contains surface water more than 48 hours after a rain event which results in river flow,</p> <p>4) rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel, and</p> <p>5) it appears as a blue line on topographical maps at 1:50,000 scale.</p>
<i>Land drainage</i>	The activity of lowering the water level in the soil to achieve productive land use, to facilitate the stability of land or structures.
<i>Land drainage scheme</i>	All drainage channels or land drainage works relating to a particular land drainage system vested in a council or a group of landowners who have assumed control of the scheme pursuant to Section 517Z of the Local Government Act 1974.
<i>Land fill</i>	Class 1, 2 and 3 landfills as defined in <i>Technical guidelines for the disposal to land of residual waste and other material</i> (WasteMINZ, June 2013).
<i>Land preparation</i> ⁽⁷²⁾	The disturbance of earth by machinery for planting, replanting, tending or harvesting pasture or crops. Land preparation 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. The management unit is shown depicted in I 'Maps Ngā mahere matawhenua'.
<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 5% of the normally wetted hull and niche areas.
<i>Livestock</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, a river, drain, or foreshore or seabed ⁽⁷³⁾ as part of normal farming operations. The entry and exit points are not more than 205 ⁽⁷⁴⁾ metres wide and are associated with an access track ⁽⁷⁵⁾ .
<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. 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

⁷² Horticulture New Zealand

⁷³ Clarification

⁷⁴ CEP Services Matauwhi Ltd

⁷⁵ Clarification

	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
<u>Maintenance (in relation to a Historic Heritage Site)</u>	<u>Means the ongoing protective care of a place. It does not include 'Seismic Upgrading'.</u>
Maintenance dredging	Excavating material from the bed of the coastal marine area and removing the excavated material, where the excavation is for the purpose of removing accumulated sediment so that the seabed is returned to previously approved (consented) levels.
Marae-based aquaculture	<p>Aquaculture with the following attributes:</p> <ol style="list-style-type: none"> 1) the purpose of the aquaculture activities is to improve traditional customary kaimoana provision for marae, and 2) the farmed kaimoana is not for sale¹; and 3) the organisations entitled to hold coastal permits for marae-based aquaculture are: <ol style="list-style-type: none"> a) a marae committee of a Māori reservation gazetted for the purposes of a marae, in accordance with Te Ture Whenua Māori Act 1992, or b) a marae committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Māori Fisheries Act 2004), and 4) the area of occupation is no more than one hectare per marae, and 5) the area of occupation is within the area traditionally harvested by the marae. <p>¹ Sale includes:</p> <ol style="list-style-type: none"> 1) every method of disposition for valuable consideration, including barter, and 2) the disposition to an agent for sale on consignment, and 3) offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale, and 4) disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003), and 5) the use by a person of fish, aquatic life, or seaweed as bait in that person's commercial fishing operations, and 6) any other use by a person of fish, aquatic life, or seaweed as part of that person's commercial activities. <p>(Sourced from the Maori Commercial Aquaculture Claims Settlement Act 2004 definition of "sale".)</p>
Marine pest	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.

	<i>Note: Marine pests are sometimes referred to as invasive aquatic species or harmful aquatic organisms.</i>
<i>Mataitai</i>	As defined in the Fisheries Act 1996.
<i>Mātauranga Māori</i>	In the traditional context means the knowledge, comprehension or understanding of everything visible or invisible that exists across the universe. This meaning is related to the modern context as Māori research, science and technology principles and practices. (Sourced from: Mohi, C., 1993. <i>Mātauranga Māori – A National Resource. A paper prepared for the Ministry of Research, Science and Technology, 1993, pp1-3.</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> ⁽⁷⁶⁾	The flow in a river that is equal to, or exceeded, 50% of the time.
<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 H.6 'Environmental flows and levels' Minimum flows set in this in this plan are in Policy D.4.14 ⁽⁷⁷⁾ .
<i>Minimum level</i>	See H.6 'Environmental flows and levels' Minimum levels set in this plan are in Policy D.4.15 ⁽⁷⁸⁾ .
<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.

76 Clarification

77 Consequential amendment

78 Consequential amendment

<i>Native dune vegetation</i>	Indigenous <u>plant species vegetation</u> ⁽⁷⁹⁾ that grow naturally in <u>a particular</u> dune system. 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. <u>In the more sheltered mid-dune area, there is generally a far wider range of species found naturally; there is also some overlap with the foredune area, with some species found across both zones. This includes, but is not limited to: pohuehue; sand coprosma; sand daphne; speckled sedge; Wiwi – knobby club rush; Oioi – jointed wire rush; flax; New Zealand spinach; sand wind grass; toetoe; and ti kouka – cabbage tree.</u> ⁽⁸⁰⁾
<u><i>Natural bed level</i></u>	<u>The lowest vertical point on a river bed at a particular location.</u> ⁽⁸¹⁾
<i>Natural wetland</i>	Any wetland including induced and reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include: <ol style="list-style-type: none"> 1) a constructed wetland, or 2) wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes. <p>Note:</p> <ol style="list-style-type: none"> 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) <u>The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.</u>⁽⁸²⁾
<u><i>Noise sensitive activity</i></u>	<u>Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.</u> ⁽⁸³⁾
<i>Obstructions</i>	Includes trees, plants, earth, stone, timber, and material of all kinds.
<i>Odour-sensitive area</i>	<ol style="list-style-type: none"> 1) Residential buildings and associated garden areas; and 2) schools, hospital buildings and care facilities and grounds; and 3) amenity areas where people congregate including parks and reserves; and 4) community buildings and grounds, including places of worship and marae.
<i>Off-stream</i>	Not located in: <ol style="list-style-type: none"> 1) an <u>intermittently flowing</u> or permanent river, or 2) lake.

79 Consequential amendment because of the inclusion of a definition of indigenous vegetation

80 Royal Forest and Bird Protection Society NZ

81 Whangarei District Council

82 New Zealand Transport Agency

83 Whangarei District Council

<u>Oil contaminants</u> ⁽⁸⁴⁾	<u>Petroleum-based contaminants which have the potential to contaminate water.</u>
<u>Operational need</u>	<u>The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</u> ⁽⁸⁵⁾
<u>Other aquifers</u> ⁽⁸⁶⁾	<u>A water quantity management unit as depicted in</u> I 'Maps Ngā mahere matawhenua'.
<i>Other property</i>	1) Means any 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, and 2) includes a road.
<i>Outdoor burning</i>	Burning that takes place outside of a building or fully enclosed indoor area but includes an incineration device.
<i>Outfall</i>	The end point of any pipe, conduit, or drain from which a discharge enters a receiving environment.
<i>Outstanding freshwater body</i>	Has the same meaning as in the National Policy Statement for Freshwater Management. Outstanding freshwater bodies in Northland are <u>a shown depicted</u> ⁽⁸⁷⁾ in I 'Maps Ngā mahere matawhenua'.
<i>Outstanding lake</i>	Is a type of <u>outstanding freshwater body</u> .
<i>Outstanding river</i>	Is a type of <u>outstanding freshwater body</u> .
<i>Overland flow path</i>	The path taken by surface stormwater crossing a property. They are low points in the terrain (outside of streams and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.
<u>Partial demolition (in relation to a Historic Heritage Site)</u> ⁽⁸⁸⁾	<u>Means to demolish 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. The temporary dismantling of parts of a building or structure for the purposes of 'Seismic Upgrading' does not constitute 'Demolition' or 'Partial Demolition'.</u>

⁸⁴ Consequential amendment because of the amendment to C.6.4.2(3)

⁸⁵ Royal Forest and Bird Protection Society NZ

⁸⁶ Clarification

⁸⁷ Clarification

⁸⁸ Heritage NZ

<i>Passive discharge</i>	The movement of contaminants <u>from contaminated land that are</u> ⁽⁸⁹⁾ entrained in soil or groundwater <u>from the location of a discharge to another property</u> ⁽⁹⁰⁾ through groundwater or surface water movement <u>or the movement of soil gas vapour</u> ⁽⁹¹⁾ .
<i>Pastoral land use</i>	Means <u>effective grazing area and includes all contiguous land areas in herbaceous species including isolated trees. It excludes those land in pastoral cover including isolated trees but excluding</u> ⁽⁹²⁾ forested areas which achieve 100% canopy closure or other woody vegetation which prevents pastoral growth.
<i>Permanently flowing river or drain</i> ⁽⁹³⁾	<u>Rivers, streams and drains that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width and depth is measured when the river, stream or drain is at its annual fullest flow without overtopping its banks.</u>
<i>Pest or Pest organism</i>	These include: <ol style="list-style-type: none"> 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, or 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>Place of Significance to Tangata Whenua</i>	<u>A place of significance to tangata whenua that has been assessed under Policy D.1.5</u> ⁽⁹⁴⁾
<i>Plantation forestry</i> ⁽⁹⁵⁾	<u>Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u>
<i>Plantation forestry activity</i> ⁽⁹⁶⁾	<u>Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u>
<i>Primary Production</i>	<u>The growing of vegetative matter or raising of animals (including aquatic organisms) for commercial gain, and their ancillary activities.</u> ⁽⁹⁷⁾

89 Horticulture New Zealand

90 Refining New Zealand, point 7, page 5

91 Clarification

92 Beef and Lamb NZ

93 Minister of Conservation

94 Heritage NZ

95 Clarification

96 Clarification

97 Royal Forest and Bird Protection Society of New Zealand

<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, and also includes all adjacent land that is in the same ownership but contained in separate certificates of title.
<i>Potentially contaminated land</i>	The part of a site where an activity or industry described in the Ministry for the Environment's Hazardous Activities or Industries List⁽⁹⁸⁾ has been or is being undertaken but excludes any site where a detailed site investigation⁽⁹⁹⁾ has been completed and reported and which demonstrates that any contaminants in or on the site are at, or below, background concentrations.
<i>Public amenity area</i>	Includes any park or reserve and area set aside freely for public use, but excludes a road or rail reserve.
<i>Public stormwater network</i>	A system of stormwater pipes, open channels, devices and associated ancillary structures owned and/or operated by a local authority and used for the purpose of conveying, diverting, storing, treating, or discharging stormwater.
<i>Quarrying</i> ⁽¹⁰⁰⁾	<u>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.</u>
<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: <ol style="list-style-type: none"> 1) land that has arisen above the line of mean high-water springs as a result of natural processes, including accretion, or 2) any infilling where the purpose is to provide beach nourishment, or 3) structures such as breakwaters, moles, groynes or sea walls.
<i>Recognised navigational routes</i>	A safe sea passage and commonly used by vessels navigating within that area. The recognised navigational route may be one used by commercial vessels to and from ports, and may also include recreational vessel routes, which are normally used to navigate between popular destinations.
<i>Refuse</i>	Refuse means: <ol style="list-style-type: none"> 1) any thing disposed of or discarded, and 2) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste), and 3) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

98 Means the current edition of the Hazardous Activities and Industries List, Ministry for the Environment.

99 Detailed site investigation has the same meaning as specified in Regulation 3 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

100 GBC Winstone

<i>Regionally significant infrastructure</i>	See Appendix 3 of the Regional Policy Statement for Northland for a list of identified regionally significant infrastructure. Regionally significant infrastructure extends to the site-related components that enable the asset to function.
<u><i>Repair (in relation to a Historic Heritage Site)</i></u> ⁽¹⁰¹⁾	<u>Means the restoration to good or sound condition of any existing structure or building (or any part of an existing structure or building) for the purpose of its maintenance. It does not include 'Seismic Upgrading'.</u>
<i>Reservoir capacity</i>	The maximum volume of water that can be held by a dam using the dam crest level as the maximum height of the dam. <u>Note: For advice on calculations, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD</u> ⁽¹⁰²⁾
<i>Reverted wetlands</i>	Where a wetland reverts over time (for example, stock exclusion allows a wetland to revert to a previous wetland state). In this instance, the wetland has not been purposefully constructed by mechanical change to hydrological conditions. Reverted wetlands are a type of natural wetland. Note: <u>The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.</u> ⁽¹⁰³⁾
<u><i>Secondary containment system</i></u> ⁽¹⁰⁴⁾	<u>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 from stormwater discharges.</u>
<i>Secondary treatment</i>	The further treatment of primary treated wastewater involving anaerobic or aerobic biological or chemical or physical treatment to remove the bulk of organic contaminants.
<u><i>Sediment quality standard</i></u> ⁽¹⁰⁵⁾	<u>See Policy D.4.4</u>
<u><i>Seismic Upgrading</i></u> ⁽¹⁰⁶⁾	<u>Means structural works required to meet relevant earthquake prone buildings legislation and related Council policy.</u>

101 Heritage NZ

102 Whangarei District Council, Clarification

103 New Zealand Transport Agency

104 Tegel Foods Ltd

105 Consequential amendment

106 Heritage NZ

<i>Sensitive groundwater</i>	<p>Sensitive groundwater is groundwater which is:</p> <ol style="list-style-type: none"> 1) not artesian, and 2) less than 10 metres below the source or suspected source of contamination (or greater depth below ground surface where the geology suggests contamination may readily migrate to greater depth; for example, clean sands or gravels, fractured basalts), and 3) currently used or is of a quality⁽¹⁰⁷⁾ appropriate for use and can yield water at a useful rate⁽¹⁰⁸⁾, or 4) where the source of contamination is less than 100 metres from a sensitive surface water body (that is, a surface water body where limited dilution is available to mitigate the impact of contaminated groundwater discharging into the surface water body).
<u>Seven-day mean annual low flow (MALF)</u> ⁽¹⁰⁹⁾	<u>The mean of the lowest average flow for any consecutive seven-day period for each year of record.</u>
<i>Sewage holding tank</i>	<p>A permanently fixed on-board sewage system which is:</p> <ol style="list-style-type: none"> 1) constructed in impermeable materials, and 2) plumbed to a toilet, and 3) incorporates a sewage tank with a discharge outlet.
<u>Shallow lake</u> ⁽¹¹⁰⁾	<u>A lake with a maximum depth of equal to or less than 10 metres.</u>

¹⁰⁷ as measured up gradient or based on water quality before groundwater is impacted by *hazardous substances*

¹⁰⁸ The definition of a useful rate depends on the potential use of the water. For example, a useful rate for a household may be 2000 l/day, whereas it would be much lower for irrigation or stock watering

¹⁰⁹ Clarification

¹¹⁰ Clarification

<i>Significant wetland</i>	<p>A natural wetland that triggers the significance criteria in the Regional Policy Statement, Appendix 5 – “Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments”. This includes natural ⁽¹¹¹⁾ wetlands comprising indigenous vegetation exceeding any of the following area thresholds:</p> <ol style="list-style-type: none"> 1) saltmarsh greater than 0.5 hectare in area, or 2) shallow water (lake margins and rivers) 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) pakihiwet heathland ⁽¹¹²⁾ (including gumland and ironstone heathland) greater than 0.2 hectare in area, or 6) marsh, fen, ephemeral wetlands or seepage/flush greater than 0.05 hectares in area. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1) <i>If there is any doubt over wetland extent use: Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand. This report is available on Landcare Research's website.</i> 2) <i>The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of the regional plan.</i> 3) <i>The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.</i> ⁽¹¹³⁾
<i>Slime layer</i>	See microfouling .
<i>Small river</i>	A river in the small river water quantity management unit. The management unit is shown depicted ⁽¹¹⁴⁾ in I 'Maps Ngā mahere matawhenua'
<i>Smoke-sensitive area</i>	<ol style="list-style-type: none"> 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and 4) community buildings and grounds, including places of worship and marae.

111 Landcorp Farming Limited

112 Cathcart B

113 New Zealand Transport Agency

114 Clarification

<i>Spray-sensitive area</i>	<ol style="list-style-type: none"> 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and 4) community buildings and grounds, including places of worship and marae, and 5) certified organic farms, and 6) orchards, sensitive crops and commercial growing areas, and 7) water bodies used for the supply of drinking water and for stock drinking, and 8) wetlands and <u>areas of indigenous vegetation and species habitat</u> ⁽¹¹⁵⁾ and 9) apiaries.
<i>Stabilised earth</i>	Soil or earth that is protected or reinforced by measures such as vegetative or structural practices to so that it is resistant to erosion, or that is naturally stable, for example, rock faces.
<u>Stormwater</u> ⁽¹¹⁶⁾	<u>Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure as a result of precipitation and includes any entrained contaminants.</u>
<i>Stormwater collection system</i>	Any system designed to capture rainfall and to reticulate it within or beyond a site. This includes both open and channelled drainage systems. <u>It does not include land drainage systems.</u> ⁽¹¹⁷⁾
<u>Stormwater interceptor</u> ⁽¹¹⁸⁾	<p>A system that is specifically designed and capable of:</p> <ol style="list-style-type: none"> 1) <u>containing deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site from stormwater discharges, and</u> 2) <u>in the event of stormwater contamination by a hazardous substance or other contaminant, reduce concentrations of such substances in the stormwater prior to discharge, to levels that will not result in contamination of either water or sediments that is likely to result in adverse effects on aquatic life or to affect the suitability of the waters for specific defined purposes.</u>
<u>Stormwater treatment system</u> ⁽¹¹⁹⁾	<u>A system that is specifically designed to reduce concentrations of such substances in the stormwater prior to discharge, to levels that will not result in contamination of either water or sediments that is likely to result in adverse effects on aquatic life or to affect the suitability of the waters for specific defined purposes.</u>
<i>Structure (in rules relating to the coastal marine area)</i>	A building, equipment, device, pipeline or other facility which is fixed to land. It includes a structure which is fixed to another structure, which is fixed to land.

¹¹⁵ Consequential change

¹¹⁶ Horticulture New Zealand

¹¹⁷ Landcorp Farming Ltd

¹¹⁸ Tegel Food Ltd

¹¹⁹ Tegel Foods Ltd

<i>Supplementary allocation</i> ⁽¹²⁰⁾	Fresh water available for taking and use at times when the river is above the median flow. This water is not part of an catchment-specific allocation limit or default allocation limit set in this plan.
<i>Surface water</i>	All water, flowing or not, above the ground. It includes water in a permanently or <i>intermittently flowing</i> river, an <i>artificial watercourse</i> , an <i>overland flow path</i> , 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, property; taonga are prized and protected as sacred possessions of a tribe. 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.
<i>Temporary military training</i>	A temporary activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990. ⁽¹²¹⁾
<i>Tertiary treated wastewater</i> ⁽¹²²⁾	Further treatment of secondary treated wastewater to further remove contaminants such as nutrients, organic matter, and micro-organisms. It involves processes such as adsorption, absorption, filtration, and disinfection.
<i>Tikanga</i>	Can be described as lore, custom, practice or common-sense thoughts that are based on the Māori belief system. The application of tikanga is diverse and can vary depending upon when and where an event takes place. Tikanga provides a framework for rules that govern harvesting, the care and respect for customary resources and the environment.
<i>Urban area</i>	means an area identified in a district plan or proposed district plan as being primarily zoned for residential, industrial, or commercial activities, together with adjoining special-purpose and open-space zones, however described but does not include an area zoned primarily for rural or rural-residential activities, however described.

¹²⁰ Consequential amendment because of the amendments to C.5.1.8

¹²¹ New Zealand Defence Force

¹²² Clarification

Vegetation clearance	<p>The cutting, burning, crushing or destruction of native woody vegetation or native dune vegetation <u>indigenous vegetation</u> ⁽¹²³⁾, but does not include clearing:</p> <ol style="list-style-type: none"> 1) plantation forestry, or ⁽¹²⁴⁾ 2) vegetation that is part of an understory of a plantation forest or immediately adjacent to a indigenous vegetation associated with a plantation forestry activity ⁽¹²⁵⁾, or 3) hedges and amenity plants, or 4) vegetation along fences and around dams and ponds, or 5) vegetation around public network <u>utility</u> ies <u>networks</u>, or ⁽¹²⁶⁾ 6) vegetation that impedes or is likely to impede flood flows, or ⁽¹²⁷⁾ 7) vegetation for the maintenance of roads and tracks.
Vertebrate toxic agent	Any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including possums, rats and mustelids. Includes vertebrate pest control products as identified (but not defined) in <i>NZS 8409:2004 Management of Agrichemicals</i> .
Vessel	<p>Means every description of boat or craft, whether or not it has any means of propulsion, and includes but is not limited to:</p> <ol style="list-style-type: none"> 1) a barge, lighter, raft, or other like vessel, and 2) personal watercraft (jet ski) or paddle craft, and 3) a sea plane, hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates, and 4) a submarine or other submersible.
Vessel hull maintenance ⁽¹²⁸⁾	The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore when the vessel is not afloat.
Wāhi tapu	Sacred site. 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.
Wastewater	Liquid waste and liquids containing waste solids , and includes (but is not limited to) industrial and trade wastewater, farm wastewater, domestic type wastewater, and greywater. ⁽¹²⁹⁾
Waste Transfer Station	Collection and temporary storage point for municipal solid waste prior to disposal at a landfill.

123 Consequential amendment because of the inclusion of a definition of indigenous vegetation

124 Clarification

125 Clarification

126 First Gas Ltd

127 Clarification

128 Clarification

129 Clarification

<i>Wastewater network</i>	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.
<i>Water quality standard</i> ⁽¹³⁰⁾	See H.5 'Water quality standards' Policy D.4.1, Policy D.4.2, and Policy D.4.3.
<i>Wet abrasive blasting</i>	Involves the use of an abrasive such as sand, or bicarbonate of soda, which is forced out of a blasting nozzle at high pressure. Water is injected into the air stream forming what is effectively a slurry of the abrasive.
<i>Wetland</i>	Includes permanently or intermittently wet areas, shallow water or land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions. Note: 1) Pakihī Wet heathlands ⁽¹³¹⁾ (including gumland and ironstone heathlands) are wetlands because it is recognised that they are seasonally wet, consist of wetland vegetation, and are often found in mosaics with other low fertility habitat such as bogs and heathland. 2) The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'. ⁽¹³²⁾
<i>Wetland enhancement</i>	Action likely to increase the area or function of a 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.

¹³⁰ Consequential amendment

¹³¹ Cathcart B

¹³² New Zealand Transport Agency

Zone of reasonable mixing⁽¹³³⁾

For the purpose of a discharge of contaminants permitted by a rule in this plan, means:

- 1) in relation to flowing surface water bodies, a distance downstream of the discharge that is the lesser of:
 - a) 200 metres of the bed width of the surface water body is greater than 30 metres at the point of discharge, or
 - b) 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
 - c) a distance at which mixing of contaminants has occurred across the full width of the surface water body, but which must not be less than 50 metres from the point of discharge, or
- 2) in relation to a lake, wetland or coastal water, a distance 20 metres from the point of discharge.

For the purpose of a discharge of a tracer permitted by C.6.9.2 'Discharge of tracers – permitted activity', the zone of reasonable 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 on a case-by-case basis in accordance with D.4.8 '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 the proposed activity can be undertaken without a resource consent (permitted activities) or whether it requires resource consent. The rules may also make some activities prohibited, which means a resource consent application cannot be made for that activity. An activity needs to comply with all relevant rules in the Regional Plan, unless the rule itself states otherwise.

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

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

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

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

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

Controlled and restricted discretionary activities

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

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

Definitions

Words defined in B 'Definitions | Whakamāramatanga' look like this - [example](#).

National Environmental Standards⁽³⁾

1 Northpower

2 Northpower

3 Transpower

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

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

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

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>	<p>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:</p> <ul style="list-style-type: none"> Rules regulating 'afforestation' in the Pouto Forestry Restriction Area (Rule E.0.4) Rules regulating 'afforestation' within 20m of outstanding Pouto Lakes (Rule E.0.5)
<i>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.
<i>Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF)</i>	<p>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:</p> <ul style="list-style-type: none"> Rules regulating specific telecommunication facilities over rivers and lakes (Rules: C.2.1.4; C.2.1.9; C.2.1.10; C.2.1.12; C.2.1.13; C.2.1.15; C.2.2.2; C.2.2.4; and C.2.2.5) Rules regulating earthworks associated with specific telecommunication facilities (Rules: C.8.3.1; C.8.3.2; and C.8.3.3)

C.1 Coastal activities

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

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

General structures

Rule	Page
C.1.1.1 'Existing structures – permitted activity'	29
C.1.1.2 'Minor structures in a Commercial Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity'	29
C.1.1.3 'Temporary coastal structure – permitted activity'	30
C.1.1.4 'Aids to navigation – permitted activity'	30
C.1.1.5 'Signs – permitted activity'	31
C.1.1.6 'Monitoring and sampling equipment – permitted activity'	31
C.1.1.7 'Reconstruction, replacement, maintenance or repair of a structure – permitted activity'	32
C.1.1.8 'Maintenance, repair or removal of hard protection structures – permitted activity'	32
C.1.1.9 'Additions and alterations to structures – permitted activity'	33
C.1.1.10 'Removal or demolition of structures - permitted activity'	33
C.1.1.11 'Structures for scientific, research, monitoring or education purposes – controlled activity '	33
C.1.1.12 'Structures in the Whangārei City Centre Marine Zone – controlled activity'	34
C.1.1.13 'Existing structures in a Commercial Coastal Zone, Marsden Point Port Zone or Marina Zone – controlled activity'	35
C.1.1.14 'Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity'	35
C.1.1.15 'Existing structures (other) – discretionary activity '	36

Rule	Page
C.1.1.16 'Structures outside marine clarification significant areas – discretionary activity'	36
C.1.1.17 'Hard protection structures – discretionary activity'	37
C.1.1.18 'Hard protection structures for reclamations associated with regionally significant or core local infrastructure – discretionary activity'	38
C.1.1.19 'Hard protection structures in areas with significant values significant areas clarification – non-complying activity'	38
C.1.1.20 'Removal, demolition, partial demolition or replacement of a Historic Heritage Site – non-complying activity'	38
C.1.1.21 'Structures with no functional or operational need – non-complying consequential'	38
C.1.1.22 'Structures within a significant marine clarification area – non-complying activity'	39

Moorings and anchorage

Rule	Page
C.1.2.1 'Vessels not underway – permitted activity'	40
C.1.2.2 'Vessels – sewage management – permitted activity'	40
C.1.2.3 'New swing moorings in a Mooring Zone – permitted activity'	41
C.1.2.4 'Existing mooring in a Mooring Zone – permitted activity'	42
C.1.2.5 'Existing swing mooring outside Mooring Zone – permitted activity'	43
C.1.2.6 'Relocation of a mooring by the Harbourmaster – permitted activity'	43
C.1.2.7 'Maintenance and repair of moorings – permitted activity'	44
C.1.2.8 'New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity'	44
C.1.2.9 'Placement or relocation of a mooring and the occupation of space – discretionary activity'	45
C.1.2.10 'Vessels not underway and sewage management – discretionary activity '	45

Rule	Page
C.1.2.11 'MNew moorings in significant areas – non-complying activity '	46

Aquaculture

Rule	Page
Could not findID-1977131-28476	46
C.1.3.2 'Re-consenting aquaculture (not finfish) in a significant or outstanding area – restricted discretionary activity'	47
C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity'	48
C.1.3.4 'Extensions to authorised aquaculture – restricted discretionary activity'	49
C.1.3.5 'Re-consenting finfish aquaculture – discretionary activity'	49
C.1.3.6 'New aquaculture outside areas with significant values areas and development zones– discretionary activity'	50
C.1.3.7 'New aquaculture in an authorised area – discretionary activity'	50
C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity'	51
C.1.3.9 'Extensions to existing aquaculture in areas with significant values areas and development zones– discretionary activity'	51
C.1.3.10 'Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity'	52
C.1.3.11 'Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying discretionary Aquaculture NZ activity'	52
C.1.3.12 'Small scale and short duration aquaculture in areas with significant areas values and development zones – non-complying activity'	52
C.1.3.13 'New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity '	53
C.1.3.14 'Aquaculture in areas with significant areas values and development zones– prohibited activity'	54

Mangrove removal

Rule	Page
C.1.4.1 'Mangrove seedling removal – permitted activity'	55
C.1.4.2 'Minor mangrove removal – permitted activity'	55
C.1.4.3 'Mangrove removal – controlled activity'	57
C.1.4.4 'Mangrove removal in the Whangārei cCity cCentre mMarine zZone and the Coastal Commercial Zone – restricted discretionary activity'	57
C.1.4.5 'Mangrove removal – discretionary activity'	58

Dredging and disposal

Rule	Page
C.1.5.1 'Activities on foreshore areas and use of vehicles on beaches – permitted activity '	58
C.1.5.2 'Small-scaleSampling and scientific investigation – permitted activity'	59
C.1.5.3 'Sampling and scientific investigation – permitted activity'	59
C.1.5.4 'Removal of nuisance marine plant debris – permitted activity'	60
C.1.5.5 'Removal or recovery of wrecked vessels – permitted activity'	60
C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity GBC Winstone'	60
C.1.5.7 'Clearing artificial water courses – permitted activity'	61
C.1.5.8 'Clearing tidal stream mouths – permitted activity'	61
C.1.5.9 'Burial of dead animals – permitted activity'	62
C.1.5.10 'Maintenance dredging – controlled activity'	62
C.1.5.11 'Beach scraping – restricted discretionary activity'	63
C.1.5.12 'Dredging, deposition and disturbance activities – discretionary activity'	63
C.1.5.13 'Disposal Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity'	64

Rule	Page
C.1.5.14 'Other dredging and disturbance activities – non-complying'	64

Reclamations

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

Marine pests

Rule	Page
C.1.7.1 'Hull biofouling – permitted activity'	67
C.1.7.2 'In-water vessel hull and niche areas and structure cleaning (development zones) – permitted activity '	67
C.1.7.3 'In-water vessel hull and niche area cleaning of local barges and large vessels – controlled activity'	68
C.1.7.4 'Vessel anti-fouling hull maintenance on the foreshore – discretionary activity'	68
C.1.7.5 'In-water vessel hull and niche area cleaning – discretionary activity'	68
C.1.7.6 'Passive release of biofouling from vessels – discretionary activity'	69
C.1.7.7 'Introduction of marine pests - non-complying activity'	69

C.1.1 General structures

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

C.1.1.1

Existing structures – permitted activity

The following structures in the coastal marine area that:

- 1) existed at 30 June 2004, or
 - 2) were authorised,
- are permitted activities:
- 3) stormwater outlet pipes, and⁽⁵⁾
 - 4) road and railway culverts, and
 - 5) bridges, and
 - 6) aerial and submarine telephone cables, and⁽⁶⁾
 - 7) aerial and submarine electricity line and telecommunications line structures, including any support structures power cables, and^{(7) (8)}
 - 8) suspended and submarine pipelines, and
 - 9) jetties up to 10 square metres, and
 - 10) hard protection structures in the coastal marine areas within enclosed waters (refer I 'Maps | Ngā mahere matawhenua'), and⁽⁹⁾
 - 11) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and
 - 12) dinghy skids used solely for private boat launching and retrieval, and
 - 13) steps, and
 - 14) wharves and jetties in the Coastal Commercial Zone and Marsden Point Port Zone, and⁽¹⁰⁾
 - 15) non-habitable buildings and structures on and attached to wharves and jetties in the Coastal Commercial Zone and Marsden Point Port Zone.⁽¹¹⁾⁽¹²⁾
- provided:
- 16) the structure complies with C.1.8 'Coastal works general conditions', and
 - 17) the structure is not within a Marina Zone, and
 - 18) the structure owner can provide, if requested by the regional council:
 - a) clear written or photographic evidence the structure existed at 30 June 2004, or
 - b) a copy of the necessary approval(s) for the authorisation of the structure.

4 Clarification.
 5 GBC Winstone
 6 Northpower
 7 Northpower
 8 Top Energy
 9 Clarification
 10 Northport Ltd
 11 GBC Winstone
 12 Northport Ltd

The RMA activities this rule covers:

- Occupation of ~~space in~~ the common marine and coastal area ~~with a structure~~ (s12(2)(a)). ⁽¹³⁾

C.1.1.2

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

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

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

The RMA activities this rule covers:

- Erection or placement of ~~structures a structure in, on, under or over any foreshore or seabed~~ (s12(1)(b)).
- Occupation of ~~space in~~ the common marine and coastal area ~~with a structure~~ (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c)).~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure (s12(1)(e)).~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)).~~ ⁽¹⁷⁾

C.1.1.3

Temporary coastal structure – permitted activity

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

- 1) it is not ~~an for~~ aquaculture ~~activity activities~~, and ⁽¹⁸⁾
- 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) it does not exceed an area of 10 square metres (excluding any anchor(s) and anchor line(s) and any ~~structure~~ being used for construction or maintenance purposes) and

13 Clarification

14 Northport Ltd

15 Bay of Islands Planning Limited

16 Clarification

17 Clarification

18 Clarification

- 4) it does not exceed a two metre vertical projection above the surface of the water or foreshore **at mean high water springs** (excluding any **structure** being used for construction or maintenance purposes), and ⁽¹⁹⁾
- 5) it does not include advertising or marketing signage, and
- 6) it is not in the coastal marine area for a period exceeding a total of 30 days or part days during a 12 month period, inclusive of the placement and removal, and
- 7) it is removed within seven days of the completion of the event or use; and
- 8) it does not prevent existing public access to and along the foreshore, and
- 9) it is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
- 10) it complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Erection or placement of **structures-a structure in, on, under or over any foreshore or seabed** (s12(1)(b)).
- Occupation of **space in** the common marine and coastal area **with a structure** (s12(2)(a)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)):**
- **Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c))**
- **Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure(s12(1)(e))**
- **Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)).** ⁽²⁰⁾

C.1.1.4

Aids to navigation – permitted activity

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

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

The RMA activities this rule covers:

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

¹⁹ Refining New Zealand

²⁰ Clarification

²¹ Clarification

- Disturbance of any foreshore or seabed incidental to erecting or placing an aid to navigation (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing an aid to navigation (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing an aid to navigation (s12(1)(g))⁽²²⁾

C.1.1.5

Signs – permitted activity

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

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

is a permitted activity, provided:

- 5) it complies with C.1.8 'Coastal works general conditions', and
- 6) if the sign is on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure, then:
 - a) the total area of signs per enterprise or activity must not exceed 1.25 square metres, and
 - b) except for road signage installed by a road controlling authority, the sign (or any part of the sign) must not be reflective, flashing or neon, and ⁽²⁷⁾
 - c) the bottom of the sign must not be more than four metres above deck level, and
 - d) the bottom of the sign must be at least 2.4 metres above walkways, and
 - e) the total combined area of all signs (under this rule) on the structure must not exceed five square metres.

The RMA activities this rule covers:

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

²² Clarification

²³ Top Energy

²⁴ clarification

²⁵ Bay of Islands Maritime Park

²⁶ Far North Holdings Limited

²⁷ New Zealand Transport Agency

- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing a sign (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a sign (s12(1)(g))⁽²⁸⁾

C.1.1.6

Monitoring and sampling equipment – permitted activity

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

- 1) it is not for an aquaculture activity activities, and⁽²⁹⁾
- 2) it does not exceed a two metre vertical projection above the surface of the water or foreshore, and
- 3) it does not exceed (excluding any anchor(s) and anchor line(s)):
 - a) three square metres, or
 - b) 10 square metres and is not in place for a period exceeding a total of 365 days or part days during a two year period, inclusive of the placement and removal, and
- 4) it does not obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and
- 5) it does not prevent public access to and along the foreshore, and
- 6) any surface buoys are clearly labelled with the owner's name and a 24-hour free-phone contact number, and⁽³⁰⁾
- 7) equipment and associated mooring and anchorage systems are marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System, and
- 8) it complies with C.1.8 'Coastal works general conditions', and
- 9) the regional council's compliance manager and the regional council's harbourmaster are given at least 10 working days' notice (in writing or by email) of each deployment of the monitoring or sampling equipment and must include:
 - a) location details of proposed deployment(s), and
 - b) details of who is responsible for the deployment.
 - c) an image and description of the type of equipment to be deployed and its purpose, and
 - d) proposed date(s) and approximate time(s) of deployment, scheduled maintenance and retrieval, and

The RMA activities this rule covers:

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

²⁸ Clarification

²⁹ National Institute of Water and Atmospheric Research Limited

³⁰ Whangarei District Council

- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing monitoring or sampling equipment(s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing monitoring or sampling equipment (s12(1)(g))⁽³¹⁾

C.1.1.7

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

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

- 1) the structure is authorised, and
- 2) there is no increase in the authorised structure's footprint, length, width, and height, and⁽³³⁾
- 3) there is no change to the authorised location and form of the structure, and⁽³⁴⁾
- 4) it is not a reconstruction of a Historic Heritage Site (refer I 'Maps | Ngā mahere matawhenua'), and
- 5) in the case of maintenance and repair of a Historic Heritage Site (refer I 'Maps | Ngā mahere matawhenua'), work shall be within scope of what is defined as Historic Heritage Site Repair and Historic Heritage Site Maintenance and must not result in any of the following: the materials used for maintenance and repair of the structure must match the existing structure in form and appearance, and
 - a) changes to the existing surface treatment of fabric, painting of any previously unpainted surface, or the rendering of any previously unrendered surface.
 - b) the use of abrasive or high pressure cleaning cleaning methods, such as sand or water blasting.
 - c) the affixing of scaffolding to the building or structure.
 - d) changes to the design, texture or form of the fabric.
 - e) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure.
 - f) the use of materials other than those the same as the original or most significant fabric or the closest equivalent.
 - g) earthworks or disturbance of land or the foreshore or seabed being undertaken where archaeological site controls apply.⁽³⁵⁾
- 6) the reconstruction, replacement, maintenance or repair complies with C.1.8 'Coastal works general conditions'.⁽³⁶⁾

Errata

The RMA activities this rule covers:

- Reconstruction, replacement or repair of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to reconstruction, replacement or repair of structures (s12(1)(c)).

31 Clarification

32 Top Energy

33 Mangawhai Harbour Restoration Society Inc

34 Mangawhai Harbour Restoration Society Inc

35 Heritage NZ

36 clarification

- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to reconstruction, replacement or repair of structures (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to reconstruction, replacement or repair of structures (s12(1)(g))⁽³⁷⁾

C.1.1.8

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

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

- 1) the regional council's compliance manager is given at least 10 working days' notice (in writing or by email) of the work starting, and
- 2) where the activity is within the coastal marine area, the maintenance or repair complies with C.1.8 'Coastal works general conditions', and
- 3) the maintenance or repair is contained within the form of the existing authorised structure and there is no increase in footprint, length, width, or height of the structure, and ⁽³⁹⁾
- 4) the hard protection structure is authorised if it is located in the coastal marine area. ⁽⁴⁰⁾

The RMA activities this rule covers:

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

C.1.1.9

Additions and alterations to structures – permitted activity

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

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

37 Clarification

38 Hayes I

39 New Zealand Transport Agency

40 clarification

41 clarification

42 Clarification

43 Northpower

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

provided:

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

Note:

Clause 1 within Rule C.1.1.9 relating to increasing voltage, does not apply to the increase in voltage in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid. These activities are covered by Regulation 10 of the Resource Management (National Environmental Standards for Electricity Transmission Activities). ⁽⁴⁵⁾

The RMA activities this rule covers:

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

C.1.1.10

Removal or demolition of structures - permitted activity

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

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

The RMA activities this rule covers:

- Removal or demolition of structures **in, on, under or over any foreshore or seabed** (s12(1)(b)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Disturbance of any foreshore or seabed, incidental to the removal or demolition of a structure (s12(1)(c)).**

⁴⁴ Northpower

⁴⁵ Transpower

⁴⁶ Clarification

⁴⁷ GBC Winstone

- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the removal or demolition of a structure (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the removal or demolition of a structure (s12(1)(g))⁽⁴⁸⁾

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

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

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

Matters of control

- 1) effects on natural 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 structure
- 6) effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery
- 7) use of the structure ⁽⁴⁹⁾

The RMA activities this rule covers:

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

C.1.1.11

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

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

- 1) does not exceed an area of 10 square metres (excluding any anchors and anchor lines), and

⁴⁸ Clarification

⁴⁹ GBC Winstone

- 2) is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
- 3) complies with C.1.8 'Coastal works general conditions'.

Matters of control:

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

Notification:

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

The RMA activities this rule covers:

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

C.1.1.12

Structures in the Whangārei City Centre Marine Zone – controlled activity

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

50 Clarification

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

is a controlled activity, provided:

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

Matters of control:

- 1) Effects on natural 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.
- 5) Effects on aquatic ecosystem health.
- 6) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.

Notification:

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

The RMA activities this rule covers:

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

C.1.1.13

Existing structures in a Commercial Coastal Zone, [Marsden Point Port Zone](#) or Marina Zone – controlled activity

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

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

Matters of control:

- 1) Effects on natural 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.

⁵¹ Clarification

Notification:

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

The RMA activities this rule covers:

- Erection, placement, replacement or alteration of structures, (s12(1)(b)).⁽⁵²⁾
- Occupation of space in the common marine and coastal area with an existing authorised structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).⁽⁵³⁾

New rule - Works to a Historic Heritage Site within the scope of a historic heritage management plan - controlled activity.⁽⁵⁴⁾

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

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

Matters of control:

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

The RMA activities this rule covers:

- Erection, reconstruction, placement, alteration, extension, removal, or demolition of any historic heritage site or any part of a historic heritage that is fixed in, on, under, or over any foreshore or seabed; (s12(1)(b)).
- Occupation of the common marine and coastal area with a structure (s12(2)(a)).
- Disturbance of any foreshore or seabed, incidental to the works to a historic heritage site (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the works to a historic heritage site (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the works to a historic heritage site
- (s12(1)(g))⁽⁵⁵⁾

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

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

Matters of discretion

- 1) Effects on natural processes including effects on shoreline stability in the vicinity.

52 clarification

53 clarification

54 GBC Winstone

55 Clarification

56 Refining New Zealand

- 2) Effects on aquatic ecosystems.
- 3) Effects on public access to and along the coastal marine area.
- 4) Use of the structure.
- 5) The positive effects of the activity.

The RMA activities this rule covers:

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

New rule - Existing hard protection structures - discretionary activity ⁽⁵⁷⁾

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

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

is a discretionary activity, provided:

- 3) There is no increase in the length, width or height of the hard protection structure since it was authorised or to what existed at 30 June 2004.

The RMA activities this rule covers:

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

C.1.1.14

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

In the coastal marine area a:

- 1) structure, or
- 2) replacement of a structure, or
- 3) reconstruction, maintenance or repair of a structure, or ⁽⁵⁸⁾
- 4) addition extension ⁽⁵⁹⁾ or alteration to a structure, or
- 5) removal of a structure,

in a Marina Zone, Coastal Commercial Zone or the Whangārei City Centre Marine Zone that is not a permitted activity or a controlled activity or a non-complying activity in this Plan:

- 5) permitted activity under C.1.1.2 'Minor structures in a Commercial Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity', or

⁵⁷ Bay of Islands Planning Limited

⁵⁸ clarification

⁵⁹ clarification

- 6) **controlled activity under C.1.1.12 'Structures in the Whangārei City Centre Marine Zone—controlled activity', or**
- 7) **controlled activity under C.1.1.13 'Existing structures in a Commercial Coastal Zone, Marsden Point Port Zone or Marina Zone—controlled activity' ⁽⁶⁰⁾**

is a discretionary activity.

The RMA activities this rule covers:

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

New rule - Laying cables - discretionary activity

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

The RMA activities this rule covers:

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

C.1.1.15

Existing structures (other) – discretionary activity

An existing **authorised structure** in the coastal marine area, that is not a **permitted activity or controlled activity under any other rule in this Plan— ⁽⁶³⁾**

- 1) **permitted activity under C.1.1.1 'Existing structures—permitted activity', or**
- 2) **controlled activity under C.1.1.13 'Existing structures in a Commercial Coastal Zone, Marsden Point Port Zone or Marina Zone—controlled activity'**
- 3) **permitted activity under C.1.1.3 'Temporary coastal structure—permitted activity', or**
- 4) **permitted activity under C.1.1.4 'Aids to navigation—permitted activity', or**

⁶⁰ clarification

⁶¹ Clarification

⁶² Top Energy

⁶³ clarification

- 5) ~~permitted activity under C.1.1.5 'Signs – permitted activity', or~~
- 6) ~~permitted activity under C.1.1.6 'Monitoring and sampling equipment – permitted activity', or~~
- 7) ~~permitted activity under C.1.1.7 'Reconstruction, replacement, maintenance or repair of a structure – permitted activity', or~~
- 8) ~~permitted activity under C.1.1.9 'Additions and alterations to structures – permitted activity', or~~
- 9) ~~permitted activity under C.1.1.10 'Removal or demolition of structures – permitted activity', or~~
- 10) ~~controlled activity under C.1.1.11 'Structures for scientific, research, monitoring or education purposes – controlled activity',~~

is a discretionary activity.

The RMA activities this rule covers:

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

C.1.1.16

Structures outside ~~marine~~⁽⁶⁵⁾ significant areas – discretionary activity

Errata

In a Mooring Zone or the General ~~Marine Coastal~~⁽⁶⁶⁾ Zone any ~~structure~~ that is not a:

- 1) permitted activity under C.1.1.1 'Existing structures – permitted activity', or
- 2) permitted activity under C.1.1.3 'Temporary coastal structure – permitted activity', or
- 3) permitted activity under C.1.1.4 'Aids to navigation – permitted activity', or
- 4) permitted activity under C.1.1.5 'Signs – permitted activity', or
- 5) permitted activity under C.1.1.6 'Monitoring and sampling equipment – permitted activity', or
- 6) permitted activity under C.1.1.7 'Reconstruction, replacement, maintenance or repair of a structure – permitted activity', or
- 7) permitted activity under C.1.1.9 'Additions and alterations to structures – permitted activity', or
- 8) permitted activity under C.1.1.10 'Removal or demolition of structures – permitted activity', or
- 9) controlled activity under C.1.1.11 'Structures for scientific, research, monitoring or education purposes – controlled activity', or
- 10) non-complying activity under C.1.1.21 'Structures with no functional or operational need – non-complying consequential',

is a discretionary activity, provided:

- 11) 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

⁶⁴ clarification

⁶⁵ clarification

⁶⁶ Clarification

- e) Site or Area of Significance to Tangata Whenua, or
 - f) Historic Heritage Area, and
- 12) there is no removal, demolition, **partial demolition** or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I 'Maps | Ngā mahere matawhenua'), and ⁽⁶⁷⁾
- 13) the structure has a functional **or operational** need to be located in the coastal marine area. ⁽⁶⁸⁾

The RMA activities this rule covers:

- Erection, reconstruction, placement, alteration, extension, removal or demolition of **a structures in, on, under or over any foreshore or seabed** (s12(1)(b)).
- Occupation **of space in** the common marine and coastal area **with a structure** (s12(2)(a)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(c))**
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(e))**
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a structure (s12(1)(g))** ⁽⁶⁹⁾

C.1.1.17

Hard protection structures – discretionary activity

Any:

- 1) new **hard protection structure**, or
- 2) existing unauthorised **hard protection structure in the coastal marine area**, or ⁽⁷⁰⁾
- 3) extension or addition to a **hard protection structure**, or
- 4) **maintenance, repair or removal of a hard protection structure**, ⁽⁷¹⁾

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

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

Note:

⁶⁷ Heritage NZ

⁶⁸ Consequential as a result of deleting definition

⁶⁹ Clarification

⁷⁰ clarification

⁷¹ clarification

A hard protection structure directly associated with the protection of existing a reclamation for regionally significant infrastructure or core local infrastructure is excluded from this rule and is covered by C.1.1.18 'Hard protection structures for reclamations associated with regionally significant or core local infrastructure – discretionary activity' ⁽⁷²⁾

The RMA activities this rule covers:

- Restrictions on the use of land The placement of hard protection structures (s9(2)). ⁽⁷³⁾
- Erection, placement, replacement, or alteration, extension, removal or demolition of a hard protection structure in, on, under or over any foreshore or seabed in the coastal marine area (s12(1)(b)). ⁽⁷⁴⁾
- Occupation of space in the common marine and coastal area with a hard protection structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(c))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(e))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(g))

C.1.1.18

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

A hard protection structure that is directly associated with the protection of existing regionally significant infrastructure or core local infrastructure or a reclamation for regionally significant infrastructure is a discretionary activity, provided it is not located within a mapped (refer I 'Maps | Ngā mahere matawhenua'): ⁽⁷⁵⁾

- 1) Outstanding Natural Feature in the coastal marine area, or
- 2) Area of Outstanding Natural Character in the coastal marine area. ⁽⁷⁶⁾

The RMA activities this rule covers:

- The construction and placement of a hard protection structure, (s9(2)).
- Erection; or placement, replacement or alteration of structures a hard protection structure in the coastal marine area in, on, under or over any foreshore or seabed (s12(1)(b)). ⁽⁷⁷⁾
- Occupation of space in the common marine and coastal area with a hard protection structure (s12(2)(a)).
- Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(c))

72 clarification

73 clarification

74 clarification

75 Whangarei District Council

76 CEP Services Matauwhi Limited

77 clarification

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

C.1.1.19

Hard protection structures in ~~areas with significant values~~ **significant areas** ⁽⁷⁸⁾ – non-complying activity

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

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

is a non-complying activity.

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ The erection or placement of hard protection structures (s9(2)). ⁽⁷⁹⁾
- Erection, placement, replacement, ~~or~~ alteration, **extension, removal or demolition of a hard protection** structures ~~in, on, under or over any foreshore or seabed in the coastal marine area~~ (s12(1)(b)). ⁽⁸⁰⁾
- Occupation of ~~space in~~ the common marine and coastal area **with a hard protection structure** (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Disturbance of any foreshore or seabed, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(c))~~
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(e))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the erection, reconstruction, placement, alteration, addition, removal or demolition of a hard protection structure (s12(1)(g))

C.1.1.20

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

The replacement, removal (including relocation) or demolition **(including partial demolition)** of a **mapped** Historic Heritage Site ~~or part of a Historic Heritage Site~~ (refer I 'Maps | Ngā mahere matawhenua'), is a non-complying activity. ⁽⁸¹⁾

The RMA activities this rule covers:

- ~~Erection, placement, Replacement, or alteration,~~ **removal or demolition** of **structures** **historic heritage site in, on, under or over any foreshore or seabed** (s12(1)(b)).

78 clarification

79 clarification

80 clarification

81 Heritage NZ

- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to the replacement removal, demolition or replacement of a historic heritage site (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to the replacement removal, demolition or replacement of a historic heritage site (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to the replacement, removal, partial demolition, demolition or replacement of a historic heritage site (s12(1)(g)).⁽⁸²⁾

C.1.1.21

Structures with no functional ~~or operational~~ need – non-complying ⁽⁸³⁾

Any:

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

with no functional need ~~or operational need~~ to be located in the coastal marine area is a non-complying activity.⁽⁸⁴⁾

The RMA activities this rule covers:

- Erection, ~~or~~ placement, ~~replacement or alteration~~ of a structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of ~~space in~~ the common marine and coastal area with a structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)).⁽⁸⁵⁾
- Use of a structure in the coastal marine area (s12(3)).⁽⁸⁶⁾

C.1.1.22

Structures within a significant ~~marine~~ ⁽⁸⁷⁾ area – non-complying activity

In the coastal marine area any:

- 1) new structure, or
- 2) existing unauthorised structure, or

82 Clarification
83 consequential
84 Consequential
85 Clarification
86 clarification
87 clarification

- 3) temporary coastal structure, or
- 4) replacement of a structure, or
- 5) addition or alteration to a structure, or
- 6) maintenance, removal or demolition of a structure,

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

- 7) Nationally Significant Surfbreak, or
- 8) Regionally Significant Anchorage, or
- 9) Outstanding Natural Feature in the coastal marine area, or
- 10) Area of Outstanding Natural Character in the coastal marine area, or
- 11) Historic Heritage Area, or
- 12) Site or Area of Significance to Tangata Whenua,

and is not a:

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

is a non-complying activity.

The RMA activities this rule covers:

- Erection, ~~or~~ placement replacement, maintenance, removal, demolition of structures-a structure in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a structure (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure (s12(1)(c))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure(s12(1)(e))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to erecting or placing a structure (s12(1)(g)) ⁽⁸⁸⁾

C.1.2 Moorings and anchorage

Note: The rules in C.1.1 *General structures* do not apply to moorings. ⁽⁸⁹⁾

C.1.2.1

Vessels not underway – permitted activity

- 1) Securing a vessel to land (seabed, foreshore or shore), or
- 2) securing a vessel to a structure, or
- 3) placing a vessel in contact with the foreshore or seabed land ⁽⁹⁰⁾ (deliberately or unintentionally), is a permitted activity, provided;
- 4) the vessel is not:
 - a) in an enclosed water (refer I 'Maps | Ngā mahere matawhenua') for more than 14 consecutive days or part days and does not 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 the 1 November and 31 March, and
 - i) the vessel is not in one location ⁽⁹¹⁾ for longer than 14 consecutive days or part days, and
 - ii) 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) above do not apply where a longer period is made necessary due to bad weather ⁽⁹²⁾, accident, or emergency.

The RMA activities this rule covers:

- Securing a vessel to the foreshore, seabed or a structure in the coastal marine area Activities contrary to a rule in a regional coastal plan (s12(3)).
- Securing a vessel located in the coastal marine area to land or a structure on land (s9(2))
- Placing a vessel in contact with the foreshore or seabed (s12(3)) ⁽⁹³⁾
- Disturbance of the foreshore or seabed incidental to securing a vessel to land or to a structure s12(1)(c) ⁽⁹⁴⁾
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to securing a vessel to land or to a structure (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to a structure (s12(1)(g)) ⁽⁹⁵⁾

⁸⁹ Clarification

⁹⁰ Clarification

⁹¹ For the purpose of this rule 'location' means any position within a 1000 metre / 0.59 Nautical Mile radius

⁹² 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

⁹³ Clarification

⁹⁴ New Zealand Defense Force

⁹⁵ Clarification

C.1.2.2

Vessels – sewage management – permitted activity

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

- 1) the vessel is equipped with:
 - a) a sewage treatment system which is specified in Schedule 5 and 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 manufacturer's instructions, or
 - b) a sewage holding tank, and or
 - c) a portable toilet, or
 - d) a composting toilet, and
- 2) no person stays overnight on the vessel with a sewage holding tank or composting toilet if one or more people have stayed overnight on board the vessel for more than 10 nights (consecutive or not), and within the 10 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 stayed overnight on board the vessel for more than 10 nights (consecutive or not), and within the 10 nights have not legally disposed of the sewage on land.
- 4) upon request of the regional council, the skipper and/or owner, 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
 - c) written or electronic records detailing the location(s) of and method of sewage disposal, 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;
 - a) vessels associated with the operation of the marine farm, and
 - b) a vessel attached to an authorised moorings, 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 NZTM2000) ,
 - ii) Stephenson Island.

Note:

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

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

The RMA activities this rule covers:

- ~~Staying overnight on a vessel in the coastal marine area – Activities contrary to a rule in a regional coastal plan (s12(3)).⁽⁹⁶⁾~~

C.1.2.3

New swing moorings in a Mooring Zone – permitted activity

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

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

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

The RMA activities this rule covers:

- Erection or placement of ~~a mooring structures in, on, under or over the foreshore or seabed~~ (s12(1)(b)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g));~~
- ~~Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c))~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e))~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g))~~⁽⁹⁷⁾

⁹⁶ Clarification

⁹⁷ Clarification

C.1.2.4

Existing mooring in a Mooring Zone – permitted activity

An existing **mooring** in a Mooring Zone and a **vessel** using the mooring is a permitted activity, provided:

1A the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and⁽⁹⁸⁾

- 1) the activity complies with the C.1.8 'Coastal works general conditions', and
- 2) a mooring licence has been obtained from the regional council's Harbourmaster, and
- 3) the **mooring** is not located in a designated channel or fairway, and
- 4) there is only one **vessel** attached to a **swing mooring** at any one time (except for dingies), and
- 5) moorings in the following areas were authorised at 1 September 2017;

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

The RMA activities this rule covers:

- Occupation of **space in** the common marine and coastal area **with a mooring and associated vessel(s)** (s12(2)(a)).⁽⁹⁹⁾
- **Damage, destruction or disturbance of the foreshore or seabed** (s12(1)(c), (e) and (g)).⁽¹⁰⁰⁾

98 Clarification

99 Clarification

100 Clarification

C.1.2.5

Existing swing mooring outside Mooring Zone – permitted activity

An existing **swing mooring** outside a Mooring Zone and a **vessel** using the mooring is a permitted activity, provided:

1A. the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and ⁽¹⁰¹⁾

- 1) the activity complies with C.1.8 'Coastal works general conditions', and
- 2) a mooring licence has been obtained from the regional council's Harbormaster, and
- 3) the **mooring is:- the only mooring associated with a property, and** ⁽¹⁰²⁾
 - a) **the only mooring associated with a property, and** ⁽¹⁰³⁾
 - a) **the mooring is located within a two kilometres of the property, and** ⁽¹⁰⁴⁾
- 4) **on request from the regional council, the mooring owner provides evidence demonstrating how clause 3 is being complied with, and** ⁽¹⁰⁵⁾
- 5) there is no change in size of the existing **mooring** block, and
- 6) no part of the **mooring** or moored **vessel** is within **the following mapped areas a mapped Regionally Significant Anchorage area** (refer I 'Maps | Ngā mahere matawhenua'), ⁽¹⁰⁶⁾
 - 7) a) **Regionally Significant Anchorage, or**
 - b) **Site or Area of Significance to Tangata Whenua.**
 - c) **Marina Zone, and**
 - d) **no part of the mooring or moored vessel is within a Marina Zone (refer I 'Maps | Ngā mahere matawhenua').** ⁽¹⁰⁷⁾

The RMA activities this rule covers:

- Occupation of **space in** the common marine and coastal area **with a mooring and associated vessel(s)** (s12(2)(a)). ⁽¹⁰⁸⁾
- **Use of the mooring structure** (s12(3)). ⁽¹⁰⁹⁾
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).** ⁽¹¹⁰⁾

C.1.2.6

Relocation of a mooring by the Harbourmaster – permitted activity

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

- 1) Outstanding Natural Feature, or

101 Clarification

102 Lang R

103 Lang R

104 Lang R

105 Lang R

106 CEP Matauwhi Services Ltd

107 CEP Matauwhi Services Ltd, Heritage NZ, bay of Islands Maritime Park

108 Clarification

109 Clarification

110 Clarification

- 2) Area of Outstanding Natural Character, or
- 3) Significant ecological areas, or ⁽¹¹¹⁾
- 4) Regionally Significant Anchorage, or
- 5) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area with a mooring and associated vessel (s12(2)(a)). ⁽¹¹²⁾
- Erection or placement of a mooring structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g)) ⁽¹¹³⁾

C.1.2.7

Maintenance and repair of moorings – permitted activity

The maintenance and 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 C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Reconstruction or alteration of a mooring in, on, under or over the foreshore or seabed structures (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of the foreshore or seabed incidental to maintaining or repairing a mooring (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to maintaining or repairing a mooring (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to maintaining or repairing a mooring (s12(1)(g)) ⁽¹¹⁴⁾

C.1.2.8

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

A new swing mooring and a vessel using the mooring is a restricted discretionary activity provided:

- 1) the mooring is in the following mooring zones;

¹¹¹ CEP Matauwhi Services Limited

¹¹² Clarification

¹¹³ Clarification

¹¹⁴ Clarification

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

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

Matters of discretion

- 1) Effects on 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.

The RMA activities this rule covers:

- Erection or placement of a mooring structures in, on, under or over the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g)).⁽¹¹⁵⁾

Mooring in a Coastal commercial zone or Marsden point port zone - restricted discretionary activity

A mooring in a coastal commercial zone or the Marsden point port zone and a vessel using the mooring is a restricted discretionary

Matters of discretion

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

The RMA activities this rule covers:

- Erection or placement of a mooring in, on, under or over the foreshore or seabed (s12(1)(b)).
- Occupation of the common marine and coastal area with a mooring and associated vessel(s) (s12(2)(a)).
- Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g))⁽¹¹⁶⁾

C.1.2.9

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

A mooring and a vessel using the mooring that is not a:

- 1) permitted activity under rule C.1.2.3 'New swing moorings in a Mooring Zone – permitted activity', or
- 2) permitted activity under rule C.1.2.4 'Existing mooring in a Mooring Zone – permitted activity', or
- 3) permitted activity under rule C.1.2.5 'Existing swing mooring outside Mooring Zone – permitted activity', or
- 4) permitted activity under rule C.1.2.6 'Relocation of a mooring by the Harbourmaster – permitted activity'
- 5) permitted activity under rule C.1.2.7 'Maintenance and repair of moorings – permitted activity', or
- 6) restricted discretionary under rule C.1.2.8 'New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity', or
- 7) permitted activity under rule mooring in a coastal commercial zone - restricted discretionary activity, or⁽¹¹⁷⁾
- 8) non-complying under rule C.1.2.11 'MNew moorings in significant areas – non-complying activity '

is a discretionary activity.

The RMA activities this rule covers:

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

¹¹⁶ GBC Winstone

¹¹⁷ consequential change to GBC Winstone

- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g))⁽¹¹⁸⁾

C.1.2.10

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) or grounding a vessel,

that is not:

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

is a discretionary activity.

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area by a vessel (s12(2)(a)).
- Activities contrary to a rule in a regional coastal plans12(3)).
- Staying overnight on a vessel in the coastal marine area (s12(3))
- Securing a vessel to the foreshore, seabed or a structure in the coastal marine area (s12(3))
- Securing a vessel located in the coastal marine area to land or a structure on land (s9(2))
- Placing a vessel in contact with the foreshore or seabed (s12(3))
- Disturbance of the foreshore or seabed incidental to securing a vessel to land or to a structure s12(1)(c)
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to to securing a vessel to land or to a structure (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to a structure (s12(1)(g))⁽¹¹⁹⁾

C.1.2.11

MNew moorings in significant areas – non-complying activity

A new mooring and 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

¹¹⁸ Clarification

¹¹⁹ Clarification

- 4) **Areas of significance to Tangata Whenua** ⁽¹²⁰⁾
- 5) **Historic Heritage area** ⁽¹²¹⁾

is a non-complying activity.

The RMA activities this rule covers:

- Erection or placement of **a mooring structures in, on, under or over the foreshore or seabed** (s12(1)(b)).
- Occupation of **space in** the common marine and coastal area **with a mooring and associated vessel(s)** (s12(2)(a)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)):**
- **Disturbance of the foreshore or seabed incidental to erecting or placing a mooring (s12(1)(c))**
- **Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to erecting or placing the mooring (s12(1)(e))**
- **Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, incidental to securing a vessel to land or to erecting or placing the mooring (s12(1)(g))** ⁽¹²²⁾

C.1.3 Aquaculture

Note: The rules in C.1.1 *General structures* do not apply to aquaculture activities. ⁽¹²³⁾

C.1.3.1

Re-consenting aquaculture (not finfish) – controlled activity

An application for a new coastal permit for aquaculture **activities** ⁽¹²⁴⁾ 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 I '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, ⁰and
- 3) the application is made before the one year anniversary of the coastal permit for the aquaculture activity expiring or lapsing, and
- 4) there is no change to the activities as **authorised** by the existing, expired or lapsed coastal permit (other than a decrease in the area of occupation).

Matters of **control discretion** ⁽¹²⁵⁾.

- 1) **Effects on marine mammals, birds and benthic habitat. — Measures to minimise adverse effects on reefs and biogenic habitat** ⁽¹²⁶⁾

¹²⁰ Heritage NZ

¹²¹ Heritage NZ

¹²² Clarification

¹²³ Clarification

¹²⁴ Clarification

¹²⁵ Aquaculture NZ

¹²⁶ Aquaculture NZ

- 2) Effects on food (plankton) availability in the water. Management practices to minimise marine mammal and seabird interactions with the marine farm, including entanglement ⁽¹²⁷⁾
- 3) The risk of introducing or spreading marine pests.
- 4) Lighting. ⁽¹²⁸⁾
- 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. ⁽¹²⁹⁾
- 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 arising from the use of public facilities and infrastructure associated with the operation of the marine farm ⁽¹³⁰⁾
- 11) Effects on historic heritage ⁽¹³¹⁾

Notification:

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

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)). ⁽¹³²⁾
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities ⁽¹³³⁾ (s12(1)(d)).
- Discharges of contaminant sediment or water into water incidental to the aquaculture activities ⁽¹³⁴⁾ (s15(1)(a)).

C.1.3.2

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

From 1 January 2020, an application for a new coastal permit for aquaculture activities ⁽¹³⁵⁾ to replace a coastal permit in a mapped (refer I 'Maps | Ngā mahere matawhenua'):

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

is a restricted discretionary activity, provided:

¹²⁷ Aquaculture NZ

¹²⁸ Aquaculture NZ

¹²⁹ Aquaculture NZ

¹³⁰ Far North District Council

¹³¹ Heritage NZ

¹³² Clarification

¹³³ Clarification

¹³⁴ Clarification

¹³⁵ Clarification

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

Matters of discretion:

- 1) Effects on the characteristics and qualities which make the outstanding values of mapped (refer I maps) areas of Outstanding Natural Character and Outstanding Natural Features and significant marine ecology.⁽¹³⁶⁾
- 2) Effects on marine mammals, birds and benthic habitat. Adverse effects on reefs and biogenic habitat⁽¹³⁷⁾
- 3) Effects on food (plankton) availability in the water. Marine mammal and seabird interactions with the marine farm, including entanglement⁽¹³⁸⁾
- 4) The risk of introducing or spreading marine pests.
- 5) Lighting.⁽¹³⁹⁾
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.⁽¹⁴⁰⁾
- 9) The need to upgrade, replace or remove any derelict or disused structures.
- 10) Effects on Sites and Areas of Significance to Tangata Whenua.
- 11) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 12) Effects on historic heritage⁽¹⁴¹⁾
- 13) Effects arising from the use of public facilities and infrastructure associated with the operation of the marine farm⁽¹⁴²⁾
- 14) Effects on mapped (refer I Maps) Significant Ecological Areas⁽¹⁴³⁾
- 15) The positive effects of the aquaculture⁽¹⁴⁴⁾
- 16) The value of the investment in the existing aquaculture activity⁽¹⁴⁵⁾

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⁽¹⁴⁶⁾ (not including finfish aquaculture) are as set out in the Regional Coastal Plan for Northland.

136 Aquaculture NZ

137 Aquaculture NZ

138 Aquaculture NZ

139 Aquaculture NZ

140 Aquaculture NZ

141 Heritage NZ

142 Far North District Council

143 Aquaculture NZ

144 Clarification

145 Westpac Mussels Distributors Limited

146 Clarification

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharges ⁽¹⁴⁷⁾ of contaminants sediment or water into water incidental to the aquaculture activities (s15(1)(a)).

C.1.3.3

Realignment of existing aquaculture – restricted discretionary activity

The realignment of the area the aquaculture activities ⁽¹⁴⁸⁾ is are authorised to occupy is a restricted discretionary activity, 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 and qualities which make the outstanding values of mapped (refer I maps) areas of Outstanding Natural Character and Outstanding Natural Features and significant marine ecology. ⁽¹⁴⁹⁾
- 2) Effects on Sites and Areas of Significance to Tangata Whenua.
- 3) Effects on marine mammals, birds and benthic habitat. Adverse effects on reefs and biogenic habitat ⁽¹⁵⁰⁾
- 4) Effects on food (plankton) availability in the water. Marine mammal and seabird interactions with the marine farm, including entanglement ⁽¹⁵¹⁾
- 5) The risk of introducing or spreading marine pests.
- 6) Lighting. ⁽¹⁵²⁾
- 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. ⁽¹⁵³⁾
- 10) The need to upgrade, replace or remove any derelict or disused structures.
- 11) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 12) Effects on historic heritage ⁽¹⁵⁴⁾

¹⁴⁷ Clarification

¹⁴⁸ Clarification

¹⁴⁹ Aquaculture NZ

¹⁵⁰ Aquaculture NZ

¹⁵¹ Aquaculture NZ

¹⁵² Aquaculture NZ

¹⁵³ Aquaculture NZ

¹⁵⁴ Heritage NZ

- 13) Effects arising from the use of public facilities and infrastructure associated with the realignment and operation of the marine farm ⁽¹⁵⁵⁾
- 14) Effects on mapped Regionally Significant Anchorages (refer I 'Maps | Ngā mahere matawhenua') ⁽¹⁵⁶⁾
- 15) Effects on mapped (refer I Maps) Significant Ecological Areas ⁽¹⁵⁷⁾
- 16) The positive effects of the activity ⁽¹⁵⁸⁾
- 17) The value of the investment in the existing aquaculture activity ⁽¹⁵⁹⁾

Note:

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

The RMA activities this rule covers:

- Erect or place the realigned structures in, on, under or over any foreshore or seabed (s12(1)(b)) ⁽¹⁶⁰⁾
- Occupation of space in the common marine and coastal area with the aquaculture activities ^{(s12(2)(a))}.
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing the realigned structure (s12(1)(c))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing the realigned structure (s12(1)(e))
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities ^{(s12(1)(d))}.
- Discharges of contaminants sediment or water into water incidental to the aquaculture activities ^{(s15(1)(a))}. ⁽¹⁶¹⁾

C.1.3.4

Extensions to authorised aquaculture – restricted discretionary activity

An extension to an area of authorised for aquaculture activities ⁽¹⁶²⁾ is a restricted discretionary activity, provided:

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

155 *Far North District Council*

156 *Upperton T*

157 *Aquaculture NZ*

158 *Clarification*

159 *Westpac Mussels Distributors Limited*

160 *Moana NZ*

161 *Clarification*

162 *Clarification*

- 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 outstanding natural character, outstanding natural features and significant marine ecology.
- 2) Effects on marine mammals, birds and benthic habitat. Adverse effects on reefs and biogenic habitat⁽¹⁶³⁾
- 3) Effects on food (plankton) availability in the water.
- 4) The risk of introducing or spreading marine pests.
- 5) Lighting. Marine mammal and seabird interactions with the marine farm, including entanglement⁽¹⁶⁴⁾
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.⁽¹⁶⁵⁾
- 9) The need to upgrade, replace or remove any derelict or disused structures.
- 10) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 11) Effects on historic heritage⁽¹⁶⁶⁾
- 12) Effects arising from the use of public facilities and infrastructure associated with the extension and operation of the marine farm⁽¹⁶⁷⁾
- 13) The positive effects of the activity⁽¹⁶⁸⁾
- 14) The value of the investment in the existing aquaculture activity⁽¹⁶⁹⁾

The RMA activities this rule covers:

- Erect or place the extended structures in, on, under or over any foreshore or seabed (s12(1)(b)).⁽¹⁷⁰⁾
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing the extended structure (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing the extended structure (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharges of contaminants sediment or water into water incidental to the aquaculture activities (s15(1)(a)).⁽¹⁷¹⁾

¹⁶³ Aquaculture NZ, consequential change to C.1.3.2

¹⁶⁴ Aquaculture NZ, consequential change to C.1.3.2

¹⁶⁵ Aquaculture NZ, consequential change to C.1.3.2

¹⁶⁶ Heritage NZ

¹⁶⁷ Far North District Council

¹⁶⁸ Clarification

¹⁶⁹ Westpac Mussels Distributors Limited

¹⁷⁰ Moana NZ

¹⁷¹ Clarification

C.1.3.5

Re-consenting finfish aquaculture – discretionary activity

An application for a new coastal permit for finfish aquaculture **activities**⁽¹⁷²⁾ to replace a coastal permit is a discretionary activity, provided:

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

The RMA activities this rule covers:

- Occupation of **space in** the common marine and coastal area **with the aquaculture activities** (s12(2)(a)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Deposition of shell and other biota** onto the foreshore or seabed **incidental to the aquaculture activities** (s12(1)(d)).
- Discharge of contaminants **(including feed) or water to water associated with the aquaculture activities**⁽¹⁷³⁾ (s15(1)(a)).

C.1.3.6

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

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

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

is are⁽¹⁷⁴⁾ a discretionary activity, provided the area of occupation is not in a mapped (refer I 'Maps | Ngā mahere matawhenua'):

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

The RMA activities this rule covers:

172 Clarification

173 Clarification

174 Clarification

- Erection or placement of structures for aquaculture activities in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)). ⁽¹⁷⁵⁾

C.1.3.7

New aquaculture in an authorised area – discretionary activity

New aquaculture activities ⁽¹⁷⁶⁾ in an area authorised for aquaculture activities ⁽¹⁷⁷⁾ is a discretionary activity.

The RMA activities this rule covers:

- Erection or placement of structures in the coastal marine area (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)). ⁽¹⁷⁸⁾

C.1.3.8

New aquaculture in a Maori oyster reserve – discretionary activity

New aquaculture in a Maori oyster reserve ⁽¹⁷⁹⁾ in the Kaipara Harbour, that is not a:

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

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

¹⁷⁵ Clarification

¹⁷⁶ Clarification

¹⁷⁷ Clarification

¹⁷⁸ Clarification

¹⁷⁹ Refer Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).⁽¹⁸⁰⁾

C.1.3.9

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

An extension to an area of authorised aquaculture activities⁽¹⁸¹⁾ 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,

is a discretionary activity, provided:

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

The RMA activities this rule covers:

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

180 Clarification

181 Clarification

- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e))
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).⁽¹⁸²⁾

C.1.3.10

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

New marae-based aquaculture in a mapped (refer 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,

is a discretionary activity.

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).⁽¹⁸³⁾

182 Clarification

183 Clarification

C.1.3.11

Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour –

non-complying discretionary ⁽¹⁸⁴⁾ activity

The relocation of **authorised** aquaculture **activities** ⁽¹⁸⁵⁾ within the Waikare Inlet and Parengarenga Harbour, that is not a:

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

is a **non-complying discretionary** ⁽¹⁸⁶⁾ activity, 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 NZTM2000).

The RMA activities this rule covers:

- Erection or placement of structures **in, on, under or over any foreshore or seabed** (s12(1)(b)).
- Occupation of **space in** the common marine and coastal area **with the aquaculture activities** (s12(2)(a)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).**
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).**
- Deposition **of shell and other biota** onto the foreshore or seabed **incidental to the aquaculture activities** (s12(1)(d)).
- Discharge of contaminants **(including feed) or water to water associated with the aquaculture activities** (s15(1)(a)). ⁽¹⁸⁷⁾

C.1.3.12

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

New aquaculture **activities** ⁽¹⁸⁸⁾ 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

184 Aquaculture NZ

185 Clarification

186 Aquaculture NZ

187 Clarification

188 Clarification

- 8) Coastal Commercial Zone, or
- 9) Site or Area of Significance to Tangata Whenua,

that is not a:

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

is a non-complying activity, provided:

- 14) the area of occupation (excluding the anchoring or mooring system) is less than 5000 square metres, and
- 15) the consent duration is no longer than five years, and
- 16) the area of occupation has not been authorised for aquaculture activities⁽¹⁸⁹⁾ any time in the past five years from the time the council receives the application under this rule, and
- 17) no part of the area of occupation is within 200 metres of an existing area authorised for aquaculture activities⁽¹⁹⁰⁾.

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).⁽¹⁹¹⁾

C.1.3.13

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

New aquaculture activities⁽¹⁹²⁾ 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

¹⁸⁹ Clarification

¹⁹⁰ Clarification

¹⁹¹ Clarification

¹⁹² Clarification

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

is a non-complying activity, provided:

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

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e)).
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).⁽¹⁹³⁾

C.1.3.14

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

New aquaculture activities⁽¹⁹⁴⁾ 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:

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

¹⁹³ Clarification

¹⁹⁴ Clarification

- 11) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity', or
- 12) discretionary activity under rule C.1.3.5 'Re-consenting finfish aquaculture – discretionary activity', or
- 13) discretionary activity under rule C.1.3.7 'New aquaculture in an authorised area – discretionary activity', or
- 14) discretionary activity under rule C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity', or
- 15) discretionary activity under rule C.1.3.9 'Extensions to existing aquaculture in areas with significant values areas and development zones– discretionary activity', or
- 16) discretionary activity under rule C.1.3.10 'Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity', or
- 17) non-complying activity under rule C.1.3.11 'Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying discretionary Aquaculture NZ activity', or
- 18) non-complying activity under rule C.1.3.12 'Small scale and short duration aquaculture in areas with significant areas values and development zones – non-complying activity', or
- 19) non-complying activity under rule C.1.3.13 'New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity',

is a prohibited activity.

The RMA activities this rule covers:

- Erection or placement of structures in, on, under or over any foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with the aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed, incidental to erecting or placing a structure for aquaculture activities (s12(1)(c))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, incidental to erecting or placing a structure for aquaculture activities (s12(1)(e))
- Deposition of shell and other biota onto the foreshore or seabed incidental to the aquaculture activities (s12(1)(d)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)). ⁽¹⁹⁵⁾

C.1.4 Mangrove removal

C.1.4.1

Mangrove seedling removal – permitted activity

Pulling or cutting mangroves, and the use of motorised machinery to transport people, tools or removed mangrove vegetation, is a permitted activity provided:

- 1) the mangroves are unbranched and less than 60 centimetres tall, and ⁽¹⁹⁶⁾
- 2) the mangroves are not among the pneumatophores (aerial roots) ⁽¹⁹⁷⁾ of any other mangrove, and
- 3) the removal is by hand or using hand-held tools (including motorised), and

¹⁹⁵ Clarification

¹⁹⁶ Mangawhai Harbour Restoration Society Inc.; Ruakaka Parish Resident and Ratepayers Association

¹⁹⁷ Far North District Council - use plain English

- 4) ~~the any~~ removal ~~by motorised hand-held tools~~ is ~~only undertaken not~~ ⁽¹⁹⁸⁾ between ~~1 April and 31 July~~ ~~August and 31 March~~ ⁽¹⁹⁹⁾ (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and
- 5) the activity complies ~~with~~ C.1.8 'Coastal works general conditions'. ⁽²⁰⁰⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c))~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e))~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g))~~
- ~~Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b))~~
- ~~Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2))~~
- Remove ~~any natural material of mangroves~~ from the foreshore or seabed (s12(3)).
- ~~Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).~~
- Discharge of sediment ~~into water incidental to removing mangroves resulting from mangrove removal~~ (s15(1)(a)). ⁽²⁰¹⁾

C.1.4.2

Minor mangrove removal – permitted activity

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

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

Table 1 Maximum allowable area of mangrove removal

Authorised activity	Maximum allowable area of mangrove removal
Boat ramps and jetties	<p>Restricted to within:</p> <ol style="list-style-type: none"> 1) the footprint of the structure, and 2) five metres 5m around of the footprint of the structure, and 3) a five metre 5m wide access channel between the structure and the nearest permanently navigable waters. ⁽²⁰²⁾

¹⁹⁸ Mangawhai Harbour Restoration Society

¹⁹⁹ New Zealand Transport Agency

²⁰⁰ Mangawhai Harbour Restoration Society Inc.

²⁰¹ Clarification

²⁰² Whangarei District Council

Authorised activity	Maximum allowable area of mangrove removal
Wharves, and marina berths	<p>Restricted to:</p> <ol style="list-style-type: none"> 1) the footprint of the structure, and 2) 10 metres of within 10m around ⁽²⁰³⁾ the footprint of the structure, and 3) a five-metre 5m access channel between the structure and the nearest permanently navigable waters.
<p>Stormwater Authorised pipe outlets ⁽²⁰⁴⁾</p> <p>(also refer to C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity GBC Winstone')</p>	<p>Restricted to:</p> <ol style="list-style-type: none"> 1) five-metres 5m of the stormwater authorised pipe outlet, and 2) the extent of the clearance is limited to that required to create a free-draining path from the stormwater authorised pipe outlet to the sea.
<p>Artificial watercourse s and rivers</p> <p>(a) Also refer to:</p> <p>C.1.5.7 'Clearing artificial water courses – permitted activity',</p> <p>C.1.5.8 'Clearing tidal stream mouths – permitted activity' , and</p> <p>C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity') ⁽²⁰⁵⁾</p>	<p>Restricted to:</p> <ol style="list-style-type: none"> 1) the active channel or drain area, and ⁽²⁰⁶⁾ 2) five metres from each side of the artificial watercourse, and 3) the extent of the clearance is limited to that required to create a free-draining flow path, and 4) sites where the adjacent or upstream ⁽²⁰⁷⁾ land or infrastructure is likely to become unsafe, flooded or damaged if the mangroves are not removed. 5) not exceeding an area of 200 m² within a mapped (refer Maps □ Nga mahere matawhenua) Significant Ecological Area or Outstanding Natural Character Area, and ⁽²⁰⁸⁾
Roads, railway lines and bridges	<p>Restricted to :</p> <ol style="list-style-type: none"> 1) five metres from 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 must be undertaken in accordance with <i>Guide to Road Design Part 3: Geometric Design. 2nd Edition</i> (Austroads, 2010).
Electricity transmission structures	Within 4m around the footprint of the structure. ⁽²⁰⁹⁾

²⁰³ Whangarei District Council

²⁰⁴ GBC Winstone

²⁰⁵ Clarification

²⁰⁶ Clarification

²⁰⁷ Clarification

²⁰⁸ Royal Forest and Bird Society

²⁰⁹ Whangarei District Council

Authorised activity	Maximum allowable area of mangrove removal
Electricity transmission lines and cables	Within 2m either side of the center line and not exceeding an area of 200 m ² ⁽²¹⁰⁾
Suspended telecommunication and power lines	Restricted to four metres from the cable.
All other structures and farm fencing	Restricted to 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' ⁽²¹¹⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c))~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e))~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g))~~
- ~~Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b))~~
- ~~Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2))~~
- ~~Removal of any natural material of mangroves~~ from the foreshore or seabed (s12(3)).
- ~~Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).~~
- Discharge of sediment ~~into water incidental to removing mangroves resulting from mangrove removal~~ (s15(1)(a)). ⁽²¹²⁾

C.1.4.3

Mangrove removal – controlled activity

The removal and pruning of mangroves to:

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

that is not:

- 4) a permitted activity under rule C.1.4.1 'Mangrove seedling removal – permitted activity', or
- 5) a permitted activity under rule C.1.4.2 'Minor mangrove removal – permitted activity',

²¹⁰ Top Energy

²¹¹ clarification

²¹² Clarification

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

- 1) 200 square metres if the activity is located within a mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Significant Ecological Area, or
 - b) Outstanding Natural Character Area, and
- 2) 500 square metres in all other areas⁽²¹³⁾

Matters of control:

- 1) Method, timing and extent of activities.
- 2) Effects on natural systems and indigenous biodiversity.
- 3) Navigation and safety.
- 4) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Historic Area or Site.
 - b) Site or Area of Significance to Tangata Whenua.
 - c) Area of Outstanding Natural Character.
 - d) Significant Ecological Area.
 - e) Significant Bird Area.
 - f) Outstanding Natural Feature.
 - g) Outstanding Natural Landscape.⁽²¹⁴⁾
- 5) Adverse effect on tangata whenua cultural values⁽²¹⁵⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Remove any natural material of mangroves from the foreshore or seabed (s12(3)).
- Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).
- Discharge of sediment into water incidental to removing mangroves resulting from mangrove removal (s15(1)(a)).⁽²¹⁶⁾

213 CEP Services Matauwhi Limited,

214 Clarification

215 Tautari

216 Clarification

C.1.4.4

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

The removal and pruning of mangroves in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone⁽²¹⁷⁾ that is not:

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

is a restricted discretionary activity.

Matters of discretion:

- 1) Effects on natural systems and indigenous biodiversity.
- 2) Effects on navigation and safety.
- 3) Effects on visual amenity values.
- 4) Effects on indigenous biodiversity where it affects the ability of tangata whenua to carry out cultural and traditional activities.⁰
- 5) Effects on historic heritage.⁽²¹⁸⁾
- 6) The positive effects of the activity.⁽²¹⁹⁾

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Removal of any natural material of mangroves from the foreshore or seabed (s12(3)).
- Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).
- Discharge of sediment into water incidental to removing mangroves resulting from mangrove removal (s15(1)(a)).⁽²²⁰⁾

C.1.4.5

Mangrove removal – discretionary activity

The removal and pruning of mangroves that is not a:

- 1) permitted activity under rule C.1.4.1 'Mangrove seedling removal – permitted activity', or

²¹⁷ GBC Winstone

²¹⁸ Heritage NZ

²¹⁹ Clarification

²²⁰ Clarification

- 2) permitted activity under rule C.1.4.2 'Minor mangrove removal – permitted activity', or
- 3) controlled activity under rule C.1.4.3 'Mangrove removal – controlled activity', or
- 4) restricted discretionary activity under rule C.1.4.4 'Mangrove removal in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone – restricted discretionary activity';⁽²²¹⁾
- 5) **non-complying activity under rule C.1.4.6 'Mangrove removal – Non-complying activity'**⁽²²²⁾

is a discretionary activity.

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c)).**
- **Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e)).**
- **Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g)).**
- **Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b)).**
- **Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).**
- Removal **of any natural material of mangroves** from the foreshore or seabed (s12(3)).
- **Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).**
- Discharge of sediment **into water incidental to removing mangroves resulting from mangrove removal** (s15(1)(a)).⁽²²³⁾

C.1.4.6

Mangrove removal – Non-complying activity

The removal or pruning of mangroves:

that is not a:

- 1) **permitted activity under rule C.1.4.1 'Mangrove seedling removal – permitted activity', or**
- 2) **permitted activity under rule C.1.4.2 'Minor mangrove removal – permitted activity', or**
- 3) **controlled activity under rule C.1.4.3 'Mangrove removal – controlled activity', or**
- 4) **restricted discretionary activity under rule C.1.4.4 'Mangrove removal in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone – restricted discretionary activity'.**

and involves an area greater than 200 square metres in any mapped (refer Maps):

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

is a non-complying activity.⁽²²⁴⁾

The RMA activities this rule covers:

- **Mangrove removal and disposal activities outside the coastal marine area (s9(2)).**

²²¹ Royal Forest and Bird Protection Society NZ

²²² Royal Forest and Bird Protection Society NZ

²²³ Clarification

²²⁴ Royal Forest and Bird Protection Society NZ

- Damage or disturbance of any foreshore or seabed resulting from removing mangroves (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from removing mangroves (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from removing mangroves (s12(1)(g))
- Disturbance of the bed of any river, incidental to removing mangroves (s13(1)(b))
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2))
- Removal of mangroves from the foreshore or seabed (s12(3))
- Discharge of sediment into water incidental to removing mangroves (s15(1)(a)).⁽²²⁵⁾

C.1.5 Dredging, disturbance and disposal

C.1.5.1

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

Any recreational activity on the foreshore as well as the and disturbance of the foreshore or seabed by the use of vehicles is a permitted activity, provided:⁽²²⁶⁾

- 1) apart from emergency services vehicles providing an emergency response, there is no disturbance 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⁽²²⁷⁾⁽²²⁸⁾
- 2) the activity does not involve the exclusive occupation of space in the coastal marine area, and
- 3) vehicles must ensure minimal disturbance of the foreshore and seabed, and
- 4) apart from emergency services vehicles providing an emergency response, there is no disturbance of indigenous or migratory bird nesting or roosting sites, and⁽²²⁹⁾⁽²³⁰⁾
- 5) there is no damage to a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
- 6) there is no damage to a mapped Historic Heritage area (refer I 'Maps | Ngā mahere matawhenua'), and⁽²³¹⁾
- 7) apart from emergency services vehicles providing an emergency response, vehicles access to the foreshore is only via authorised access points, and⁽²³²⁾
- 8) the activity complies with C.1.8 'Coastal works general conditions', and
- 9) apart from emergency services vehicles providing an emergency response, vehicles do not drive over pipi and cockle beds.⁽²³³⁾⁽²³⁴⁾

Note:

District councils may also have bylaws that control (including prohibit) the use of vehicles on beaches. Compliance with those provisions is also required.⁽²³⁵⁾

225 Royal Forest and Bird Protection Society NZ
 226 Fire and Emergency NZ
 227 Clarification
 228 Fire and Emergency NZ
 229 Bay of Islands Maritime Park Inc
 230 Fire and Emergency NZ
 231 Heritage NZ
 232 Fire and Emergency NZ
 233 Bay of Islands Maritime Park Inc
 234 Fire and Emergency NZ
 235 Clarification

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed resulting from an activity on the foreshore and the use of a vehicle on the foreshore or seabed (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from an activity on the foreshore and the use of a vehicle on the foreshore or seabed (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from an activity on the foreshore and the use of a vehicle on the foreshore or seabed (s12(1)(g)).⁽²³⁶⁾

C.1.5.2

Small-scale Sampling and scientific investigation – permitted activity

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

- 1) In a mapped Site or Area of Significance to Tangata Whenua or a mapped Historic Heritage Area (refer to '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⁽²³⁷⁾
- 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⁽²³⁸⁾
- 3) the head size of any drilling equipment used does not exceed 250 millimetres in diameter, and
- 4) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).
-
- Disturbance of any foreshore or seabed resulting from sampling and scientific investigation (s12(1)(c)).
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from sampling and scientific investigation (s12(1)(e)).
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from sampling and scientific investigation (s12(1)(g)).
- Removal of sand, shingle, shell or other natural material from the coastal marine area (s12(2)(b)).⁽²³⁹⁾

C.1.5.3

Sampling and scientific investigation – permitted activity

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

²³⁶ Clarification

²³⁷ Heritage NZ

²³⁸ New Zealand Transport Agency

²³⁹ clarification

- 1) no more than one cubic metre of sand, shingle, shell or other natural material is removed in any 24 hour period, and
 - 2) the head size of any drilling equipment used does not exceed 250 millimetres in diameter, and
 - 3) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
 - 4) the activity complies with C.1.8 'Coastal works general conditions'.⁽²⁴⁰⁾
-

The RMA activities this rule covers:

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

C.1.5.4

Removal of nuisance marine plant debris – permitted activity

The removal of nuisance marine plant debris washed onto a beach where it restricts safe and legally established public walking access to and along a beach or safe use of is significantly adversely affecting amenity or access to and use of the beach, is a permitted activity, provided:⁽²⁴¹⁾

- 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⁽²⁴²⁾
- 3) if the activity occurs within a Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua') between the months of September 01 August to 31 March February, a person with expertise in bird ecology needs to be 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⁽²⁴³⁾
- 4) there is no disturbance of indigenous or migratory bird nesting sites, and⁽²⁴⁴⁾
- 5) there is no destruction of intertidal shellfish beds, and⁽²⁴⁵⁾
- 6) removed marine plant debris is disposed of outside of the coastal marine area and at a location authorised to take such material, and
- 7) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

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

240 New Zealand Transport Agency

241 Minister of Conservation

242 Tinopai RMU Limited

243 Consequential amendment relating to relief sought by Royal Forest and Bird on the coastal general conditions

244 Clarification as this requirement is in the coastal general conditions

245 Minister of Conservation

- Disturbance of any foreshore or seabed incidental to the removal of nuisance marine plant debris (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat incidental to the removal of nuisance marine plant debris (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage incidental to the removal of nuisance marine plant debris (s12(1)(g))

C.1.5.5

Removal or recovery of wrecked vessels – permitted activity

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

- 1) the regional council's Harbourmaster is notified (in writing or by email) at least 24 hours before the start of any removal or recovery, and
- 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⁽²⁴⁶⁾
- 3) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

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

C.1.5.6

Clearing of stormwater pipe outlets – permitted activity⁽²⁴⁷⁾

Clearing material (excluding mangroves) from a stormwater pipe outlet is a permitted activity, provided:⁽²⁴⁸⁾⁽²⁴⁹⁾

- 1) any removal of mangroves complies with the requirements of rule C.1.4.2 'Minor mangrove removal – permitted activity', and⁽²⁵⁰⁾
- 2) the extent of the clearance is limited to that required to create a free-draining path from the stormwater outlet to the sea at mean low water springs, and
- 3) if the activity occurs in a mapped Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua') between the months of September 01 August to 31 March February, a person with expertise in bird ecology needs to be 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⁽²⁵¹⁾

²⁴⁶ Tinopai RMU Limited

²⁴⁷ GBC Winstone

²⁴⁸ Royal Forest and Bird Protection Society

²⁴⁹ GBC Winstone

²⁵⁰ Royal Forest and Bird Protection Society

²⁵¹ Consequential amendment relating to relief sought by Royal Forest and Bird on the coastal general conditions

- 4) ~~there is no disturbance of indigenous or migratory bird nesting sites, and~~⁽²⁵²⁾
- 5) 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
- 6) all ~~cleared~~ vegetation and visibly contaminated material is removed from the coastal marine area ~~and appropriately disposed of,~~ and⁽²⁵³⁾
- 7) the regional council's compliance manager is notified (in writing or by email) at least three working days prior to work being undertaken, and
- 8) ~~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~~⁽²⁵⁴⁾
- 9) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)):-~~
- ~~Disturbance of any foreshore or seabed resulting from the clearing of material from a pipe outlet (s12(1)(c))~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the clearing of material from a pipe outlet ((s12(1)(e))~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the clearing of material from a pipe outlet ((s12(1)(g))~~
- Deposition ~~of material cleared from a pipe outlet~~ onto the foreshore or seabed ~~in a manner that has or is likely to have an adverse effect on the foreshore or seabed~~ (s12(1)(d)).
- Discharge of ~~contaminants sediment~~ into water incidental to the clearing of material from a pipe ~~outlet~~ (s15(1)(a)).⁽²⁵⁵⁾

C.1.5.7

Clearing artificial water courses – permitted activity

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

- 1) the original profile (width and depth) of the artificial water course is not exceeded, and
- 2) all material (except sediment) is removed from the coastal marine area, and
- 3) the regional council's compliance manager is notified (in writing or by email) at least three working days prior to work being undertaken, and
- 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~~⁽²⁵⁶⁾
- 5) sediment disposed of in the coastal marine area:
 - a) is deposited no more than 10 metres either side of the artificial water course, and
 - b) individual sediment piles do not exceed 25 square metres or 300 millimetres in height, and
 - c) does not dam tidal water or stormwater outlets, and
- 6) the activity complies with C.1.8 'Coastal works general conditions'.

252 Clarification as this requirement is in the coastal general conditions

253 Royal Forest and Bird Protection Society

254 Tinopai RMU Limited

255 Clarification

256 Tinopai RMU Limited

The RMA activities this rule covers:

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).~~
- ~~Disturbance of any foreshore or seabed resulting from the clearing of material (excluding mangroves) from an artificial water course (s12(1)(c)).~~
- ~~Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the clearing of material (excluding mangroves) from an artificial water course (s12(1)(e)).~~
- ~~Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the clearing of material (excluding mangroves) from an artificial water course (s12(1)(g)).~~
- Deposition of material cleared (excluding mangroves) from an artificial water course onto the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants sediment into water incidental to the clearing of material (excluding mangroves) from an artificial water course (s15(1)(a)).⁽²⁵⁷⁾

C.1.5.8

Clearing tidal stream mouths – permitted activity

Clearing material (excluding mangroves) from a tidal stream mouth is a permitted activity, provided:⁰

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stream to the sea at mean low water springs, and
- 2) the clearance is for the purpose of avoiding flooding of adjacent land or releasing impounded water which is stagnant or a 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 mapped Significant Bird Area (refer I 'Maps | Ngā mahere matawhenua') between the months of ~~September 01 August~~ to ~~31 March February~~, a person with expertise in bird ecology needs to be 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⁽²⁵⁸⁾
- 5) ~~there is no disturbance of indigenous or migratory bird nesting sites~~, and⁽²⁵⁹⁾
- 6) all ~~cleared~~ vegetation and visibly contaminated material is removed from the coastal marine area ~~and appropriately disposed of~~, and⁽²⁶⁰⁾
- 7) the regional council's compliance manager:
 - a) is satisfied the clearance meets the purpose of Condition 2 and has provided written confirmation accordingly, or
 - b) is provided a written statement from a chartered professional engineer or the Northland District Health Board outlining the need for the clearance in accordance with Condition 2, at least two working days before the start of work, and

257 Clarification

258 Consequential amendment relating to relief sought by Royal Forest and Bird on the coastal general conditions

259 Clarification as this requirement is in the coastal general conditions

260 Royal Forest and Bird Protection Society

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

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).
- Disturbance of any foreshore or seabed resulting from the clearing of material (excluding mangroves) from a tidal stream mouth (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the clearing of material (excluding mangroves) from a tidal stream mouth (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the clearing of material (excluding mangroves) from a tidal stream mouth (s12(1)(g))
- Deposition of material cleared (excluding mangroves) from a tidal stream mouth onto the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed
- (s12(1)(d)).
- Discharge of contaminants sediment into water incidental to the clearing of material (excluding mangroves) from a tidal stream mouth (s15(1)(a)).⁽²⁶¹⁾

C.1.5.9

Burial of dead animals – permitted activity

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

- 1) the activity complies with the coastal marine area general conditions C.1.8 'Coastal works general conditions', and
- 2) where practicable, burial does not occur within 100 metres of a tidal stream mouth.

The RMA activities this rule covers:

- Restrictions on the use of land- The burial of a dead animal (including a marine mammal) washed up on the foreshore (s9(2)).
- Disturbance of any foreshore or seabed resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(c))
- Disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(e))
- Disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(g))
- Deposition of material onto the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).⁽²⁶²⁾

261 Clarification

262 Clarification

C.1.5.10

Maintenance dredging – controlled activity

Maintenance dredging (excluding disposal of dredge spoil) is a controlled activity.⁽²⁶³⁾

Matters of control:

- 1) The method used to carry out the activity.
- 2) The timing of the activity in relation to tides, season or other activities.
- 3) Effects on natural processes including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of disturbance, deposition and discharge associated with the dredging activity, and⁽²⁶⁴⁾
- 5) Effects on indigenous biodiversity and ecosystems, and
- 6) Navigation and safety (including notification to the regional council's Harbourmaster and Maritime New Zealand), and
- 7) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Nationally Significant Surf Break and Regionally Significant Surf break.
 - b) Outstanding Natural Feature.
 - c) Area of Outstanding Natural Character.
 - d) Historic Heritage Area or Site.
 - e) Site or Area of Significance to Tangata Whenua.
 - f) Significant Ecological Area.
 - g) Significant Bird Area.
- 8) Effects on tangata whenua and their taonga⁽²⁶⁵⁾

Notification:

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

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
-
- Disturbance of any foreshore or seabed resulting from maintenance dredging (s12(1)(c))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from maintenance dredging (s12(1)(e))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from maintenance dredging (s12(1)(g))
- Discharge of contaminants sediment into water incidental to maintenance dredging (s15(1)(a)).⁽²⁶⁶⁾

C.1.5.11

Beach scraping – restricted discretionary activity

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

²⁶³ Clarification

²⁶⁴ Refining New Zealand

²⁶⁵ Patuharakeke Te Iwi Trust Board

²⁶⁶ Clarification

Matters of discretion:

- 1) Volume and depth of material removed.
- 2) Methods used to carry out the activity.
- 3) Effects on natural processes including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of disturbance, deposition and discharge associated with the activity.
- 5) Effects on indigenous biodiversity and ecosystems.
- 6) **Effects on tangata whenua and their taonga.** ⁽²⁶⁷⁾
- 7) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) Nationally Significant Surf Break and Regionally Significant Surf break.
 - b) Outstanding Natural Feature.
 - c) Area of Outstanding Natural Character.
 - d) Historic Heritage Area or Site.
 - e) Site or Area of Significance to Tangata Whenua.
 - f) Significant Ecological Area.
 - g) Significant Bird Area.

The RMA activities this rule covers:

- **Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).**
- **Disturbance of any foreshore or seabed resulting from beach scraping (s12(1)(c)).**
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat resulting from beach scraping (s12(1)(e)).**
- **Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage resulting from beach scraping (s12(1)(g)).**
- Discharge of **contaminants sediment into water incidental to beach scraping.** (s15(1)(a)). ⁽²⁶⁸⁾

New rule - Deposition of material for beneficial purposes - restricted discretionary activity

Deposition of material for beneficial purposes is a restricted discretionary activity, provided: ⁽²⁶⁹⁾

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

Matters of discretion:

- 1) **Volume and location of material to be deposited.**
- 2) **Methods used to carry out the activity and timing of the activity.**
- 3) **Effects on natural processes including effects on the stability of the seabed and nearby shorelines.**
- 4) **Effects of foreshore and seabed associated with the deposition activity.**
- 5) **Effects on indigenous biodiversity and ecosystems.**
- 6) **Effects on tangata whenua and their taonga.**
- 7) **Effects on existing uses and activities.**

267 Patuharakeke Te Iwi Trust Board Inc

268 Clarification

269 Mangawhai Harbour Restoration Society

- 8) Effects on any mapped (refer I 'Maps | Ngā mahere matawhenua'):
- 9) a) Nationally Significant Surf Break and Regionally Significant Surf break.
- b) Outstanding Natural Feature.
- c) Area of Outstanding Natural Character.
- d) Historic Heritage Area or Site.
- e) Site or Area of Significance to Tangata Whenua.
- f) Significant Ecological Area.
- g) Significant Bird Area.

The RMA activities this rule covers:

- Restrictions on the use of land Deposition of material for beneficial purposes (s9(2))
- Deposition of material for beneficial purposes on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d).
- Discharge of contaminants sediment into water incidental to depositing material for beneficial purposes (s15(1)(a))⁽²⁷⁰⁾

C.1.5.12

Dredging, deposition and disturbance activities – discretionary activity

The damage, destruction or disturbance of, or deposition onto the foreshore or seabed, that is not a permitted, controlled or restricted discretionary activity under a rule in this Plan.

- 1) permitted activity under rule C.1.5.2 'Small-scale Sampling and scientific investigation – permitted activity', or
- 2) permitted activity under rule C.1.5.4 'Removal of nuisance marine plant debris – permitted activity', or
- 3) permitted activity under rule C.1.5.5 'Removal or recovery of wrecked vessels – permitted activity', or
- 4) permitted activity under rule C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity GBC Winstone' ,or
- 5) permitted activity under rule C.1.5.7 'Clearing artificial water courses – permitted activity', or
- 6) permitted activity under rule C.1.5.8 'Clearing tidal stream mouths – permitted activity', or
- 7) permitted activity under rule C.1.5.9 'Burial of dead animals – permitted activity', or
- 8) controlled activity under rule C.1.5.10 'Maintenance dredging – controlled activity', or⁽²⁷¹⁾

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

- 9) Nationally Significant Surfbreak, or
- 10) Outstanding Natural Feature, or
- 11) Area of Outstanding Natural Character, or
- 12) Historic Heritage Area or Site, or⁽²⁷²⁾
- 13) Significant Ecological Area, or
- 14) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

²⁷⁰ Clarification

²⁷¹ Clarification

²⁷² Heritage NZ

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)):
- Deposition onto the foreshore or seabed (s12(1)(d)):
- Discharge of contaminants (s15(1)(a)):
- Disturbance of any foreshore or seabed (s12(1)(c))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat (s12(1)(e))
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage (s12(1)(g))
- Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d))
- Discharge of contaminants sediment into water incidental to any destruction, damage or disturbance of any foreshore or seabed (s15(1)(a)).⁽²⁷³⁾

C.1.5.13

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

The disposal dumping (deliberate disposal) of the following waste from a ship, aircraft or offshore installation in the coastal marine area is a discretionary activity:⁽²⁷⁴⁾

- 1) dredge material, and
- 2) sewage sludge, and
- 3) fish processing waste from an onshore facility, and
- 4) vessels, platforms and other man-made structures, and
- 5) inert, inorganic geological materials, and
- 6) organic materials of natural origin, and
- 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.

The RMA activities this rule covers:

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

C.1.5.14

Other dredging and disturbance activities – non-complying

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

273 Clarification

274 Mangawhai Harbour Restoration Society Inc

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

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).
- Disturbance of any foreshore or seabed (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage (s12(1)(g)).
- Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants sediment into water incidental to any destruction, damage or disturbance of any foreshore or seabed (s15(1)(a)).⁽²⁷⁵⁾

C.1.6 Reclamations

C.1.6.1

Unlawful public road reclamation – controlled activity

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

Matters of control:

- 1) [The method used to carry out the activity](#) [The effects of any remedial works necessary to mitigate adverse effects](#).⁽²⁷⁶⁾
- 2) Effects on coastal natural processes, including effects on shoreline stability in the vicinity of the site.
- 3) Effects on tangata whenua and their taonga.

Notification:

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

The RMA activities this rule covers:

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

C.1.6.2

Unlawful reclamation – discretionary activity

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

²⁷⁵ Clarification

²⁷⁶ New Zealand Transport Agency

- 1) existed at 1 September 2017, and
- 2) is not a controlled activity under rule C.1.6.1 'Unlawful public road reclamation – controlled activity', is a discretionary activity, (refer I 'Maps | Ngā mahere matawhenua'):

The RMA activities this rule covers:

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

C.1.6.3

Reclamation for regionally significant infrastructure – discretionary activity

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

- 1) Significant Ecological Area, or
- 2) Outstanding Natural Feature, or
- 3) Area of Outstanding Natural Character. ⁽²⁷⁷⁾

The RMA activities this rule covers:

- Reclamation or draining of any foreshore or seabed (s12(1)(a)).
- Erection or placement of structures (s12(1)(b)).
- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).
-
- Disturbance of any foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, as a result of reclaiming the foreshore or seabed (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, as a result of reclaiming the foreshore or seabed (s12(1)(g)).
- Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants sediment or water into water incidental to reclaiming the foreshore or seabed (s15(1)(a)).
- Discharge of sediment and water onto land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, incidental to reclaiming the foreshore or seabed (s15(1)(a)). ⁽²⁷⁸⁾

C.1.6.4

Reclamation – discretionary activity

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

277 Royal Forest and Bird Protection Society NZ

278 Clarification

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

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

- 1) Nationally Significant Surf Break, or
- 2) Significant Ecological Area, or
- 3) Outstanding Natural Feature, or
- 4) Area of Outstanding Natural Character, or
- 5) Historic Heritage Area or Site, or ⁽²⁷⁹⁾
- 6) Site or Area of Significance to Tangata Whenua, or
- 7) Regionally Significant Anchorage.

The RMA activities this rule covers:

- Reclamationing or draining of any foreshore or seabed (s12(1)(a)).
- Erection or placement of structures (s12(1)(b)).
- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).
- Disturbance of any foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, as a result of reclaiming the foreshore or seabed (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, as a result of reclaiming the foreshore or seabed (s12(1)(g)).
- Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants sediment or water into water incidental to reclaiming the foreshore or seabed foreshore (s15(1)(a)).
- Discharge of sediment and water onto land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, incidental to reclaiming the foreshore or seabed foreshore (s15(1)(a)). ⁽²⁸⁰⁾

C.1.6.5

Reclamation in areas with significant value areas – non-complying activity ⁽²⁸¹⁾

A reclamation that is not a:

- 1) discretionary activity under rule C.1.6.4 'Reclamation – discretionary activity', or
- 2) discretionary activity under rule C.1.6.3 'Reclamation for regionally significant infrastructure – discretionary activity' Northport Ltd⁰

is a non-complying activity.

279 Heritage NZ

280 Clarification

281 Clarification

The RMA activities this rule covers:

- Reclamation or draining of any foreshore or seabed (s12(1)(a)).
- Erection or placement of structures (s12(1)(b)).
- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).
-
- Disturbance of any foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(c)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that is likely to have an adverse effect on plants or animals or their habitat, as a result of reclaiming the foreshore or seabed (s12(1)(e)).
- Destruction, damage or disturbance of any foreshore or seabed in a manner that has or is likely to have an adverse effect on historic heritage, as a result of reclaiming the foreshore or seabed (s12(1)(g)).
- Deposition on the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of reclaiming the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants sediment or water into water incidental to reclaiming the foreshore or seabed (s15(1)(a)).
- Discharge of sediment and water onto land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, incidental to reclaiming the foreshore or seabed (s15(1)(a)).⁽²⁸²⁾

C.1.7 Marine pests

C.1.7.1

Hull biofouling – permitted activity

The navigation, mooring or anchoring of a vessel or the relocation or placement of a structure with biofouling on the hull and niche areas of a vessel, is a permitted activity, provided:⁽²⁸³⁾

- 1) the biofouling is does not contain known⁽²⁸⁴⁾ or is not likely to contain, any marine pest, and/or
- 2) the biofouling on the hull and niche areas on any vessel does not exceed light fouling when it enters:
 - a) a Marine Pathways Place (refer I 'Maps | Ngā mahere matawhenua') except if the vessel is entering the same Marine Pathways Place the vessel was last in, and
 - b) Northland, except if the vessel is entering Northland within the Kaipara Harbour and the biofouling on the hull and niche areas of the vessel did not exceed light fouling the last time the vessel entered the Kaipara Harbour; or⁽²⁸⁵⁾
- 3) the activity is authorised or is as a consequence of, an 'exemption' or a 'notice of direction' under the Biosecurity Act 1993.⁽²⁸⁶⁾

Note:

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

282 Clarification

283 Ministry for Primary Industries, Minister of Conservation and Clarification

284 Minister of Conservation - request for improved clarity

285 Yachting NZ, Far North Holdings Limited, Durham G

286 Auckland Council and Ministry of Primary Industries - request associated with C.1.7.6

The RMA activities this rule covers:

- No person may do an activity that contravenes a regional rule (s12(3) and 13(2))
- Navigation, mooring or anchoring of a vessel with biofouling on the hull and niche areas in the coastal marine area (s12(3))
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s12(1)(b))
- Mooring or anchoring of a vessel with biofouling on the hull and niche areas, on the bed of a river (s9(2))
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s13(1)(a))
- Discharge of biofouling and incidental antifoul into water from vessel hull and niche areas or structures (s15(1)(a))
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a))⁽²⁸⁷⁾

C.1.7.2

In-water vessel hull and niche areas and structure cleaning (development zones) – permitted activity

The discharge of contaminants from In-water cleaning of vessel hull and niche areas or structures in-water cleaning, is a permitted activity, provided: ⁽²⁸⁸⁾

- 1) the vessel or structure has not been in foreign territorial waters, unless since arrival in New Zealand the vessel it ⁽²⁸⁹⁾ has been removed from the water and hull cleaned, and
- 2) there is only light fouling on the vessel hull and/or hull niche areas, and ⁽²⁹⁰⁾
- 3) the discharge is in a Commercial Coastal Zone, Marina Zone, within 50 metres of a Mooring Zone or from a consented grid, and ⁽²⁹¹⁾
- 4) the discharge from any vessel ⁽²⁹²⁾ is not located within a Significant Ecological Area (refer I 'Maps | Ngā mahere matawhenua'), and
- 5) any the ⁽²⁹³⁾ vessel is not longer than 25 metres measured at the water line ⁽²⁹⁴⁾ with ablative biocidal anti-fouling or a barge, and
- 6) there is only light fouling on the vessel hull and/or hull niche areas, and ⁽²⁹⁵⁾
- 7) the discharge from any vessel is in a Commercial Coastal Zone, Marina Zone, Mooring Zone or within 50 metres of a Mooring Zone, and ⁽²⁹⁶⁾
- 8) the non-abrasive cleaning methods will not compromise are used so that existing anti-fouling is not damaged, and ⁽²⁹⁷⁾
- 9) if any marine pest is found then:
 - a) all cleaning must cease, and
 - b) the regional council's biosecurity manager must be notified immediately, and
 - c) cleaning may not continue until notified to do so by regional council's biosecurity manager.

The RMA activities this rule covers:

287 Clarification

288 Minister of Conservation and Clarification

289 Minister of Conservation and Clarification

290 Clarification - condition re-ordered

291 Clarification - condition re-ordered

292 Minister of Conservation and Clarification

293 Minister of Conservation and Clarification

294 Minister of Conservation

295 Clarification - condition re-ordered

296 Minister of Conservation and Clarification - condition re-ordered

297 Minister of Conservation

- Discharge of contaminants to water (s15B(1)(a)).
- No person may do an activity that contravenes a regional rule (s12(3) and s13(2)).
- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of in-water cleaning of vessel hull and niche areas or structures (s12(1)(d)).
- Introduce or plant any marine pest in, on and under any foreshore or seabed (s12(1)(f)).
- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3)).
-
- Damage, destruction or disturbance of plants or habitats of animals in, on or under the bed of a river as a result of in-water cleaning of vessel hull and niche areas or structures (s13(2)).
- Discharge of contaminants into water from in-water cleaning of vessel hull and niche areas or structures (s15(1)(a)).
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a))⁽²⁹⁸⁾

C.1.7.3

In-water vessel hull and niche area cleaning of local barges and large vessels – controlled activity

The discharge of contaminants from in-water cleaning of a vessel hull and niche areas in-water cleaning of any barge, or vessel longer than 25 metres measured at the water line,⁽²⁹⁹⁾ with ablative biocidal anti-fouling, is a controlled activity, provided:

- 1) the vessel has not been in foreign territorial waters, unless since arrival in New Zealand the vessel has been removed from the water and hull cleaned, and
- 2) the activity is located in a Commercial Coastal Zone, Marina or within 50 metres of a Mooring Zone (refer Map) or from a consented grid, and
- 3) the discharge is not located 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 natural coastal processes, in the vicinity of the site.
- 4) The timing of the activity in relation to tides, season or other activities.
- 5) Effects of disturbance, deposition and discharge associated with the activity.
- 6) Effects on indigenous biodiversity and ecosystems.
- 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⁽³⁰⁰⁾

The RMA activities this rule covers:

- Discharge of contaminants to water (s15B(1)(a)).
- No person may do an activity that contravenes a regional rule (s12(3) and s13(2)).
- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of in-water cleaning of vessel hull and niche areas (s12(1)(d)).

²⁹⁸ Clarification

²⁹⁹ Minister of Conservation

³⁰⁰ Minister of Conservation, Ministry for Primary Industries

- Introduce or plant any marine pest in, on and under any foreshore or seabed 12(1)(f)
-
- In-water cleaning of vessel hull and niche areas in the coastal marine area (s12(3))
- Damage, destruction or disturbance of plants or habitats of animals in, on or under the bed of a river as a result of in-water cleaning of vessel hull and niche areas (s13(2))
- Discharge of contaminants into water from in-water cleaning of biofouling on vessel hull and niche areas (s15(1)(a))
- Discharge of a harmful substance from a ship into water (s15B(1)(a))⁽³⁰¹⁾

C.1.7.4

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

The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull **anti-fouling maintenance**⁽³⁰²⁾ on the foreshore is a discretionary activity.

The RMA activities this rule covers:

- No person may do an activity that contravenes a regional rule (s12(3)).
- Discharge of contaminants to water (s15(1)(a) and s15B(1)(a)).
- The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore (s12(3))
- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of the cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore (s12(1)(d))
-
- Discharge of contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, resulting from the cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull (s15(1)(b))
- Discharge of a harmful substance from a ship onto or into land (s15B(1)(a))⁽³⁰³⁾

C.1.7.5

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

The deposition and/or discharge of contaminants from **In-water cleaning of** vessel hull and niche areas **or structures**⁽³⁰⁴⁾ **in-water cleaning** that is not a:

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

is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants to water (s15B(1)(a)).
- Deposition of contaminant onto foreshore or seabed (s12(1)(d)).

³⁰¹ Clarification

³⁰² Clarification

³⁰³ Clarification

³⁰⁴ Minister of Conservation

- Deposition on the foreshore or seabed of any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed as a result of in-water cleaning of vessel hull and niche areas or structures (s12(1)(d))
- Introduce or plant any marine pest in, on and under any foreshore or seabed 12(1)(f)
- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3))
- Damage, destruction or disturbance of plants or habitats of animals in, on or under the bed of a river as a result of in-water cleaning of vessel hull and niche areas or structures (s13(2))
- Discharge of contaminants into water from in-water cleaning of vessel hull and niche areas or structures (s15(1)(a))
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a))⁽³⁰⁵⁾

C.1.7.6

Passive release of biofouling from vessels – discretionary activity

The navigation, mooring or anchoring of a vessel or the relocation or placement of a structure with biofouling on the hull and niche areas and⁽³⁰⁶⁾ discharge of contaminants through passive release of biofouling from a vessel hull and niche areas, that is not a is a discretionary activity, unless it is:

- 1) a permitted activity under rule C.1.7.1 'Hull biofouling – permitted activity' ~~or~~
- 2) authorised by an 'exemption' or 'notice of direction' under the Biosecurity Act 1993⁽³⁰⁷⁾ is a discretionary activity⁽³⁰⁸⁾

Note:

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

The RMA activities this rule covers:

- No person may do an activity that contravenes a regional rule (s12(3) and 13(2))
- Navigation, mooring or anchoring of a vessel with biofouling on the hull and niche areas in the coastal marine area (s12(3))
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s12(1)(b))
- Introduce or plant any marine pest in, on and under any foreshore or seabed 12(1)(f)
- Mooring or anchoring of a vessel with biofouling on the hull and niche areas, on the bed of a river (s9(2))
- Placement or relocation of a structure with biofouling, in, on and under any foreshore or seabed (s13(1)(a))
- Discharge of biofouling and incidental antifoul into water from vessel hull and niche areas or structures (s15(1)(a))
- Discharge of a harmful substance from a ship or offshore installation into water (s15B(1)(a))⁽³⁰⁹⁾

C.1.7.7

Introduction of marine pests - non-complying activity

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

³⁰⁵ Clarification

³⁰⁶ Ministry for Primary Industries and Minister of Conservation

³⁰⁷ Auckland Council

³⁰⁸ Clarification

³⁰⁹ Clarification

- 1) **discretionary activity under rule** C.1.7.5 'In-water vessel hull and niche area cleaning – discretionary activity'
- 2) **discretionary activity under rule** C.1.7.6 'Passive release of biofouling from vessels – discretionary activity' is a non-complying activity **unless controlled in this plan by passive biofouling discharge rules.**⁽³¹⁰⁾

The RMA activities this rule covers:

- **Discharge of contaminants to water 15(1)(a) and 15B(1)(a):**
- Deposit **any substance a marine pest**, in, on and under any foreshore or seabed **in a manner that has or is likely to have an adverse effect on the foreshore or seabed.** (s12(1)(d).
- **Discharge a marine pest into water (s15(1)(a)**
- Introduce or plant any marine pest in, on and under any foreshore or seabed 12(1)(f) **and 12(3)(a).**
- **Introduce a marine pest into coastal waters (s12(3))**⁽³¹¹⁾

C.1.8 Coastal works general conditions

General conditions **that apply for to** activities **when referred to in the rules of section C.1.** **in the coastal marine area that apply when specified in a permitted or controlled activity rule.**⁽³¹²⁾

Structures and disturbance

Note: It's unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand. It's possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials. If any archaeological evidence is found, it's a legal requirement to stop work and contact Heritage New Zealand. Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.

- 1) The activity must not alter, damage or destroy a Historic Heritage Site.
- 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 is no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to the coastal marine area, except that temporary restrictions of fish passage may occur to enable construction work to be carried out,** and⁽³¹³⁾
 - c) not cause a hazard to navigation.
- 3) Maintenance, alteration or addition to a **structure** must not result in a weakening of the structural integrity or strength of the **structure**.
- 4) Restrictions on public access along and through the coastal marine area beyond the footprint of the **structure**, during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternate access route or controlled access is provided.
- 5) Disturbance activities, construction, alteration or addition, maintenance or removal of **structures** must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays. **The exceptions to this are:**

³¹⁰ Clarification

³¹¹ Clarification

³¹² Clarification

³¹³ New Zealand Transport Agency

- a) ~~(this excludes~~ the requirement to undertake emergency remedial work such as if a structure is damaged by a natural hazard event, ~~and~~
 - b) ~~maintenance of regionally significant infrastructure, where the maintenance is required outside these times to minimise disruption to the services provided by the regionally significant infrastructure, and~~⁽³¹⁴⁾
 - c) ~~the removal of nuisance marine plant debris under rule C.1.5.4.~~⁽³¹⁵⁾
- 6) Upon the completion of a new structure, the ~~structure~~ owner must notify in writing (including a scale plan of the completed works) the regional council's monitoring manager.
- 7) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity. ~~Additionally, vehicles and equipment must be in a good state of repair and free of any leaks (e.g oil). Refuelling shall not be carried out in the coastal marine area and for the duration of the activity, no machinery shall be left in a position where it could come into contact with coastal water.~~⁽³¹⁶⁾
- 8) There must be no damage to shellfish beds and no disturbance or damage to ~~saltmarsh or~~⁽³¹⁷⁾ seagrass meadows in mapped Significant Ecological Areas (refer I 'Maps | Ngā mahere matawhenua') ~~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.
- 9A. ~~There is no disturbance of indigenous or migratory bird nesting or roosting sites.~~⁽³¹⁸⁾
- 10) Outside of outstanding natural character, outstanding natural feature or signification ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.
- 11) The ~~structure~~ or activity must not:
- a) cause erosion or scour of banks, or
 - b) cause or exacerbate flooding of ~~any neighbouring other~~⁽³¹⁹⁾ property, or
 - c) reduce the ability of a river to convey flood flows into the coastal marine area (including as a result of debris accumulating against structures).
- 12) ~~Discharges must not result in a coastal water quality standard in D.4.3 'Coastal water quality standards' to be exceeded or further exceeded.~~⁽³²⁰⁾
- 13) ~~Any discharges of sediment to water from any activity~~ must not:
- a) occur for more than five consecutive days, and for more than 12 hours per day, or
 - b) ~~cause any conspicuous change in the colour of water in the receiving water or any change in horizontal visibility greater than 30% (after reasonable mixing) for more than 24 hours after the completion of the activity. cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:~~

314 Kiwirail

315 Labonte A and R

316 CEP Services Matawhi Limited

317 Minister of Conservation

318 Royal Forest and Bird Protection Society NZ

319 clarification

320 La Bonte A and R

- i) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
- ii) any conspicuous change in the colour or visual clarity, or
- iii) an emission of objectionable odour, or
- iv) a significant adverse effect on aquatic life.

Mangrove removal and pruning

- 14) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.
- 15) Protruding stumps must be avoided, by cutting mangrove trunks close to the bed or foreshore.
- 16) The activity must not disturb or damage areas of seagrass, saltmarsh, or other⁽³²¹⁾ wetland.
- 17) There must be no disturbance of indigenous or migratory bird nesting sites.⁽³²²⁾
- 18) There must be no equipment refuelling on the foreshore or river bed unless undertaken in a contained area.⁽³²³⁾
- 19) Chemical herbicides must not be used.
- 20) Access to removal and pruning areas must use existing open areas or paths and, where practicable, avoid disturbance of shellfish beds, soft sand and mud.
- 21) The regional council's compliance manager must be notified (in writing or by email) of the proposed time, location and extent of removal at least 10 working days prior to the work being undertaken, when:
 - a) more than 200 square metres of pruning or removal is proposed in any one year, or
 - b) the activity is located in a mapped Significant Bird Area, Significant Ecological Area or Area of Outstanding Natural Character (refer I 'Maps | Ngā mahere matawhenua').

Lighting

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

Noise

- 23) Noise from non-port and wharf related activities within the coastal commercial zone⁽³²⁴⁾ or from any activity located outside the Coastal Commercial Zone but within the coastal marine area must comply with the following noise standards at the notional boundary of any noise sensitive activity.
 - a) the activity must not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area, and
 - b) between the hours of 7.00am and 11.00pm, the noise level (LAeq) measured within the notional boundary of any dwelling must not exceed 55dB, and
 - c) between the hours of 11.00pm and 7.00am, the noise level (LAeq) measured within the notional boundary of any dwelling must not exceed 45dB and the , and

321 New Zealand Transport Agency and Clarification

322 Consequential as has been brought up to condition 9A

323 Royal Forest and Bird Protection Society NZ

324 Refining NZ

a) **Table 2 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

- d) noise must be measured in accordance with *NZS 6801:2008 Acoustics – Measurement of Environmental Sound*⁽³²⁵⁾ and assessed in accordance with *NZS 6802:2008 Acoustics - Environmental Noise*, and
- e) construction activities shall be managed in accordance with, and meet the noise limits set out within *NZS 6803:1999 Acoustics – Construction Noise*, **<replace with tables 2 and 3>** and
- f) helicopter landing areas shall be managed in accordance with, and comply with, the recommended noise limits specified in *NZS 6807:1994 Noise management and land use planning for helicopter landing areas*⁽³²⁶⁾
- 1) Conditions 23(a) **to and (b) (c)**⁽³²⁷⁾ above do not apply to the following:
- noise generated by navigational aids, safety signals, warning devices, and emergency pressure relief valves, and
 - 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
 - commercial firework displays.
- 2) Condition 23(a) **and (b)**⁽³²⁸⁾ above does not apply to **temporary military training activities**. Noise emission as a result of **temporary military training** must meet the following:⁽³²⁹⁾
- for weapons firing and/or the use of explosives:
 - notice must be provided to the regional council at least five working days prior to the commencement of the activity, and
 - the activity must comply with the following minimum separation distances to the notional boundary of any **building housing a** noise sensitive activity: 500 metres from 7:00am to 7:00pm, and 1250 metres from 7:00pm to 7:00am, and
 - where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any **building housing a** noise sensitive activity: 95dBC from 7:00am to 7:00pm, and 85dBC from 7:00pm to 7:00am, and
 - mobile noise sources must comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to ‘construction noise’ taken to refer to mobile noise sources. Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment, and
 - fixed (stationary) noise sources must comply with the noise limits set out in the table below when measured at the notional boundary of any **building housing a** noise sensitive activity. Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or **wastewater** pumping/treatment systems.

325 Clarification

326 Clarification

327 Consequential to deleting 23(a)

328 NZ Defence Force

329 Clarification

Table 3 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

- 3) Noise from port-related activities located in the Coastal Commercial Zone must comply with the following noise standards:
- the activity must not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area, and
 - noise must be measured in accordance with the requirements of *NZS 6801:2008 – Acoustics – Measurement of environmental sound* and *NZS 6809:1999 – portnoise management and land use planning*.⁽³³⁰⁾

330 Refining NZ

C.2 Activities in the beds of lakes and rivers and in wetlands

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

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

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

(331)

Activities in the beds of lakes and rivers

Rule	Page
C.2.1.1 'Introduction or planting of plants in rivers and lakes – permitted activity'	75
C.2.1.2 'Extraction of material from rivers – permitted activity'	75
C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity'	76
C.2.1.4 'Existing authorised structures – permitted activity'	76
C.2.1.5 'Maintenance or repair of authorised flood defence – permitted activity'	77
C.2.1.6 'Existing vessel launching and retrieval structures – permitted activity'	77
C.2.1.7 'Existing mooring structures – permitted activity'	77
C.2.1.8 'Fish passage structures – permitted activity'	78
C.2.1.9 'Demolition and removal of existing structures – permitted activity '	78
C.2.1.10 'Construction and installation of structures – permitted activity'	78
C.2.1.11 'Minor river bank protection works – permitted activity'	80
C.2.1.12 'Freshwater structures – controlled activity'	81

Rule	Page
C.2.1.13 'Activities in the beds of lakes and rivers - discretionary activity '	81
C.2.1.14 'New flood defence – discretionary activity'	82
C.2.1.15 'Structures in a significant area - non-complying activity'	82
C.2.1.16 'Removal, demolition or replacement of a Historic Heritage Site or part of a Historic Heritage Site – non-complying activity'	83
C.2.1.17 'New flood defence in significant areas – non-complying activity'	83

Activities affecting wetlands

Rule	Page
C.2.2.1 'Wetland management maintenance and enhancement – permitted activity Northland Fish and Game'	84
C.2.2.2 'Structures in wetlands – permitted activity'	84
C.2.2.3 'Constructed wetland alteration– permitted activity'	84
C.2.2.4 'Activities in wetlands – discretionary activity'	85
C.2.2.5 'Activities in significant wetlands – non-complying activities'	85

C.2.1 Activities in the beds of lakes and rivers

C.2.1.1

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

The **deliberate** ⁽³³²⁾ introduction or planting of any plant in a river or lake is a permitted activity, provided:

- 1) the activity does not involve **deliberate** ⁽³³³⁾ 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**
 - e) **black alder (*Alnus glutinosa*)**, and ⁽³³⁴⁾
- 2) the existing vegetation and the bed of the water body is not disturbed to a depth or extent greater than that required to undertake the activity, and
- 3) the planted species are managed by the land owner or occupier to ensure that they do not create an obstruction to the free flow of water or spread to other properties, and
- 4) there is no erosion of the bed or banks of the river or lake as a result of the planting, and
- 5) the activity does not cause adverse flooding effects on upstream, downstream or adjacent properties, and
- 6) the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, **and**
- 7) **the activity does not involve planting exotic trees in a mapped Outstanding Natural Character Area (refer I 'Maps | Ngā mahere matawhenua').** Royal Forest and Bird Protection Society NZ
- 8) **the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua').** ⁽³³⁵⁾

The RMA activities this rule covers:

- **Introducing plants to the bed of a lake or river and associated disturbance (s13(1)(b and c)).**
- **Introduction or planting any plant in, on, or under the bed of a river or lake (s13(1)(c)).**
- **Disturbance of the bed of a river or lake incidental to introducing or planting any plant in, on, or under the bed of a river or lake (s13(1)(b)).** ⁽³³⁶⁾

C.2.1.2

Extraction of material from rivers – permitted activity

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

- 1) the total volume extracted from a river does not exceed 100 cubic metres in any 12 month period, and

332 Clarification

333 Clarification

334 Cathcart B

335 Miru M, Tinopai RMU Limited

336 Clarification

- 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 riverbed, and
- 4) on completion of the activity, the bed is graded so that there are no barriers to water movement in the channel, and
- 5) the material is extracted from an area of the river bed not covered by water at the time of the extraction, and
- 6) there is no erosion of the banks of the river as a result of the activity, and
- 7) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua'), and
- 8) the activity does not take place in an [outstanding freshwater body](#).

The RMA activities this rule covers:

- [Restrictions on certain uses of beds of lakes and rivers \(s13\(1\)\(b\)\)](#);
- [Excavation of the bed of a river \(s13\(1\)\(b\)\)](#).
- [Discharge of sediment to water incidental to excavating the bed of a river \(s15\(1\)\(a\)\)](#) ⁽³³⁷⁾

C.2.1.3

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

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

- 1) the regional council's monitoring manager is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and
- 2) the activity does not exacerbate flood hazard risk on any [other property](#), and
- 3) any [vegetation that is removed](#) ~~vegetation clearance~~ ⁽³³⁸⁾ is limited to that required to maintain the free flow of water in the water body, and
- 4) any removal of material 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 activity does not result in deepening or widening of the channel by more than 20 percent, and
- 7) any diversion of water, or realignment of the bed of the river is restricted to within the bank full edge, and
- 8) there is no damage to, or restriction of the use of, [authorised](#) structures as a result of the activity, and
- 9) [the activity must use good practice erosion and sediment control measures](#) ~~best practice erosion and sediment control measures~~, as set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016*, are implemented, including where practicable temporary diversion of normal channel flow, to minimise any discharge of sediment, and ⁽³³⁹⁾
- 10) no material removed from the bed is allowed to re-enter, or placed in a position where it could re-enter, a water body, and
- 11) [the activity does not alter, damage or destroy a mapped Historic Heritage Site \(refer I 'Maps | Ngā mahere matawhenua'\)](#); ⁽³⁴⁰⁾

337 Clarification

338 Clarification

339 Federated Farmers

340 Clarification - jurisdictional issue

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1) and s13(2)).
- Restrictions relating to water (s14(3)).
- Discharges of contaminants into environment, (s15(1)).
- Excavation or disturbance of the bed to realign the channel, or resulting from removing debris blockages or creating the temporary damming, taking, or diversion of water around the activity site (s13(1)(b)).
- Damming, taking or diversion of water around the activity site (14(2)(a)).
- Discharge of sediment or water to water incidental to excavating or disturbing the bed of a river (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a))⁽³⁴¹⁾

C.2.1.4

Existing authorised structures – permitted activity

The use, R⁽³⁴²⁾ repair, replacement⁽³⁴³⁾ maintenance and reconstruction of a structure, on, under or over the bed of a lake or river is a permitted activity, provided:

- 1) the structure is authorised, and
- 2) the activity complies with C.2.3 'General conditions', and
- 3) there is no increase to the structure's footprint, length, width, and height, and
- 4) it is not a reconstruction of a mapped Historic Heritage Site (refer I 'Maps | Ngā mahere matawhenua'), and
- 5) in the case of maintenance and repair of a mapped Historic Heritage Site (refer I 'Maps | Ngā mahere matawhenua'), the materials used for maintenance and repair of the structure must match the existing structure in form and appearance.⁽³⁴⁴⁾

Note: Clause 3) within Rule C.2.1.4 relating to structure dimensions, does not apply to an existing National Grid line support structure (existing at 14 January 2010) that forms part of the National Grid. These activities are covered by Regulation 14 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).⁽³⁴⁵⁾

The RMA activities this rule covers:

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

341 Clarification

342 KiwiRail

343 Northpower, Top Energy

344 Clarification - jurisdictional issue

345 Transpower

- Discharge of sediment to water incidental to the repair, maintenance and reconstruction of a structure (s15(1)(a))
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a))⁽³⁴⁶⁾

C.2.1.5

Maintenance or repair of authorised flood defence – permitted activity

The maintenance and repair of an **authorised** flood defence, including any associated earthworks and diversion and discharge of water is a permitted activity, provided:

- 1) the maintenance and 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, 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 activity complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)):
- Restrictions relating to water (s14(3)):
- Discharge of contaminants to water (s15(1)):
- Repair or maintenance of a flood defence structure, on, under or over the bed of a lake or river (s13(1)(a))
- Excavation or disturbance of the bed of a river or lake incidental to the repair and maintenance of a flood defence structure, on, under or over the bed of a lake or river (s13(1)(b))
- Damming, taking or diversion of water during the repair and maintenance of a flood defence structure around the activity site (14(2)(a))
- Discharge of sediment to water incidental to the repair and maintenance of a flood defence structure, on, under or over the bed of a lake or river (s15(1)(a))
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a))⁽³⁴⁷⁾

C.2.1.6

Existing vessel launching and retrieval structures – permitted activity

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

The RMA activities this rule covers:

- Use of the beds of lakes and rivers (s13(1)(a)):
- Damming and diversion (s14(1)):
- Discharge of contaminants to water (s15(1)):
- The use, repair, maintenance or reconstruction of a boat ramp or concrete slipway, on, under or over the bed of a lake or river (s13(1)(a))

³⁴⁶ Clarification

³⁴⁷ Clarification

- Excavation or disturbance of the bed of a river or lake incidental to the repair, maintenance and reconstruction of a boat ramp or concrete slipway, on, under or over the bed of a lake or river (s13(1)(b))
- Damming and diversion of water around a boat ramp or concrete slipway (14(2)(a))
- Discharge of sediment to water incidental to the repair, maintenance and reconstruction of a boat ramp or concrete slipway (s15(1)(a)) ⁽³⁴⁸⁾

C.2.1.7

Existing mooring structures - permitted activity

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

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

is a permitted activity provided:

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

The RMA activities this rule covers:

- Use of the beds of lakes and rivers (s13(1)(a))
- Damming and diversion (s14(1))
- Discharge of contaminants to water (s15(1))
- The use, repair, maintenance or reconstruction of a structure associated with the launching, retrieval or mooring of vessels, on, under or over the bed of a lake or river (s13(1)(a))
- Excavation or disturbance of the bed of a river or lake incidental to the repair, maintenance and reconstruction of a structure associated with the launching, retrieval or mooring of vessels, on, under or over the bed of a lake or river (s13(1)(b))
- Damming or diversion of water around the structure (14(2)(a))
- Discharge of sediment to water incidental to the repair, maintenance and reconstruction of a structure associated with the launching, retrieval or mooring of vessels (s15(1)(a)) ⁽³⁴⁹⁾

C.2.1.8

Fish passage structures – permitted activity

The placement, use and repair of a fish passage structure (including placement of rocks) ⁽³⁵⁰⁾ in, on, under or over the bed of a lake or river, is a permitted activity, provided:

- 1) the sole purpose of the structure is to provide fish passage, and
- 2) the activity complies with C.2.3 'General conditions'.

348 Clarification

349 Clarification

350 New Zealand Transport Agency

Note: Advice on the potential pest and indigenous fish populations located up and downstream of the structure, can be obtained from regional council and the Department of Conservation.⁽³⁵¹⁾

The RMA activities this rule covers:

- Deposit a substance on, use or disturb the beds of lakes and rivers (s13(1)(a, b and d));
- Damming and diversion (s14(1));
- Discharge of contaminants to water (s15(1));
- The use, repair, placement, maintenance or reconstruction of a fish passage structure, on, under or over the bed of a lake or river (s13(1)(a));
- Excavation or disturbance of the bed of a river or lake incidental to the repair, placement, maintenance and reconstruction of a fish passage structure, on, under or over the bed of a lake or river (s13(1)(b));
- Deposition of material in or on the bed of a river for the purposes of a fish passage structure (s13(1)(d));
- Damming, taking or diversion of water, around the activity site during the repair, placement, maintenance or reconstruction of a fish passage structure (14(2)(a));
- Damming or diversion of water through or around the fish passage structure (14(2)(a));
- Discharge of sediment to water incidental to the repair, placement, maintenance and reconstruction of a fish passage structure (s15(1)(a));
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a)).⁽³⁵²⁾

C.2.1.9

Demolition and removal of existing structures – permitted activity

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

- 1) the bed is restored to a profile that does not inhibit water flow or prevent the upstream and downstream passage of fish, and
- 2) remaining parts of the structure are not a hazard to public access, navigation or health and safety, and
- 3) the structure is not a mapped Historic Heritage Site (refer to 'Maps | Ngā mahere matawhenua'), and⁽³⁵³⁾
- 4) prior to demolition:
 - a) impounded sediment is removed from behind the structure, as far as is reasonably practicable, and
 - b) removed sediment is placed in a position where it cannot re-enter the water body, and
- 5) the activity complies with C.2.3 'General conditions'.

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

The RMA activities this rule covers:

- Structure demolition and disturbance of the beds of lakes and rivers (s13(1)(a), (b) and (d));
- Damming and diversion (s14(1));
- Discharge of contaminants to water (s15(1));
- The removal or demolition of a structure, on, under or over the bed of a lake or river (s13(1)(a)).

351 Minister of Conservation and Clarification

352 Clarification

353 Clarification - jurisdictional issue

354 Minister of Conservation and Clarification

- Excavation or disturbance of the bed of a river or lake incidental to the removal or demolition of a structure on, under or over the bed of a lake or river (s13(1)(b))
- Damming, taking or diversion of water around the activity site during the removal or demolition of a structure (14(2)(a))
- Discharge of sediment to water incidental to the removal or demolition of a structure (s15(1)(a))
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a))⁽³⁵⁵⁾

C.2.1.10

Construction and installation of structures – permitted activity

The construction or installation of a structure in, on, under or over the bed of a lake or river, and temporary damming and diversion around work sites,⁽³⁵⁶⁾ is a permitted activity, provided:

- 1) the activity, including any temporary diversions around work sites,⁽³⁵⁷⁾ complies with C.2.3 'General conditions', and
- 2) the activity is not associated with the launching, retrieval, mooring, maintenance or repair of vessels, and
- 3) for **culvert crossings**:
 - a) the contributing catchment⁽³⁵⁸⁾ is less than 300 hectares, and
 - b) the culvert length under the crossing parallel to river flow does not exceed 25 metres when necessary for a road, otherwise it must not exceed 10 metres, and
 - c) the culvert is designed such that flow velocity will not impede fish passage during normal flow conditions, and
 - d) culvert approaches and fill must be free of organic matter, and
 - e) the total height of the crossing crest must be:
 - i) no more than 3.5 metres above the invert level of the culvert inlet, and
 - ii) within the manufacturer's maximum height specifications for the culvert, and
 - iii) below the river bank level unless it is necessary for a road or rail, and⁽³⁵⁹⁾
 - f) at installation, the culvert invert must be located so that it is at least 100 millimetres below the bed level; the culvert must be either open bottomed or installed so that the base is set a minimum of 20% and maximum of 40% of the culvert diameter below the stream bed, and⁽³⁶⁰⁾
 - g) on request by the regional council, records of structure design and flow calculations must be made available within 2010⁽³⁶¹⁾ working days of the request, and
 - h) the culvert is not in a **significant wetland**, an **outstanding freshwater body** or mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) Historic Heritage Area, or⁽³⁶²⁾
 - iv) Site or Area of Significance to Tangata Whenua, and

355 Clarification

356 Broadspectrum, Clarification

357 Broadspectrum

358 Clarification

359 KiwiRail

360 Minister of Conservation

361 Landowners Coalition Inc

362 Clarification - jurisdictional issue

- 4) for **single span bridges**:
 - a) piles are not located in, on or under the bed of a water body, and
 - b) the bridge is located so as to not decrease the bed width by more than 10 percent, and
 - c) the bridge abutments or foundations are constructed parallel to **the channel the river** ⁽³⁶³⁾ **alignment**, and
 - d) on request by the regional council, records of structure design and flow calculations must be provided within **2010** ⁽³⁶⁴⁾ 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) **Historic Heritage Area, or** ⁽³⁶⁵⁾
 - iv) Site or Area of Significance to Tangata Whenua, and
- 5) for **ford crossings**:
 - a) the width of the ford crossing parallel to river flow does not exceed 10 metres, and
 - b) the construction must not result in a vertical drop or discontinuity in the flow of water under any flow conditions, and
 - c) the ford is not in a **significant wetland**, an **outstanding freshwater body** or mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) **Historic Heritage Area, or** ⁽³⁶⁶⁾
 - iv) Site or Area of Significance to Tangata Whenua, and
- 6) for **maimai / game bird shooting shelter** structures:
 - a) the structure does not exceed five square metres, and
- 7) for **cables, power, electricity and telecommunication** ⁽³⁶⁷⁾ **lines and pipelines**:
 - a) the cable, **power** line or pipeline, **including site related components that enable the structure to function, it** ⁽³⁶⁸⁾ does not cause diversion or blockage of any river, and
 - b) the installation does not disturb a **significant wetland**, an **outstanding freshwater body**, or the bed of a river or lake in a mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) **Historic Heritage Area, or** ⁽³⁶⁹⁾
 - iv) Site or Area of Significance to Tangata Whenua, and
 - c) for any wastewater pipeline to be installed on, in, over, or under the bed of a river or lake, the person doing the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body. The notification must include:

363 Whangarei District Council

364 Landowners Coalition

365 Clarification - jurisdictional issue

366 Clarification - jurisdictional issue

367 Northpower

368 Northpower

369 Clarification - jurisdictional issue

- 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.

The RMA activities this rule covers:

- Disturbance and deposition on to the beds of lakes and rivers (s13(1)(a), (b) and (d)).
- Incidental damming and diversion (s14(1)).
- Incidental discharge of contaminants to water (s15(1)).
- The use, repair, placement, maintenance or reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair, placement, maintenance and reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming, taking or diversion of water, around the activity site during the repair, placement, maintenance or reconstruction of a structure (s14(2)(a)).
- Damming or diversion water around or through a structure (s14(2)(a)).
- Discharge of sediment to water incidental to the use, repair, placement, maintenance and reconstruction of a structure (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a))⁽³⁷⁰⁾

C.2.1.11

Minor river bank protection works – permitted activity

The:

- 1) use, repair⁽³⁷¹⁾ placement, maintenance or alteration of river bank protection structures in or on the bed of a river, or
- 2) deposition of material in or on the bed of a river for the purposes of bank protection or reinstatement, and
- 3) any associated bed disturbance and diversion, including temporary diversion of flow around the activity site,

is a permitted activity, provided:

- 4) the activity complies with C.2.3 'General conditions', and
- 5) the regional council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 6) the activity does not take place in an outstanding freshwater body, and
- 7) the structure, or the material deposited, does not extend beyond the natural alignment of the river bank, and
- 8) concrete rubble, tyres and vehicles or erodible material are not used for the purposes of bank protection or reinstatement, and
- 9) the activity uses good practice erosion and sediment control measures, including where practicable temporary diversion of normal channel flow, to minimise any discharge of sediment, and
- 10) diversion of water is restricted to within the bank full edge, and

370 Clarification

371 Clarification

- 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').

The RMA activities this rule covers:

- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a))~~
- ~~Restrictions relating to water (s14(3))~~
- ~~Discharges of contaminants into environment, (s15(1)(a))~~
- ~~The use, repair, placement, maintenance or alteration of a river bank protection structure, on, under or over the bed of a river (s13(1)(a))~~
- ~~Excavation or disturbance of the bed of a river incidental to the repair, placement, maintenance or alteration of a river bank protection structure or river bank reinstatement, on, under or over the bed of a river (s13(1)(b))~~
- ~~Deposition of material in or on the bed of a river for the purposes of a river bank protection structure or river bank reinstatement (s13(1)(d))~~
- ~~Damming, taking or diversion of water around the activity site during the repair, placement, maintenance or alteration of a river bank protection structure (s14(2)(a))~~
- ~~Damming and diversion of water around the river bank protection structure (s14(2)(a))~~
- ~~Discharge of sediment to water incidental to the repair, placement, maintenance and alteration of a river bank protection structure or river bank reinstatement (s15(1)(a))~~
- ~~Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a))~~ ⁽³⁷²⁾

C.2.1.12

Freshwater structures – controlled activity

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

- 1) the activity is 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) ~~Historic Heritage Area, or~~ ⁽³⁷³⁾
 - d) Site or Area of Significance to Tangata Whenua, and
- 2) the length of a culvert does not exceed 25 metres, and
- 3) the structure does not prevent **indigenous** fish passage **and there are no more than minor adverse effects on indigenous freshwater fish and** ⁽³⁷⁴⁾
- 4) **the activity maintains or improves any legal public access along the water body** ⁽³⁷⁵⁾

Matters of control:

- 1) Effects on **ecological**, hydrological and natural character values.

³⁷² Clarification

³⁷³ Clarification - jurisdictional issue

³⁷⁴ Minister of Conservation

³⁷⁵ Northland Fish and Game

- 2) Effects on authorised structures and activities.
- 3) Fish passage and effects on aquatic ecosystems ecological values, and⁽³⁷⁶⁾
- 4) Structural integrity.
- 5) Effects on mahinga kai and access to mahinga kai.

The RMA activities this rule covers:

- The construction or installation of a structure on to the beds of lakes and rivers (s13(1)(a, b and d)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).
- The use, repair, placement, maintenance or reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(a)).
- Excavation or disturbance of the bed of a river or lake incidental to the repair, placement, maintenance or reconstruction of a structure, on, under or over the bed of a lake or river (s13(1)(b)).
- Damming, taking and diversion of water around the activity site during the placement, maintenance and reconstruction of a structure (14(2)(a)).
- Damming and diversion of water around or through the structure (14(2)(a)).
- Discharge of sediment to water incidental to the use, repair, placement, maintenance and reconstruction of a structure (s15(1)(a)).
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a)).⁽³⁷⁷⁾

C.2.1.13

Activities in the beds of lakes and rivers - discretionary activity

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

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

that are not a:

- 1) permitted activity under rule C.2.1.1 'Introduction or planting of plants in rivers and lakes – permitted activity', or
- 2) permitted activity under rule C.2.1.2 'Extraction of material from rivers – permitted activity', or
- 3) permitted activity under rule C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity', or
- 4) permitted activity under rule C.2.1.11 'Minor river bank protection works – permitted activity', or
- 5) permitted activity under rule C.2.1.4 'Existing authorised structures – permitted activity', or

376 Royal Forest and Bird Protection Society NZ

377 Clarification

- 6) permitted activity under rule C.2.1.6 'Existing vessel launching and retrieval structures – permitted activity', or
- 7) permitted activity under rule C.2.1.7 'Existing mooring structures - permitted activity', or
- 8) permitted activity under rule C.2.1.8 'Fish passage structures – permitted activity', or
- 9) permitted activity under rule C.2.1.9 'Demolition and removal of existing structures – permitted activity ', or
- 10) controlled activity under rule C.2.1.12 'Freshwater structures – controlled activity', or
- 11) non-complying activity under rule C.2.1.15 'Structures in a significant area - non-complying activity', is a discretionary activity.

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1));
- Discharge of contaminants to water (s15(1));
- Damming and diversion (s14(1));
- Any activity in relation to the bed of any lake or river (s13(1))
- Damming, taking and diversion of water around the activity site (14(2)(a))
- Damming and diversion of water around or through the structure (14(2)(a))
- Discharge of sediment to water incidental to the activity (s15(1)(a))
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a))⁽³⁷⁸⁾

C.2.1.14

New flood defence – discretionary activity

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

- 1) Outstanding Natural Feature, or
- 2) Outstanding Natural Character Area, or
- 3) Historic Heritage Area, or⁽³⁷⁹⁾
- 4) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

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

³⁷⁸ Clarification

³⁷⁹ Clarification - jurisdictional issue

- Damming, taking and diversion of water around the works site during the erection, reconstruction, placement, alteration, or extension of a flood defence
- Damming and diversion water around the flood defence (14(2)(a))
- Discharge of sediment to water incidental to the erection, reconstruction, placement, alteration, or extension of a flood defence (s15(1)(a))
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from (s15(1)(a))⁽³⁸⁰⁾

C.2.1.15

Structures in a significant area - non-complying activity

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

- 1) Historic Heritage Area, or⁽³⁸¹⁾
- 2) Outstanding Natural Character Area, or
- 3) Outstanding Natural Feature, or
- 4) Site or Area of Significance to Tangata Whenua,

and is not a:

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

is a non-complying activity.

The RMA activities this rule covers:

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

380 Clarification

381 Clarification - jurisdictional issue

- Discharge of sediment to water incidental to the erection, reconstruction, placement, alteration or extension of a structure (s15(1)(a))
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from⁽³⁸²⁾

C.2.1.16

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

In the beds of lakes and rivers, the:

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

is a non-complying activity.

The RMA activities this rule covers:

- Use, disturbance and deposition on to the beds of lakes and rivers (s13(1)(a, b and d));
- Damming and diversion (s14(1));
- Discharge of contaminants to water (s15(1));⁽³⁸³⁾

C.2.1.17

New flood defence in significant areas – non-complying activity

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

- 1) Outstanding Freshwater Body, or
- 2) Outstanding Natural Feature, or
- 3) Outstanding Natural Character Area, or
- 4) Historic Heritage Area, or⁽³⁸⁴⁾
- 5) Site or Area of Significance to Tangata Whenua,

is a non-complying activity.

The RMA activities this rule covers:

- Restrictions on the use of land, (s9(2));
- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a));
- Restrictions relating to water (s14(2));
- Discharge of contaminants to water (s15(1));
- A new flood defence or an addition to an existing flood defence (s9(2))
- The use, erection, reconstruction, placement, alteration or extension of a flood defence, on, under or over the bed of a lake or river (s13(1)(a))

382 Clarification

383 Clarification - jurisdictional issue

384 Clarification - jurisdictional issue

- Excavation or disturbance of the bed of a river or lake incidental to the erection, reconstruction, placement, alteration or extension of a flood defence, in, on, under or over the bed of a lake or river (s13(1)(b))
- Damming and diversion of water around the activity site during the erection, reconstruction, placement, alteration or extension of a flood defence (s14(2)(a))
- Damming and diversion water around the flood defence (14(2)(a))
- Discharge of sediment to water incidental to the, erection, reconstruction, placement, alteration or extension of a flood defence (s15(1)(a))
- Discharge of water taken or diverted around the activity site back to the river the water was taken or diverted from⁽³⁸⁵⁾

C.2.2 Activities affecting wetlands

C.2.2.1

Wetland management maintenance and enhancement – permitted activity⁽³⁸⁶⁾

The removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or enhancement⁽³⁸⁷⁾ in a wetland is a permitted activity, provided:

- 1) the removal or control is limited to exotic plants or pest species, and⁽³⁸⁸⁾
- 2) the introduction of any plant does not include a pest species, and
- 3) the activity complies with the C.2.3 'General conditions', and
- 4) if the activity is located in a significant wetland:
 - a) planting must be limited to indigenous species that are native to the area, and⁽³⁸⁹⁾
 - 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.

The RMA activities this rule covers:

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

385 Clarification

386 Northland Fish and Game

387 Northland Fish and Game

388 Horticulture New Zealand

389 Minister of Conservation

- Discharge of sediment to water, incidental to the the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or enhancement (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or enhancement (s15(1)(b))⁽³⁹⁰⁾

C.2.2.2

Structures in wetlands – permitted activity

The construction, maintenance, use and removal of any fence, wetland interpretive signage, bird-watching hide, maimai/game bird shooting shelter⁽³⁹¹⁾ or boardwalk structure in a wetland is a permitted activity, provided:

- 1) in a significant wetland:
 - a) any bird-watching hide does not exceed are no greater than 10 square metres in area⁽³⁹²⁾ and
 - b) boardwalk structures are no wider than 1.8 metres and cumulatively no longer than 40 metres per wetland⁽³⁹³⁾ and
 - c) any other structures does not exceed are no greater than five square metres in area, and
 - d) the regional council's compliance manager is notified (in writing or by email) at least 20 10⁽³⁹⁴⁾ working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and
- 2) the regional council's compliance manager is notified (in writing or by email) at least 20 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and⁽³⁹⁵⁾
- 3) the activity complies with the C.2.3 'General conditions', and

The RMA activities this rule covers:

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

390 Clarification

391 Northland Fish and Game

392 Bay of Islands Maritime Park Inc

393 Bay of Islands Maritime Park Inc and Clarification

394 Landowners Coalition

395 Fonterra

C.2.2.3

Constructed wetland alteration– permitted activity

Any disturbance or alteration of a constructed wetland and construction or installation of a structure in a constructed wetland, is a permitted activity provided:

- 1) the activity complies with the C.2.3 'General conditions', and
- 2) ~~the activity is not in a significant wetland, and~~⁽³⁹⁶⁾
- 3) it does not cause flooding or ponding on any other property, and
- 4) if the wetland is reduced in size by more than 500 square metres, the regional council's compliance manager is notified (in writing or by email) at least 10 working days before the start of works with the timing, location and extent of the activities.

The RMA activities this rule covers:

- ~~Restrictions on the use of land~~ Any disturbance or alteration of a constructed wetland and construction or installation of a structure in a constructed wetland (s9(2)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or enhancement (s15(1)(b)).⁽³⁹⁷⁾

C.2.2.4

Activities in wetlands – discretionary activity

Any:

- 1) ~~removal or control of vegetation or deliberate introduction of a plant for the purpose of wetland maintenance or enhancement in a wetland, or~~
- 2) ~~construction, maintenance, use and removal of any structure in a wetland, or~~
- 3) ~~any disturbance or alteration of a constructed wetland and construction or installation of a structure in a constructed wetland.~~

~~construction, alteration, disturbance or extension of a wetland,~~⁽³⁹⁸⁾ that is not a:

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

is a discretionary activity, provided it is not a significant wetland.

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(1)).~~
- ~~Restrictions on the foreshore or seabed (s12(1) and s12(2)).~~
- ~~Restriction on use of beds of lakes and rivers (s13(1)(a) to (e)).~~
- ~~Restrictions relating to damming, or diverting coastal or fresh water (s14(1) and s14(3)).~~
- ~~Discharge of contaminants to water (s15(1)(a), (b) or (d)).~~

³⁹⁶ Fonterra

³⁹⁷ Clarification

³⁹⁸ Clarification

- Construction, alteration, disturbance or extension of a wetland (s9(2))
- Any activity in relation to the bed of any lake or river associated with activities in a wetland (s13(1))
- Damming and diversion of water for the purposes of the construction, alteration, disturbance or extension of a wetland (s14(2)(a))
- Discharge of sediment to water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(b))⁽³⁹⁹⁾

Note: In the coastal marine area, this rule includes the enhancement of wetland habitat, however refer C.1 'Coastal activities' for Rules on disturbance and other coastal activities.⁽⁴⁰⁰⁾

C.2.2.5

Activities in significant wetlands – non-complying activities

The construction, alteration, disturbance or extension of a wetland that is not a discretionary activity under rule C.2.2.4 'Activities in wetlands – discretionary activity', is a non-complying activity.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions on the foreshore or seabed (s12(1) and s12(2)).
- Restriction on use of beds of lakes and rivers (s13(1)(a) to (e)).
- Restrictions relating to damming, or diverting coastal or fresh water (s14(1) and s14(3)).
- Discharge of contaminants to water (s15(1)(a), (b) or (d)).
- The construction, alteration, disturbance or extension of a wetland (s9(2))
- Any activity in relation to the bed of any lake or river associated with activities in a wetland (s13(1))
- Damming and diversion of water for the purposes of the construction, alteration, disturbance or extension of a wetland (s14(2)(a))
- Discharge of sediment to water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the construction, alteration, disturbance or extension of a wetland (s15(1)(b))⁽⁴⁰¹⁾

Note: In the coastal marine area, this rule includes the enhancement of wetland habitat, however refer C.1 'Coastal activities' for Rules on disturbance and other coastal activities.⁽⁴⁰²⁾

C.2.3 General conditions

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

River, lake or wetland disturbance

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

399 Clarification

400 Clarification

401 Clarification

402 Clarification

Sediment discharges

- 1) Discharge of contaminants must comply with the following conditions:
 - a) the activity must release no contaminants into water, other than sediment or organic matter, and
 - b) bed disturbance must not occur for more than five consecutive days, and
 - c) ~~elevated sediment discharge levels must not occur for longer than 12 hours per day, and~~ ⁽⁴⁰³⁾
 - d) after the **zone of reasonable mixing**, the discharge must not give rise to any conspicuous change in the colour or visual clarity or significant adverse effects on aquatic life. ~~after whichever of the following mixing zones is the least:~~
 - i) ~~a distance 200 metres downstream of the point of discharge if the bed width of the surface water body is greater than 30 metres at the point of discharge, or~~
 - ii) ~~a distance equal to seven times the bed width of the surface water body, but which shall not be less than 50 metres, or~~
 - iii) ~~the distance downstream at which mixing of contaminants has occurred across the full width of the surface water body, but which must not be less than 50 metres, or~~
 - iv) ~~in relation to lakes, a distance 20 metres from the point of discharge.~~ ⁽⁴⁰⁴⁾
 - e) ~~any conspicuous change in the colour or visual clarity or significant adverse effects on aquatic life within the zone of reasonable mixing, must not occur for longer than 12 hours per day.~~ ⁽⁴⁰⁵⁾

Excavated material

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

Vehicles, vessels and equipment in water bodies

- 3) All vehicles, vessels and equipment must be kept out of flowing or standing water bodies, except where it is necessary for the purpose of the activity, and then;
 - a) machinery must be clean and leak free, and
 - b) the extent and duration of any disturbance is minimised, and
- 4) All equipment and excess materials must be removed from the bed of the water body ~~within five working days of the~~ **on** completion of the activity. ⁽⁴⁰⁶⁾

Avoiding pest introduction

- 5) ~~Cleaning of and/or other procedures must be used to prevent the spread or introduction of any pest. All plant, machinery, equipment or any material operating or used in a water body, must be free of plant contaminants, any seeds or vegetative material, which is capable of germinating or reproducing pest species.~~ ⁽⁴⁰⁷⁾

River alignment and flooding effects

- 6) The activity must not:
 - a) alter the natural gradient of the river or physical characteristics of the bed or the alignment beyond the bed of the river, or

403 Clarification - re-ordered to a place after the discharge limit

404 Fonterra

405 Clarification

406 Minister of Conservation

407 Cathcart B

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

Natural Wetlands ⁽⁴⁰⁸⁾

- 7) The activity must not cause change to the seasonal or annual range in water level of any **natural wetland** ⁽⁴⁰⁹⁾ to an extent that may adversely affect the wetland's natural ecosystem, and
- 8) The vegetation and the bed of any **natural wetland** is not disturbed to a depth or an extent greater than that required to give effect to the permitted activity.

Indigenous vegetation disturbance or removal

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

Fuel storage and refuelling

- 10) Fuel must not be stored and machinery must not be refuelled in any location where fuel **can may** ⁽⁴¹⁰⁾ enter water, including:
 - a) on, over, or in the bed of a surface waterbody or the coastal marine area, or
 - b) within 10 metres of a surface waterbody or coastal water, and
- 11) Fuel must not be discharged to water, or the bed of a surface waterbody, or **to land** ⁽⁴¹¹⁾ in circumstances where the fuel can enter water.

Fresh water structures

Erosion and sediment discharges associated with ⁽⁴¹²⁾ **a structure**

- 12) The presence of the structure must not cause or induce scour erosion of the bed, or erosion or instability of the banks, of the water body, or create associated sedimentation, and
- 13) Approaches to and abutments of the structure must be stabilised to avoid scour and sedimentation.

Structure durability, maintenance and off-site effect avoidance

- 14) The structure must be maintained in a sound condition, **and functioning for the purpose it was designed**, ⁽⁴¹³⁾ and at all times and capable of withstanding a one percent annual exceedance probability (AEP) flood without structural failure or risk to people or **other property**, and
- 15) The one percent AEP flood must be accommodated by the structure and/or by an **overland flow path** without increasing flood levels upstream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity, and
- 16) The activity must not cause damage to, or restriction of the use of, any other **authorised** structure as a result of this activity, and
- 17) The activity must not prevent existing lawful public access or navigation along the river or lake, unless provided by an existing authorisation, and

408 *Horticulture New Zealand*

409 *Horticulture New Zealand*

410 *Clarification*

411 *Clarification*

412 *clarification*

413 *Clarification*

- 18) Dam structures must be designed, constructed, operated and maintained so that:
 - a) vegetation must not weaken the dam or prevent inspection of the dam embankment and trees are not allowed to grow on or near the embankment, and
 - b) stock must not damage the dam crest and faces of the dam, and
- 19) Dams with a reservoir capacity greater than 20,000 cubic metres and associated spillways must be inspected at least once every 12 months and following any operation of the flood spillway. Any damage recorded at times of inspecting, or noticed at any other time, must be remedied as soon as practicable.

Note: For good design practice and advice on dams, reference should be made to the *New Zealand Dam Safety Guidelines, 2015 – NZSOLD*⁽⁴¹⁴⁾

Waste water pipes

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

Fish passage

- 21) The upstream and downstream passage of fish in rivers must be provided for and be effective under a wide range of flow conditions, except:
 - a) where the statutory fisheries manager provides regional council with written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or
 - b) during permitted temporary activities such as works to enable structure repair and replacement, or
 - c) when otherwise provided for by an existing design and authorisation, and
- 22) Excluding soft bottom rivers, river bed material must be maintained throughout the full length of culvert, ford and bridge structures. The upstream and downstream passage of fish in rivers must:
 - a) be provided for and be effective under a wide range of flow conditions,
 - b) and excluding soft bottom rivers, river bed material must be maintained throughout the full length of culvert, ford and bridge structures, except:
 - i) where the statutory fisheries manager provides written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or
 - ii) during permitted temporary activities such as works to enable structure repair and replacement, or
 - iii) when otherwise provided for by an existing design and authorisation.⁽⁴¹⁵⁾

Note: Advice on the potential pest fish populations located downstream of the structure can be obtained from regional council and the Department of Conservation.⁽⁴¹⁶⁾

Construction activity controls

- 23) Construction material and ancillary structures must be removed from the bed following completion of the activity, or earlier if reasonably practicable,⁽⁴¹⁷⁾ and
- 24) The contact of wet concrete or concrete ingredients with flowing or standing water must be avoided.

Notifying the regional council

414 Whangarei District Council, Clarification

415 Clarification and New Zealand Transport Agency

416 Minister of Conservation and Clarification

417 Clarification

- 25) The person doing the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, when:
- a) the **contributing catchment** ⁽⁴¹⁸⁾ is greater than 50 hectares for an activity involving construction, placement or removal of any culvert, ford, weir or bridge, and
 - b) the notification must include:
 - i) the name, address, and phone number of the person responsible for the works, and
 - ii) the location of the structure, and
 - iii) the structure design including **contributing catchment area, flood flow estimates and measures necessary to control erosion or prevent increased upstream flood risk, along with any design minimum flow to provide for fish passage.** ⁰ **any design minimum flow or measures necessary to control erosion, provide fish passage or prevent increased upstream flood risk.**
 - iv) **proposed date of commencement and duration, of the activity** ⁽⁴¹⁹⁾

Temporary flow diversion around work sites

- 26) The temporary damming, **and** diverting **or pumping** of river flow around work sites in the bed of a water body must:
- a) only be constructed and in place during a period of low flow when there is a low risk of flooding, and
 - b) not cause more than minor impediment to flood flows, and
 - c) **have a dam height** **be** no greater than 600 millimetres **above the bed of the water body,** and ⁽⁴²⁰⁾
 - d) **when pumping, use a fish screen with the intake screen mesh spacing not greater than three millimetres,** **and** ⁽⁴²¹⁾
 - e) be removed as soon as practicable and the bed of the water body returned to its original condition no later than 14 days from commencement of the activity.

Historic Heritage

- 27) **The activity must not alter, damage or destroy a Historic Heritage Site (refer I 'Maps | Ngā mahere matawhenua').** ⁽⁴²²⁾

418 Clarification

419 clarification

420 clarification

421 clarification

422 Clarification - jurisdictional issue

C.3 Damming and diverting water

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

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

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).*⁽⁴²³⁾
- For good design practice and advice on dams, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD*⁽⁴²⁴⁾

Rule	Page
Could not findID-1977142-2	90
C.3.2 'Small dam - permitted activity'	90
C.3.3 'Existing in-stream dam – permitted activity'	91
C.3.4 'Dam maintenance - permitted activity'	91
C.3.5 'Existing in-stream large dams – controlled activity Whangarei District Council'	92
C.3.6 'River channel Whangarei District Council diversion - discretionary activity'	92
C.3.7 'Damming or diverting water – discretionary activity'	93
C.3.8 'Obstructions that divert water onto other property – discretionary activity'	93
C.3.9 'Damming or diversion of water in a significant wetland or significant Royal Forest and Bird Protection Society NZarea – non-complying activity'	93

⁴²³ Minister of Conservation

⁴²⁴ Whangarei District Council, Clarification

Note: The rules in this section do not apply to damming and diversion provided for in the rules in C.2.1 *Activities in the beds of lakes and rivers*, C.2.2 *Activities in the beds of lakes and rivers* and C.4 *Land drainage and flood control* ⁽⁴²⁵⁾

C.3.1

Off-stream damming and diversion – permitted activity

Damming ⁽⁴²⁶⁾ and or ⁽⁴²⁷⁾ diversion of rainfall runoff, including in sediment ponds and stormwater detention structures, ⁽⁴²⁸⁾ or water in an artificial watercourse ⁽⁴²⁹⁾ is a permitted activity provided:

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

The RMA activities this rule covers:

- Damming or diverting water (s14(2)).
- Damming or diversion of rainfall runoff or water in an artificial watercourse (s14(2)(a)) ⁽⁴²⁹⁾

C.3.2

Small dam - permitted activity

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

- 1) the activity is necessary for:
 - a) the creation or enhancement of a wetland, or

⁴²⁵ Clarification.

⁴²⁶ Tegel Foods Ltd

⁴²⁷ Horticulture New Zealand

⁴²⁸ Refining New Zealand

⁴²⁹ Clarification

- b) hydrological monitoring, or
 - c) stock drinking where stock are excluded from entering the lake, river or wetland, and
- 2) the activity is not in a **significant wetland** or an **outstanding freshwater body** or mapped (refer I 'Maps | Ngā mahere matawhenua'):
- a) Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) **Historic Heritage Area, or** ⁽⁴³⁰⁾
 - d) Site or Area of Significance to Tangata Whenua, and
- 3) the width of the 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** ⁽⁴³¹⁾ of the water body, and
- 5) a hydrological monitoring **dam**, must not be in place longer than 14 days in any two month period, and
- 6) the dammed water does not raise sub-surface or **surface water** levels to the extent that drainage of **other property** is adversely impeded, and
- 7) the activity does not change the natural seasonal water levels of any **natural wetland** that would result in the net loss or degradation of indigenous wetland vegetation, and
- 8) the level of a lake or downstream flow in a river is not reduced below a **minimum flow** or **minimum level**, and
- 9) the person undertaking the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, with:
- a) timing, location and extent of the activities, and
 - b) **a description of** measures to avoid erosion, structure failure and obstruction of fish passage, and
 - c) for wetland enhancement, **details identifying** the values being enhanced, and ⁽⁴³²⁾
- 10) the activity complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

- **Restriction on use of beds of lakes and rivers (s13(1)).**
- **Damming or diverting water (s14(2)).**
- **Discharge of contaminants to water (s15(1)).**
-
- **The use, erection, placement, or extension of a dam, under or over the bed of a lake or river (s13(1)(a)).**
- **Excavation or disturbance of the bed of a river or lake for the purposes of the erection, placement, or extension of a dam (s13(1)(b)).**
- **Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the erection, placement, or extension of a dam (s13(1)(d)).**
- **Damming and diversion of water (s14(2)(a)).**
- **Discharge of sediment to water, incidental to the use, erection, placement, or extension of a dam (s15(1)(a)).**
- **Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the erection, placement, or extension of a dam (s15(1)(b)).** ⁽⁴³³⁾

430 Clarification - jurisdictional issue

431 Whangarei District Council

432 GDC Winstone

433 Clarification

C.3.3

Existing in-stream dam – permitted activity

An existing dam in a lake, river or [natural wetland](#), is a permitted activity provided:

- 1) the damming or diversion was [authorised](#), and
- 2) the [reservoir capacity](#) is:
 - a) less than 20,000 cubic metres, [and the dam height is less than four metres](#),⁽⁴³⁴⁾ or
 - b) is necessary for maintaining the wetland's natural ecosystem and not associated with any consented water take, and
- 3) [the dam height is less than four metres, and](#)⁽⁴³⁵⁾
- 4) the dammed water does not raise sub-surface or [surface water](#) levels to the extent that drainage of [other property](#) is adversely impeded, and
- 5) the activity does not change the natural seasonal water levels of any [natural wetland](#) that would result in the net loss or degradation of indigenous wetland vegetation, and
- 6) the level of a lake or downstream flow in a river is not reduced below a [minimum flow](#) or [minimum level](#), and
- 7) the [dam](#) structure complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

- [Restriction on use of beds of lakes and rivers \(s13\(1\)\).](#)
- [Restrictions relating to damming or diverting water \(s14\(2\)\).](#)
- [Discharge of contaminants to water \(s15\(1\)\).](#)
- [The use of a dam, under or over the bed of a lake or river \(s13\(1\)\(a\)\).](#)
- [Damming and diversion of water \(s14\(2\)\(a\)\).](#)
- [Discharge of sediment to water, incidental to the use of a dam \(s15\(1\)\(a\)\).](#)⁽⁴³⁶⁾

C.3.4

Dam maintenance - permitted activity

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

- 1) the activity does not increase the authorised [reservoir capacity](#), scale or extent of the [dam](#), and
- 2) the extraction of accumulated material and the disturbance of the bed is limited to the area directly impounded by the [dam](#), and
- 3) the activity complies with C.2.3 'General conditions', and
- 4) [in the case of maintenance and repair of a mapped I historic Heritage Site \(refer I 'Maps | Ngā mahere matawhenua'\), the materials used for maintenance and repair of the structure must match the existing structure in form and appearance.](#)⁽⁴³⁷⁾

The RMA activities this rule covers:

434 Whangarei District Council - consistency with NZSOLD

435 Whangarei District Council

436 Clarification

437 Clarification - jurisdictional issue

- Restriction on use of beds of lakes and rivers (s13(1))
- Restrictions relating to damming or diverting water (s14(2))
- Discharge of contaminants to water (s15(1))
- The reconstruction or alteration of a dam, under or over the bed of a lake or river (s13(1)(a))
- Excavation or disturbance of the bed of a river or lake for the purposes of the reconstruction or alteration of a dam or the extraction of accumulated material retained behind the dam (s13(1)(b))
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the reconstruction or alteration of a dam (s13(1)(d))
- Damming and diversion of water during the reconstruction or alteration of a dam (s14(2)(a))
- Discharge of sediment to water, incidental to the reconstruction or alteration of a dam (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the reconstruction or alteration of a dam (s15(1)(b)) ⁽⁴³⁸⁾

C.3.5

Existing in-stream **large dams** – controlled activity ⁽⁴³⁹⁾

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

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

Matters of control:

- 1) Minimum and flushing flows.
- 2) Provision for fish passage.
- 3) Effects on water quality.
- 4) Effects on a site or area of significance to Tangata Whenua.
- 5) The adequacy of the **dam** structure and any upgrade or maintenance required, and
- 6) Effects on ecological values within the bed of the water body ⁽⁴⁴⁰⁾.

The RMA activities this rule covers:

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

438 Clarification

439 Whangarei District Council

440 Royal Forest and Bird Protection Society NZ

- Damming and diversion of water (s14(2)(a))
- Discharge of sediment to water, incidental to the use of a dam (s15(1)(a)) ⁽⁴⁴¹⁾

C.3.6

River channel ⁽⁴⁴²⁾ diversion - discretionary activity

Diversion of the bed of a river, that is not a:

- 1) permitted activity under C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity', or
- 2) permitted activity under C.2.1.10 'Construction and installation of structures – permitted activity', or
- 3) permitted activity under C.2.1.11 'Minor river bank protection works – permitted activity', or
- 4) permitted activity under C.2.1.12 'Freshwater structures – controlled activity',

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

- 5) Historic Heritage Area, or ⁽⁴⁴³⁾
- 6) Outstanding Natural Character Area, or
- 7) Outstanding Natural Feature, or
- 8) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming or diverting water (s14(2)).
- Discharges of contaminants into environment, (s15(1)(a)).
- Excavation or disturbance of the bed of a river or lake for the purposes of diverting the bed of a river (s13(1)(b)).
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose of diverting the river (s13(1)(d)).
- Damming and diversion of water in a river (s14(2)(a)).
- Discharge of sediment to water, incidental to the diversion of the bed of a river (s15(1)(a)).
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the diversion of the bed of a river (s15(1)(b)). ⁽⁴⁴⁴⁾

C.3.7

Damming or diverting water – discretionary activity

A dam in the bed of any river, lake or wetland, that is not a:

- 1) permitted activity under rule Could not find ID-1977142-2, or
- 2) permitted activity under rule C.3.2 'Small dam - permitted activity', or
- 3) permitted activity under rule C.3.4 'Dam maintenance - permitted activity', or

⁴⁴¹ Clarification

⁴⁴² Whangarei District Council

⁴⁴³ Clarification - jurisdictional issue

⁴⁴⁴ Clarification

- 4) permitted activity under rule C.3.5 'Existing in-stream large dams – controlled activity Whangarei District Council', or
- 5) non-complying activity under rule C.3.9 'Damming or diversion of water in a significant wetland or significant Royal Forest and Bird Protection Society NZ area – non-complying activity'

is a discretionary activity.

The RMA activities this rule covers:

- Restriction on use of beds of lakes and rivers (s13(1))
- Discharges of contaminants into environment, (s15(1)(a))
- The use, erection, reconstruction, placement, alteration or extension of a dam, under or over the bed of a lake or river (s13(1)(a))
- Excavation or disturbance of the bed of a river or lake for the purposes of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(b))
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(d))
- Damming and diversion of water (s14(2)(a))
- Discharge of sediment to water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(b))⁽⁴⁴⁵⁾

C.3.8

Obstructions that divert water onto other property – discretionary activity

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

The RMA activities this rule covers:

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

C.3.9

Damming or diversion of water in a significant wetland or significant⁽⁴⁴⁶⁾ area – non-complying activity

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

445 Clarification

446 Royal Forest and Bird Protection Society NZ

- 2) Outstanding Natural Feature, or
- 3) Historic Heritage Area, or ⁽⁴⁴⁷⁾
- 4) Site or Area of Significance to Tangata Whenua, and

that is not a:

- 5) permitted activity under rule ~~Could not find~~ID-1977142-2, or
- 6) permitted activity under rule C.3.2 'Small dam - permitted activity', or
- 7) permitted activity under rule C.3.4 'Dam maintenance - permitted activity', or
- 8) permitted activity under rule C.3.5 'Existing in-stream large dams – controlled activity Whangarei District Council',

is a non-complying activity.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)):
- The use, erection, reconstruction, placement, alteration or extension of a dam, under or over the bed of a lake or river (s13(1)(a))
- Excavation or disturbance of the bed of a river or lake for the purposes of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(b))
- Deposition of any substance in, on, or under the bed of a river or lake for the purpose of the use, erection, reconstruction, placement, alteration or extension of a dam (s13(1)(d))
- Damming and diversion of water (s14(2)(a))
- Discharge of sediment to water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the use, erection, reconstruction, placement, alteration or extension of a dam (s15(1)(b)) ⁽⁴⁴⁸⁾

447 Clarification - jurisdictional issue

448 Clarification

C.4 Land drainage and flood control

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

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

Rule	Page
C.4.1 'Land drainage – permitted activity'	96
C.4.2 'Existing authorised stopbanks - permitted activity'	96
C.4.3 'Repair and maintenance of a stopbank, or floodgate or drain – permitted activity'	96
C.4.4 'Re-consenting flood control schemes – controlled activity'	97
C.4.5 'Land Existing land drainage schemes – controlled activity'	97
C.4.6 'Other land drainage and flood control activities – discretionary activity'	98
C.4.7 'Activities affecting flood control schemes - discretionary activity'	98

C.4.1

Land drainage – permitted activity

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

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

The RMA activities this rule covers:

- ~~Restrictions on certain uses of beds of lakes and rivers (s13(1)(d)).~~
- ~~Restrictions relating to water (s14(2)(a)).~~
- ~~Discharge of contaminants into water (s15(1)(a)).~~
- ~~Drainage of land (s9(2)).~~
- ~~Deposition of material in, on, or under the bed of a river or lake resulting from the connection of a drain to a river or lake (s13(1)(d)).~~
- ~~Damming and diversion of drainage water (s14(2)(a)).~~
- ~~Discharge of drainage water, and sediment entrained in drainage water, to water (s15(1)(a)).~~⁽⁴⁴⁹⁾

C.4.2

Existing authorised stopbanks - permitted activity

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

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

The RMA activities this rule covers:

- ~~Restriction on use of beds of lakes and rivers (s13(1)).~~
- ~~Restrictions relating to damming or diverting water (s14(2)(a)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- ~~The use of a stopbank, under or over the bed of a lake or river (s13(1)(a)).~~
- ~~Damming and diversion of water by a stopbank (s14(2)(a)).~~
- ~~Discharge of sediment to water incidental to the use of a stopbank (s15(1)(a)).~~⁽⁴⁵⁰⁾

C.4.3

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

The repair or maintenance of a stopbank, **or** floodgate **or** drain is a permitted activity, provided:

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

449 Clarification

450 Clarification

- 2) there is no increase to the length, width or height of the original stopbank, ~~or floodgate or drain~~, and ⁽⁴⁵¹⁾
- 3) the regional council's compliance manager is given at least 10 working days' notice (in writing or by email), outlining details of the proposed works.

The RMA activities this rule covers:

- ~~Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)), and~~
- ~~Restrictions relating to water (s14(2)(a)), and~~
- ~~Discharge of contaminants into water (s15(1)(a)).~~
- ~~The repair or maintenance of a stopbank or floodgate (s9(2)).~~
- ~~The reconstruction or alteration of a stopbank or floodgate, under or over the bed of a lake or river (s13(1)(a))~~
- ~~Excavation or disturbance of the bed of a river or lake for the purpose of the reconstruction or alteration of a stopbank or floodgate (s13(1)(b))~~
- ~~Deposition of any material in, on, or under the bed of a river or lake for the purpose of the reconstruction or alteration of a stopbank or floodgate (s13(1)(d))~~
- ~~Damming, taking and diversion of water around the activity site during the reconstruction or alteration of a stopbank or floodgate (s14(2)(a))~~
- ~~Discharge of sediment to water, incidental to the reconstruction or alteration of a stopbank or floodgate (s15(1)(a))~~
- ~~Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the reconstruction or alteration of a stopbank or floodgate (s15(1)(b))~~
- ~~Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a))⁽⁴⁵²⁾~~

New rule - Repair, maintenance and clearance of a drain - permitted activity

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

- 1) the activity complies with the C.4.8 'Land drainage and flood control general conditions', and
- 2) there is no increase to the length or width of the original drain. ⁽⁴⁵³⁾

The RMA activities this rule covers:

- The repair, maintenance or clearing of a drain (s9(2))
- Disturbance of the bed of a river or lake incidental to the repair, maintenance or clearing of a drain (s13(1)(b))
- Deposition of any material in, on, or under the bed of a river or lake incidental to the repair, maintenance or clearing of a drain (s13(1)(d))
- Damming, taking and diversion of water around the activity site during the reconstruction or alteration of the repair, maintenance or clearing of a drain (s14(2)(a))
- Discharge of sediment to water, incidental to the repair, maintenance or clearing of a drain (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to the repair, maintenance or clearing of a drain (s15(1)(b))
- Discharge of water taken or diverted around the activity site back to the river or lake the water was taken or diverted from (s15(1)(a))⁽⁴⁵⁴⁾

451 Horticulture New Zealand

452 Clarification

453 Horticulture New Zealand

454 Clarification

C.4.4

Re-consenting flood control schemes – controlled activity

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

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

Matters of control:

- 1) The management of flooding effects.
- 2) Effects on tangata whenua and their taonga.
- 3) Fish passage. ⁽⁴⁵⁵⁾
- 4) The size and zone of reasonable mixing.
- 5) Effects on instream habitat and indigenous freshwater fish, in particular eels. ⁽⁴⁵⁶⁾

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
- Restrictions relating to water (s14(2)(a)).
- Discharge of contaminants into water (s15(1)(a)).
- An existing flood control scheme (s9(2)).
- Damming and diversion of water within the flood control scheme (s14(2)(a)).
- Discharge of water, and sediment entrained in water, to water within and from the flood control scheme (s15(1)(a)). ⁽⁴⁵⁷⁾

C.4.5

Land Existing land drainage schemes – controlled activity

In an existing drainage district (refer I 'Maps | Ngā mahere matawhenua'), the:

- 1) taking, diversion and discharge of drainage water associated with the drainage of land, and
- 2) clearing of drainage channels and floodgates, and
- 3) maintenance, repair and re-building of scheme assets,

which is not a:

- 4) permitted activity under rule C.4.2 'Existing authorised stopbanks - permitted activity', or
- 5) permitted activity under rule C.4.3 'Repair and maintenance of a stopbank, or floodgate or drain – permitted activity'
- 6) permitted activity under rule Could not find ID-1977144-19346

is a controlled activity provided:

- 6) the work is carried out by a local authority or group of land owners who have assumed control of the scheme pursuant to Sections 517A to 517ZM of the Local Government Act 1974,

455 Clarification

456 Minister of Conservation

457 Clarification

- 7) the activity complies with the land drainage and flood control general conditions C.4.8 'Land drainage and flood control general conditions'.

Matters of control:

- 1) The management of drainage and flooding effects.
- 2) The adequacy of proposed measures to prevent land subsidence, slumping and erosion of land and water bodies.
- 3) The size and zone of reasonable mixing.
- 4) Any necessary staging of works.
- 5) Effects on tangata whenua and their taonga.
- 6) Fish passage. ⁽⁴⁵⁸⁾
- 7) Effects on any natural wetlands.
- 8) Effects on indigenous freshwater fish (excluding pest species) and in particular eels. ⁽⁴⁵⁹⁾

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
- Restrictions relating to water (s14(2)(a)).
- Discharge of contaminants into water (s15(1)(a)).
- The clearing of drainage channels and floodgates, and maintenance, repair and re-building of scheme assets, in a drainage district (s9(2)).
- An existing land drainage scheme (s9(2)).
- Damming and diversion of water within the flood control scheme (s14(2)(a)).
- Discharge of water, and sediment entrained in water, to water within and from the flood control scheme (s15(1)(a)). ⁽⁴⁶⁰⁾

C.4.6

Other land drainage and flood control activities – discretionary activity

Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes) that is not a:

- 1) permitted activity under rule C.4.1 'Land drainage – permitted activity', or
- 2) permitted activity under rule C.4.2 'Existing authorised stopbanks - permitted activity', or
- 3) permitted activity under rule C.4.3 'Repair and maintenance of a stopbank, or floodgate or drain – permitted activity', or
- 4) controlled activity under rule C.4.4 'Re-consenting flood control schemes – controlled activity', or
- 5) controlled activity under rule C.4.5 'Land Existing land drainage schemes – controlled activity',

is a discretionary activity.

The RMA activities this rule covers:

458 Far North District Council

459 Northland Fish and Game

460 Clarification

- Restrictions on the use of land (s9(2));
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a));
- Restrictions relating to water (s14(2)(a));
- Discharge of contaminants into water (s15(1)(a));
- Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes) (s9(2))
- The use, erection, repair, placement, maintenance or reconstruction of structures for land drainage or flood control work, on, under or over the bed of a lake or river (s13(1)(a))
- Excavation or disturbance of the bed of a river or lake associated with the land drainage or flood control work on (s13(1)(b))
- Deposition of material in or on the bed of a river for the purposes land drainage or flood control work (s13(1)(c))
- Damming or diversion of water associated with land drainage or flood control work (14(2)(a))
- Discharge of sediment or water to water incidental to land drainage or flood control work (s15(1)(a))
- Discharge of sediment onto land in circumstances which may result in sediment entering water, incidental to land drainage or flood control work (s15(1)(b))⁽⁴⁶¹⁾

C.4.7

Activities affecting flood control schemes - discretionary activity

The following activities within a regional council flood control scheme (refer I 'Maps | Ngā mahere matawhenua'), which are not a permitted activity under rule C.2.1.11 'Minor river bank protection works – permitted activity', are a discretionary activity:

- 1) the erection of a structure in, on, or under the bed of any river, or within 10 metres of the bed, and
- 2) excavation, drilling, tunnelling or other disturbance activity within the bed of a 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.

The RMA activities this rule covers:

- Restrictions on the use of land – (s9(2)), and
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)), and
- Discharge of contaminants into water (s15(1)(a));
- Erection of a structure; excavation, drilling, tunnelling or other disturbance activity; and land disturbance activity within a regional council flood control scheme (s9(2))
- Erection of a structure in, on, or under the bed of any river (s13(1)(a))
- Excavation, drilling, tunnelling or other disturbance activity (s13(1)(b))⁽⁴⁶²⁾

C.4.8

Land drainage and flood control general conditions

General conditions for land drainage and flood control activities that apply when specified in a permitted or controlled activity rule:

⁴⁶¹ Clarification

⁴⁶² Clarification

Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.⁽⁴⁶³⁾

- 1) there is no adverse flooding, erosion or over-drainage effects on other property, and
- 2) the activity does not alter the course or bed of a lake or river, and
- 3) ~~the activity does not alter, damage or destroy a Historic Heritage Site, and~~⁽⁴⁶⁴⁾
- 4) new land drainage does not occur within 50 metres of any natural wetland, and
- 5) drainage does not cause any change to the seasonal or annual range in water level of a natural wetland to an extent that may adversely affect the wetland's natural ecosystem, and
- 6) no vegetation, soil or other debris generated from the activity is placed in a position where it may be carried into a river or natural wetland, lake or the coastal marine area, and
- 7) there is no damage to a flood defence or any other authorised structure, and
- 8) indigenous fish passage is maintained, unless an existing authorisation provides otherwise or except for during temporary works to enable repair and replacement works to be carried out, and⁽⁴⁶⁵⁾
- 9) eels and other indigenous fish, other than pest fish, unintentionally removed during mechanical clearing of drainage channels are returned to the drainage channel as soon as practical, and⁽⁴⁶⁶⁾⁽⁴⁶⁷⁾
- 10) refuelling of machinery does not take place in the bed of a river or lake, and
- 11) any discharge of drainage water does not contain concentrations of contaminants which have or are likely to have significant adverse effects on aquatic life in any river, wetland, or the coastal marine area, and
- 12) where a discharge from land drainage enters an outstanding freshwater body or the coastal marine area, at or beyond ~~the zone of reasonable mixing a 10-metre radius from the discharge point,~~ 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 reduction in visual clarity of the receiving water; and
 - e) cause the natural temperature of the receiving water body to be changed by more than three degrees Celsius, and
- 13) any discharge of sediment associated with repair and maintenance activities does not occur for more than five consecutive days, or for more than 12 hours on any one day within those five days, and there is no:
 - a) conspicuous change in colour, or
 - b) reduction in visual clarity after reasonable mixing at any time from 24 hours after completion of the activity, and
- 14) any koura (freshwater crayfish) and kakahi (freshwater mussels) unintentionally removed during clearing of drainage channels must be returned to the channel as soon as practical.⁽⁴⁶⁸⁾

463 Heritage NZ

464 Clarification - jurisdictional issue

465 Northland Fish and Game

466 Northland Fish and Game

467 clarification

468 Minister of Conservation

C.5 Taking and using water <Replace "using" with "use of">

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

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

Rule	Page
C.5.1.1 'Minor takes – permitted activity'	101
C.5.1.2 'Temporary take for road construction or maintenance - permitted activity'	102
C.5.1.3 'Water take from an off-stream dam – permitted activity'	102
C.5.1.4 'Water take from an artificial watercourse – permitted activity'	102
C.5.1.5 'Water take associated with bore development, bore testing or dewatering – permitted activity'	103
C.5.1.6 'Replacement water permits for registered drinking water supplies - controlled activity'	103
C.5.1.7 'Takes existing at the notification date of the plan - controlled activity'	104
C.5.1.8 'Supplementary High flow allocationIrrigation New Zealand - restricted discretionary activity'	104
C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity'	105
C.5.1.10 'Other water takes – discretionary activity'	105
C.5.1.11 'Water take below a minimum flow or water level - non-complying activity'	105
C.5.1.12 'Water take that will exceed an allocation limit - non-complying activity'	106
C.5.1.13 'Water takes that will exceed an allocation limit - prohibited activity'	106

C.5.1 Taking and use of freshwater <Delete "fresh">

Note:

Section 14(3)(b) of the Resource Management Act 1991 allows fresh water to be taken or used for a person's reasonable domestic needs or the reasonable needs of a person's animals for drinking water without a resource consent provided the taking or use does not, or is not likely to, have an adverse effect on the environment. Section 14(3) of the RMA states that a person is not prohibited from taking, using, damming or diverting any water, heat, or energy if:

- in the case of fresh water, the water, heat or energy is required to be taken and used for a person's reasonable domestic needs or the reasonable needs of a person's animals for drinking water provided the taking or use does not, or is not likely to, have an adverse effect on the environment (RMA s14(3)(b)); or
- in the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment (RMA s14(3)(c)); or
- in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment (RMA s14(3)(d)); or
- the water is required to be taken or used for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017 (RMA s14(3)(e)).⁽⁴⁶⁹⁾

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.⁽⁴⁷⁰⁾

C.5.1.1

Minor takes – permitted activity

The taking and use of water, and in the case of geothermal water any associated heat and energy,⁽⁴⁷¹⁾ from a river, lake or aquifer is a permitted activity provided:

- 1) the take is not from a coastal aquifer,⁽⁴⁷²⁾ or outstanding freshwater body,⁽⁴⁷³⁾ fully allocated river or aquifer,⁽⁴⁷⁴⁾ unless the take and use was authorised at 1 September 2017, and
- 2) the total daily take per property from all sources does not exceed:
 - a) one cubic metre from a coastal aquifer, or
 - b) from other water bodies:⁽⁴⁷⁵⁾
 - i) 10 cubic metres, and
 - ii) 200 litres per hectare, up to a maximum of 20 cubic metres, and⁽⁴⁷⁶⁾
- 3) the water is not taken when:

469 Fire and Emergency New Zealand

470 Clarification

471 New Zealand Geothermal Association

472 Minister of Conservation

473 Northland Fish and Game

474 DairyNZ

475 Consequential amendment because of the amendment to condition 1)

476 Royal Forest and Bird Protection Society of New Zealand

- a) the flow in a river is below a minimum flow,
- b) or water level in a lake is below a minimum level, and⁽⁴⁷⁷⁾
- 4) the take does not exceed an allocation limit, and⁽⁴⁷⁸⁾
- 5a. 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⁽⁴⁷⁹⁾
- 5) the take does not cause any change to the seasonal or annual level of any natural wetland, and
- 6) the take does not adversely affect the reliability of any existing authorised take, and
- 7) for surface water takes, the water intake structure is designed, constructed, operated and maintained so that:
 - a) the maximum water velocity into the entry point of the intake structure is not greater than 0.30.12⁽⁴⁸⁰⁾ metres per second, and
 - b) for takes from coastal rivers or outstanding rivers and lakes, have a fish screen with the intake screen mesh spacing is not greater than 1.5 millimetres, or
 - c) for takes from small rivers or large rivers, the intake screen have a fish screen with mesh spacing is not greater than three millimetres,⁽⁴⁸¹⁾ and
- 8) the reticulation system and 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 volume of the water taken and the maximum 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.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river, lake or aquifer (s14(2)(a)).
- Taking or use of heat or energy from geothermal water (s14(2)(b)).⁽⁴⁸²⁾

New rule - Taking and use of coastal water - permitted activity

The taking and use of coastal water other than open coastal water is a permitted activity.⁽⁴⁸³⁾

The RMA activities this rule covers:

- Taking and use of coastal water other than open coastal water (s14(2)(a)).

Note:

Open coastal water may be taken without resource consent in accordance with S14(1), RMA.

477 Fonterra

478 DairyNZ

479 Royal Forest and Bird Protection Society of New Zealand

480 Irrigation New Zealand

481 Clarification

482 Clarification

483 NIWA

C.5.1.2

Temporary take for road construction or maintenance - permitted activity

The taking and use of water from a river or lake for road construction, road dust suppression or road maintenance purposes is a permitted activity provided:

- 1) the take is not from an outstanding freshwater body or a dune lake, and
- 2) the total daily take does not exceed 150 cubic metres per day or 450 cubic metres over any consecutive five-day⁽⁴⁸⁴⁾ period, and
- 3) the take does not adversely affect the reliability of any authorised take, and
- 4) the instantaneous rate of taking does not reduce the flow in the river by more than 20 percent of its flow at the time the water is being taken, and
- 5) ~~water is not taken when the flow in a river or water level in a lake is below a minimum flow or minimum level, and~~⁽⁴⁸⁵⁾
- 6) the water intake structure is designed, constructed, operated and maintained so that:
 - a) the maximum water velocity into the entry point of the intake structure is not greater than 0.30.12⁽⁴⁸⁶⁾ metres per second, and
 - b) ~~for takes from coastal rivers or, outstanding rivers and lakes, the intake screen have a fish screen with~~ mesh spacing ~~is~~ not greater than 1.5 millimetres, or
 - c) ~~for takes from small rivers or large rivers, the intake screen have a fish screen with~~ mesh spacing ~~is~~ not greater than three millimetres,⁽⁴⁸⁷⁾ and
- 7) the regional council's compliance manager is given notice (in writing or by email) of the location, time and duration of the take at least 24 hours before the activity commences.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- ~~Taking and use of water from a river or lake (s14(2)(a)).~~⁽⁴⁸⁸⁾

C.5.1.3

Water take from an off-stream dam – permitted activity

The taking and use of water from an ~~authorised~~⁽⁴⁸⁹⁾ off-stream dam is a permitted activity.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- ~~Taking and use of fresh water from an off-stream dam (s14(2)(a)).~~⁽⁴⁹⁰⁾

484 Clarification

485 Consequential change because of the deletion of conditions 3 and 4 in C.5.1.1

486 Minister of Conservation

487 Clarification

488 Clarification

489 Clarification

490 Clarification

C.5.1.4

Water take from an artificial watercourse – permitted activity

The taking and use of water from an **artificial watercourse** is a permitted activity, provided:

- 1) the **artificial watercourse** is not connected upstream **of the point of take**⁽⁴⁹¹⁾ to a river, lake, or **natural wetland**, and
- 2) the **artificial watercourse** is controlled to prevent backflow of water from connected rivers, lakes or **natural wetlands** as a consequence of the take, and
- 3) the take does not adversely affect the reliability of any **authorised** take.

The RMA activities this rule covers:

- **Restrictions relating to water (s14(2)).**
- **taking and use of fresh water from an artificial watercourse (s14(2)(a)).**⁽⁴⁹²⁾

C.5.1.5

Water take associated with bore development, bore testing or dewatering – permitted activity

Note: Due to the number and nature of the amendments proposed to this rule, the numbering of the conditions is different from the notified version.

The taking **and use**⁽⁴⁹³⁾ 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**⁽⁴⁹⁴⁾:
 - 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 Aupouri aquifer management unit**:
 - a) **the activity does not result in groundwater levels falling below one metre above mean sea level within 200 metres of the coastal marine area; and**
 - i) **the activity is completed within seven days of its commencement for takes up to 1000 cubic metres per day, or**
 - i) **the activity is completed within three days of its commencement for takes up to 2500 cubic metres per day, or**⁽⁴⁹⁵⁾
- 3) **in other areas if the take is in another area;**⁽⁴⁹⁶⁾
 - a) the activity is completed within seven days of its commencement and the average rate of take does not exceed 1000 cubic metres per day, **and/or**
- 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;**

491 Clarification

492 Clarification

493 Clarification

494 Clarification

495 Motutangi Waiharara Water Group

496 Clarification

- a) the activity is completed within 10 days of its commencement, and
 - b) the activity does not result in groundwater levels falling below one metre above mean sea level within 200 metres of the coastal marine area, and⁽⁴⁹⁷⁾
- 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 settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2));
- Taking and use of groundwater associated with bore development, bore testing, or dewatering by pumping (s14(2)(a))⁽⁴⁹⁸⁾

Note:

Any discharge associated with the take and use of groundwater for bore development, bore testing or dewatering by pumping may be permitted by Rule C.6.9.5⁽⁴⁹⁹⁾

New Rule: Water take associated with existing quarry and mine site dewatering - controlled activity

Dewatering from existing quarries and mine sites which do not draw water from a coastal aquifer is a controlled activity.⁽⁵⁰⁰⁾

Matters of control

- 1) The location and design of dewatering wells.
- 2) Extent of dewatering.
- 3) Mitigation measures.

The RMA activities this rule covers:

- Taking, diversion and use of fresh water from existing quarries and mine sites which do not draw water from a coastal aquifer (s14(2)(a))⁽⁵⁰¹⁾

Note:

Any discharge associated with the take, use and diversion may be permitted by Rule C.6.9.5

C.5.1.6

Replacement water permits for registered drinking water supplies - controlled activity

An application for a new⁽⁵⁰²⁾ resource consent to take and use water that will replace an existing resource consent for a registered drinking-water supply for the health needs of people is a controlled activity, provided:

- 1) the existing water take and use is authorised at the time of the resource consent application, and

497 The Oil Companies

498 Clarification

499 The Oil Companies

500 GBC Winstone

501 Clarification

502 Clarification

- 2) there is no increase in the rate or volume of the take.

Matters of control:

- 1) The timing, rate and volume of the take.
- 2) Measures to ensure the reasonable and efficient use of water.
- 3) Measures to avoid, remedy or mitigate effects on:
 - a) aquatic ecosystems and species, and
 - b) mahinga kai and access to mahinga kai, and
 - c) indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and
 - d) wāhi tapu, and
 - e) mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua').

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of fresh water for a registered drinking-water supply for the health needs of people (s14(2)(a)).⁽⁵⁰³⁾

C.5.1.7

Takes existing at the notification date of the plan - controlled activity

The taking and use of water from a river, lake or aquifer that existed ~~but was not authorised~~⁽⁵⁰⁴⁾ at the notification date of this plan⁽⁵⁰⁵⁾, and the total daily volume per property taken from all sources exceeds a volume in Condition 2 of C.5.1.1 'Minor takes – permitted activity', is a controlled activity, provided:

- 1) the total daily volume from all sources does not exceed 50 cubic metres per property per day, and
- 2) the take does not cause any change to the seasonal or annual level of any natural wetland, and
- 3) ~~for surface water takes, the water intake structure is designed, constructed, operated and maintained so that:~~
 - a) ~~the maximum water velocity into the entry point of the intake structure is not greater than 0.3 metres per second, and~~
 - b) ~~the intake screen mesh spacing is not greater than 1.5 millimetres, and~~⁽⁵⁰⁶⁾
- 4) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and
- 5) the application contains evidence that the take existed at the notification date of the plan.

Matters of control:

- 1) The timing, rate and volume of the take.
- 2) ~~The design, location and maintenance of the intake structure to minimise adverse effects on fish species.~~ Measures to avoid, remedy or mitigate effects on:⁽⁵⁰⁷⁾
 - a) ~~aquatic ecosystems and species, and~~

503 Clarification

504 Clarification

505 Man O'War Dairies Ltd

506 Consequential change because of the inclusion of a matter of control for fish screens

507 Irrigation New Zealand

- b) mahinga kai and access to mahinga kai, and
 - c) indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and
 - d) wāhi tapu, and⁽⁵⁰⁸⁾
 - e) mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua').⁽⁵⁰⁹⁾
- 3) Measures to ensure the reasonable and efficient use of water.
 - 4) Measures to avoid, remedy or mitigate adverse effects on mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua')

Errata

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river, lake or aquifer (s14(2)(a)).⁽⁵¹⁰⁾

C.5.1.8

Supplementary High flow allocation⁽⁵¹¹⁾ - restricted discretionary activity

The taking and use of water from a river at flows when the flow in the river is above the median flow and⁽⁵¹²⁾ that exceeds 10 cubic metres per property, per day or 200 litres per hectare, up to a maximum of 20 cubic metres, per property per day⁽⁵¹³⁾ is a restricted discretionary activity, provided:

- 1) the frequency of flushing flows that exceed three times the median flow of the river is not changed, and
- 2) 50% of the river flow above the median flow remains in the river.⁽⁵¹⁴⁾

Matters of discretion:

- 1) The timing, rate and volume of the take to avoid or mitigate effects on existing authorised takes and aquatic ecosystems and species.⁽⁵¹⁵⁾
- 2) Preventing fish from entering the water intake.⁽⁵¹⁶⁾
- 3) Measures to ensure the reasonable and efficient use of water.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river (s14(2)(a)).⁽⁵¹⁷⁾

508 Man O'War Dairies Ltd and Irrigation New Zealand

509 Consequential change because amendments to the first part of condition 2. See condition 4 below.

510 Clarification

511 Irrigation New Zealand

512 Clarification

513 Consequential amendment because of the amendments to condition 2 of C.5.1.1

514 Landcorp Farming Ltd

515 Haititaimarangai Marae 339 Trust

516 Consequential amendment because of the amendment to matter 1).

517 Clarification

C.5.1.9

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 ~~lawfully established~~⁽⁵¹⁸⁾ 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 the plan.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- ~~Taking and use of water from a river, lake or aquifer (s14(2)(a)).~~⁽⁵¹⁹⁾

C.5.1.10

Other water takes – discretionary activity

The taking and use of ~~fresh~~⁽⁵²⁰⁾ water, ~~or the taking and use of heat or energy from water~~⁽⁵²¹⁾, that is not:

- 1) a permitted activity under C.5.1.1 'Minor takes – permitted activity', or
~~2a. a permitted activity under <Taking and use of coastal water - permitted activity>, or~~⁽⁵²²⁾
- 2) a permitted activity under C.5.1.2 'Temporary take for road construction or maintenance - permitted activity', or
- 3) a permitted activity under C.5.1.3 'Water take from an off-stream dam – permitted activity', or
- 4) a permitted activity under C.5.1.4 'Water take from an artificial watercourse – permitted activity', or
- 5) a permitted activity under C.5.1.5 'Water take associated with bore development, bore testing or dewatering – permitted activity', or
~~6a. a controlled activity under <Water take associated with existing quarry and mine site dewatering - controlled activity>, or~~⁽⁵²³⁾
- 6) a controlled activity under C.5.1.6 'Replacement water permits for registered drinking water supplies - controlled activity', or
- 7) a controlled activity under C.5.1.7 'Takes existing at the notification date of the plan - controlled activity', or
- 8) a restricted discretionary activity under C.5.1.8 'Supplementary High flow allocationIrrigation New Zealand - restricted discretionary activity', or
- 9) a discretionary activity under C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity', or
- 10) a non-complying activity under C.5.1.11 'Water take below a minimum flow or water level - non-complying activity', or

518 Horticulture New Zealand

519 Clarification

520 Clarification

521 New Zealand Geothermal Association

522 Consequential amendment because of the new rule

523 Consequential amendment because of the new rule

- 11) a non-complying activity under C.5.1.12 or C.5.1.12 'Water take that will exceed an allocation limit - non-complying activity' ~~or~~
- 12) ~~a prohibited activity under C.5.1.13 'Water takes that will exceed an allocation limit – prohibited activity'.~~⁽⁵²⁴⁾

is a discretionary activity.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- ~~Taking and use of water (s14(2)(a))~~
- ~~Taking or use of heat or energy from geothermal water (s14(2)(b)).~~⁽⁵²⁵⁾

C.5.1.11

Water take below a minimum flow or water level - non-complying activity

The taking of 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 is a non-complying activity.

The RMA activities this rule covers:

- ~~Restrictions relating to water (s14(2)).~~
- ~~Taking and use of water from a river, lake or natural wetland (s14(2)(a)).~~⁽⁵²⁶⁾

Note:

This rule does not affect the taking and use of water permitted by rules in this section (C.5) of the plan.

C.5.1.12

Water take that will exceed an allocation limit - non-complying activity

The taking and use of water that would cause an ~~in default~~⁽⁵²⁷⁾ allocation limit for a river or aquifer to be exceeded is a non-complying activity, ~~provided the take does not exceed:~~

- 1) ~~a default allocation limit for the river by more than 10 percent of the seven-day mean annual low flow, or~~
- 2) ~~a default allocation limit for the aquifer by more than five percent of the annual average recharge.~~⁽⁵²⁸⁾

The RMA activities this rule covers:

- ~~Taking and use of water from a river or aquifer (s14(2)(a)).~~⁽⁵²⁹⁾

Note:

This rule does not affect the taking and use of water permitted by rules in section C.5.

524 Consequential change

525 Clarification

526 Clarification

527 Consequential amendment because of the amendments to D.4.16 and D.4.17

528 Tegel Foods Ltd

529 Clarification

C.5.1.13

Water takes that will exceed an allocation limit – prohibited activity

The taking and use of water that would cause:

- 1) a catchment specific allocation limit to be exceeded, or
- 2) a default allocation limit for a river to be exceeded by more than 10 percent of the seven-day mean annual low flow, or
- 3) a default allocation limit for an aquifer to be exceeded by more than five percent of the annual average recharge

is a prohibited activity.⁽⁵³⁰⁾

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
-

C.6 Discharges to land and water

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

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

On-site domestic wastewater discharges

Rule	Page
C.6.1.1 'Existing on-site domestic type wastewater discharge – permitted activity'	111
C.6.1.2 'Pit toilet – permitted activity'	111
C.6.1.3 'Other on-site treated domestic wastewater discharge – permitted activity'	112
C.6.1.4 'Replacement discharge permits - controlled activity'	114
C.6.1.5 'Other domestic wastewater discharges – discretionary activity'	114
C.6.1.6 'Discharge of untreated domestic type wastewater to water - prohibited activity'	115

Wastewater network and treatment plant discharges

Rule	Page
C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity'	115
C.6.2.2 'Discharge from a pump station or pipe network – discretionary activity '	116
C.6.2.3 'Wastewater treatment plant discharge – discretionary activity'	116
C.6.2.4 'Wastewater discharge – prohibited activity'	116

Agricultural waste discharges

Rule	Page
C.6.3.1	116
C.6.3.2 'Discharges associated with the making or storage of silage - permitted activity'	118

Rule	Page
C.6.3.3 'Discharges associated with the disposal of dead animals or offal - permitted activity'	118
C.6.3.4 'Emergency discharge of milk to land - permitted activity'	118
C.6.3.5 'AgriculturalOther wastewater discharges – discretionary activityClarification'	119
C.6.3.6 'Farm wastewater and Horticulture wastewater discharges to water – discretionary activityConsequential change because of the inclusion a new permitted activity rule'	119
C.6.3.7 'Farm wastewater discharges to water – prohibited activityClarification'	119

Stormwater discharges

Rule	Page
C.6.4.1 'Stormwater discharges from a public stormwater network – permitted activity'	120
C.6.4.2 'Other stormwater discharges – permitted activity'	121
C.6.4.3 'Stormwater discharges – controlled activity'	122
C.6.4.4 'Stormwater discharges onto or into from contaminated land and/or from high risk industrial or trade premises - discretionary activity'	122

Agrichemicals

Rule	Page
C.6.5.1 'Application of agrichemicals – permitted activity'	123
C.6.5.2 'Application of agrichemicals into water – permitted activity'	125
C.6.5.3 'Vertebrate toxic agents (ground-based application) – permitted activity'	126
C.6.5.4 'Vertebrate toxic agents (aerial application) – controlled activity'	127
C.6.5.5 'Application of agrichemicals and vertebrate toxic agents – discretionary activity'	127

Industrial and trade discharges

Rule	Page
C.6.6.1 'Discharge of cooling water - permitted activity'	128
C.6.6.2 'Discharge of certain types of industrial or trade wastewater - permitted activityClarification'	128
C.6.6.3 'Industrial or trade discharges - discretionary activity'	129

Solid waste

Rule	Page
C.6.7.1 'Cleanfill – permitted activity'	129
C.6.7.2 'Discharges to land from closed landfills – permitted activity'	130
C.6.7.3 'On site refuse disposal – permitted activity'	130
C.6.7.4 'Composting operations less than 10 cubic metres - permitted activity'	131
C.6.7.5 'Composting operations greater than 10 cubic metres – permitted activity'	131
C.6.7.6 'Waste transfer stations – controlled activity'	132
C.6.7.7 'Other solid waste discharges – discretionary activity'	132

Contaminated Land

Rule	Page
Could not findID-1977155-5510	133
C.6.8.2 'Discharges from contaminated land - permitted activity'	133
C.6.8.3 'Contaminated land remediation - discretionary activity'	134
C.6.8.4 'Contaminated land – discretionary activity'	135

Other discharges of contaminants

Rule	Page
C.6.9.1 'Discharge of dust suppressants – permitted activity'	135
C.6.9.2 'Discharge of tracers – permitted activity'	135
C.6.9.3 'Discharge of fertiliser – permitted activity'	136
C.6.9.4 'Discharge of sluicing water, water from a water supply network and reservoir water - permitted activity'	136
C.6.9.5 'Discharges to land or water not provided for by other rules - permitted activity'	136
Could not findID-1977156-903	137
C.6.9.7 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity'	137

C.6.1 On-site domestic wastewater discharges

C.6.1.1

Existing on-site domestic type wastewater discharge – permitted activity

The discharge of **domestic type wastewater** into or onto land from an on-site system that was a permitted activity at the notification date of this plan is a permitted activity provided:

- 1) the discharge volume does not exceed:
 - a) three cubic metres per day, average over the month of greatest discharge, and
 - b) six cubic metres per day over any 24 hour period, and
- 2) the following reserve disposal areas are available at all times:
 - a) 100% of the existing effluent disposal area where the **wastewater** has received **primary treatment** or is only comprised of **greywater**, or
 - b) 30% of the existing effluent disposal area where the **wastewater** has received at least **secondary treatment**, and
- 3) the on-site system is maintained so that it operates effectively at all times and is done in accordance with the manufacturer's specifications for maintenance, and
- 4) **wastewater** irrigation lines are at all times either installed at least 50 millimetres beneath the surface of the disposal area or covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and
- 5) the discharge does not contaminate any groundwater supply or **surface water**, and
- 6) there is no surface runoff or ponding of **wastewater**, and
- 7) there is no offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

- **Discharge of contaminants into environment (s15(1)(b)):**
- **Discharge of domestic type wastewater into or onto land from an on-site system which may result in the domestic type wastewater (or any other contaminant emanating as a result of natural processes from the domestic type wastewater) entering water (s15(1)(b))**
- **Discharge of domestic type wastewater into or onto land and contaminants into the air from an on-site system (s15(2A))**⁽⁵³¹⁾

C.6.1.2

Pit toilet – permitted activity

The discharge of **contaminants-human effluent**⁽⁵³²⁾ from a pit toilet into land is a permitted activity provided:

- 1) **no sewer connection is available, and**⁽⁵³³⁾
- 2) there is no discharge from a domestic **wastewater** system into the pit toilet, and
- 3) the pit toilet is situated outside of the relevant setbacks in Table 4 'Exclusion areas and setback distances for pit toilets', and
- 4) the pit toilet is constructed in soil with an infiltration (percolation) rate not exceeding 150 millimetres per hour, and
- 5) the pit toilet is constructed to prevent rainfall and **surface water** runoff from entering it, and

531 Clarification

532 Clarification

533 Clarification

- 6) the discharge does not contaminate any water supply or surface water, and
- 7) there is no surface runoff or ponding of wastewater, and
- 8) there is no offensive or objectionable odour beyond the property boundary.

Table 4 Exclusion areas and setback distances for pit toilets

Feature	Pit toilet
<u>Exclusion areas</u> ⁽⁵³⁴⁾	
Dedicated secondary overland flows paths for constructed stormwater systems ⁽⁵³⁵⁾	1% annual exceedance probability
Floodplain	1% Annual Exceedance Probability
<u>Horizontal setback distances</u> ⁽⁵³⁶⁾	
Identified stormwater flow path, including a formed road with curb and channel, that is not up-slopedownslope ⁽⁵³⁷⁾ of the disposal area	5 metres
Water-table drain, off-stream dam or pond that is not up-slope of the disposal area	10 metres
River, lake, stream, or wetland	10 metres
Coastal marine area	10 metres
Existing water supply bore	20 metres
Property boundary that is not up-slope of the disposal area ⁽⁵³⁸⁾	1.5 metres
<u>Vertical setback distances</u> ⁽⁵³⁹⁾	
Winter groundwater table	1.2 metres

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).

534 Clarification

535 Clarification because stormwater flow paths are covered below

536 Clarification

537 Clarification

538 Whangarei District Council

539 Clarification

- Discharge of human effluent into or onto land which may result in the human effluent (or any other contaminant emanating as a result of natural processes from the human effluent) entering water (s15(1)(b))
- Discharge of human effluent from a pit toilet into or onto land and contaminants into the air (s15(2A))⁽⁵⁴⁰⁾

C.6.1.3

Other on-site treated domestic wastewater discharge – permitted activity

The discharge of domestic type wastewater into or onto land from an on-site system is a permitted activity provided:

- 1) the on-site system is designed and constructed in accordance with the *New Zealand Standard AS/NZS 1547:2012 - On-site Domestic Wastewater Management*, and
- 2) the volume of wastewater discharged does not exceed two cubic metres per day, and
- 3) the discharge is not via a spray irrigation system or deep soakage system, and
- 4) the slope of the disposal area is not greater than 25 degrees, and
- 5) the discharge of secondary treated or tertiary treated wastewater is via an irrigation line system that is:
 - a) dose loaded, and
 - b) covered at all times by a minimum of 50 millimetres of topsoil, mulch, or bark, and
- 6) for the discharge of wastewater onto the surface of slopes greater than 10 degrees:
 - a) the wastewater, excluding greywater, has received at least secondary treatment, and
 - b) the irrigation lines are firmly attached to the surface of the⁽⁵⁴¹⁾ disposal area, and
 - c) where there is an up-slope catchment that generates stormwater runoff, a diversion system must be installed and maintained to divert surface water runoff from the up-slope catchment away from the disposal area, and
 - d) a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and
 - e) the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or
 - f) the irrigation lines are covered at all times⁽⁵⁴²⁾ by a minimum of 100 millimetres of topsoil, mulch, or bark, and
- 7) the disposal area and reserve disposal area are⁽⁵⁴³⁾ situated outside of the relevant exclusion areas and⁽⁵⁴⁴⁾ setbacks in Table 5 '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

⁵⁴⁰ Clarification

⁵⁴¹ Clarification

⁵⁴² Clarification

⁵⁴³ Haigh Workman Ltd

⁵⁴⁴ Consequential change

- 10) the on-site system is maintained so that it operates effectively at all times and is done, at a minimum, in accordance with the manufacturer's specifications for maintenance, and
- 11) the discharge does not contaminate any 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 5 Exclusion areas and setback distances for on-site domestic wastewater systems

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
Exclusion areas ⁽⁵⁴⁵⁾			
Dedicated secondary overland flows paths for constructed stormwater systems ⁽⁵⁴⁶⁾	1% annual exceedance probability	1% annual exceedance probability	1% annual exceedance probability
Floodplain	1% annual exceedance probability ⁽⁵⁴⁷⁾	5% annual exceedance probability	5% annual exceedance probability
Horizontal setback distances ⁽⁵⁴⁸⁾			
Identified stormwater flow path, including a formed road with curb and channel, water-table drain, off-stream dam or pond that is not up-slopedownslope ⁽⁵⁴⁹⁾ of the disposal area	5 metres	5 metres	5 metres
River, lake, stream, pond or wetland	20 metres	15 metres	15 metres
Coastal marine area	20 metres	15 metres	15 metres
Existing water supply bore	20 metres	20 metres	20 metres
Property boundary that is not up-slope of the disposal area ⁽⁵⁵⁰⁾	1.5 metres	1.5 metres	1.5 metres

545 Haigh Workman Ltd

546 Clarification because stormwater flow paths are covered below

547 Clarification

548 Haigh Workman Ltd

549 Haigh Workman Ltd

550 Clarification

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
<u>Vertical setback distances</u> ⁽⁵⁵¹⁾			
Winter groundwater table	1.2 metres	0.6 metres	0.6 metres

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of domestic type wastewater into or onto land from an on-site system which may result in the domestic type wastewater (or any other contaminant emanating as a result of natural processes from the domestic type wastewater) entering water (s15(1)(b)).
- Discharge of domestic type wastewater into or onto land from an on-site system and contaminants into the air (s15(2A)) ⁽⁵⁵²⁾

C.6.1.4

Replacement discharge permits - controlled activity

An application for a resource consent to discharge domestic type wastewater into or onto land, or to discharge treated domestic type wastewater into water, from an on-site system ⁽⁵⁵³⁾ that will replace an existing resource consent is a controlled activity, provided there will be no change to the nature of the wastewater discharge authorised by the existing resource consent.

Matters of control:

- 1) The design, operation and maintenance of the on-site system.
- 2) Effects on water quality.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Discharge of treated domestic type wastewater into water from an on-site system (S15(1)(a))
- Discharge of domestic type wastewater into or onto land from an on-site system which may result in the domestic type wastewater (or any other contaminant emanating as a result of natural processes from the domestic type wastewater) entering water (s15(1)(b)).
- Discharge of domestic type wastewater into or onto land and contaminants into the air from an on-site system (s15(2A)) ⁽⁵⁵⁴⁾

551 Haigh Workman Ltd

552 Clarification

553 Clarification

554 Clarification

C.6.1.5

Other domestic wastewater discharges – discretionary activity

The discharge of treated **domestic type wastewater** into or onto land or into water that is not:

- 1) a permitted activity under rule C.6.1.1 'Existing on-site domestic type wastewater discharge – permitted activity', or
- 2) a permitted activity under rule C.6.1.2 'Pit toilet – permitted activity', or
- 3) a permitted activity under rule C.6.1.3 'Other on-site treated domestic wastewater discharge – permitted activity', or
- 4) a controlled activity under rule C.6.1.4 'Replacement discharge permits - controlled activity', or
- 5) a prohibited activity under rule C.6.1.6 'Discharge of untreated domestic type wastewater to water - prohibited activity',

is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Discharge of treated **domestic type wastewater** into water (S15(1)(a)).
- Discharge of treated **domestic type wastewater** into or onto land which may result in the **domestic type wastewater** (or any other contaminant emanating as a result of natural processes from the **domestic type wastewater**) entering water (s15(1)(b)).
- Discharge of treated **domestic type wastewater** into or onto land and contaminants into the air from an on-site system (s15(2A)).⁽⁵⁵⁵⁾

C.6.1.6

Discharge of untreated domestic type wastewater to water - prohibited activity

The discharge of untreated **domestic type wastewater** into **surface water** or directly into groundwater is a prohibited activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a)).
- Discharge of untreated **domestic type wastewater** into **surface water** or directly into groundwater (S15(1)(a)).⁽⁵⁵⁶⁾

C.6.2 Wastewater network and treatment plant discharges

C.6.2.1

Wastewater discharge from a pump station or pipe network – controlled activity

The discharge of **wastewater** from a wastewater pump station or pipe network into water or onto land is a controlled activity, provided:

- 1) an application for resource consent is received by the regional council within two years of this rule becoming operative, and

555 Clarification

556 Clarification

- 2) the resource consent application includes a wastewater network management plan for the network, which is prepared in accordance with appendix H.1, and
- 3) the wastewater pump station has:
 - a) an automatic control and alarm system that provides:
 - i) immediate notification of pump failure, and
 - ii) automatic switching to a standby pump, and
 - iii) power supply backup for the alarm system, and
 - b) at least one dedicated standby or duty assist pump that will activate in the event of failure of the duty pump, and
 - c) a minimum of four hours' storage capacity (based on the average dry weather flow) unless the pump station has a permanently installed electricity generator, and
- 4) any constructed overflow structure is designed to prevent floatable or suspended materials entering water and scouring and erosion at the point of discharge.⁽⁵⁵⁷⁾

Matters of control:

- 1) Effects on water quality;
- 2) The operation and maintenance programme;
- 3) The staging of any upgrade works;
- 4) Effects on tangata whenua and their taonga.

Notification:

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

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a) and (b)).

C.6.2.2

Discharge from a pump station or pipe network – discretionary activity

The discharge of wastewater from a wastewater network pump station or pipe network into water or onto or into land that is not a controlled activity under rule C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity' is a discretionary activity.⁽⁵⁵⁸⁾

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
- Discharge of wastewater from a wastewater network into water (s15(1)(a)).
- Discharge of wastewater from a wastewater network onto or into land in circumstances which may result in the wastewater (or any other contaminant emanating as a result of natural processes from that wastewater) entering water (s15(1)(b)).
- Discharge of wastewater from a wastewater network, that is an industrial or trade premises, onto or into land and contaminants into air (s15(1)(c) and (d)).
- Discharge of wastewater from a wastewater network onto or into land (s15(2)(A)).⁽⁵⁵⁹⁾

⁵⁵⁷ Minister of Conservation

⁵⁵⁸ Consequential amendment

⁵⁵⁹ Clarification

C.6.2.3

Wastewater treatment plant discharge – discretionary activity

The discharge of treated **wastewater** from a wastewater treatment plant into water or onto or into land is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
- Discharge of treated **wastewater** from a wastewater treatment plant into water (s15(1)(a)).
- Discharge of treated **wastewater** from a wastewater treatment plant onto or into land in circumstances which may result in the **wastewater** (or any other contaminant emanating as a result of natural processes from that **wastewater**) entering water (s15(1)(b)).
- Discharge of treated **wastewater** from a wastewater treatment plant, that is an industrial or trade premises, onto or into land and contaminants into air (s15(1)(c) and (d)).
- Discharge of wastewater from a wastewater treatment plant onto or into land (s15(2A)).⁽⁵⁶⁰⁾

C.6.2.4

Wastewater discharge – prohibited activity

The discharge of **untreated wastewater** from a **wastewater treatment plant** into water or onto or into land **and that is not:**

- 1) a controlled activity under C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity', **or**
- 2) a discretionary activity under C.6.2.2 'Discharge from a pump station or pipe network – discretionary activity', **or**
- 3) a discretionary activity under C.6.2.3 'Wastewater treatment plant discharge – discretionary activity'.

is a prohibited activity.⁽⁵⁶¹⁾

Errata

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
- Discharge of untreated **wastewater** from a wastewater treatment plant into water (s15(1)(a)).
- Discharge of untreated **wastewater** from a wastewater treatment plant onto or into land in circumstances which may result in the **wastewater** (or any other contaminant emanating as a result of natural processes from that **wastewater**) entering water (s15(1)(b)).
- Discharge of untreated **wastewater** from a wastewater treatment plant, that is an industrial or trade premises, onto or into land and contaminants into air (s15(1)(c) and (d)).
- Discharge of untreated **wastewater** from a wastewater treatment plant onto or into land (s15(2)(A)).⁽⁵⁶²⁾

⁵⁶⁰ Clarification

⁵⁶¹ Clarification

⁵⁶² Clarification

C.6.3 Agricultural waste discharges <Rename to "Production land discharges">

C.6.3.1

Farm wastewater discharges to land – permitted activity

The discharge of **farm wastewater** onto or into land is a permitted activity, provided:

- 1) there is no discharge:
 - a) directly into water, or
 - b) into **surface water** or to the coastal marine area via overland flow, or
 - c) into **surface water** or to the coastal marine area via any tile, mole or other subsurface drain, or
 - d) into an **artificial watercourse**, and
- 2) there is no discharge to land or overland flow within:
 - a) 20 metres of **any** stream, river, lake, **natural wetland**, or the coastal marine area, or
 - b) 20 metres of **any artificial watercourse when containing water**⁽⁵⁶³⁾, or
 - c) 20 metres of a neighbouring property owned or occupied by another person, or
 - d) 20 metres of **any** public road or public space, or
 - e) 20 metres of the head of any drinking water supply **bore**, or
 - f) 50 metres of **any** dwelling owned or occupied by another person, and⁽⁵⁶⁴⁾
- 3) it is discharged in a manner that:
 - a) evenly distributes the **wastewater**, and
 - b) does not exceed the soil's ability to absorb the **wastewater**, and
 - c) does not result in ponding on the land for longer than three hours after the discharge, and
 - d) minimises overland flow, and
 - e) does not cause an offensive or objectionable odour beyond the property boundary, and
- 4) roof water from sheds and other buildings is permanently diverted away from **wastewater storage facilities**. Roof water can be retained in a holding tank and used for wash-down purposes provided the overflow from the tank is permanently diverted away from the **farm wastewater storage facilities**, and
- 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, and
- 6) catchment stormwater is prevented from entering **farm wastewater storage facilities**, and
- 7) **farm wastewater storage facilities** are used **for the purpose of ensuring compliance with conditions 1), 2) and 3) of this rule**⁽⁵⁶⁵⁾, and
 - a) **for dairy farms**,
 - i) **they are designed, constructed and used in accordance with the Dairy Effluent Storage Calculator (DESC) have sufficient contingency storage so that farm wastewater generated between 1 May and 30 September can be retained in the facilities**⁽⁵⁶⁶⁾, **unless a resource consent is held that specifies a different contingency storage volume**⁽⁵⁶⁷⁾, and

⁵⁶³ Northland Fish and Game

⁵⁶⁴ Clarification

⁵⁶⁵ Clarification

⁵⁶⁶ Fonterra

⁵⁶⁷ Clarification

- ii) have at least 7590%⁽⁵⁶⁸⁾ working storage⁽⁵⁶⁹⁾ volume available at between 1 March and⁽⁵⁷⁰⁾ 1 May each year, and wastewater should be discharged to land after that date when there is sufficient soil moisture deficit, and⁽⁵⁷¹⁾
 - b) storage facilities⁽⁵⁷²⁾ are sealed or lined so that seepage is minimised, 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⁽⁵⁷³⁾ Chartered Professional Engineer⁽⁵⁷⁴⁾ to the regional council that shows compliance with the design requirements in a) and c)⁽⁵⁷⁵⁾, and
- 8) 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
 - 9) upon the written request by the regional council, the person doing the activity keeps a written record of the following information and provides it to the regional council's compliance manager in the form and the frequency specified in the request:
 - a) dates and time of discharge, and
 - b) discharge rates, and⁽⁵⁷⁶⁾
 - c) land application area, and
 - d) application rates and depths, and
 - e) maximum number of cows being milked and milking regime, and
 - f) maintenance records.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b));
- Discharge of farm wastewater onto or into land in circumstances which may result in the wastewater (or any other contaminant emanating as a result of natural processes from that wastewater) entering water (s15(1)(b));
- Discharge of farm wastewater onto or into land and contaminants into the air (s15(2A)).⁽⁵⁷⁷⁾

New rule - Horticulture wastewater discharges to land - permitted activity

The discharge of horticulture wastewater onto or into land is a permitted activity, provided:

- 1) there is no discharge into surface water, and
- 2) there is no discharge to land within:
 - a) 20 metres of a stream, 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 a any dwelling owned or occupied by another person, or
 - d) 20 metres of the head of any drinking water supply bore, and

568 DairyNZ

569 Clarification

570 DairyNZ

571 Clarification

572 Consequential change because of the amendment to the first part of condition 7

573 Clarification

574 Consequential change

575 Fonterra

576 Clarification

577 Clarification

- 3) the discharge does not result in ponding on the land for longer than three hours, and
- 4) the discharge of vegetable washwater is in accordance with Section 2 of *Vegetable Wastewater Discharge Code of Practice 2017*, and
- 5) the discharge of greenhouse nutrient solution is in accordance with the *Code of Practice for the Management of Greenhouse Nutrient Discharges 2007*, and
- 6) upon written request by the regional council, the person doing the activity keeps a written record of the following information and provides it to the regional council's compliance manager in the form and frequency specified in the request:
 - a) dates and time of the discharge, and
 - b) land application area, and
 - c) application rates and.⁽⁵⁷⁸⁾

The RMA activities this rule covers:

- Discharge of horticulture wastewater onto or into land in circumstances which may result in the horticulture wastewater (or any other contaminant emanating as a result of natural processes from the horticulture wastewater) entering water (s15(1)(b))
- Discharge of horticulture wastewater onto or into land and contaminants into the air (s15(2A)).⁽⁵⁷⁹⁾

C.6.3.2

Discharges associated with the making or storage of silage - permitted activity

The discharge of contaminants onto or into land in association with the making or storage of silage is a permitted activity, provided:

- 1) there is no discharge into surface water or to land within a setback distance in condition 2), and
- 2) the storage site is not located 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
- 3) the discharge does not contaminate any groundwater supply or surface water, and
- 4) water is prevented from entering the storage site, and
- 5) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of discharge of contaminants onto or into land in association with the making or storage of silage onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminant) entering water (s15(1)(b))
- Discharge of contaminants onto or into land and contaminants into the air in association with the making or storage of silage (s15(2A)).⁽⁵⁸⁰⁾

578 Horticulture New Zealand

579 Clarification

580 Clarification

C.6.3.3

Discharges associated with the disposal of dead animals or offal - permitted activity

The discharge of contaminants onto or into land in association with the disposal of dead animals or offal is a permitted activity, provided:

- 1) there is no discharge into [surface water](#), and
- 2) the disposal site is not located within:
 - a) 50 metres of [surface water](#) 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) [watercatchment runoff](#)⁽⁵⁸¹⁾ is prevented from entering the disposal site, and
- 5) [the disposal site is covered, and](#)⁽⁵⁸²⁾
- 6) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

- [Discharge of contaminants into environment \(s15\(1\)\(b\)\)](#);
- [Discharge of discharge of contaminants onto or into land in association with the disposal of dead animals or offal onto or into land in circumstances which may result in the contaminants \(or any other contaminant emanating as a result of natural processes from the contaminant\) entering water \(s15\(1\)\(b\)\)](#)
- [Discharge of contaminants onto or into land and contaminants into the air in association with the disposal of dead animals or offal \(s15\(2A\)\)](#)⁽⁵⁸³⁾

C.6.3.4

Emergency discharge of milk to land - permitted activity

The emergency discharge of milk onto or into land is a permitted activity, provided:

- 1) there is no discharge into [surface water](#) or to land within:
 - a) 50 metres of [surface water](#) or the coastal marine area, or
 - b) 50 metres of the head of any water supply [bore](#), or
 - c) 50 metres of a dwelling owned or occupied by another person, or
 - d) 20 metres of a public road or space, and
- 2) the milk does not pond on the land for longer than three hours after the discharge, and
- 3) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

- [Discharge of contaminants into environment \(s15\(1\)\(b\)\)](#);

581 Clarification

582 Terence Brocx

583 Clarification

- Discharge of discharge of milk onto or into land in circumstances which may result in the milk (or any other contaminant emanating as a result of natural processes from the milk) entering water (s15(1)(b))
- Discharge of milk onto or into land and contaminants into the air (s15(2A))⁽⁵⁸⁴⁾

C.6.3.5

Agricultural~~Other~~ wastewater discharges – discretionary activity⁽⁵⁸⁵⁾

The discharge onto or into land of farm wastewater, horticulture wastewater, contaminants associated with the making or storage of silage, contaminants associated with the disposal or dead stock or offal, or milk that is not:

- 1) a permitted activity under C.6.3.1C.6.3.1, or
2a. a permitted activity under <Horticulture wastewater discharges to land - permitted activity>, or⁽⁵⁸⁶⁾
- 2) a permitted activity under C.6.3.2 'Discharges associated with the making or storage of silage - permitted activity', or
- 3) a permitted activity under C.6.3.3 'Discharges associated with the disposal of dead animals or offal - permitted activity', or
- 4) a permitted activity under C.6.3.4 'Emergency discharge of milk to land - permitted activity', or
- 5) a discretionary activity under C.6.3.6 'Farm wastewater and Horticulture wastewater discharges to water – discretionary activityConsequential change because of the inclusion a new permitted activity rule', or
6a. a non-complying activity under <Farm wastewater discharges to water - non-complying activity>, or⁽⁵⁸⁷⁾
- 6) a prohibited activity under C.6.3.7 'Farm wastewater discharges to water – prohibited activityClarification' is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b));
- Discharge of contaminants onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b))
- Discharge of contaminants onto or into land and into air (s15(2A))⁽⁵⁸⁸⁾

C.6.3.6

Farm wastewater and Horticulture wastewater discharges to water – discretionary activity⁽⁵⁸⁹⁾

The discharge of treated farm wastewater and⁽⁵⁹⁰⁾ horticulture wastewater⁽⁵⁹¹⁾ into water is a discretionary activity, provided the discharge is not into a dune lake, surface water flowing into any dune lake, an outstanding freshwater body or a significant wetland.

The RMA activities this rule covers:

584 Clarification

585 Clarification

586 Consequential change because of the inclusion of the rule

587 Consequential change because of the inclusion of the rule

588 Clarification

589 Consequential change because of the inclusion a new permitted activity rule

590 Beef and Lamb New Zealand

591 Horticulture New Zealand

- Discharge of contaminants into environment (s15(1)(a));
- Discharge of treated farm wastewater and horticulture wastewater into water (s15(1)(a))⁽⁵⁹²⁾

New Rule - Farm wastewater discharges to water - non-complying activity

The discharge of treated farm wastewater into water is a non-complying activity, provided the discharge is not into a dune lake, surface water flowing into any dune lake, an outstanding freshwater body or a significant wetland.⁽⁵⁹³⁾

The RMA activities this rule covers:

- Discharge of treated farm wastewater into water (s15(1)(a))

C.6.3.7

Farm wastewater discharges **to water** – prohibited activity⁽⁵⁹⁴⁾

The discharge of:

- 1) untreated farm wastewater to surface water or directly to groundwater, or
- 2) treated farm wastewater into:
 - a) a dune lake, or
 - b) surface water flowing into any dune lake, or
 - c) an outstanding freshwater body, or
 - d) a significant wetland,

is a prohibited activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a));
- Discharge of farm wastewater into water (s15(1)(a))⁽⁵⁹⁵⁾

C.6.4 Stormwater discharges

C.6.4.1

Stormwater discharges from a public stormwater network – permitted activity

The diversion and discharge of stormwater from a public stormwater network into water or onto or into land where it may enter water⁽⁵⁹⁶⁾ is a permitted activity, provided:

1a. the discharge is not from a public stormwater network servicing an urban area listed in Table 6 'Urban areas',⁽⁵⁹⁷⁾ and

592 Clarification

593 Beef and Lamb New Zealand

594 Clarification

595 Clarification

596 Clarification

597 Royal Forest and Bird Protection Society of New Zealand

- 1) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge or downstream⁽⁵⁹⁸⁾, and
- 2) the diversion and discharge does not cause or increase flooding of land outside the area serviced by the stormwater network up to the 10 percent annual exceedance probability or flooding of buildings outside the area serviced by the network up to the one percent annual exceedance probability, and⁽⁵⁹⁹⁾
- 3) the discharge does not contain contaminants used, stored or generated in any wastes or cooling water from⁽⁶⁰⁰⁾ a trade or industrial premises, and
- 4) the discharge does not contain more than:
 - a) 15 milligrams per litre of total petroleum hydrocarbons, and
 - b) 100 milligrams per litre of suspended solids, and⁽⁶⁰¹⁾
- 5) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20-metre radius from the point of discharge⁽⁶⁰²⁾:
 - a) an exceedance of a water quality standard or a sediment quality standard, or⁽⁶⁰³⁾
 - b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - c) a conspicuous change in the colour or visual clarity, or
 - d) an emission of objectionable odour, or
 - e) the rendering of fresh water unsuitable for consumption by farm animals, or
 - f) a significant adverse effect on aquatic life, and
- 6) within two years of the operative date of this rule, a stormwater management plan for the networks listed in Table 5 is provided to the council, and
- 7) the stormwater management plan is consistent with the requirements in Appendix H.2 and is regularly updated to reflect any physical or planned changes that exceed the most recent design horizon of the plan and is provided to the council, and
- 8) the stormwater network is operated in accordance with the stormwater management plan.⁽⁶⁰⁴⁾

Table 6 Urban areas

Far North District	Whangarei District	Kaipara District
Kaitaia	One Tree Point - Marsden Cove	Dargaville
Kaikohe	Ruakaka	Mangawhai- Mangawhai Heads
Kerikeri	Waipu	
Paihia	Whangarei <u>City</u> ⁽⁶⁰⁶⁾	
Waipapa <u>-Haruru</u> ⁽⁶⁰⁵⁾		

⁵⁹⁸ Haigh Workman Ltd

⁵⁹⁹ Whangarei District Council

⁶⁰⁰ Clarification

⁶⁰¹ Whangarei District Council

⁶⁰² Consequential change because of the inclusion of a definition of the zone of reasonable mixing

⁶⁰³ Consequential change because of the deletion of condition 8(a) in rule C.6.4.2

⁶⁰⁴ Royal Forest and Bird Protection Society

⁶⁰⁵ Clarification

⁶⁰⁶ Clarification

The RMA activities this rule covers:

- Restrictions relating to water (s14(2));
- Discharge of contaminants into environment (s15(1)(a) and (b));
- Diversion of stormwater (s14(2))
- Discharge stormwater into water (s15(1)(a))
- Discharge of discharge of stormwater onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b))⁽⁶⁰⁷⁾

C.6.4.2

Other stormwater discharges – permitted activity

The diversion and discharge of stormwater into water, or onto or into land where it may enter water⁽⁶⁰⁸⁾ from an impervious area, recontoured land,⁽⁶⁰⁹⁾ or by way of a stormwater collection system is a permitted activity, provided:

- 1) the discharge or diversion⁽⁶¹⁰⁾ is not from:
 - a) a public stormwater network, or
 - b) a high risk industrial or trade premises,⁽⁶¹¹⁾ and
- 2) the discharge or diversion does not cause or increase nuisance or damage to other property⁽⁶¹²⁾, and
- 3) where the stormwater⁽⁶¹³⁾ diversion or discharge is from a hazardous substance storage area:
 - a) the stormwater collection system is designed and operated to prevent hazardous substances stored or used on the site from entering the stormwater⁽⁶¹⁴⁾ system, or
 - b) there is an stormwater interceptor or secondary containment system⁽⁶¹⁵⁾ in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system or store it for removal and treatment, unless⁽⁶¹⁶⁾
 - c) the stormwater contains no hazardous substances except oil or grease oil contaminants⁽⁶¹⁷⁾ and the stormwater is passed through an oil interceptor stormwater treatment⁽⁶¹⁸⁾ system prior to discharge, and
- 4) where the stormwater⁽⁶¹⁹⁾ diversion or discharge is from an industrial or trade premises that is not a high risk industrial or trade premises:

607 Clarification

608 Clarification

609 Clarification because this matters is addressed in the rules for earthworks

610 Clarification

611 Haigh Workman Ltd

612 Clarification

613 Far North District Council

614 Tegel Foods

615 The Oil Companies

616 Clarification

617 Tegel Foods Ltd

618 Clarification

- a) the **stormwater collection system** is designed and operated to prevent any **other**⁽⁶¹⁹⁾ contaminants stored or used on the site **other than those already controlled by condition 3) above**⁽⁶²⁰⁾ from entering stormwater unless the stormwater is discharged through a stormwater **treatment system interceptor**⁽⁶²¹⁾, and
 - b) any process water or waste stream on the site is banded, or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100 percent of the quantity of any process water or waste that has the potential to spill into a **stormwater collection system**, in order to prevent trade waste entering the **stormwater collection system**, and
- 5) **where the stormwater diversion or discharge is from contaminated land:**⁽⁶²²⁾ **the diversion or discharge is not**
- a) **a site investigation report prepared by a suitably qualified and experienced practitioner demonstrates that the stormwater discharge does not contain more than;**
 - i) **15 milligrams per litre of total petroleum hydrocarbons, and**
 - ii) **0.13 micrograms per litre of perfluorooctane sulfonate acid and perfluorohexane sulfonate, and**
 - iii) **632 micrograms per litre of perfluorooctanoic acid, and**
 - iv) **the concentrations listed in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000), at the 95% species protection level, and**
 - b) **the discharge is not via deep soakage or rapid infiltration systems, and**⁽⁶²³⁾
 - c) **into contaminated land or**
 - d) **onto contaminated land that is not covered by an impervious area**⁽⁶²⁴⁾
- 6) the **diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge**⁽⁶²⁵⁾ **erode the bed or banks of a lake or river, or the foreshore**⁽⁶²⁵⁾, and
- 7) the discharge does not contain more than:
- a) 15 milligrams per litre of total petroleum hydrocarbons, **and**⁽⁶²⁶⁾
 - b) **100 milligrams per litre of suspended solids**⁽⁶²⁷⁾
- 8) the discharge does not cause any of the following effects in the receiving waters beyond **a 20-metre radius from the point of discharge**⁽⁶²⁸⁾ **the zone of reasonable mixing**⁽⁶²⁸⁾:
- a) **an exceedance of a water quality standard or a sediment quality standard, or**⁽⁶²⁹⁾
 - b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - c) a conspicuous change in the colour or visual clarity, or
 - d) an emission of objectionable odour, or
 - e) the rendering of fresh water unsuitable for consumption by farm animals, or
 - f) a significant adverse effect on aquatic life.

The RMA activities this rule covers:

- | | |
|-----|--|
| 619 | Consequential to the following amendment |
| 620 | The Oil Companies |
| 621 | Tegel Foods Ltd |
| 622 | Tegel Foods Ltd |
| 623 | Tegel Foods Ltd |
| 624 | The Oil Companies |
| 625 | Haigh Workman Ltd |
| 626 | Clarification |
| 627 | New Zealand Transport Agency |
| 628 | Fonterra |
| 629 | The Oil Companies |

- Restrictions relating to water (s14(2));
- Discharge of contaminants into environment (s15(1)(a),(b) and (d));
- Diversion of stormwater (s14(2))
- Discharge stormwater into water (s15(1)(a))
- Discharge of discharge of stormwater onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b))
- Discharge from any industrial or trade premises onto or into land (s15(1)(c))⁽⁶³⁰⁾

C.6.4.3

Stormwater discharges – controlled activity

The diversion and discharge of stormwater into water or onto or into land that is not:

- 1) a permitted activity under C.6.4.1 'Stormwater discharges from a public stormwater network – permitted activity', or
- 2) a permitted activity under C.6.4.2 'Other stormwater discharges – permitted activity', or
- 3) a discretionary activity under C.6.4.4 'Stormwater discharges onto or into from contaminated land and/or from high risk industrial or trade premises - discretionary activity'⁽⁶³¹⁾

is a controlled activity, provided the discharge is not from a high risk industrial or trade premise or contaminated land.⁽⁶³²⁾

Matters of control

- 1) The maximum concentration or load of contaminants in the discharge.
- 2) The size of the zone of reasonable mixing.
- 3) The adequacy of measures to minimise erosion.
- 4) Measures to avoid, remedy or mitigate conspicuous oil or grease films, scums or foams, of floatable or suspended material⁽⁶³³⁾
- 5) The adequacy of measures to minimise flooding in areas affected by the stormwater network.⁽⁶³⁴⁾
- 6) The design and operation of the stormwater system and any staging of works.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2));
- Discharge of contaminants into environment (s15(1)(a), (b), and (d));
- Diversion of stormwater (s14(2))
- Discharge stormwater into water (s15(1)(a))
- Discharge of discharge of stormwater onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b))
- Discharge from any industrial or trade premises onto or into land (s15(1)(c))
- Discharge of stormwater onto or into land (s15(2A))⁽⁶³⁵⁾

630 Clarification

631 Clarification

632 Clarification

633 Clarification

634 Consequential amendment

635 Clarification

C.6.4.4

Stormwater discharges **onto or into from** contaminated land **and/or from** high risk industrial or trade premises - discretionary activity

The diversion and discharge of stormwater:

- 1) into water or onto land where it may enter water from a **high risk industrial or trade premise**, or
- 2) **into contaminated land or**
- 3) **onto contaminated land that is not covered by an impervious area** ⁽⁶³⁶⁾

is a discretionary activity.

The RMA activities this rule covers:

- **Restrictions relating to water (s14(2))**
- **Discharge of contaminants into environment (s15(1)(a), (b), and (d))**
- **Diversion of stormwater (s14(2))**
- **Discharge stormwater into water (s15(1)(a))**
- **Discharge of discharge of stormwater onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from the stormwater) entering water (s15(1)(b))**
- **Discharge from any industrial or trade premises onto or into land (s15(1)(c))**
- **Discharge of stormwater onto or into land (s15(2A))** ⁽⁶³⁷⁾

C.6.5 Agrichemicals <Change to Agrichemicals and vertebrate toxic agents>

C.6.5.1

Application of agrichemicals – permitted activity

The discharge of agrichemicals into air, onto land or onto land where it may enter water is a permitted activity provided:

- 1) for all methods **(including** ⁽⁶³⁸⁾ **hand-held spraying, ground-based spraying and aerial application)**:
 - a) the discharge does not result in:
 - i) **the discharge does not result in** ⁽⁶³⁹⁾ any **noxious, dangerous,** offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety,** beyond the boundary of the subject property or in the coastal marine area, and ⁽⁶⁴⁰⁾
 - 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 ⁽⁶⁴¹⁾

636 Consequential change because of the amendment to condition 5 of C.6.4.2

637 Clarification

638 Minister of Conservation

639 Clarification

640 Northland District Health Board

641 Royal Forest and Bird Society of New Zealand

- c) neighbouring properties receive notification no less than 24 hours and no more than ~~two~~ ⁽⁶⁴²⁾ ~~three~~ weeks before the spraying activity is to take place, as set out in Table 7 'Spraying notification requirements', and
- d) some or all of the notification requirements can be amended or omitted with the agreement of affected neighbours, and
- e) ~~in addition, for spraying agrichemical application~~ ⁽⁶⁴³⁾ by any method in ~~public amenity areas~~, prominent signs are placed ~~within the immediate vicinity~~, ~~if agrichemicals are applied within 100 metres of a public amenity area such as a track/walkway, lookout, play area, picnic area, lawn, carpark, camping area within a park or reserve or any location where public have unrestricted access in a park or reserve~~ ⁽⁶⁴⁴⁾ ~~prominent signs are placed~~ prior to the commencement of the spraying and remain in place ~~until spraying is complete for any required stand-down period afterwards~~ ⁽⁶⁴⁵⁾ Signs must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, ~~any notable adverse effects~~ ⁽⁶⁴⁶⁾ ~~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
- f) ~~in addition,~~ ⁽⁶⁴⁷⁾ for spraying by any method in ~~public~~ road and rail corridors: ⁽⁶⁴⁸⁾
 - i) prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying ~~at least 7 days and not one month~~ ⁽⁶⁴⁹⁾ and remain in place ~~for any required stand-down period afterwards until spraying is complete~~ ⁽⁶⁵⁰⁾, and
 - ii) a public notice must be placed in a newspaper ~~or~~ a letter drop is made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed at least 7 days and not one month before spraying is to take place, and
 - iii) all of the above must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects and the application method, and
 - iv) vehicles used to spray must display prominent signs (front and back) advising that spraying is in progress, and
 - v) a record of the notification undertaken must be kept and made available to the regional council on request, and

Table 7 Spraying notification requirements

Spraying method	Properties to be notified	Notification requirements
Hand-held spraying	Nil (unless a public amenity area or public ⁽⁶⁵¹⁾ road and rail corridor under the specific requirements above).	Nil (unless a public amenity area or public ⁽⁶⁵²⁾ road and rail corridor under the specific requirements above).

⁶⁴² Horticulture New Zealand

⁶⁴³ Minister of Conservation

⁶⁴⁴ Minister of Conservation

⁶⁴⁵ Clarification

⁶⁴⁶ Horticulture new Zealand

⁶⁴⁷ clarification

⁶⁴⁸ HFM NZ

⁶⁴⁹ Broadspectrum

⁶⁵⁰ Clarification

⁶⁵¹ HFM NZ

⁶⁵² HFM NZ

Spraying method	Properties to be notified	Notification requirements
Ground-based spraying	Any property with a spray-sensitive area within 30 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 ⁽⁶⁵³⁾ road or rail corridor.	Notification: a) is undertaken by the owner or occupier of the property to be sprayed where agrichemicals will be applied ⁽⁶⁵⁴⁾
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 ⁽⁶⁵⁷⁾ road or rail corridor.	b) unless delegated to the applicator, and c) is in writing (which can include email or other electronic means); or by telephone ⁽⁶⁵⁵⁾ and includes: i) the days and times over when the spraying agrichemical application is likely to take place, including alternative days and times if weather is unsuitable, and ii) the contact details of the property owner or applicator, or management company or packhouse , and iii) the details of chemicals being applied, and iv) indication of any specific hazards e.g. bee toxicity and v) the application method ⁽⁶⁵⁶⁾
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 or rail corridor.	

2) for **ground-based spraying**:

- a) **an applicator who is a contractor holds a current GROWSAFE Registered Chemical Applicators Certificate (or their equivalent) ⁽⁶⁵⁸⁾, and**
- b) **an applicator who is not a contractor holds a current GROWSAFE Introductory 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) ⁽⁶⁵⁹⁾, and**

653 HFM NZ
654 Minister of Conservation
655 HFM NZ
656 Minister of Conservation
657 HFM NZ
658 Minister of Conservation
659 Minister of Conservation

- c) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals. Specific section are:
- i) Use - Part 5.3, and
 - ii) Storage - Appendix L4, and
 - iii) Disposal - Appendix S, and
 - iv) Records - Appendix C9, and ⁽⁶⁶⁰⁾
- d) a Spray Plan is provided to the regional council on request, and ⁽⁶⁶¹⁾
- 3) 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) ⁽⁶⁶²⁾ and
 - b) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals. Specific sections are:
 - i) Use - Part 5.3, and
 - ii) Storage - Appendix L4, and
 - iii) Disposal - Appendix S, and
 - iv) Records - Appendix C9, and ⁽⁶⁶³⁾
 - v) there is no aerial application in urban areas.
 - c) a Spray Plan is provided to the regional council on request. ⁽⁶⁶⁴⁾

Note:

In addition to the above, the substance must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

In relation to non-aerial application, the applicator must hold an Agrichemical Certified Handler certificate (Worksafe New Zealand) where required by any Environmental Protection Authority approval under the Hazardous Substances and New Organisms Act 1996, or equivalent as recognised and required by Environmental Protection Authority or Ministry for Business Innovation and Employment), and be able to demonstrate competency using agrichemicals to avoid adverse impacts.

In relation to aerial application, the applicator and ground crew must hold qualifications and competencies as required by Environmental Protection Authority and Worksafe New Zealand. ⁽⁶⁶⁵⁾

The RMA activities this rule covers:

- Discharge contaminants to land which may enter water (s15(1)(b)).
- Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of agrichemicals onto or into land in circumstances which may result in the agrichemicals (or any other contaminant emanating as a result of natural processes from the agrichemicals) entering water (s15(1)(b)).
- Discharge of agrichemicals from any industrial or trade premises into air (s15(1)(c)).

660 Horticulture New Zealand

661 Mauraro S

662 Minister of Conservation

663 Horticulture New Zealand

664 Mauraro S

665 Minister of Conservation

- Discharge of agrichemicals from any industrial or trade premises onto or into land (s15(1)(d))
- Discharge of agrichemicals into air or onto or into land (S15(2A))⁽⁶⁶⁶⁾

C.6.5.2

Application of agrichemicals into water – permitted activity

The discharge of agrichemicals into air where it can directly enter water is a permitted activity provided:

- 1) there is no discharge into water in the coastal marine area, and
- 2) the discharge does not cause beyond the zone of reasonable mixing 20 meters in the receiving waters from the point of discharge:⁽⁶⁶⁷⁾
 - 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) a water quality standard to be exceeded, or⁽⁶⁶⁸⁾
 - d) cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than one pH unit, or
 - e) cause the dissolved oxygen to be less than five milligrams per litre, or
 - f) any conspicuous change in the colour or visual clarity, or
 - g) the rendering of fresh water unsuitable for consumption by farm animals, or
 - h) any significant adverse effects on aquatic life (excluding pest species), and
- 3) an applicator holds a recognised application qualification (GROWSAFE or their equivalent with an aquatic component, and⁽⁶⁶⁹⁾
- 4) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals. Specific sections are:
 - Use - Part 5.3, and
 - Storage - Appendix L4, and
 - Disposal - Appendix S, and
 - Records - Appendix C9, and⁽⁶⁷⁰⁾
- 6) the following notification takes place:
 - a) every person taking water for potable supply within one kilometre downstream of the proposed discharge no less than 24 hours and no more than two weeks prior to the proposed commencement of any spraying, and
 - b) every holder of a resource consent for the taking of water for water supply purposes downstream of the proposed discharge 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, and must be in writing (which can include email or other electronic means), and
 - d) must include:
 - i) the days and times over when the spraying is likely to take place, including alternative days and times if weather is unsuitable, and

⁶⁶⁶ Clarification

⁶⁶⁷ Fonterra

⁶⁶⁸ Consequential change, *The Oil Companies*

⁶⁶⁹ Minister of Conservation

⁶⁷⁰ Horticulture New Zealand

- ii) the contact details of the property owner or applicator, and
 - iii) the details of chemicals being sprayed, and
 - iv) any notable adverse effects, and
 - v) the application method, and
- e) some or all of the above notification requirements can be amended or omitted with the agreement of affected parties, and
- 7) ~~in addition, for aerial application into water:~~ ⁽⁶⁷¹⁾
- a) ~~an applicator holds a current GROWSAFE Pilot AgricChemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or their equivalent) and~~ ⁽⁶⁷²⁾
 - b) there is no aerial application in urban areas, and
- 8) ~~in addition, for spraying agrichemical application~~ ⁽⁶⁷³⁾ by any method in public amenity areas, prominent signs are placed within the immediate vicinity, if agrichemicals are applied within 100 metres of an public amenity area such as a track/walkway, lookout, play area, picnic area, lawn, carpark, camping area within a park or reserve or any location where public have unrestricted access in a park or reserve ⁽⁶⁷⁴⁾ prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete for any required stand-down period afterwards. ⁽⁶⁷⁵⁾ Signs must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects—indication of any specific hazards ⁽⁶⁷⁶⁾ 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
- a) prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying at least 7 days and not one month before spraying is to take place and remain in place for any required stand-down period afterwards, and
 - b) a public notice must be placed in a newspaper or a letter drop is made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed at least 7 days and not one month before spraying is to take place, and
 - c) all of the above must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects and the application method, and
 - d) vehicles used to spray 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 ~~public~~ ⁽⁶⁷⁷⁾ road and rail corridors:

Note:

In addition to the above, the substance must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

671 Minister of Conservation

672 Minister of Conservation

673 Minister of Conservation

674 Minister of Conservation

675 Clarification

676 Horticulture new Zealand

677 HFM NZ

In relation to non-aerial application, the applicator must hold an Agrichemical Certified Handler certificate (Worksafe New Zealand) where required by any Environmental Protection Authority approval under the Hazardous Substances and New Organisms Act 1996, or equivalent as recognised and required by Environmental Protection Authority or Ministry for Business Innovation and Employment), and be able to demonstrate competency using agrichemicals to avoid adverse impacts.

In relation to aerial application, the applicator and ground crew must hold qualifications and competencies as required by Environmental Protection Authority and Worksafe New Zealand.⁽⁶⁷⁸⁾

The RMA activities this rule covers:

- Discharge contaminants into water (s15(1)(a)).
- Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of agrichemicals into water (s15(1)(a)).
- Discharge of agrichemicals from any industrial or trade premises into air (s15(1)(c)).
- Discharge of agrichemicals into air (S15(2A))⁽⁶⁷⁹⁾

C.6.5.3

Vertebrate toxic agents (ground-based application) – permitted activity

The ground-based application of vertebrate toxic agents to land, that are not exempt from Section 15⁽⁶⁸⁰⁾ by other than those complying with⁽⁶⁸¹⁾ the Resource Management (Exemption) Regulations 2017 – Pest Control, is a permitted activity provided:

- 1) the substance is used as approved for its intended use⁽⁶⁸²⁾ by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996, and
- 2) the discharge is more than 20 metres from a structure used to collect human or animal drinking water.

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be imported into or manufactured in New Zealand, and places controls of each phase of the substances life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

The RMA activities this rule covers:

- Discharge of contaminants onto or into land where they may enter water (s15(1)(b)).
- Discharge of vertebrate toxic agents onto or into land in circumstances which may result in the vertebrate toxic agents (or any other contaminant emanating as a result of natural processes from the vertebrate toxic agents) entering water (s15(1)(b)).
- Discharge of vertebrate toxic agents onto or into land (S15(2A))⁽⁶⁸³⁾

⁶⁷⁸ Minister of Conservation

⁶⁷⁹ Clarification

⁶⁸⁰ Resource Management Act

⁶⁸¹ Clarification

⁶⁸² Minister of Conservation

⁶⁸³ Clarification

C.6.5.4

Vertebrate toxic agents (aerial application) – controlled activity

The [aerial application](#) of vertebrate toxic agents to land and any incidental discharge into water or incidental discharge of dust to air, that are not exempt from Section 15⁽⁶⁸⁴⁾ by [other than those complying with](#)⁽⁶⁸⁵⁾ by the *Resource Management (Exemption) Regulations 2017 – Pest Control*, is a controlled activity provided that:

- 1) the substance is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*.

Matters of control:

- 1) Separation distances from sensitive areas and water bodies.
- 2) Advice and information to people and authorities in and adjacent to the application area, including flight paths and 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 of each phase of the substances life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

The RMA activities this rule covers:

- [Discharge of contaminants into or onto land where they may enter water \(s15\(1\)\(b\)\)](#).
- [Discharge contaminants into the air from any other place or source \(s15\(2A\)\)](#).
- [Incidental discharge of vertebrate toxic agents into water \(s15\(1\)\(a\)\)](#)
- [Discharge of vertebrate toxic agents onto or into land in circumstances which may result in the vertebrate toxic agents \(or any other contaminant emanating as a result of natural processes from the vertebrate toxic agents\) entering water \(s15\(1\)\(b\)\)](#)
- [Incidental discharge of vertebrate toxic agents into air or onto or into land \(S15\(2A\)\)](#)⁽⁶⁸⁶⁾

C.6.5.5

Application of agrichemicals and vertebrate toxic agents – discretionary activity

The discharge of agrichemicals or vertebrate toxic agents that is not a:

- 1) permitted activity under rule C.6.5.1 'Application of agrichemicals – permitted activity', or
- 2) permitted activity under rule C.6.5.2 'Application of agrichemicals into water – permitted activity', or
- 3) permitted activity under rule C.6.5.3 'Vertebrate toxic agents (ground-based application) – permitted activity', or
- 4) controlled activity under rule C.6.5.4 'Vertebrate toxic agents (aerial application) – controlled activity', or

is a discretionary activity.

The RMA activities this rule covers:

⁶⁸⁴ *Resource Management Act*

⁶⁸⁵ *S16 amendment*

⁶⁸⁶ *Clarification*

- Discharge contaminants into water (s15(1)(a)).
- Discharge contaminants to land which may enter water (s15(1)(b)).
- Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of agrichemicals or vertebrate toxic agents into water (s15(1)(a)).
- Discharge of agrichemicals or vertebrate toxic agents onto or into land in circumstances which may result in the agrichemicals (or any other contaminant emanating as a result of natural processes from the agrichemicals or vertebrate toxic agents) entering water (s15(1)(b)).
- Discharge of agrichemicals or vertebrate toxic agents from any industrial or trade premises into air (s15(1)(c)).
- Discharge of agrichemicals or vertebrate toxic agents from any industrial or trade premises onto or into land (s15(1)(d)).
- Discharge of agrichemicals or vertebrate toxic agents into air or onto or into land (s15(2A))⁽⁶⁸⁷⁾

C.6.6 Industrial and trade discharges <Change to "Industrial and trade wastewater discharges">

C.6.6.1

Discharge of cooling water - permitted activity

The discharge of cooling water into water is a permitted activity, provided:

- 1) the discharge is free of any hazardous substance, and
- 2) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20-metre radius from the point of discharge⁽⁶⁸⁸⁾:
 - a) an increase in temperature of more than three degrees Celsius, or
 - b) the pH to fall outside a range of 6.5 to 8.5, or
 - c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - d) a conspicuous change in the colour, or visual clarity, or
 - e) a significant adverse effect on aquatic life, and
- 3) the discharge does not cause any scouring or erosion.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a)).
- Discharge of cooling water into water (s15(1)(a))⁽⁶⁸⁹⁾

New Rule: 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 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, and

⁶⁸⁷ Clarification

⁶⁸⁸ Fonterra

⁶⁸⁹ Clarification

- 2) the discharge only occurs during times of high total suspended solids concentrations in the 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, or
 - e) a significant adverse effect on aquatic life.

The RMA activities this rule covers:

- Discharge of untreated or primary treated water containing contaminants into water from a water treatment plant for potable water supply (s15(1)(a))
- Discharge of untreated or primary treated water containing contaminants onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b))
- Discharge of untreated or primary treated water containing contaminants onto or into land from a water treatment plant for potable water supply (s15(1)(d)).⁽⁶⁹⁰⁾

C.6.6.2

Discharge of certain types of industrial or trade wastewater - permitted activity⁽⁶⁹¹⁾

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 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) the concentrations of contaminants in the wastewater do not exceed:
 - a) 5 milligrams per litre of aluminium, or
 - b) 0.1 milligrams per litre of arsenic, or
 - c) 0.1 milligrams per litre of beryllium, or
 - d) 0.5 milligrams per litre of boron, or
 - e) 0.01 milligrams per litre of cadmium, or
 - f) 0.1 milligrams per litre of chromium, or
 - g) 0.05 milligrams per litre of cobalt, or

690 Whangarei District Council

691 Clarification

- h) 0.2 milligrams per litre of copper, or
 - i) 0.2 milligrams per litre of iron, or
 - j) 2 milligrams per litre of lead, or
 - k) 0.2 milligrams per litre of manganese, or
 - l) 0.002 milligrams per litre of mercury, or
 - m) 0.01 milligrams per litre of molybdenum, or
 - n) 0.2 milligrams per litre of nickel, or
 - o) 2 milligrams per litre of zinc, or
 - p) 15 milligrams per litre of total petroleum hydrocarbons, and⁽⁶⁹²⁾
- 8) there is no discharge:
- a) directly into water, or
 - b) into surface water via overland flow, or
 - c) into surface water via any tile, mole or other subsurface drain, and
- 9) there is no discharge to land or overland flow within:
- a) 20 metres of any river, lake, natural wetland, or the coastal marine area, or
 - b) 20 metres of any artificial watercourse when containing water, or
 - c) 20 metres of a neighbouring property owned or occupied by another person, or
 - d) 50 metres of the head of a bore for any water supply, or
 - e) 50 metres of any dwelling owned or occupied by another person, and
- 10) the wastewater is discharged in a manner that:
- a) does not exceed the soil's ability to absorb the wastewater, and
 - b) does not result in ponding on the land for more than three hours after the discharge, and
 - c) evenly distributes the wastewater over entire infiltration surface of the disposal system, and
- 11) there is a reserve area equivalent to 100 percent of the disposal area, and
- 12) there is no clogging of the disposal system or soils.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(d)).
- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).
- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land (s15(1)(d)).⁽⁶⁹³⁾

C.6.6.3

Industrial or trade discharges - discretionary activity

The discharge of contaminants (except for contaminants entrained in stormwater)⁽⁶⁹⁴⁾ from an industrial or trade premises into or onto land or into water that is not:

⁶⁹² Whangarei District Council

⁶⁹³ Clarification

⁶⁹⁴ Tegel Foods Ltd

1) a permitted activity under C.6.6.1 'Discharge of cooling water - permitted activity', or

2a. a permitted activity under >Discharge of contaminants from a water treatment plant - permitted activity>, ⁽⁶⁹⁵⁾ or

2) a permitted activity under C.6.6.2 'Discharge of certain types of industrial or trade wastewater - permitted activityClarification'

or any other rule relating to discharges of contaminants from industrial or trade premises; ⁽⁶⁹⁶⁾ is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a) and (d));
- Discharge of contaminants from an industrial or trade premise into water (s15(1)(a))
- Discharge of contaminants from an industrial or trade premises onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b))
- Discharge of contaminants from an industrial or trade premise onto or into land (s15(1)(d)) ⁽⁶⁹⁷⁾

C.6.7 Solid waste

C.6.7.1

Cleanfill – permitted activity

The placement of cleanfill material onto or into land is a permitted activity, provided:

- 1) all conditions in rule C.8.3.1 'Earthworks – permitted activity' are complied with, and
- 2) the following details are recorded and made available to the regional council on request:
 - a) the source and composition of the cleanfill material, and
 - b) Global Positioning System co-ordinates of the cleanfill material in the disposal site, and
- 3) the cleanfill material is located to avoid being undermined or eroded by natural processes or being inundated by coastal or river flooding, and
- 4) there is no offensive or objectionable dust beyond the boundary of the subject property.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2));
- Discharge of contaminants onto or into land where it may enter water (s15(1)(b)). – (GBC Winstone)

C.6.7.2

Discharges to land from closed landfills – permitted activity

The discharge of contaminants onto or into land from a closed landfill is a permitted activity, provided:

- 1) refuse in the landfill is capped with a minimum of:
 - a) 150 millimetres topsoil layer for vegetation, and

695 Consequential amendment because of the new rule

696 AFFCO NZ

697 Clarification

- b) 600 millimetres compacted barrier layer (silt, silty clay, clay), with permeability not greater than nine millimetres per day, and
- c) 300 millimetres compacted subgrade or foundation layer, and
- 2) the site is protected from salt water, groundwater and freshwater intrusion or inundation by the use of stop banks or impermeable seals, and
- 3) the surface of the landfill is sloped to prevent ponding of surface water, and
- 4) the final capping layer is planted using vegetation that will maintain ground cover and whose roots will not intrude through the capping layer into the refuse in the landfill, and
- 5) catchment run-off is prevented from entering the landfill, and
- 6) the discharge does not cause beyond a 20-metre radius in the receiving waters from the point of discharge:
 - a) an exceedance of a water quality standard or a sediment quality standard, or⁽⁶⁹⁸⁾
 - b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - c) a conspicuous change in the colour or visual clarity, or
 - d) the rendering of fresh water unsuitable for consumption by farm animals, or
 - e) a significant adverse effect on aquatic life.

The RMA activities this rule covers:

- Discharge of contaminants onto or into land where it may enter water (s15(1)(b));
- Discharge of contaminants to land from any trade or industrial premises (s15(1)(d)).⁽⁶⁹⁹⁾

C.6.7.3

On site refuse disposal – permitted activity

The discharge of waste, except dead animals and offal,⁽⁷⁰⁰⁾ from primary production or household waste onto or into land, is a permitted activity, provided:

- 1) the waste is not from an industrial or trade premises, and
- 2) the waste comprises domestic waste or waste from primary production activities but does not include offal, dead stock,⁽⁷⁰¹⁾ agricultural containers or hazardous substances, and
- 3) the waste is generated on the property where the disposal site is located, and
- 4) the volume of waste discharged does not exceed 50 cubic metres per property 12 cubic metres per property per calendar year,⁽⁷⁰²⁾ and
- 5) the discharge of refuse is not located within:
 - a) 50 metres of the coastal marine area, a stream, river, lake or 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

698 Whangarei District Council consequential change to Policy D.4.1

699 Kaipara District Council

700 NZ Pork

701 NZ Pork

702 Federated Farmers of NZ

- 6) stormwater is prevented from entering the waste disposal site, and
- 7) the site is not subject to groundwater or salt water intrusion or inundation, and
- 8) the waste is covered to prevent wind-blown refuse, and
- 9) the surface of the disposal site is re-vegetated when no longer in use to avoid erosion and sediment runoff, and
- 10) the location of the disposal site is recorded and provided to the regional council on request, and
- 11) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject [property](#).

Note: For rules relating to the disposal of dead stock and offal see rule C.6.3.3 Discharges associated with the disposal of dead animals or offal. ⁽⁷⁰³⁾

The RMA activities this rule covers:

- 1) [Discharge of contaminants into or onto land where it may enter water \(s15\(1\)\(b\)\)](#);
- 2) [Discharge contaminants into the air from any other place or source \(s15\(2A\)\)](#);
- 3) [Discharge of waste, except dead animals and offal, from primary production or household waste onto or into land in circumstances which may result in the contaminants \(or any other contaminant emanating as a result of natural processes from the contaminants\) entering water \(s15\(1\)\(b\)\)](#)
- 4) [Discharge of odour and dust to air incidental to the discharge of waste, except dead animals and offal, from primary production or household waste onto or into land \(s15\(2A\)\)](#) ⁽⁷⁰⁴⁾

C.6.7.4

Composting operations less than 10 cubic metres - permitted activity

The discharge of contaminants to land from a [composting operation](#) is a permitted activity provided:

- 1) the total volume of material composted at any time does not exceed 10 cubic metres, and
- 2) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
- 3) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property, and
- 4) leachate is not discharged to [surface water](#).

The RMA activities this rule covers:

- [Discharge of contaminants into or onto land where it may enter water \(s15\(1\)\(b\)\)](#);
- [Discharge contaminants into the air from any other place or source \(s15\(2A\)\)](#);
- [Discharge of contaminants onto or into land from a \[composting operation\]\(#\) in circumstances which may result in the contaminants \(or any other contaminant emanating as a result of natural processes from the contaminants\) entering water \(s15\(1\)\(b\)\)](#)
- [Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a \[composting operation\]\(#\) that is, or is on, an industrial or trade premise \(s15\(1\)\(c\)\)](#)
- [Discharge of contaminants onto or into land from a \[composting operation\]\(#\) that is or is on an industrial or trade premise \(s15\(1\)\(d\)\)](#)

703 [NZ Pork](#)

704 [Clarification](#)

- Discharge of contaminants onto or into land from a composting operation (s15(2A))
- Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a composting operation (s15(2A)) ⁽⁷⁰⁵⁾

C.6.7.5

Composting operations greater than 10 cubic metres – permitted activity

The discharge of contaminants from a composting operation onto or into land in circumstances where contaminants may enter water is a permitted activity, provided:

- 1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, or animal carcasses, and
- 2) leachate is not discharged to surface waterbody, 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 pile, and
- 5) the activity is not located within:
 - a) 50 metres of any water supply bore, stream, river, lake or 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.

The RMA activities this rule covers:

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b))
- Discharge of contaminants into land from any trade or industrial premises (s15(1)(d))
- Discharge of contaminants into the air from any other place or source (s15(2A))
- Discharge of contaminants onto or into land from a composting operation in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b))
- Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a composting operation that is, or is on, an industrial or trade premise (s15(1)(c))
- Discharge of contaminants onto or into land from a composting operation that is or is on an industrial or trade premise (s15(1)(d))
- Discharge of contaminants onto or into land from a composting operation (s15(2A))
- Discharge of odour or dust to air incidental to the discharge of contaminants onto or into land from a composting operation (s15(2A)) ⁽⁷⁰⁶⁾

C.6.7.6

Waste transfer stations – controlled activity

Discharge of contaminants from a waste transfer station into or onto land is a controlled activity provided:

⁷⁰⁵ Clarification

⁷⁰⁶ Clarification

- 1) the concentrations of contaminants in water at or beyond the property provided boundary do not exceed the following ; -⁽⁷⁰⁷⁾
 - a) in surface water and coastal water, the concentrations listed in Table 3.4.1 of the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000)* for the protection of 95% of species; and
 - b) in groundwater, the limits for groundwater set out in the *Drinking Water Standards New Zealand 2005 (revised 2008)* also apply; and -⁽⁷⁰⁸⁾
- 2) the discharge does not result in any **noxious, dangerous**, offensive or objectionable odour, smoke, **spray** or dust, or any noxious or dangerous levels of **airborne contaminants** including those that adversely affect **traffic or aircraft safety**, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁰⁹⁾

Matters of control:

- 1) Measures in place to **limit prevent** contaminants entering **surface water**, groundwater and the coastal marine area.⁽⁷¹⁰⁾

Notification:

Resource consent applications under this rule are precluded from public notification .⁽⁷¹¹⁾

The RMA activities this rule covers:

- **Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).**
- **Discharge contaminants into the air from any other place or source (s15(2A)).**
- **Discharge of contaminants from a waste transfer station into air (s15(1)(c)).**
- **Discharge of contaminants from a waste transfer station into or onto land 15(1)(d)).**⁽⁷¹²⁾

New rule - Discharges from closed landfills

The discharge of contaminants from a closed landfill is a controlled activity ;

Matters of control:

- 1) **Closed Landfill Aftercare Management Plan**
- 2) **Adequacy of protection from saltwater and fresh water intrusion including:**
 - a) **The permeability of the compacted capping layer**
 - b) **Stormwater management onto and from the site**
 - c) **Adequacy of the landfill surfaces to prevent ponding.**
- 3) **Adequacy of vegetation cover**
- 4) **Effects on water quality**

The RMA activities this rule covers:

- **Discharge of contaminants onto or into land from from a closed landfill in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b)).**
- **Discharge of contaminants into air from a closed landfill (s15(1)(c))**

707 Whangarei District Council

708 Whangarei District Council

709 Northland District Health Board

710 Clarification

711 Whangarei District Council

712 Clarification

- Discharge of contaminants onto or into land from a from a closed landfill s15(1)(d))
- Discharge of contaminants onto or into land, or into air, from from a closed landfill (s15(2A))⁽⁷¹³⁾

C.6.7.7

Other solid waste discharges – discretionary activity

A solid waste discharge that is not a:

- 1) permitted activity under rule C.6.7.1 'Cleanfill – permitted activity', or⁽⁷¹⁴⁾
- 2) permitted activity under rule C.6.7.2 'Discharges to land from closed landfills – permitted activity', or
- 3) permitted activity under rule C.6.7.4 'Composting operations less than 10 cubic metres – permitted activity', or
- 4) permitted activity under rule C.6.7.5 'Composting operations greater than 10 cubic metres – permitted activity', or
- 5) permitted activity under rule C.6.7.3 'On site refuse disposal – permitted activity', or
- 6) controlled activity under rule C.6.7.6 'Waste transfer stations – controlled activity',

is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b))
- Discharge of contaminants into land from any trade or industrial premises (s15(1)(d))
- Discharge of solid waste onto or into land in circumstances which may result in the contaminants (or any other contaminant emanating as a result of natural processes from the contaminants) entering water (s15(1)(b))
- Discharge of contaminants into air incidental to the discharge of solid waste onto or into land (s15(1)(c))
- Discharge of solid waste onto or into land (s15(1)(d))
- Discharge of solid waste onto or into land (s15(2A))
- Discharge of contaminants into air incidental to the discharge of solid waste onto or into land (s15(2A))⁽⁷¹⁵⁾

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 contaminated land – permitted activity

A site investigation to assess the concentration of hazardous substances in soil, water or air is a permitted activity provided:

- 1) the site investigation is undertaken by a suitably qualified and experienced practitioner, and

⁷¹³ Whangarei District Council

⁷¹⁴ Consequential change - GBC Winstone

⁷¹⁵ Clarification

- 2) the person or organisation initiating the site investigation must provide a copy of the site investigation report to the regional council within three months of the completion of the investigation, and
- 3) site investigations undertaken to assess the concentrations of contaminants in soil are undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011), and
- 4) site investigations undertaken to assess the concentrations of contaminants in [surface water](#), ground water, soil gas or soil vapour are undertaken in accordance with Section 2 *Principles of site investigation, Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011).

Note:

The construction of a bore in contaminated land is a controlled activity (refer C.8.5.3 'Construction or alteration of a bore – controlled activity').

The RMA activities this rule covers:

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b))
- discharge of contaminants into land from any trade or industrial premises (s15(1)(d)), and
- discharge of contaminants into the air from any other place or source (s15(2A)), and
- restrictions on the use of land (s9(2)).
- A site investigation on or in land to assess the concentration of hazardous substances in soil, water or air (s9(2)).
- Discharge of contaminants into or onto land where it may enter water incidental to the disturbance of land from the site investigation (s15(1)(b))
- Discharge of contaminant from any industrial or trade premises into air incidental to the disturbance of land from the site investigation (15(1)(c))
- Discharge of contaminants from a industrial or trade premises onto or into land incidental to the disturbance of land from the site investigation (s15(1)(d))
- Discharge of contaminants into air incidental to the disturbance of land from the site investigation (s15(2A)) ⁽⁷¹⁶⁾

C.6.8.2

Discharges from contaminated land - permitted activity

Note: The structure of this rule differs from the structure of the equivalent rule in the Proposed Plan. Consequently numbering of the permitted activity conditions differs between this version and the Proposed Plan. Due to the substantial nature of these changes structural changes have not been highlighted or underlined. Changes in text resulting from submissions have been highlighted and underlined.

The [passive discharge](#) of contaminants from contaminated land into water, or onto or into land where it may enter water, is a permitted activity, provided;

- 1) a site investigation has been undertaken by a suitably qualified and experienced practitioner, and
- 2) the site investigation report demonstrates that the [passive discharge](#) of the contaminants of concern does not exceed the contaminant concentrations in clauses 3- 11 below:
- 3) contaminants in [sensitive groundwater](#), the concentration of contaminants at the [property](#) boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed, ⁽⁷¹⁷⁾

716 Clarification

717 Clarification

- a) the contaminant concentrations in *Drinking Water Standards for New Zealand 2005 (revised 2008)* ⁽⁷¹⁸⁾, and ⁽⁷¹⁹⁾
 - b) contaminant concentrations in *Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000)* for fresh and marine water at the level of 80% protection of species and applied in accordance with those guidelines ⁽⁷²⁰⁾ ⁽⁷²¹⁾, and
 - c) 0.07 µg/L perfluorooctane sulfonate acid (PFOS) + perfluorohexane sulfonate (PFHxS), and
 - d) 0.56 µg/L of perfluorooctanoic acid (PFOA), and
 - e) where there is a difference in contaminant concentrations in 2)a)iii) and iv), the most restrictive concentration applies, and ⁽⁷²²⁾
- 4) contaminants in non-sensitive groundwater, the concentration of contaminants at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed,
- a) for other contaminants, do not exceed the concentrations of contaminants listed in *table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000)* for fresh and marine water at the level of 80% protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (i.e. 95% protection of species) and applied in accordance with those guidelines ⁽⁷²³⁾, and
 - b) 312 µg/L of perfluorooctane sulfonate acid (PFOS) + perfluorohexane sulfonate (PFHxS), and ⁽⁷²⁴⁾
 - c) 1824-632 µg/L of Perfluorooctanoic acid (PFOA), and ⁽⁷²⁵⁾
 - d) the concentrations for benzene listed in Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level 95% protection of species, and ⁽⁷²⁶⁾
- 5) in surface water, the concentration of contaminants, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less) or immediately adjacent to any surface water or the coastal marine area, does not exceed,
- a) contaminant concentrations in Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level of 95% protection of species and applied in accordance with those guidelines, and
 - b) 0.13 µg/L perfluorooctane sulfonate acid (PFOS) + perfluorohexane sulfonate (PFHxS), and
 - c) 220 µg/L of perfluorooctanoic acid (PFOA), and ⁽⁷²⁷⁾
- 6) chlorinated solvents concentrations in soil gas do not exceed the land use specific Interim Health Investigation Levels for soil gas at one metre depth given in *Table 1A(2) of Schedule B1 (Guideline on Investigation Levels for Soil and Groundwater)* of the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (updated 2013)*, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and

718 where there is a difference in contaminant concentrations in 2)a)i) and 2)a)ii), the most restrictive concentration applies; and

719 Clarification

720 where there is a difference in contaminant concentrations in 2)a)ii) and 2)a)iii), the most restrictive concentration applies; and

721 The oil companies

722 Clarification

723 The oil companies

724 Soil and Rock Consultants

725 Soil and Rock Consultants

726 The oil companies, consequential change to C.6.8.1(c)(iv)

727 Soil and Rock Consultants

- 7) petroleum hydrocarbon concentrations **in soil gas** ⁽⁷²⁸⁾ do not exceed the land use specific target soil air concentrations at one metre depth given 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
- 8) **landfill gas at the property boundary does not exceed:**
 - a) **one percent methane by volume, or**
 - b) **0.5 percent carbon dioxide by volume, and** ⁽⁷²⁹⁾
- 9) light non-aqueous phase liquids (LNAPLs) ⁽⁷³⁰⁾ must not have a LNAPL transmissivity of less than 0.001 square metres per day ⁽⁷³¹⁾, **or a SQEP certifies the LNAPL is unlikely to be mobile using a lines of evidence approach** ⁽⁷³²⁾, and
- 10) dense non-aqueous phase liquids ⁽⁷³³⁾ **are not mobile and** in free phase form, ⁽⁷³⁴⁾, and
- 11) non-aqueous phase liquids do not extend across the **property** boundary.

Note: The rules above reference several standards which list a range of contaminants. It is expected that compliance with this rule will focus on contaminants that may be present at concentrations that could pose a potential human health and/ or environmental risk. These are known as "contaminants of concern". Dischargers are not expected to test for, or otherwise demonstrate compliance for contaminants that are not relevant to the site's history. The rules also require dischargers to "demonstrate" compliance. This can be achieved, depending on site specific circumstances, through a combination of testing / sampling, chemical fate and transport modeling / estimates or similar techniques.

The RMA activities this rule covers:

- **discharge of contaminants onto or into land which may enter water (15(1)(b)), and**
- **discharge of contaminants onto or into land from any trade or industrial premises (15(1)(d)), and**
- **discharge of contaminants into the air from any other place or source (s15(2A)), and**
- **restrictions on the use of land (s9(2)).**
- **Passive discharge of contaminants into water from contaminated land (s15(1)(a))**
- **Passive discharge of contaminants into or onto land where it may enter water from contaminated land (s15(1)(b))**
- **Passive discharge of contaminants from a industrial or trade premises onto or into land from contaminated land (s15(1)(d))**

C.6.8.3

Contaminated land remediation – discretionary activity

Remediation of contaminated land is a discretionary activity, except:

- 1) **earthworks that are a permitted activity under rule C.8.3.1 'Earthworks – permitted activity'**

The RMA activities this rule covers:

- **restrictions on the use of land (s9(2)), and**

728 Clarification

729 clarification

730 Light non-aqueous phase liquids are liquids that have a specific gravity of less than one

731 Clarification

732 the oil companies

733 Dense non-aqueous phase liquids are liquids with a specific gravity of greater than one

734 The oil companies

- discharge of contaminants to land which may enter water (15(1)(b)), and
- discharge of contaminants into land from any trade or industrial premises (15(1)(d)).

New rule - Contaminated land remediation - controlled activity

Remediation of contaminated land is a controlled activity.

Matters of control

- 1) the adequacy of the detailed site investigation report including:
 - a) site sampling;
 - b) laboratory analysis
 - c) risk assessment
 - a) the need for and adequacy of a site management plan (contaminated land);
 - b) the need for and adequacy of a remedial action plan (contaminated land);
 - c) how the discharge is to be:
 - i) managed
 - ii) monitored, including frequency and location of monitoring ; and reported on.
 - d) the physical constraints of the site and operational practicalities;
 - e) the transport, disposal and tracking of soil and other materials taken away in the course of the activity;
 - f) the effect on potable water supplies;
 - g) the physical constraints of the site and operational practicalities;
 - h) methods to identify contaminant risks prior to works commencing such as qualitative assessments of risk;
 - i) protocols around notifying the Council of contaminant risks;
 - j) how stormwater is to be managed;
 - k) soil management during work and at the completion of the works;
 - l) odour control
 - m) vapour control
 - n) groundwater management
 - o) contingency plans
 - p) remediation or ongoing management of the site, its timing and standard
 - q) the nature and type of close out criteria ;
 - r) the need for a financial bond; ⁽⁷³⁵⁾

The RMA activities this rule covers:

- Remediation of contaminated land (s9(2))
- Discharge of contaminants into or onto land where it may enter water incidental to the remediation of contaminated land (s15(1)(b))
- Discharge of contaminant from any industrial or trade premises into air incidental to the remediation of contaminated land (15(1)(c))

735 The oil companies

- Discharge of contaminants from a industrial or trade premises onto or into land incidental to the remediation of contaminated land (s15(1)(d))
- Discharge of contaminants into air incidental to the remediation of contaminated land (s15(2A))⁽⁷³⁶⁾

New rule - Re-consenting passive discharges from contaminated land - controlled activity

An application for a new resource consent to replace an existing resource consent for the passive discharge of contaminants to into water, or onto or into land where it may enter water, is a controlled activity.

Matters of control

The matters over which control is retained are as follows:

- 1) The adequacy of the detailed site investigation (contaminated land), including:
 - a) site sampling
 - b) laboratory analysis
 - c) risk assessment.
- 2) The approach to the remediation or ongoing management of discharges from the site, including the:
- 3) a) works or management methods to address the risk posed by the contaminants to the environment
 - b) timing of any works
 - c) standard of any works on completion
 - d) mitigation measures for the site, including the frequency and location of monitoring of specified contaminants.
 - e) The adequacy of the site management plan (contaminated land) or the site validation report (contaminated land) or both, as applicable.
 - f) Application of the best practicable option.
 - g) The timing and nature of the review of any review conditions in the resource consent
 - h) The nature and type of close out criteria that are required to be satisfied prior to surrender of consent
 - i) the need for a financial bond;⁽⁷³⁷⁾

The RMA activities this rule covers:

- Passive discharge of contaminants into water from contaminated land (s15(1)(a))
- Passive discharge of contaminants into or onto land where it may enter water from contaminated land (s15(1)(b))
- Passive discharge of contaminants from a industrial or trade premises onto or into land from contaminated land (s15(1)(d))

C.6.8.4

Contaminated land – discretionary activity

Site investigations to assess the concentration of hazardous substances that may be present in soil, or discharges from contaminated land, that is not a:

- 1) permitted activity under rule Could not find ID-1977155-5510, or
- 2) permitted activity under rule C.6.8.2 'Discharges from contaminated land - permitted activity', or
- 3) controlled activity under New rule - re-consenting passive discharges from contaminated land, or

736 The Oil Companies

737 The oil companies and Refining New Zealand

4) controlled activity under New rule - contaminated land remediation

is a discretionary activity.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- discharge of contaminants to land which may enter water (15(1)(b)), and
- discharge of contaminants into land from any trade or industrial premises (15(1)(d));
- A site investigation on or in land to assess the concentration of hazardous substances in soil, water or air (s9(2))
- Discharge of contaminants into or onto land where it may enter water (s15(1)(b))
- Discharge of contaminant from any industrial or trade premises into air (15(1)(c))
- Discharge of contaminants from a industrial or trade premises onto or into land (s15(1)(d))
- Discharge of contaminants into air (s15(2A)) ⁽⁷³⁸⁾

C.6.9 Other discharges of contaminants

C.6.9.1

Discharge of dust suppressants – permitted activity

The discharge of dust suppressant to land is a permitted activity provided:

- 1) the discharge is not directly to water, and
- 2) the dust suppressant:
 - a) is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, or
 - b) has been determined by the Environmental Protection Authority to not be a hazardous substance.

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be used, imported into or manufactured in New Zealand, and places controls of each phase of a substance's life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b));
- Discharge of a dust suppressant onto or into land in circumstances which may result in the dust suppressant entering water (s15(1)(b))
- Discharge of a dust suppressant onto or into land (s15(2A)) ⁽⁷³⁹⁾

C.6.9.2

Discharge of tracers – permitted activity

The discharge of a tracer into water is a permitted activity provided:

738 Clarification

739 Clarification

- 1) the discharge is not upstream of any abstraction point for a registered drinking water supply, unless approved by the water supplier, and
- 2) the tracer is of a type designed for use in water and is used in accordance with the manufacturer's recommendations and any recognised standards and practices, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge the zone of reasonable mixing.⁽⁷⁴⁰⁾
 - a) a conspicuous change in the colour or visual clarity, or
 - b) an emission of objectionable odour, or⁽⁷⁴¹⁾
 - c) the rendering of fresh water unsuitable for consumption by farm animals, or
 - d) a significant adverse effect on aquatic life, and
- 4) the regional council's compliance manager is given at least 24 hours notice (in writing or by email) prior to the discharge.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a)).
- Discharge of a tracer into water (s15(1(a))⁽⁷⁴²⁾

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⁽⁷⁴³⁾ is a permitted activity, provided the activity is done in accordance with Sections 5.2 and 5.3 of the *Code of Practice for Nutrient Management (New Zealand Fertiliser) (With Emphasis on Fertiliser Use)*⁽⁷⁴⁴⁾ 2013⁽⁷⁴⁵⁾.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of fertiliser onto or into land in circumstances which may result in the fertiliser entering water (s15(1(b)).
- Discharge of fertiliser into or onto land (s15(2A))⁽⁷⁴⁶⁾

C.6.9.4

Discharge of sluicing water, water from a water supply network and reservoir water - permitted activity

The discharge of sluicing water or water from a public or community water supply network or reservoir⁽⁷⁴⁷⁾ into water or onto land where it may enter water⁽⁷⁴⁸⁾ is a permitted activity, provided:

- 1) the activity is associated with the sluicing of public or community water supply mains or the testing, repair or maintenance of pipelines, and⁽⁷⁴⁹⁾

740 Consequential change to the insertion of a definition of a zone of reasonable mixing

741 Clarification

742 Clarification

743 Clarification

744 Clarification

745 Code of Practice for Nutrient Management (With Emphasis on Fertiliser Use) 2013. Fertiliser Association. ISBN 978-0-473-28345-2

746 Clarification

747 Whangarei District Council

748 Clarification

749 Consequential amendment

- 2) the discharge does not cause any erosion of the channel or banks of the receiving water body, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20-metre radius from the point of discharge⁽⁷⁵⁰⁾:
 - a) an increase in the temperature of the water by more than three degrees Celsius, or
 - b) a conspicuous change in the colour or visual clarity, or
 - c) an emission of objectionable odour, or
 - d) the rendering of fresh water unsuitable for consumption by farm animals, or
 - e) a significant adverse effect on aquatic life.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a) and (b))
- Discharge of water or water from a public or community water supply network or reservoir to water (s15(1)(a))
- Discharge of sluicing water or water from a public or community water supply network or reservoir onto or into land which may result in the contaminants entering water (s15(1)(b))⁽⁷⁵¹⁾

New rule - Discharges from shellfish harvesting, washing and sorting - permitted activity

The discharge of water, biodegradable or organic matter, to coastal waters and the foreshore as a result of harvesting, washing or sorting farmed shellfish is a permitted activity provided:

- 1) the discharge occurs in an area where aquaculture is authorised to occupy, and
- 2) the discharge does not cause an accumulation of shell and other debris on the foreshore or seabed, and
- 3) The discharge does not cause any of the following effects 20 metres beyond the area where aquaculture is authorised to occupy:
 - a) a conspicuous change in the colour or visual clarity, or
 - b) an increase the temperature of the water by more than three degrees Celsius, or
 - c) the pH of fresh water to be outside of the range of 6.5-8.5, or
 - d) the dissolved oxygen in fresh water to be less than five milligrams per litre, or
 - e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - f) a conspicuous change in the colour or visual clarity, or
 - g) an emission of objectionable odour, or
 - h) a significant adverse effect on aquatic life.

The RMA activities this rule covers:

- Discharge of water, biodegradable or organic matter, to coastal waters as result of harvesting, washing or sorting farmed shellfish (s15(1)(a))
- Discharge of biodegradable or organic matter to the foreshore which may result in the contaminants entering water as result of harvesting, washing or sorting farmed shellfish (s15(1)(b))
- Discharge of biodegradable or organic matter to the foreshore as result of harvesting, washing or sorting farmed shellfish on a industrial or trade premise (s15(1)(d))
- Deposition of biodegradable or organic matter on the foreshore or seabed incidental to harvesting, washing or sorting farmed shellfish (s12(1)(d))

⁷⁵⁰ Consequential change to the insertion of a definition for the zone of reasonable mixing

⁷⁵¹ Clarification

(752)

C.6.9.5

Discharges to land or water not provided for by other rules - permitted activity

The discharge of water or contaminants into water or onto or into land ~~where it may enter water~~⁽⁷⁵³⁾ that is not ~~regulated by the subject of~~⁽⁷⁵⁴⁾ any other rule in this plan is a permitted activity, provided:

- 1) ~~the discharge does not contain any exotic organisms, and~~⁽⁷⁵⁵⁾
- 2) the discharge does not contain a hazardous substance, ~~except where dewatering occurs in conjunction with the installation, maintenance or replacement of an underground petroleum storage system and where the discharge does not contain more than 15 mg/L of hydrocarbons,~~⁽⁷⁵⁶⁾ and
- 3) the discharge does not contain biosolids, and
- 4) the discharge does not cause any of the following effects in the receiving waters beyond ~~the zone of reasonable mixing a 20-metre radius from the point of discharge~~⁽⁷⁵⁷⁾:
 - a) ~~an exceedance of a water quality standard or a sediment quality standard, or~~⁽⁷⁵⁸⁾
 - b) an increase the temperature of the water by more than three degrees Celsius, or
 - c) the pH of fresh water to be outside of the range of 6.5-8.5, or
 - d) the dissolved oxygen in fresh water to be less than five milligrams per litre, or
 - e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - f) a conspicuous change in the colour or visual clarity, or
 - g) an emission of objectionable odour, or
 - h) the rendering of fresh water unsuitable for consumption by farm animals, or
 - i) a significant adverse effect on aquatic life, and
- 5) the discharge does not scour or erode the bed of any water body or the coastal marine area.

The RMA activities this rule covers:

- ~~Discharge of contaminants into environment (s15(1)(a), (b) and (d)).~~
- ~~Discharge of contaminant or water to water (s15(1)(a)).~~

752 Aquaculture NZ

753 Clarification

754 Clarification

755 Clarification

756 The Oil Companies

757 Consequential change to the insertion of a definition for the zone of reasonable mixing

758 Horticulture New Zealand

- Discharge contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b))
- Discharge of contaminant into or onto land ⁽⁷⁵⁹⁾

C.6.9.6

Other discharges – discretionary activity

The discharge of a contaminant into water or onto or into land where it may enter water that is not a permitted, controlled, restricted discretionary, non-complying, or a prohibited activity in this plan is a discretionary activity.

The following discharges are a discretionary activity:

- 1) the discharge of dust suppressant to land that is not permitted activity under C.6.9.1 'Discharge of dust suppressants – permitted activity', and
- 2) the discharge of a tracer into water that is not permitted activity under C.6.9.2 'Discharge of tracers – permitted activity', and
- 3) the discharge of fertiliser, other than farm wastewater, onto or into land where it may enter water that is not permitted activity under C.6.9.3 'Discharge of fertiliser – permitted activity', and
- 4) The discharge of sluicing water, or water from a public or community water supply network or reservoir, into water or onto land where it may enter water that is not permitted activity under C.6.9.4 'Discharge of sluicing water, water from a water supply network and reservoir water – permitted activity', and
- 5) The discharge of water, and biodegradable and organic matter, to coastal waters and the foreshore as a result of harvesting, washing and/or sorting farmed shellfish that is not a permitted activity under <Discharges from oyster harvesting, washing and sorting – permitted activity>.

is a discretionary activity.

The RMA activities this rule covers:

- Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
- Discharge of contaminant or water to water (s15(1)(a)).
- Discharge of contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).
- Discharge of contaminants from any industrial or trade premise (s15(1)(d)).
- Discharge of contaminant to land (s15(2A)) ⁽⁷⁶⁰⁾

C.6.9.7

Discharges of untreated sewage from a ship or offshore installation – prohibited activity

The discharge of untreated sewage from a vessel or offshore installation is prohibited within:

- 1) any location landward of the Marine pollution limits (refer I 'Maps | Ngā mahere matawhenua'), and
- 2) the Marine pollution limits – Bay of Islands large vessel limits (refer I 'Maps | Ngā mahere matawhenua') vessels for that have a certificate of survey to carry more than 49 passengers and crew

The RMA activities this rule covers:

759 Clarification

760 Clarification

- Restrictions on dumping and incineration of waste or other matter in the coastal marine area (s15B);
 - Discharge of untreated sewage from a vessel or offshore installation into the coastal marine area (s15B);⁽⁷⁶¹⁾
-

⁷⁶¹ Clarification

C.7 Discharges to air

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

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

Burning

Rule	Page
C.7.1.1 'Outdoor burning outside the Whangārei airshedHulse D– permitted activity '	140
C.7.1.2 'Outdoor burning in the Whangarei and Kerikeri airsheds - permitted activity Lee T'	140
C.7.1.3 'Outdoor burning for fire training purposes – permitted activity'	141
C.7.1.4 'Outdoor burning for biosecurity purposes – permitted activity'	142
C.7.1.5 'Burning for energy (electricity and heat) generation less than 40kW – permitted activity'	142
C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity'	142
C.7.1.7 'Existing authorised burning for energy generation – restricted discretionary activity '	143
C.7.1.8 'Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity'	144
C.7.1.9 'Outdoor burning – non-complying activity'	144

Other air discharges

Rule	Page
C.7.2.1 ' Wet abrasive blasting – permitted activity'	145
C.7.2.2 'Dry abrasive blasting within an enclosed booth – permitted activity'	146
C.7.2.3 'Discharges to air from a closed landfill – permitted activity'	146
C.7.2.4 'Discharges to air from industrial and trade activities - permitted activity'	147

Rule	Page
C.7.2.5 'Discharges of dust to air from the use of unsealed NZTA public roads by motor vehicles - permitted activity'	148
C.7.2.6 'Discharges to air not specifically regulated in the plan - permitted activity '	148
C.7.2.7 'Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity'	148

C.7.1 Burning

C.7.1.1

Outdoor burning outside the Whangārei airshed⁽⁷⁶²⁾ – permitted activity

Outdoor burning outside the Whangārei airshed (refer I 'Maps | Ngā mahere matawhenua')⁽⁷⁶³⁾ is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁶⁴⁾
- 2) it is not in the Whangārei airsheds (refer I 'Maps | Ngā mahere matawhenua'), and⁽⁷⁶⁵⁾
- 3) only untreated wood, paper, cardboard and vegetative matter (including animal carcasses and offal on production land) are burnt, and
- 4) it does not take place on an industrial or trade premise, unless burning is in an incineration device and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, and
- 5) where any outdoor burning is likely to last for more than 24 hours and it is within 100 metres of a smoke sensitive area on another property:
 - a) the neighbouring property with the smoke sensitive area must receive notification no less than 24 hours and no more than two weeks before the outdoor burning activity is to take place, and
 - b) notification must:
 - i) be in writing (which can include email or other electronic means), and
 - ii) include:
 - 1) a contact name and number for the person supervising the burn, and
 - 2) details of materials to be burnt, and
 - 3) general time the burning will commence, and
 - 4) approximate length of time the burn will take, and
 - c) some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).⁽⁷⁶⁶⁾

762 Hulse D

763 Hulse D

764 Northland District Health Board

765 Hulse D

766 Clarification

C.7.1.2

Outdoor burning in the Whangarei and Kerikeri airsheds - permitted activity ⁽⁷⁶⁷⁾

Outdoor burning in the Whangarei and Kerikeri airsheds (refer I 'Maps | Ngā mahere matawhenua') is a permitted activity, provided: ⁽⁷⁶⁸⁾

- 1) the discharge does not result in any **noxious, dangerous**, offensive or objectionable odour, smoke, **spray** or dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety**, beyond the boundary of the subject property or in the coastal marine area, and ⁽⁷⁶⁹⁾
- 2) only untreated wood, paper, cardboard and vegetative matter are burnt, and
- 3) it is located on a property greater than **one hectare, more than 100 metres upwind, and 50 metres in any other direction, of any smoke sensitive activity that is not located on the property where the burning occurs**, and ⁽⁷⁷⁰⁾
- 4) **in the Whangarei airshed**, no burning is to take place during June, July or August, and ⁽⁷⁷¹⁾
- 5) that despite clauses 2, 3 and 4 above, burning is permitted where the burning is:
 - a) on an industrial and trade premise, in an **incineration device** and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, or
 - b) an umu (provided it is being used for its designated purpose and with its intended fuel), or
 - c) a hangi (provided it is being used for its designated purpose and with its intended fuel), or
 - d) a barbeque (provided it is being used for its designated purpose and with its intended fuel), or
 - e) an outdoor fire for food cooking purposes (provided it is being used for its designated purpose and with its intended fuel), or
 - f) a wood-fired kiln (provided it is being used for its designated purpose and with its intended fuel), or
 - g) a bonfire containing only wood, paper, cardboard and vegetative matter, organised by a **community-controlled organisation** and the regional council **and Fire and Emergency New Zealand** are notified five working days in advance, and ⁽⁷⁷²⁾
- 6) where any **outdoor burning** is likely to last for more than 24 hours and it is within 100 metres of a **smoke sensitive area** on another property:
 - a) the neighbouring property with the **smoke sensitive area** must receive notification no less than 24 hours and no more than two weeks before the **outdoor burning** activity is to take place, and
 - b) notification must:
 - i) be in writing (which can include email or other electronic means) and
 - ii) include:
 - 1) a contact name and number for the person supervising the burn, and
 - 2) details of materials to be burnt, and
 - 3) general time the burning will commence, and
 - 4) approximate length of time the burn will take, and
 - c) some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.

767 Lee T

768 Lee T

769 Northland District Health Board

770 Gailey B

771 Lee T

772 Fire and Emergency New Zealand

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).⁽⁷⁷³⁾

C.7.1.3

Outdoor burning for fire training purposes – permitted activity

Outdoor burning of any material for the purpose of fire training is a permitted activity provided:

- 1) the discharge does not result in any **noxious, dangerous**, offensive or objectionable odour, smoke, **spray** or dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety**, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁷⁴⁾
- 2) the fire is under the control of a nationally recognised body authorised to undertake fire research or fire training activities, and
- 3) the relevant territorial authority and regional council's compliance manager are notified in writing (which can include email or other electronic means) at least five working days before the fire begins and notification must include:
 - a) a contact name and number for the person supervising the burn, and
 - b) details of materials to be burnt, and
 - c) location and proximity to sensitive areas, and
 - d) approximate length of time burn will take.
- 4) **Burning does not occur more than once in any 3 month period**.⁽⁷⁷⁵⁾

Errata

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).⁽⁷⁷⁶⁾

C.7.1.4

Outdoor burning for biosecurity purposes – permitted activity

Outdoor burning of any material for the purpose of meeting a requirement of the Biosecurity Act 1993 is a permitted activity provided:

- 1) the discharge does not result in any **noxious, dangerous**, offensive or objectionable odour, smoke, **spray** or dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety**, beyond the boundary of the subject property or in the coastal marine area.⁽⁷⁷⁷⁾

773 Clarification

774 Consequential changes

775 B Leonard

776 Clarification

777 Consequential changes

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from outdoor burning from any industrial or trade premises 15(1)(c).
- Discharge of any contaminant into air from outdoor burning (s15(2A)).⁽⁷⁷⁸⁾

C.7.1.5

Burning for energy (electricity and heat) generation less than 40kW – permitted activity

The discharge of contaminants to air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a burning device for energy (electricity and heat) generation is a permitted activity provided:

- 1) the heat capacity of the device does not exceed 40KW, and
- 2) the discharge does not result in any **noxious, dangerous**, offensive or objectionable odour, smoke, **spray** or dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety**, beyond the boundary of the subject property or in the coastal marine area.⁽⁷⁷⁹⁾

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood from any industrial or trade premises 15(1)(c).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (s15(2A)).⁽⁷⁸⁰⁾

C.7.1.6

Burning for energy (electricity and heat) generation more than 40KW – permitted activity

The discharge of contaminants to air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a burning device of more than 40KW for energy generation is a permitted activity provided:

- 1) the burning device has a rate of heat release less than the following:
 - a) coal and oil (but not waste oil) – does not exceed 5MW, and
 - b) natural gas, biogas and liquid petroleum gas– does not exceed 10MW, and
 - c) untreated wood burning – does not exceed 2.5MW, and
- 2) the discharge does not result in any **noxious, dangerous**, offensive or objectionable odour, smoke, **spray** or dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety**, beyond the boundary of the subject property or in the coastal marine area. and⁽⁷⁸¹⁾
- 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

778 Clarification

779 Consequential changes

780 Clarification

781 Consequential changes

- 4) the stack height is calculated in accordance with the chimney height requirements in H.3 'Chimney height requirements', and
- 5) the stack vertical efflux velocity is not less than 5m/s, and
- 6) the opacity of the discharge to air when measured visually in accordance with AS3543–2014, *Use of standard Ringelmann and Australian Standard miniature smoke charts*, is not as dark as or darker than Ringelmann Shade No. 1 for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing, providing that the opacity of the discharge is reduced as far as practicable, and
- 7) the opacity of the discharge to air when measured by photoelectric means in accordance with AS3543–2014 does not equal or exceed 52% for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing providing that the opacity of the discharge is reduced as far as practicable.

Note:

This rule does not apply to the discharge of contaminants to air as a result of using the energy from the burning device (for example, the drying of wood in a kiln, foundry furnaces where metal is smelted, incinerators or other fuel burning equipment associated with industrial processes) – this type of discharge is a discretionary activity. 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.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood from any industrial or trade premises 15(1)(c).
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (s15(2A)).⁽⁷⁸²⁾

C.7.1.7

Existing authorised burning for energy generation – restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy generation is a restricted discretionary activity provided:⁽⁷⁸³⁾

- 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⁽⁷⁸⁴⁾ of the discharge as authorised by the existing resource consent.

Notification:

Applications processed under this rule are precluded from public notification.

Matters of discretion :

⁷⁸² Clarification

⁷⁸³ Consequential change

⁷⁸⁴ Consequential change - GBC Winstone

- 1) Measures to avoid, remedy or mitigate the adverse effects on sensitive areas including⁽⁷⁸⁵⁾ neighbouring dwelling places or properties, and
- 2) The location of the discharge in relation to sensitive areas, and⁽⁷⁸⁶⁾
- 3) The method of discharge, including stack design and exit velocity, and
- 4) Emission control equipment, its operation and maintenance, and
- 5) Combustion equipment operation and maintenance, and
- 6) Fuel use, quality (including sulphur content), storage and handling, and
- 7) Requirement for a management plan, and
- 8) Emission limits (concentrations and/or rates) on the discharge, and
- 9) Monitoring and requirements for sampling points, and⁽⁷⁸⁷⁾
- 10) Local air quality and compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004.

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);⁽⁷⁸⁸⁾

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c));
- Discharge contaminants into the air from any other place or source (s15(2A));
- Discharge of any contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy generation from any industrial or trade premises 15(1)(c));
- Discharge of any contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy generation (s15(2A)).⁽⁷⁸⁹⁾

C.7.1.8

Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity

The discharge of contaminants into air from any burning that is not a:

- 1) permitted activity under rule C.7.1.1 'Outdoor burning outside the Whangārei airshedHulse D– permitted activity ', or
- 2) permitted activity under rule C.7.1.2 'Outdoor burning in the Whangarei and Kerikeri airsheds - permitted activity Lee T', or
- 3) permitted activity under rule C.7.1.3 'Outdoor burning for fire training purposes – permitted activity', or
- 4) permitted activity under rule C.7.1.4 'Outdoor burning for biosecurity purposes – permitted activity', or
- 5) permitted activity under rule C.7.1.5 'Burning for energy (electricity and heat) generation less than 40kW – permitted activity', or

⁷⁸⁵ Consequential change - GBC Winstone

⁷⁸⁶ Consequential change - GBC Winstone

⁷⁸⁷ Clarification

⁷⁸⁸ Consequential change - Refining NZ. GBC Winstone

⁷⁸⁹ Clarification

- 6) permitted activity under rule C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity', or
- 7) restricted discretionary activity under rule C.7.1.7 'Existing authorised burning for energy generation – restricted discretionary activity ', or
- 8) non-complying activity under rule C.7.1.9 'Outdoor burning – non-complying activity',

is a discretionary activity.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from any burning from any industrial or trade premises 15(1)(c)).
- Discharge of any contaminant into air from any burning (s15(2A)).⁽⁷⁹⁰⁾

C.7.1.9

Outdoor burning – non-complying activity

The outdoor burning of:

- 1) wood that is painted, oiled or stained, other than a minor and incidental amount, including but not limited to lead based painted wood, and
- 2) wood treated with Copper Chrome Arsenic (CCA) or other chemicals, and
- 3) timber treated with preservatives or impregnated with chemicals, for example, medium density fibreboard (MDF) and chipboard, and
- 4) construction or demolition waste, and
- 5) plastics, and
- 6) paint and other surface coating materials, and
- 7) tar, and
- 8) rubber, and
- 9) materials containing asbestos, and
- 10) synthetic material including but not limited to foams, fibreglass, batteries, chemicals, paint and other surface coating materials, and
- 11) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and
- 12) pathological, clinical veterinary or quarantine wastes or animal waste, but excluding animal carcasses or offal, other than minor or incidental amounts that are not the principle waste, and
- 13) sludge from industrial processes, and
- 14) municipal, commercial, institutional, domestic, or industrial waste, and
- 15) any container that has been used for the purpose of storing hazardous substances,

that is not:

- 16) a permitted activity under rule C.7.1.3 'Outdoor burning for fire training purposes – permitted activity', or
- 17) a permitted activity under rule C.7.1.4 'Outdoor burning for biosecurity purposes – permitted activity',

⁷⁹⁰ Clarification

is a non complying activity.

Note:

The National Environmental Standards for Air Quality generally prohibits the burning of bitumen on a road, coated wire, tyres, oil, waste and gas at landfills.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of any contaminant into air from any outdoor burning from any industrial or trade premises 15(1)(c).
- Discharge of any contaminant into air from any outdoor burning (s15(2A)).⁽⁷⁹¹⁾

C.7.2 Other air discharges

C.7.2.1

Wet abrasive blasting – permitted activity

Wet abrasive blasting (including water blasting) is a permitted activity provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area. and⁽⁷⁹²⁾
- 2) all working and surrounding areas are kept free of substantial accumulations of used abrasive blasting mediums and other debris after each blasting session and such material must be removed by the end of each working day, and
- 3) used abrasive blasting mediums and other debris must be contained to the extent that no hazardous substances are discharged into water, and
- 4) the abrasive blasting medium is not greater than 5 percent by dry weight free silica, and
- 5) any discharge into water does not cause beyond a 20 metre radius in the receiving waters from the point of discharge:
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) a water quality standard to be exceeded, or⁽⁷⁹³⁾
 - c) increase the temperature by more than 3 degrees Celsius, or
 - d) cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than 1 pH unit, or
 - e) cause the dissolved oxygen to be less than 5 mg/L, or
 - f) any conspicuous change in the colour or visual clarity, or
 - g) the rendering of fresh water unsuitable for consumption by farm animals, or
 - h) any significant adverse effects on aquatic life.

791 Clarification

792 Consequential changes

793 Whangarei District Council

The RMA activities this rule covers:

- Discharge contaminants into water (s15(1)(a)).
- Discharge contaminants onto land where it may enter water (s15(1)(b)).
- Discharge contaminants into land and air from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into land and air from any other place or source (s15(2A)).
- Discharge of contaminant or water from wet abrasive blasting into water (s15(1)(a)).
- Discharge of contaminant from wet abrasive blasting onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).
- Discharge of contaminant from wet abrasive blasting from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant from wet abrasive blasting from any industrial or trade premises onto or into land (s15(1)(d)).
- Discharge of contaminant from wet abrasive blasting onto or into land or into air (s15(2A)).⁽⁷⁹⁴⁾

C.7.2.2

Dry abrasive blasting within an enclosed booth – permitted activity

Dry abrasive blasting within a purpose-built enclosed blasting booth is a permitted activity provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁽⁷⁹⁵⁾
- 2) the enclosed booth is fitted with an air extraction system that discharges all contaminants and exhaust air into a vent or emissions stack, and
- 3) the air extraction system is maintained at all times to remove at least 95% of particulate matter from the discharge, and
- 4) items being blasted are completely contained within the abrasive blasting booth, and
- 5) all doors, windows and other openings to the abrasive blasting booth are closed when blasting, and
- 6) the discharge from the extraction system is at least 50 metres from any dust sensitive area on another property.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of contaminant from dry abrasive blasting from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant from dry abrasive blasting into air (s15(2A)).⁽⁷⁹⁶⁾

C.7.2.3

Discharges to air from a closed landfill – permitted activity

Discharges into air from any closed landfill is a permitted activity provided:

- 1) the landfill was closed before the 1 September 2017, and

⁷⁹⁴ Clarification

⁷⁹⁵ Consequential changes

⁷⁹⁶ Clarification

- 2) the discharge does not result in any **noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety,** beyond the boundary of the subject property or in the coastal marine area, and ⁽⁷⁹⁷⁾
- 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** ⁽⁷⁹⁸⁾
- 5) in circumstances where the closed landfill is in receipt of an existing resource consent to discharge to air, prior to the expiry of the consent it can be demonstrated to the regional council that conditions (2) and (3) of this rule are met through a risk assessment by a suitably trained and certified individual.

The RMA activities this rule covers:

- **Discharge contaminants into air from industrial and trade premises (s15(1)(C)).**
- **Discharge contaminants into the air from any other place or source (s15(2A)).**
- **Discharge of contaminant from any closed landfill from any industrial or trade premises into air (s15(1)(C)).**
- **Discharge of contaminant from dry closed landfill into air (s15(2A)).** ⁽⁷⁹⁹⁾

C.7.2.4

Discharges to air from industrial and trade activities - permitted activity

The discharge of contaminants to air from the following industrial and trade activities is a permitted activity:

- 1) premises for the manufacture or preparation or cooking of food or beverages for human consumption but excluding:
 - a) the extraction, distillation, or purification of animal or vegetable oil or fat otherwise than as a process incidental for the cooking of food, and
 - b) any process for the rendering or reduction or drying of animal matter (including feathers, blood, bone, skin or offal), and
 - c) any processes for the drying of milk or milk products, and
- 2) the refilling, storage, dispensing and sale of fuels, and
- 3) the operation of drycleaning facilities consuming solvents, and
- 4) the application of spray coating activities, 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) indoor combustion of fuels for fire fighting training or emergency fire fighting purposes, and
- 9) premises used as or associated with funeral parlours, chapels, or stonemasons, but excluding crematoria, and
- 10) premises used for the application of surface coatings, including printing or manufacture of packaging materials and the printing of paper, and

797 Consequential changes

798 clarification, consequential change to C.6.8.2

799 Clarification

- 11) premises used for processes involving dyeing, printing, or finishing of yarns, threads, woven, non-woven or knitted fabrics or garments, but excluding: chemical reactions of monomers for the production of synthetic threads, fellmongery, tanning, the curing of leathers or wool scouring, and
- 12) premises used for the sale, servicing, or repairs to motor vehicles, trailers, boats or like equipment, including body and engine repairs, panel beating and fibre-glassing, and
- 13) yards used to hold stock and/or buildings used solely for animal slaughtering and skinning, and
- 14) premises used for saw milling, joinery, cabinet making, furniture restoration and finishing, wood craft manufacture, but excluding the production of any form of particle-board, hardboard, medium density fibre-board or similar product), and
- 15) premises or activities where water vapour or steam are released, and
- 16) premises used for fumigation for quarantine purposes, and
- 17) the construction, repair, maintenance and demolition of buildings, and
- 18) the refilling, storage and dispensing of tallow, and
- 19) the construction, use and maintenance of roads (including unsealed roads) and railways on industrial and trade premises, and
- 20) the loading and unloading and on-site movement of materials having a dust producing capacity, and
- 21) a transfer station or recycling depot, and
- 22) premises used for the bulk storage and distribution of fertiliser, and
- 23) quarrying operations, earthworks and clean fill operations.
- 24) rotational plastic moulding. ⁽⁸⁰⁰⁾

provided:

- 25) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area. ⁽⁸⁰¹⁾

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).

C.7.2.5

Discharges of dust to air from the use of unsealed ⁽⁸⁰²⁾ public roads by motor vehicles - permitted activity

The discharge of dust to air from the use of unsealed ⁽⁸⁰³⁾ public roads by motor vehicles, is a permitted activity provided:

- 1) the relevant road controlling authority has a current programme in place that sets out the priority sites in the district for mitigating the effects of dust on dust sensitive areas.

The RMA activities this rule covers:

- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of dust from the use of public roads by motor vehicles into air (s15(2A)) ⁽⁸⁰⁴⁾

800 Promax Engineering Plastics

801 Consequential changes

802 NZTA

803 NZTA

804 Clarification

C.7.2.6

Discharges to air not specifically regulated in the plan - permitted activity

The discharge of contaminants to air that is not specifically a permitted, controlled, restricted discretionary, non-complying or prohibited activity under another rule in this plan is a permitted activity provided:

- 1) the discharge is not from an industrial or trade premise, and
- 2) the discharge does not result in any **noxious, dangerous**, offensive or objectionable odour, smoke, **spray** or dust, or any noxious or dangerous levels of **airborne contaminants including those that adversely affect traffic or aircraft safety**, beyond the boundary of the subject property or in the coastal marine area, and⁽⁸⁰⁵⁾
- 3) the discharge is not from **dry abrasive blasting** **except as provided for by rule XX Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity**.⁽⁸⁰⁶⁾

Errata

The RMA activities this rule covers:

- Discharge contaminants into **the** air from any **other** place or source (s15(2A)).⁽⁸⁰⁷⁾

New Rule - Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance - permitted activity

Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance is a permitted activity provided:

- 1) **there must be no sensitive activities within 30m of the activity, and**
- 2) **there must be an exclusion zone that prevents public access within 15m of the activity, and**
- 3) **the quantity of paint containing diisocyanates or organic plasticisers applied in a continuous application at a single location must not exceed 18 liters per day, and**
- 4) **there must not be any discharge of surface coating to water or to land in circumstances which may result in the surface coating entering water**

The RMA activities this rule covers:

- **Discharge of contaminant from spray application of surface coatings containing diisocyanates or organic plasticisers from any industrial or trade premises into air (s15(1)(c))**
- **Discharge of contaminant from spray application of surface coatings containing diisocyanates or organic plasticisers from any industrial or trade premises onto or into land (s15(1)(d))**
- **Discharge of contaminant from spray application of surface coatings containing diisocyanates or organic plasticisers onto or into land or into air (s15(2A)).**⁽⁸⁰⁸⁾

New rule - Dry abrasive blasting of infrastructure outside an enclosed booth - controlled activity

Dry abrasive blasting of infrastructure outside of an enclosed booth is a controlled activity provided:

- 1) **It is not undertaken over a water body or in the coastal marine area, and**
- 2) **it is not undertaken within 100 meters of an occupied building on another property, and**
- 3) **it is only undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and**

805 Consequential changes

806 NZTA

807 Clarification

808 New Zealand Transport Agency

- 4) abrasive material used in abrasive blasting must contain no more than 5% free silica by dry weight, and
- 5) waste and debris from abrasive blasting must be removed from the site to the extent practicable.

Matters of control

- 1) the effects on water quality and ecologically-sensitive receiving environments, and
- 2) effects on occupied buildings, and
- 3) the risk of contaminating land, and
- 4) effects on health, and
- 5) timing, location and duration of the activity, and

The RMA activities this rule covers:

- Discharge of contaminant from dry abrasive blasting onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).
- Discharge of contaminant from dry abrasive blasting from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant from dry abrasive blasting from any industrial or trade premises onto or into land (s15(1)(d)).
- Discharge of contaminant from dry abrasive blasting onto or into land or into air (s15(2A)).⁽⁸⁰⁹⁾

(New Rule) Existing authorised air discharges from industrial and trade activities - restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for discharges to air associated with an industrial or trade activity that is not specifically provided for by another rule in this Plan, is a restricted discretionary activity provided:

- 1) the existing air discharge is authorised by an existing resource consent at the time of the resource consent application, and
- 2) there is no increase in the scale or change to the type of the discharge as authorised by the existing resource consent.

Applications processed under this rule are precluded from public notification

Matters of discretion:

- 1) effects on sensitive areas including neighbouring dwelling places or properties, and
- 2) the location of the discharge in relation to sensitive areas, and
- 3) the method of discharge, and
- 4) emission control equipment, its operation and maintenance, and
- 5) requirement for a management plan, and
- 6) emission limits (concentrations and/or rates) on the discharge, and
- 7) local air quality and compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004.⁽⁸¹⁰⁾

The RMA activities this rule covers:

809 Refining New Zealand, New Zealand Transport Authority

810 Refining New Zealand, GBC Winstone

- Discharge of contaminant or water, incidental to a discharge to air, into water (s15(1)(a)).
- Discharge of contaminant, incidental to a discharge to air, onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).
- Discharge of contaminant from any industrial or trade premises into air (s15(1)(c)).
- Discharge of contaminant, incidental to a discharge to air, from any industrial or trade premises onto or into land (s15(1)(d)).

C.7.2.7

Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity

The discharge of contaminants to air that ~~is~~ are⁽⁸¹¹⁾ not specifically a permitted (including through C.7.2.6 'Discharges to air not specifically regulated in the plan - permitted activity'), controlled, restricted discretionary, non-complying or prohibited activity under another rule in this plan, is a discretionary activity,

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).⁽⁸¹²⁾

811 Tegal Foods Ltd

812 Clarification

C.8 Land use and disturbance activities

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

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

Stock exclusion

Rule	Page
C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing artificialClarification watercourse – permitted activity'	151
C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity'	151
C.8.1.3 'Access of livestock to a significant wetland, an outstanding freshwater body, and/or the coastal marine area – non-complying activityConsequential amendment'	152

Cultivation

Rule	Page
C.8.2.1 'Land preparationCultivation – permitted activity'	154
C.8.2.2 'Land preparationCultivation – controlled activity'	155

Earthworks

Rule	Page
C.8.3.1 'Earthworks – permitted activity'	153
C.8.3.2 'Earthworks - controlled activity'	154
C.8.3.3 'Earthworks – discretionary activity'	155

Vegetation clearance

Rule	Page
C.8.4.1 'Vegetation clearance and coastal dune restoration within the coastal hazardriparian and foredune management area – permitted activity'	156
C.8.4.2 'Clearance of native woody vVegetation clearance in riparian areasConsequential change – permitted activity'	157
C.8.4.3 'Vegetation clearance - discretionary activity'	158

Bores

Rule	Page
C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity'	158
C.8.5.2 'Alteration or decommissioning of a bore – permitted activity'	159
C.8.5.3 'Construction or alteration of a bore – controlled activity'	159
C.8.5.4 'Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity'	159

Re-building

Rule	Page
C.8.6.1 'Re-building of materially damaged or destroyed buildings – restricted discretionary activity'	160
C.8.6.2 'Re-building of materially damaged or destroyed buildings – non-complying activity'	160

C.8.1 Stock exclusion

C.8.1.1

Access of livestock to the bed of a water body or permanently flowing **artificial**⁽⁸¹³⁾ watercourse – permitted activity

The access of livestock to a **natural wetland**, the bed of a lake or a permanently flowing river, or a permanently flowing **artificial watercourse**⁽⁸¹⁴⁾ is a permitted activity,⁽⁸¹⁵⁾ provided:

- 1) **native/indigenous**⁽⁸¹⁶⁾ wetland vegetation in a **natural wetland** is not **damaged or**⁽⁸¹⁷⁾ destroyed, and
- 2) other than at a **livestock crossing point**, livestock are **effectively excluded** from the full extent of the water body or drain in accordance with the requirements in Table 8 'Dates when livestock must be effectively excluded from water bodies and permanently flowing artificial watercourses.' **the following table**⁽⁸¹⁸⁾, and
- 3) **livestock crossing points** used by livestock **(excluding deer)**⁽⁸¹⁹⁾ more than once per week must be bridged or culverted by the dates in Table 8 'Dates when livestock must be effectively excluded from water bodies and permanently flowing artificial watercourses.' **the following table**⁽⁸²⁰⁾, and
- 4) at a **livestock crossing point** that is not required to be bridged or culverted, livestock are:
 - a) **actively led or**⁽⁸²¹⁾ driven across the **water body or artificial watercourse/river or drain**⁽⁸²²⁾, and
 - b) **effectively excluded** from the river or drain between crossings by the dates in Table 8 'Dates when livestock must be effectively excluded from water bodies and permanently flowing artificial watercourses.' **the following table**⁽⁸²³⁾.

Table 8 Dates when livestock must be effectively excluded from water bodies and permanently flowing artificial watercourses.

Livestock type	Permanently flowing rivers, streams and artificial watercourses ⁽⁸²⁴⁾ greater than 1m wide and 30cm deep ^{(825)*}	All permanently flowing rivers, streams and artificial watercourses ⁽⁸²⁶⁾	Natural wetlands (excluding significant wetlands > 2000 m ² ⁽⁸²⁷⁾)	Lakes (>1ha) and significant wetlands ⁽⁸²⁸⁾
Pigs and dairy cows	Excluded from the date this rule becomes operative	Excluded from 1 January 2022	Excluded from 1 January 2023	Excluded from the date this rule becomes operative

⁸¹³ Clarification

⁸¹⁴ Clarification

⁸¹⁵ Clarification

⁸¹⁶ DairyNZ

⁸¹⁷ Clarification

⁸¹⁸ New Zealand Deer Farmers Association

⁸¹⁹ Clarification

⁸²⁰ Clarification

⁸²¹ Clarification

⁸²² Clarification

⁸²³ Minister of Conservation

⁸²⁴ DairyNZ

⁸²⁵ Federated Farmers

Livestock type	Permanently flowing rivers, streams and artificial watercourses drains greater than 1m wide and 30cm deep ^{(823)*}	All permanently flowing rivers, streams and artificial watercourses drains	Natural wetlands (excluding significant wetlands >2000 m ² ⁽⁸²⁴⁾)	Lakes (>1ha) and significant wetlands ⁽⁸²⁵⁾
Beef cattle, dairy support cattle and deer	<p>Lowland areas as mapped in I 'Maps Ngā mahere matawhenua': Excluded from 1 January 2025</p> <p>Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': No exclusion required</p>	<p>Lowland areas as mapped in I 'Maps Ngā mahere matawhenua': Excluded from 1 January 2030</p> <p>Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': No exclusion required</p>	<p>Lowland areas as mapped in I 'Maps Ngā mahere matawhenua': Excluded from 1 January 2025</p> <p>Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': No exclusion required</p>	Excluded from the date this rule becomes operative

*Rivers, streams and artificial watercourse that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.⁽⁸²⁶⁾

The RMA activities this rule covers:

- ~~Restrictions on use of land (s9(2))~~
- ~~Restrictions on certain uses of beds of lakes and rivers (s13(2))~~
- ~~Access of livestock to a natural wetland or artificial watercourse (s9(2))~~
- ~~Access of livestock to the bed of a lake or river, or the bed of a wetland forming part of a lake or river (s13(2))~~⁽⁸²⁷⁾

C.8.1.2

Access of livestock to rivers, lakes, and wetlands – ~~restricted~~ discretionary activity

The access of livestock to a natural wetland (>2000 m²)⁽⁸²⁸⁾, the bed of a lake or a permanently flowing river, or a permanently flowing ~~artificial watercourse~~ drain⁽⁸²⁹⁾ that is not:

- 1) a permitted activity under C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing artificialClarification watercourse – permitted activity', or

823 Minister of Conservation

824 DairyNZ

825 Federated Farmers

826 King G

827 Clarification

828 Consequential amendment

829 Clarification

- 2) a permitted activity under E.0.7 'Access of livestock to the bed of a water body or permanently flowing watercourse in the Mangere catchment – permitted activity', or
- 3) a permitted activity under E.0.9 'Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity', or
- 4) a non-complying activity under C.8.1.3 'Access of livestock to a significant wetland, an outstanding freshwater body, and/or the coastal marine area – non-complying activity'Consequential amendment'

is a **restricted**⁽⁸³⁰⁾ discretionary activity.

Matters of discretion:

- 1) **Effects on water quality;**
- 2) **The extent to which livestock can be effectively excluded;**
- 3) **The methods and timing for excluding livestock;**
- 4) **The sensitivity of the water body to the effects of livestock access;**
- 5) **Effects on:**
 - a) **Mahinga kai and access to mahinga kai; and**
 - b) **Indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities; and**
 - c) **Wāhi tapu; and**
 - d) **mapped Sites and Areas of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua')**

Notification:

Resource consent applications under this rule are precluded from notification (limited or public)⁽⁸³¹⁾.

The RMA activities this rule covers:

- **Restrictions on use of land (s9(2));**
- **Restrictions on certain uses of beds of lakes and rivers (s13(2));**
- **Access of livestock to a natural wetland or artificial watercourse (s9(2))**
- **Access of livestock to the bed of a lake or river, or the bed of a wetland forming part of a lake or river (s13(2))**⁽⁸³²⁾

C.8.1.3

Access of livestock to **a significant wetland**, an outstanding freshwater body, **and/or** the coastal marine area – non-complying activity⁽⁸³³⁾

The access of livestock to an **outstanding freshwater body** or the coastal marine area, **or a significant wetland**⁽⁸³⁴⁾ that is a not permitted activity under C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing artificialClarification watercourse – permitted activity'⁽⁸³⁵⁾ is a non-complying activity.

The RMA activities this rule covers:

830 Royal Forest and Bird Protection Society of New Zealand

831 Whangarei District Council

832 Clarification

833 Consequential amendment

834 Matauri Trustee Ltd

835 Consequential amendment

- Restrictions on use of land (s9(2));
- Restrictions on use of coastal marine area (s12(3));
- Restrictions on certain uses of beds of lakes and rivers (s13(2));
-
- Access of livestock to a natural wetland (s9(2))
- Access of livestock to the coastal marine area (s12(3))
- Access of livestock to the bed of a lake or river (s13(2))⁽⁸³⁶⁾

C.8.2 Cultivation <Amend to: Land preparation>

C.8.2.1

Land preparationCultivation – permitted activity

Land preparationCultivation of land⁽⁸³⁷⁾ is a permitted activity provided:

- 1) the activity is not undertaken in the catchment of an outstanding lake, and
- 2) the activity is not done on erosion prone landhighly erodible land⁽⁸³⁸⁾ or in an ephemeral stream⁽⁸³⁹⁾, and
- 3) the activity does not occur within:
 - a) five metres of a natural wetland, the bed of a lake or a permanently or intermittently flowing river or stream, or
 - b) an ephemeral watercourse, and⁽⁸⁴⁰⁾
- 4) if associated with horticulture, it is done in accordance with the *Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand)*, and⁽⁸⁴¹⁾
- 5) 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 mixinga 20-metre radius from a point of discharge⁽⁸⁴²⁾:
 - a) any conspicuous change in colour or visual clarity, or
 - b) rendering fresh water unsuitable for consumption by farm animals, or
 - c) any significant adverse effects on aquatic life.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2));
- Restrictions relating to water (s14(2));
- Discharge of contaminants into environment (s15(1)(a) and (b));
- Land preparation (s9(2))
- Damming and diversion of stormwater from land the subject of land preparation (s14(2)(a))
- Discharge of stormwater from land the subject of land preparation into water (s15(a))
- Discharge of stormwater from land the subject of land preparation onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b))⁽⁸⁴³⁾

836 Clarification

837 Horticulture New Zealand

838 Man O'War Dairies

839 Consequential amendment because of the new definition

840 Consequential change

841 Horticulture New Zealand

842 Consequential amendment because of the new definition

843 Clarification

C.8.2.2

Land preparationCultivation – controlled activity

Land preparationCultivation of land⁽⁸⁴⁴⁾ that is not a permitted activity under C.8.2.1 'Land preparationCultivation – permitted activity' is a controlled activity.

Matters of control:

- 1) Measures to avoid or mitigate adverse effects on surface and groundwater quality⁽⁸⁴⁵⁾, and
- 2) The scale, location, and timing of land preparationcultivation⁽⁸⁴⁶⁾, and
- 3) Erosion and sediment control measures.

Notification

Resource consent applications under this rule are precluded from notification (limited or public).⁽⁸⁴⁷⁾

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2));
- Restrictions relating to water (s14(2));
- Discharge of contaminants into environment (s15(1));
- Land preparation (s9(2))
- Damming and diversion of stormwater from land the subject of land preparation (s14(2)(a))
- Discharge of stormwater from land the subject of land preparation into water (s15(a))
- Discharge of stormwater from land the subject of land preparation onto or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b))⁽⁸⁴⁸⁾

C.8.3 Earthworks

C.8.3.1

Earthworks – permitted activity

Earthworks outside of the bed or a river or lake, wetland and the coastal marine area are⁽⁸⁴⁹⁾ a permitted activity provided:

- 1) the amount of earthworks at a particular location or associated with a project complies with the thresholds in the following table:

⁸⁴⁴ Horticulture New Zealand

⁸⁴⁵ Clarification

⁸⁴⁶ Consequential change

⁸⁴⁷ Northland Fish and Game

⁸⁴⁸ Clarification

⁸⁴⁹ Clarification

Table 9 Permitted activity earthworks thresholds

Location	Earthworks thresholds
Within 10m of a natural wetland, the bed of a river or lake	200 square metres of exposed earth at any one ⁽⁸⁵⁰⁾ time, and 50 cubic metres of moved or placed earth in any 12 month period
Catchment of an outstanding lake	2500 square metres of exposed earth at any one time
Erosion prone land Highly erodible land	2500 square metres of exposed earth at any one time
High risk flood hazard area	50 cubic metres of moved or placed earth in any 12 month period
Coastal hazard riparian and foredune management area ⁽⁸⁵¹⁾	Excluding for coastal dune restoration, 200 square metres of exposed earth at any one time.
Flood hazard area	100 cubic metres of moved or placed earth in any 12 month period
Contaminated land or potentially Contaminated land	25 cubic metres per 500 square metres of the piece of land ⁽⁸⁵²⁾ ; or 30 cubic metres for each tank when removing or replacing a fuel storage system. ⁽⁸⁵³⁾
All other areas ⁽⁸⁵⁴⁾	5000 square metres of exposed earth at any one time

- 2) best practice erosion and sediment control measures are implemented in accordance with, as set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016*⁽⁸⁵⁵⁾, are implemented for the duration of the activity, and⁽⁸⁵⁶⁾
- 3) batters and side castings are stabilised to prevent slumping, and
- 4) areas of exposed earth are stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, or otherwise contained, and
- 5) earth and debris are not deposited into, or in a position where they can enter a natural wetland, river, lake, an artificial water course, or the coastal marine, and

850 Clarification

851 consequential as a result of amendment to the definition

852 Piece of land has the same meaning as specified in clauses 5(7) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

853 Haigh Workman Ltd

854 Clarification

855 Leersnyder, H., Bunting, K., Parsonson, M., and Stewart, C. (2016). *Erosion and sediment control guide for land disturbing activities in the Auckland region*. Auckland Council Guideline Document. GD2016/005. Prepared by Beca Ltd and SouthernSkies Environmental for Auckland Council.

856 GBC Winstone

- 6) the earthworks activity does not:
 - a) reduce the height of a dune crest in a coastal hazard riparian and foredune⁽⁸⁵⁷⁾ management area, except where dunes must be recontoured through removal of introduced materials or to correct dune blow-outs as part of coastal dune restoration work, or⁽⁸⁵⁸⁾
 - b) exacerbate flood or coastal hazard risk on any other property, or
 - c) create or contribute to the instability or subsidence of land on other property, or
 - d) divert flood flow onto other property, and
- 7) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20 metre radius of the point of discharge⁽⁸⁵⁹⁾:
 - a) any conspicuous change in the colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, or
 - c) any significant adverse effects on aquatic life, and
- 8) 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⁽⁸⁶⁰⁾
- 9) 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 and sand dunes within a coastal hazard management area.⁽⁸⁶¹⁾

Note:

It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.

Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.⁽⁸⁶²⁾

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)).
- The use of land for earthworks (s9(2)).
- Damming and diversion of stormwater from land the subject of earthworks n (s14(2)(a)).
- Discharge of stormwater from land the subject of earthworks into water (s15(1)(a)).
- Discharge of stormwater from land the subject of earthworks into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).⁽⁸⁶³⁾

857 Consequential change

858 LaBonte' A&R

859 Consequential amendment because of the inclusion of the definition

860 Consequential amendment because of the deletion of Rule C.6.7.1

861 The Oil Companies

862 Clarification

863 Clarification

C.8.3.2

Earthworks - controlled activity

Earthworks outside of the bed or a river or lake, wetland and the coastal marine area⁽⁸⁶⁴⁾ that is not a permitted activity under rule C.8.3.1 'Earthworks—permitted activity', that exceed 5000 square metres of exposed earth at any time at a particular location or associated with a project are⁽⁸⁶⁵⁾ a controlled activity, provided:

- 1) the earthworks are not located:
 - a) within 10 metres of a natural wetland, the bed of a river or lake, or
 - b) in a catchment of an outstanding lake, or
 - c) on erosion prone land, or
 - d) in a flood hazard or high risk flood hazard area
 - e) in the coastal hazard riparian and foredune management area.
- 2) the amount of earthworks at a particular location or associated with a project complies with the thresholds in the following table:⁽⁸⁶⁶⁾

Table 10 Controlled activity thresholds

Location	Earthworks thresholds
Within 10 metres of a natural wetland, the bed of a river or lake	200 square metres of exposed earth at any one time, and 50 cubic metres of moved or placed earth in any 12 month period
Catchment of an outstanding lake	2500 square metres of exposed earth at any one time
Highly erodible land	2500 square metres of exposed earth at any one time
High risk flood hazard area	50 cubic metres of moved or placed earth in any 12 month period
Coastal hazard management area	Excluding for coastal dune restoration, 200 square metres of exposed earth at any one time
Flood hazard area	1000 cubic metres of moved or placed earth in any 12 month period

- 2) the earthworks does not:
 - a) reduce the height of a dune crest in a coastal hazard management area, and
 - b) exacerbate flood or coastal hazard risk on any other property, and
 - c) create or contribute to the instability or subsidence of land on other property, and
 - d) divert flood flow onto other property.⁽⁸⁶⁷⁾

Matters of control:

⁸⁶⁴ Clarification

⁸⁶⁵ New Zealand Transport Agency

⁸⁶⁶ Top Energy

⁸⁶⁷ Consequential amendment because of a new rule for earthworks in a flood hazard area

- 1) The design and adequacy of erosion and sediment control measures.
- 2) The location, extent, timing, and duration of [earthworks](#).
- 3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
- 4) Adverse effects on water bodies and coastal water.
- 5) Management of flooding effects and the ability to avoid increasing natural hazard risk on other property.
- 6) Adverse effects on the following, where present in adjacent fresh water bodies or the coastal marine area:
 - a) wāhi tapu, and
 - b) mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps | Ngā mahere matawhenua').

The RMA activities this rule covers:

- [Restrictions on the use of land \(s9\(2\)\)](#)
- [Restrictions relating to water \(s14\(2\)\)](#)
- [Discharge of contaminants into environment \(s15\(1\)\)](#)
- [The use of land for \[earthworks\]\(#\) \(s9\(2\)\)](#)
- [Damming and diversion of stormwater from land the subject of \[earthworks\]\(#\) n \(s14\(2\)\(a\)\)](#)
- [Discharge of stormwater from land the subject of \[earthworks\]\(#\) into water \(s15\(1\)\(a\)\)](#)
- [Discharge of stormwater from land the subject of \[earthworks\]\(#\) into or into land in circumstances which may result in the stormwater \(or any other contaminant emanating as a result of natural processes from that contaminant\) entering water \(s15\(1\)\(b\)\)](#) ⁽⁸⁶⁸⁾

[New rule - Earthworks in a flood hazard area - controlled activity](#)

[Earthworks in the flood hazard area that involve more than 50 cubic metres but not exceeding 1000 cubic metres of earth being moved or placed in any 12 month period are a controlled activity, provided:](#)

- 1) [the \[earthworks\]\(#\) does not:](#)
 - a) [exacerbate flood hazard risk \(including the diversion of flood flow\) on any other property, and](#)
 - b) [create or contribute to the instability or subsidence of land on other property](#) ⁽⁸⁶⁹⁾

[Matters of control:](#)

- 1) [The design and adequacy of erosion and sediment control measures.](#)
- 2) [The location, extent, timing, and duration of \[earthworks\]\(#\).](#)
- 3) [The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.](#)
- 4) [Adverse effects on water bodies and coastal water.](#)
- 5) [Management of flooding effects and the ability to avoid increasing natural hazard risk on other property.](#)
- 6) [Adverse effects on the following, where present in adjacent fresh water bodies or the coastal marine area:](#)
 - a) [wāhi tapu, and](#)
 - b) [mapped Sites and Areas of Significance to Tangata Whenua \(refer I 'Maps | Ngā mahere matawhenua'\).](#)

[The RMA activities this rule covers:](#)

- [The use of land for \[earthworks\]\(#\) \(s9\(2\)\)](#)
- [Damming and diversion of stormwater from land the subject of \[earthworks\]\(#\) n \(s14\(2\)\(a\)\)](#)

⁸⁶⁸ Clarification

⁸⁶⁹ Top Energy

- Discharge of stormwater from land the subject of earthworks into water (s15(1)(a))
- Discharge of stormwater from land the subject of earthworks into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b))

C.8.3.3

Earthworks – discretionary activity

Earthworks outside of the bed or a river or lake, wetland and the coastal marine area⁽⁸⁷⁰⁾ that are⁽⁸⁷¹⁾ not:

- 1) a permitted activity under rule C.8.3.1 'Earthworks – permitted activity', or
- 2) a controlled activity under rule C.8.3.2 'Earthworks - controlled activity', or
- 3) a controlled activity under <Earthworks in a flood hazard area - controlled activity>

are a discretionary activity.⁽⁸⁷²⁾

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2))
- Restrictions relating to water (s14(2))
- Discharge of contaminants into environment (s15(1))
- The use of land for earthworks (s9(2))
- Damming and diversion of stormwater from land the subject of earthworks (s14(2)(a))
- Discharge of stormwater from land the subject of earthworks into water (s15(1)(a))
- Discharge of stormwater from land the subject of earthworks into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b))⁽⁸⁷³⁾

C.8.4 Vegetation clearance <Amend to: Vegetation clearance in the coastal riparian and foredune management area>

C.8.4.1

Vegetation clearance and coastal dune restoration within the coastal hazard riparian and foredune management area – permitted activity

Vegetation clearance and coastal dune restoration in the coastal hazard riparian and foredune management area is a permitted activity, provided:⁽⁸⁷⁴⁾

- 1) no native dune vegetation is 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 appropriate planting season) with native dune vegetation as soon as practicable but no later than three two months after clearance. The appropriate planting season is 1 May until 30 September, and⁽⁸⁷⁵⁾

⁸⁷⁰ Clarification

⁸⁷¹ Clarification

⁸⁷² Consequential amendments

⁸⁷³ Clarification

⁸⁷⁴ Consequential as a result of an amendment to the definition

⁸⁷⁵ Whangarei District Council

- 4) there is no disturbance of indigenous or migratory bird nesting sites, and
- 5) the [vegetation clearance](#) does not exacerbate coastal hazard risk on [other property](#), and
- 6) for [coastal dune restoration](#) or [vegetation clearance](#) on vegetated sand dunes, the regional council's compliance manager is given at least 10 working days' notice (in writing or by email) of the start date of any works, and
- 7) for [coastal dune restoration](#), the Department of Conservation is given at least 10 working days' notice (in writing or email) of the start date of any works, and
- 8) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
 - a) any conspicuous change in colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, or
 - c) any significant adverse effects on aquatic life.

The RMA activities this rule covers:

- [Restrictions on the use of land \(s9\(2\)\)](#)
- [Discharge of contaminants into environment \(s15\(1\)\(a\)\)](#)
- [Use of land for vegetation clearance and coastal dune restoration \(s9\(2\)\)](#)
- [Damming and diversion of stormwater from land the subject of vegetation clearance or coastal dune restoration \(s14\(2\)\(a\)\)](#)
- [Discharge of stormwater from land the subject of vegetation clearance or coastal dune restoration \(s15\(1\)\(a\)\)](#)
- [Discharge of stormwater from land the subject of vegetation clearance or coastal dune restoration into or into land in circumstances which may result in the stormwater \(or any other contaminant emanating as a result of natural processes from that contaminant\) entering water \(s15\(1\)\(b\)\)](#)⁽⁸⁷⁶⁾

C.8.4.2

[Clearance of native woody vegetation](#) [clearance in riparian areas](#)⁽⁸⁷⁷⁾ – permitted activity

[Vegetation clearance](#) [within 10 metres of a natural wetland or within 10 metres of the bed of a river or lake outside rivers, lakes, wetlands, the coastal hazard management area, and the coastal marine area](#)⁽⁸⁷⁸⁾ is a permitted activity, provided:

- 1) the area of cleared vegetation does not exceed [200 square metres](#) the following thresholds in any 12 month period: [and](#)
 - a) [200 square metres within 10 metres of a natural wetland or the bed of a river or lake, or](#)
 - b) [five hectares on highly erodible land if the cleared area is replanted with woody vegetation within six months from completion of the clearance, or](#)⁽⁸⁷⁹⁾
 - c) [5000 square metres on highly erodible land if the cleared area is not replanted with woody vegetation, and](#)⁽⁸⁸⁰⁾
- 2) vegetation is felled away from rivers, lakes, natural wetlands [and the coastal marine area](#)⁽⁸⁸¹⁾ except where it is unsafe or impractical to do so, and

⁸⁷⁶ Clarification

⁸⁷⁷ Consequential change

⁸⁷⁸ Consequential amendment because of the amendments to condition 1)

⁸⁷⁹ Whangarei District Council

⁸⁸⁰ Whangarei District Council

⁸⁸¹ Consequential change because of the amendment to condition 1)

- 3) ~~vegetation is not cleared by fire on peat soils, and~~⁽⁸⁸²⁾
- 4) vegetation, slash, disturbed soil or debris is not deposited in a position where it has the potential to mobilise under heavy rain or flood flows and:
 - a) be deposited on ~~other property~~, or
 - b) divert or dam water, or
 - c) cause bed or bank erosion, or
 - d) damage receiving environments, downstream infrastructure, or property, and
- 5) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
 - a) any conspicuous change in colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, or
 - c) any significant adverse effects on aquatic life.

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)(a)).~~
- ~~Use of land for vegetation clearance (s9(2)).~~
- ~~Damming and diversion of stormwater from land the subject of vegetation clearance (s14(2)(a)).~~
- ~~Discharge of stormwater from land the subject of vegetation clearance (s15(1)(a)).~~
- ~~Discharge of stormwater from land the subject of vegetation clearance into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b)).~~⁽⁸⁸³⁾

C.8.4.3

Vegetation clearance - discretionary activity

~~Vegetation clearance in the coastal hazard-riparian and foredune management area or within 10 metres of a natural wetland or within 10 metres of the bed of a river or lake – Vegetation clearance~~⁽⁸⁸⁴⁾ that is not a:

- 1) permitted activity under C.8.4.1 'Vegetation clearance and coastal dune restoration within the coastal hazard-riparian and foredune management area – permitted activity', or
- 2) permitted activity under C.8.4.2 'Clearance of native woody vegetation in riparian areas – consequential change – permitted activity'

is a discretionary activity.

The RMA activities this rule covers:

- ~~Restrictions on the use of land (s9(2)).~~
- ~~The use of land for vegetation clearance (s9(2)).~~
- ~~Damming and diversion of stormwater from land the subject of vegetation clearance (s14(2)(a)).~~

882 Consequential change because of the amendments to condition 1)

883 Clarification

884 Consequential change

- Discharge of stormwater from land the subject of vegetation clearance (s15(1)(a))
- Discharge of stormwater from land the subject of vegetation clearance into or into land in circumstances which may result in the stormwater (or any other contaminant emanating as a result of natural processes from that contaminant) entering water (s15(1)(b))⁽⁸⁸⁵⁾

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, mineral exploration, or mineral extraction is a permitted activity provided:

- 1) the bore is not constructed in contaminated land, and⁽⁸⁸⁶⁾
- 2) it is not for the purpose of taking groundwater, except for the removal of a sample(s) for groundwater quality or level analysis, and
- 3) where more than one aquifer is penetrated, construction of the bore must not create a hydraulic connection between the aquifers, and
- 4) the bore is constructed and maintained in accordance with the requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 5) the bore is decommissioned and permanently closed within 90 days from the start of its construction, and
- 6) the regional council's compliance manager is notified (in writing or by email) of:
 - a) the construction or alteration of the bore at least 10 working days prior to the start of the work, and
 - b) the decommissioning and closure of the bore within 10 days of the completion of the work, and
- 7) the records required under Section 4 of the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)* and any groundwater quality records must be kept and forwarded to the regional council no later than one month after the bore is decommissioned.

Note:

It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire-cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.

Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.⁽⁸⁸⁷⁾

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2)).
- The use of land for the construction or alteration of a bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction (s9(2)).

⁸⁸⁵ Clarification

⁸⁸⁶ The Oil Companies

⁸⁸⁷ Clarification

- Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a))
- Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b)) ⁽⁸⁸⁸⁾

C.8.5.2

Alteration or decommissioning of a bore – permitted activity

The alteration or decommissioning of a bore is a permitted activity provided:

- 1) any alteration does not change the depth of the bore, and
- 2) it is done in accordance with Sections 2 and 4 of the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 3) the regional council's compliance manager is notified (in writing or by email) of the alteration or decommissioning of the bore within 10 days of the completion of the work.

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2))
- The use of land for the alteration or decommissioning of a bore (s9(2))
- Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a))
- Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b)) ⁽⁸⁸⁹⁾

C.8.5.3

Construction or alteration of a bore – controlled activity

The construction or alteration of a bore that is not:

- 1) a permitted activity under rule C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity', or
 - 2) a permitted activity under rule C.8.5.2 'Alteration or decommissioning of a bore – permitted activity',
- is a controlled activity, provided the bore is constructed and maintained in accordance with the requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*.

Matters of control:

- 1) Pump testing requirements, and
- 2) The location of the bore, including distance from any refuse disposal site, wastewater discharge site, or offal pit, and
- 3) The bore design, including bore head security ⁽⁸⁹⁰⁾, construction (including depth), operation and maintenance requirements, and
- 4) Measures to avoid, remedy or mitigate ⁽⁸⁹¹⁾

888 Clarification

889 Clarification

890 Whangarei District Council

891 Clarification

- a) Effects on the quality and quantity of groundwater and connected surface water ⁽⁸⁹²⁾, and
 - b) Effects on tangata whenua and their taonga, and
- 5) Provision of information related to the construction of the bore.

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2))
- The use of land for the construction or alteration of a bore (s9(2))
- Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a))
- Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b)) ⁽⁸⁹³⁾

C.8.5.4

Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity

The construction, alteration, or decommissioning of a bore that is not:

- 1) a permitted activity under rule C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity', or
 - 2) a permitted activity under rule C.8.5.2 'Alteration or decommissioning of a bore – permitted activity', or
 - 3) a controlled activity under rule C.8.5.3 'Construction or alteration of a bore – controlled activity'
- is a discretionary activity.

The RMA activities this rule covers:

- Restrictions on use of land in contravention of a regional rule (s9(2))
- The use of land for the construction, alteration, or decommissioning of a bore (s9(2))
- Discharge of drilling fluid and drilling fluid additives into water (s15(1)(a))
- Discharge of drilling fluid and drilling fluid additives onto or into land in circumstances which may result in drilling fluid and drilling fluid additives (or any other contaminant emanating as a result of natural processes from that contaminant) entering water s15(1)(b)) ⁽⁸⁹⁴⁾

C.8.6 Re-building

C.8.6.1

Re-building of materially damaged or destroyed buildings – restricted discretionary activity

The re-building of a habitable building in a high risk coastal hazard area or high risk flood hazard area that has been materially damaged or destroyed by flooding, erosion or land instability caused by a natural hazard event is a restricted discretionary activity, provided:

- 1) the application includes a natural hazard assessment from a suitably qualified professional, and
- 2) natural hazard risk to other property is not increased.

⁸⁹² Minister of Conservation

⁸⁹³ Clarification

⁸⁹⁴ Clarification

Matters of discretion:

- 1) The location and design of the building to withstand natural hazard risk, taking into account the nature of the hazard risk and how it might change over a 100-year timeframe, including the expected effects of climate change.
- 2) The potential to exacerbate existing natural hazard risk as a result of the proposed re-building.
- 3) The ability to avoid increasing natural hazard risk on other property.⁽⁸⁹⁵⁾

The RMA activities this rule covers:

- Restrictions on the use of land Re-building of materially damaged or destroyed buildings. (s9(2)).⁽⁸⁹⁶⁾

C.8.6.2

Re-building of materially damaged or destroyed buildings – non-complying activity

The re-building of a habitable building in a high risk coastal hazard area or high risk flood hazard area that has been materially damaged or destroyed by flooding, erosion or land instability caused by a natural hazard event, that is not a:

- 1) restricted discretionary activity under rule C.8.6.1 'Re-building of materially damaged or destroyed buildings – restricted discretionary activity'

is a non-complying activity.

The RMA activities this rule covers:

- Restrictions on the use of land Re-building of materially damaged or destroyed buildings. (s9(2)).⁽⁸⁹⁷⁾

895 Whangarei District Council

896 Clarification

897 Clarification

D Policies | Ngā kaupapa

D.1 Tangata whenua

D.1.1

When an analysis of effects on tangata whenua and their taonga is required

A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangata whenua and their **taonga**⁽¹⁾ if one or more of the following is likely:

- 1) adverse effects on mahinga kai⁽²⁾ and access to mahinga kai⁽³⁾, or
- 2) any damage, destruction and loss of access to **wāhi tapu**, sites of customary value and other ancestral sites and taonga which Māori have a special relationship with⁽⁴⁾, or
- 3) adverse effects on indigenous biodiversity where it impacts on the ability of tangata whenua to carry out cultural and traditional activities⁽⁵⁾, or
- 4) the use of genetic engineering and the release of genetically modified organisms to the environment, or
- 5) adverse effects on **tāiapure**, **mataitai** or Māori non-commercial fisheries⁽⁶⁾, or
- 6) adverse effects on protected customary rights⁽⁷⁾, or
- 7) adverse effects on Sites and Areas of Significance to Tangata Whenua mapped in the Regional Plan (refer I 'Maps | Ngā mahere matawhenua').

Note:

The continued inclusion of clause 4 in this policy depends on the outcome of the appeals on the matter in the Regional Policy Statement.

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 **it**⁽⁸⁾ 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), and

- 1 A analysis of effects on tangata whenua and their **taonga** may be necessary in circumstances not outlined in this policy - it will depend on the circumstances
- 2 Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources
- 3 This includes, for instance, kai awa (river food) kai repo (swamp food) and kaimoana (sea food).
- 4 This includes, for instance, impacts on the quality of water used for ceremonial purposes.
- 5 This includes, for instance, use of rongoa (medicinal) plants, and uses for raranga (weaving).
- 6 Māori non-commercial fisheries are defined in the Fisheries Act 1996
- 7 As defined by the Marine and Coastal Area (Takutai Moana) Act 2011
- 8 Clarification

- 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⁽⁹⁾,⁽¹⁰⁾ and
- 4) specify the tangata whenua community on whose behalf the assessment is being made, and
- 5) be evidence-based, and
- 6) incorporate, where appropriate, mātauranga Māori, and
- 7) identify and describe all the cultural resources and activities that may be affected by the activity⁽¹¹⁾, and
- 8) identify and describe the adverse effects of the activity on the cultural resources and cultural practices (including the effects on the mauri of the cultural resources, the cultural practices affected, how they are affected, and the extent of the effects), and
- 9) identify, where possible, how to avoid, remedy or mitigate the cultural effects of the activity that are more than minor, and
- 10) include any other relevant information.

D.1.3

Affected ~~parties~~ persons⁽¹²⁾

The following persons must be considered an affected person with regard to notification⁽¹³⁾ where the adverse effects on the following resources and activities are minor or more than minor⁽¹⁴⁾:

Table 11 Circumstances where tangata whenua are adversely affected for purposes of notification

Person	Resource or activity
The tangata whenua entity community ⁽¹⁵⁾ identified in an analysis of the effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tangata whenua and their taonga'	Cultural resources or activities identified in an analysis of effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tangata whenua and their taonga'
The committee of management of a taiāpure	Taiāpure
The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai	Mataitai
The Tangata Kaitiaki/Tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana	Non-commercial Māori fisheries

⁹ *Best practice can be determined by relevant professional bodies*

¹⁰ *Affco*

¹¹ *The full range of effects defined in Section 3 of the RMA need to be considered.*

¹² *Oil companies*

¹³ *for resource consent applications for restricted-discretionary, discretionary and non-complying activities*

¹⁴ *but not less than minor*

¹⁵ *Oil companies*

D.1.4

Managing effects on Places of Significance to Tangata Whenua

Resource consent for an activity may only be granted if the adverse effects from the activity on the values of Places of Significance to Tangata Whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

D.1.5

Places of Significance to Tangata Whenua

For the purposes of this plan, a Place of Significance to Tangata Whenua in the coastal marine area or a water body:

1A is:

a) in the coastal marine area, or

b) in a water body where the values which may be impacted are related to any of the following:

i) soil conservation, or

ii) quality and quantity of water, or

iii) aquatic ecosystems and indigenous biodiversity, and

1) is:

- a) a historic heritage resource, or
- b) ancestral land, water, site, wāhi tapu, or other taonga, and

2) is either:

- a) a Site or Area of Significance to Tangata Whenua, which is a single resource or set of resources identified, described and contained in a mapped location, or
- b) a Landscape of Significance to Tangata Whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified ⁽¹⁶⁾, and

3) has one or more of the following attributes:

- a) historic associations, which include but are not limited to:
 - i) stories of initial migration, arrival and settlement, or
 - ii) patterns of occupation, both permanent and temporary or seasonal occupation, or
 - iii) the sites of conflicts and the subsequent peacemaking 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:
 - i) resource use, including trading and trading routes between groups (for instance – with minerals such as mata/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

¹⁶ A Landscape of Significance to Tangata Whenua may include Sites and/or Areas of Significance to Tangata Whenua.

- iv) use of landmarks for navigation and location of fisheries grounds, or
 - v) implementation of traditional management measures, such as rāhui or tohatoha (distribution), or
 - c) cultural associations, which include but are not limited to:
 - i) the web of whanaungatanga connecting across locations and generations, or
 - ii) the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or
 - iii) respect for authority, such as rangatiratanga, and respect for relationships, such as tuakanatanga, 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, and their offspring such as Tangaroa and Tāne, or
 - ii) the recognition of the wairua of those with us and those who have passed away, or
 - iii) the need to maintain the mauri of all living things and their environment, and
 - 4) must:
 - a) be based on traditions and tikanga, and
 - b) be endorsed for evidential purposes by the relevant tangata whenua community, and
 - c) record the values of the place for which protection is required, and
 - d) record the relationship between the individual sites or resources (landscapes only), and
 - e) record the tangata whenua groups determining and endorsing the assessment, and
 - f) geographically define the areas where values can be adversely effected.
-

D.2 General

D.2.1

Rules for managing natural and physical resources

Include rules to manage the use, development and protection of natural and physical resources that:

- 1) are the most efficient and effective way of achieving national and regional resource management objectives, and
- 2) are as 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
- 6) focus on effects and, where suitable, use performance standards.

D.2.2

Social, cultural and economic benefits of activities

When considering resource consents, regard must be had to the social, cultural and economic benefits of the proposed activity.⁽¹⁷⁾

New Policy - Climate change and development

Particular regard must be had to the effects of climate change, taking into account the scale and type of development proposed, whilst using the latest national guidance and best available information on the likely effects of climate change.⁽¹⁸⁾

New Policy – Benefits of regionally significant infrastructure⁽¹⁹⁾

Particular regard must be had to the significant social, economic, and cultural benefits of regionally significant infrastructure.

New Policy- Managing adverse effects arising from regionally significant infrastructure⁽²⁰⁾

- 1) Enable the establishment and operation (including consenting) of regionally significant infrastructure by allowing adverse effects where:
 - a) The proposal is consistent with:
 - i) All policies in Section D.1 - Tangata Whenua, and
 - ii) D.2.6 - Managing adverse effects on historic heritage, and
 - iii) D.2.7 - Managing adverse effects on indigenous biodiversity, and
 - iv) D.2.9 - Managing adverse effects on natural character and outstanding natural features, and

¹⁷ Clarification

¹⁸ Far North District Council

¹⁹ Northport

²⁰ Northport

- b) The proposal will not likely result in over allocation, and
- c) Other adverse effects are avoided, remedied or mitigated to the extent they are no more than minor.
- 2) Enable the maintenance and upgrading of established regionally significant infrastructure wherever it is located by allowing adverse effects, where:
 - a) The adverse effects whilst the maintenance or upgrading is being undertaken are not significant; and
 - b) The adverse effects after the conclusion of the maintenance or upgrading are the same or similar to before the activity being undertaken.
- 3) When managing the adverse effects of regionally significant infrastructure give weight to:
 - a) The benefits of the activity in terms of <New policy - Benefits of Regionally Significant Infrastructure>, and
 - b) Whether the activity must be recognised and provided for as directed by a national policy statement, and
 - c) Any constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects, and
 - d) Whether the activity is for regionally significant infrastructure which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland, and
 - e) The extent to which the adverse effects of the activity can be practicably reduced. Such an assessment shall also take into account appropriate measures, when offered, to provide positive effects, either within the subject site or elsewhere provided that the positive effects accrue to the community of interest and / or resource affected, and
 - f) Whether a monitoring programme for any identified significant adverse effects with unknown or uncertain outcomes could be included as a condition of consent and an adaptive management regime (including modification to the consented activity) is used to respond to such effects, and
 - g) Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.

New Policy - Renewable energy⁽²¹⁾

When considering activities associated with the generation of renewable energy:

- 1) have particular regard to the local, regional and national benefits of renewable energy generation.
- 2) recognise the availability of renewable energy resources in Northland which, in relation to resources managed by the regional council under S30 RMA, primarily includes:
 - a) high temperature geothermal resources at Ngawha Springs.
 - b) tidal resources, particularly in west coast harbours.
 - c) hydroelectric resources on select higher flow/velocity river systems.
- 3) have particular regard to the practical considerations of large scale renewable energy generation including:
 - a) The need for renewable energy generation to locate where the resource exists, and
 - b) That effective generation energy from geothermal resources will include the need to consumptively use heat.
 - c) That effective generation of energy from tidal resources may include the need to dam or otherwise place equipment in the coastal marine area.

- d) That effective generation of energy from hydroelectric resources may include the need to divert, dam or otherwise restrict the flow of water.
- e) The need to connect to the electricity supply network or national grid.

New Policy - **Pest management**⁽²²⁾

Manage the adverse effects from marine pests and pests within the beds of water bodies by:

- 1) recognising that the introduction or spreading of pests within the coastal marine area and fresh water bodies could have significant and irreversible adverse effects on Northland's environment, and
- 2) recognising that the main risk of introducing and spreading of pests is from the movement of vessels, structures, equipment, materials and aquaculture livestock, and
- 3) decision makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of pests, and
- 4) putting conditions in resource consents requiring that best practicable option measures are implemented so that risk of introducing or spreading pests is effectively managed as a result of the consented activity.

D.2.3

Application of policies in the Regional Policy Statement for Northland to non-complying activities

The following policies in the Regional Policy Statement for Northland apply when considering a resource consent for a non-complying activity under Section 104D of the RMA:

- 1) Policy 4.4.1 – Maintaining and protecting significant ecological areas and habitats, and
- 2) Policy 4.6.1 – Managing effects on the characteristics and qualities of natural character, natural features and landscapes, and
- 3) Policy 4.6.2 – Maintaining the integrity of heritage resources, and
- 4) Policy 4.8.1 – Demonstrate the need to occupy space in the common marine and coastal area, and
- 5) Policy 5.1.1 – Planned and coordinated development, and
- 6) Policy 5.1.2 – Development in the coastal environment, and
- 7) Policy 5.1.3 – Avoiding the adverse effects of new uses(s) and development, and
- 8) Policy 5.3.3 – Managing adverse effects arising from regionally significant infrastructure, and
- 9) Policy 7.1.2 – New subdivision and land use within 10-year and 100-year flood hazard areas, and
- 10) Policy 7.2.2 – Establishing the need for hard protection structures.

D.2.4

Resource consent duration

When determining the expiry date for resource consent, particular regard must be had to:

- 1) the security of tenure for investment (the larger the investment, the longer the consent duration), and
- 2) the benefits of⁽²³⁾ aligning the expiry date with other resource consents in the surrounding area or catchment, and
- 3) the reasonably foreseeable demands for the resource (the greater the foreseeable demands, the shorter the consent duration), and

²² Minister of Conservation

²³ Refining NZ

- 4) certainty of effects (the less certain the effects, the shorter the consent duration), and
- 5) the extent of any existing investment (the larger the investment, the longer the consent duration), and⁽²⁴⁾
- 6) whether the activity is associated with Regionally Significant Infrastructure (longer consent duration for activities associated with Regionally Significant Infrastructure)⁽²⁵⁾, and
- 7) The following additional matters where the resource consent application is to re-consent an activity:
 - a) the applicant's compliance with the conditions of any previous resource consent (the greater the compliance, the longer the consent duration), and⁽²⁶⁾
 - b) the applicant's compliance with relevant guidelines and/or codes of practice (the greater the compliance, the longer the consent duration), and⁽²⁷⁾
 - c) the applicant's adoption of good management practice (longer consent duration for the adoption of good management practice).⁽²⁸⁾

D.2.5

Recognising ~~community and tangata whenua values~~ other plans and strategies

When considering a resource consent application:

- 1) have particular regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by council that has followed a consultation process carried out in accordance with the consultative principles and procedures of the Local Government Act 2002, and
- 2) ~~have regard to the values of the local community and tangata whenua.~~

D.2.6

Managing adverse effects on historic heritage

Manage the adverse effects of an activity~~iesy~~ on historic heritage by:

(new clause) ~~avoiding significant adverse effects on historic heritage, and~~⁽²⁹⁾

- 1) recognising that historic heritage sites and historic heritage areas in the coastal marine area and fresh water identified in I 'Maps | Ngā mahere matawhenua' have been identified in accordance with the values outlined in⁽³⁰⁾ Policy 4.5.3 of the Regional Policy Statement for Northland, and
- 2) recognising the following as being significant adverse effects to be avoided in accordance with Policy 4.6.2 of the Regional Policy Statement for Northland:⁽³¹⁾
 - a) the destruction of the physical elements of historic heritage, and
 - b) relocation of the physical elements of historic heritage, and

24 Westpac Mussels Distributors Limited

25 Refining NZ

26 Northland Fish and Game

27 The oil companies

28 Northland Fish and Game

29 Clarifications

30 Clarifications

31 Clarification

- c) alterations and additions ⁽³²⁾ to the form and appearance of the physical elements of historic heritage, and
 - d) loss of context to the surroundings of historic heritage sites or areas, ⁽³³⁾ taking into account the scale of any proposal, and
- 3) recognising that despite (2), there are will not likely to ⁽³⁴⁾ be significant adverse effects if:
- a) the historic heritage is irreparably damaged as assessed by a suitably qualified and experienced heritage professional ⁽³⁵⁾ and there are significant health and safety risks if it were to remain, or
 - b) alterations, additions, ⁽³⁶⁾ repair or maintenance will not result in the loss, or significant degradation of any values contributing to it being historic heritage in accordance with Policy 4.5.3 of the Regional Policy Statement, or
 - c) the context of the historic heritage in its present location has already been lost and any damage to the historic heritage during relocation can be avoided, and
- 4) determining the likely adverse effects of proposals by taking into account:
- a) the historic heritage values of the historic heritage sites or historic heritage areas as described in the site or area assessment reports available on the regional council website, where available (refer to the regional council website), and ⁽³⁷⁾
 - b) the outcomes of any consultation with:
 - i) Heritage New Zealand Pouhere Taonga (particularly where an item is listed by Heritage New Zealand Pouhere Taonga and/or is an archaeological site requiring an 'authority to modify') ⁽³⁸⁾ the Department of Conservation or any other appropriate body, and
 - ii) tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and
 - c) where considered necessary ⁽³⁹⁾, an historic heritage impact assessment produced by a suitably qualified and experienced heritage ⁽⁴⁰⁾ 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).
 - ii) Patterns (the resource is associated with important aspects, processes, themes or patterns of local, regional or national history).
 - iii) Public esteem (the resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment).
 - iv) Commemorative (the resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its special interest, character, landmark, amenity or visual appeal).
 - v) Education (the resource contributes, through public education, to peoples awareness, understanding and appreciation of New Zealand's history and cultures). ⁽⁴¹⁾
- 5) recognising that appropriate ⁽⁴²⁾ methods of avoiding, remedying or mitigating adverse effects may include:

32 Heritage NZ

33 Clarification

34 CEP Services Matauwhi Limited

35 Heritage NZ

36 Heritage NZ

37 Clarifications

38 Heritage NZ

39 Clarification

40 Consequential change

41 Heritage NZ

42 Clarification

- a) careful design, scale and location proposed in relation to historic heritage values, including proposed use and development adjacent to historic heritage, and
 - b) the use of setback, buffers and screening from historic heritage, and
 - c) reversing previous damage or disturbance to historic heritage, and
 - d) improving the public use, value, or understanding of the historic heritage, and
 - e) the development of management and restoration conservation ⁽⁴³⁾ plans, and
 - f) gathering and recording information on historic heritage by a suitably qualified and experienced heritage ⁽⁴⁴⁾ professional.
 - g) accordance with the stabilisation, preservation and conservation principles of the ICOMOS New Zealand Charter Revised 2010. ^{(45) (46)}
- 6) determining if an archaeological advice note or Accidental Discovery Protocol advice note should be included if there is a possibility of unrecorded archaeology being encountered or the proposal will or may affect recorded archaeological sites. An advice note will outline that work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence to modify or destroy a site for any purpose without an authority. ⁽⁴⁷⁾
 - 7) recognising that for the purposes of Section 95E of the RMA, Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 shall be considered an affected person in relation to resource consents and other applications under the RMA affecting:
 - a) Any listed items in the Regional Plan, also listed under the Heritage New Zealand Pouhere Taonga Act 2014, and
 - b) Pre-1900 recorded and unrecorded archaeological sites. ⁽⁴⁸⁾

D.2.7

Managing adverse effects on natural character and outstanding natural features (new policy) ⁽⁴⁹⁾

Manage the adverse effects of activities on natural character and outstanding natural features by:

- 1) Within the coastal environment, avoiding adverse effects of use and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character and outstanding natural features in the coastal marine area and in freshwater, and
- 2) Within the coastal environment, avoiding significant adverse effects of use and development on high natural character in waterbodies, and
- 3) Outside of the coastal environment, avoiding significant adverse effects of use and development on outstanding natural features and natural character in waterbodies, and
- 4) Recognising that in relation to natural character in waterbodies (where not identified as outstanding natural character), appropriate methods of avoiding, remedying or mitigating adverse effects may include:

43 Heritage NZ

44 Heritage NZ

45 Heritage NZ

46 The ICOMOS charter is produced by the International Council on Monument and Sites (New Zealand). It is a statement of professional principles for members of ICOMOS New Zealand. The charter is also intended to guide all those involved in the various aspects of conservation work, including owners, guardians, managers, developers, planners, architects, engineers, craftspeople and those in the construction trades, heritage practitioners and advisors, and local and central government authorities. It offers guidance for communities, organisations, and individuals involved with the conservation and management of cultural heritage places.

47 Heritage NZ

48 Heritage NZ

49 Minister of Conservation

- 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).
- 5) Recognising that in relation to outstanding natural features in water bodies outside the coastal environment, appropriate methods of avoiding, remedying or mitigating adverse effects may include:
- a) requiring that the scale and intensity of bed disturbance and modification is appropriate taking into account the scale, form and vulnerability to modification of the feature;
 - b) requiring that proposals to extract water or discharge contaminants do not significantly adversely effect the characteristics and qualities of the outstanding natural feature.

D.2.8

Managing adverse effects on indigenous biodiversity

Manage the the adverse effects of activities ~~requiring resource consent~~ on indigenous biodiversity ⁽⁵⁰⁾ by:

(new clause) In the coastal environment: ⁽⁵¹⁾

Avoiding adverse effects on:

- Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists
- Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement
- Areas set aside for full or partial protection of indigenous biodiversity under other legislation.

Avoiding significant adverse effects on:

- Areas of predominantly indigenous vegetation
- Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes
- 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.

Outside the coastal environment:

Avoiding, remedying or mitigating adverse effects so they are no more than minor on:

- Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists
- Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement
- Areas set aside for full or partial protection of indigenous biodiversity under other legislation.

Avoiding, remedying or mitigating adverse effects so they are not significant on:

- Areas of predominantly indigenous vegetation

⁵⁰ Top Energy

⁵¹ Clarification

- Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes
 - Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, northern wet heathlands, headwater streams, spawning and nursery areas.
- 1) recognising the following layers in I 'Maps | Ngā mahere matawhenua' as showing areas of significant indigenous vegetation and habitats of indigenous fauna in the coastal marine area, in accordance with the assessment criteria of Appendix 5, Regional Policy Statement for Northland: recognising areas of significant indigenous vegetation and habitats of indigenous fauna include the following layers in the coastal marine area, as mapped in accordance with the assessment criteria of Appendix 5 of the Regional Policy Statement for Northland 2016: ⁽⁵²⁾
 - a) Significant Ecological Areas, and
 - b) Significant Bird Areas, and
 - c) Significant Marine Mammal and Seabird Areas, and
 - 2) recognising damage, disturbance or loss to the following as being likely adverse effects: ⁽⁵³⁾
 - a) connections between areas of indigenous biodiversity, and
 - b) the life-supporting capacity of the area of indigenous biodiversity, and
 - c) flora and fauna that are supported by the area of indigenous biodiversity, and
 - d) natural processes or systems that contribute to the integrity ecological complexes ⁽⁵⁴⁾ of the area of indigenous biodiversity, and
 - 3) assessing the potential adverse effects of the activity on against the ⁽⁵⁵⁾ identified values of indigenous biodiversity, including by:
 - a) taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal 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 discrete, localised or otherwise minor effects not ⁽⁵⁶⁾ impacting on the ecological area may be acceptable, and
 - c) recognising that activities with transitory effects may be acceptable, where they can demonstrate the effects are not long term and/or irreversible, and ⁽⁵⁷⁾
 - 4) recognising that appropriate ⁽⁵⁸⁾ methods of avoiding, remedying or mitigating adverse effects may include:
 - a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and
 - b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and
 - c) considering effect minimisation during sensitive times such as indigenous freshwater fish spawning and migration periods, and
 - d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and
 - e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and
 - f) reversing previous damage or disturbance to areas of indigenous biodiversity, and ⁽⁵⁹⁾

52 CEP Services Matauwhi Limited

53 Bay of Islands Planning

54 Royal Forest and Bird Protection Society NZ

55 Royal Forest and Bird Protection Society NZ

56 GBC Winstone

57 GBC Winstone

58 Clarification

59 GBC Winstone

- g) improving the public use, value or understanding to areas of indigenous biodiversity, and ⁽⁶⁰⁾
- h) the development of ecological management and restoration plans, and
- 5) recognising that biodiversity offsetting and environmental compensation (as defined in the Regional Policy Statement for Northland) may be appropriate after consideration of the methods in (4) above: significant residual adverse effects on biodiversity values should be offset or compensated:
 - a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1 ⁽⁶¹⁾, and
 - b) after consideration of the methods in (4) above. ⁽⁶²⁾
- 6) recognising the benefits of activities that:
 - a) include the restoration and enhancement of ecosystems, habitats and ecological complexes. ⁽⁶³⁾
 - a) improve the public use, value or understanding to ecosystems, habitats and ecological complexes. ⁽⁶⁴⁾

D.2.9

(new policy) Managing adverse effects on land based values and infrastructure ⁽⁶⁵⁾

When considering proposals for activities in the coastal marine area and freshwater, recognise that adverse effects may extend beyond the coastal marine area and freshwater bodies to:

- 1) Significant areas and values including:
 - a) Areas of outstanding and high natural character
 - b) Outstanding natural landscapes
 - c) Outstanding natural features
 - d) Historic heritage
 - e) Areas of significant indigenous biodiversity
 - f) Places of significance to tangata whenua
- 2) land based infrastructure including:
 - a) Toilets
 - b) Car parks
 - c) Refuse facilities
 - d) Boat ramps
 - e) Boat and dinghy storage

D.2.10

Precautionary approach to managing effects on significant indigenous biodiversity

Where there is scientific uncertainty about the adverse effects of activities on:

⁶⁰ GBC Winstone

⁶¹ biodiversity offsetting and environmental compensation are defined in the Regional Policy Statement for Northland 2016

⁶² Minister of Conservation

⁶³ Royal Forest and Bird Protection Society NZ, Mangawhai Harbour Restoration Society and FS Vision Kerikeri

⁶⁴ GBC Winstone

⁶⁵ CEP Services Matauwhi Limited and Far North District Council

- 1) species listed as threatened or at risk in the New Zealand Threat Classification System, or
- 2) areas that meet criteria for 'significance' stated in Appendix 5 of the Regional Policy Statement, including ⁽⁶⁶⁾ the values ranked high in the:
 - a) Significant Ecological Areas, and
 - b) Significant Bird Areas, and
 - c) Significant Marine Mammal and Seabird Areas,

then the greatest extent of adverse effects reasonably predicted by science, must be given the most weight.

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.⁽⁶⁷⁾
- 2) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and
- 3) consider applying the H.3 'Chimney height requirements' when assessing the best practicable option for stack discharges, and
- 4) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on sensitive areas the surrounding environment,⁽⁶⁸⁾ and
- 5) take into account the New Zealand Ambient Air Quality Guidelines 2002 when assessing the effects of the discharge on ambient air quality⁽⁶⁹⁾, and
- 6) take into account the cumulative effects of air discharge 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 and adverse effects on natural character, and⁽⁷⁰⁾
- 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 discharge including effects, and
 - b) regional and local benefit, and
 - c) location including proximity to sensitive areas, and
 - d) alternatives available, and⁽⁷¹⁾
- 10) use national guidance produced by the Ministry for the Environment, including :
 - a) Good Practice Guidance on Odour, Good Practice Guide for Assessing and Managing Odour, 2016, and
 - b) Good Practice Guidance on Dust, Good Practice Guide for Assessing and Managing Dust, 2016, and
 - c) Good Practice Guidance on Industrial Emissions, Good Practice Guide for Assessing Discharges to Air from Industry Guidance on Industrial Emissions, 2016, or
 - d) any subsequent update or revision of these national guidance documents, and⁽⁷²⁾
- 11) recognise the long term economic and social benefits of industrial activities.⁽⁷³⁾

67 Auckland Council

68 Egg Producers Federation New Zealand

69 Horticulture New Zealand

70 Horticulture New Zealand

71 Refining NZ

72 Ravensdown

73 GBC Winstone

Errata

Errata

Errata

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 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 across the property boundary of where the activity is to take place. The smoke management plan must include:
 - a) a description of adjacent smoke sensitive areas, and
 - b) details of materials to be burnt, and
 - c) expected weather conditions, and
 - d) approximate length of time the burn will take, and
 - e) how the burn will be attended, and
 - f) details of good management practice that will be used to control smoke to the extent that adverse effects from smoke at the boundary of the site are managed.

D.3.3

Dust and odour generating activities

When considering resource consent applications for discharges to air from dust and/or odour generating activities:

- 1) require a dust and/or odour management plan to be produced where there is a likelihood that there will be objectionable and offensive discharges of dust and/or odour across the property boundary of where the activity is to take place. The dust and/or odour management plan must include:
 - a) a description of dust/odour generating activities, and
 - b) adjacent potentially affected⁽⁷⁴⁾ dust sensitive areas and/or odour sensitive areas, and
 - c) details of good management practice that will be used to control dust and/or odour to the extent that adverse effects from dust and/or odour at the boundary of the site are managed avoided, remedied or mitigated⁽⁷⁵⁾, 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.

Errata

⁷⁴ Northland District Health Board

⁷⁵ Northland District Health Board

D.3.4

Spray generating activities

When considering resource consent applications for discharges to air from spray generating activities:

- 1) avoid aerial agrichemical spraying in urban areas unless:
 - a) there is a significant public benefit ⁽⁷⁶⁾, or
 - b) alternative options have been explored, are demonstrated to be impractical and adverse effects 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 and offensive discharges of spray across the property boundary of where the activity is to take place. The spray management plan must include:
 - a) a description of the application methods, and
 - b) chemicals to be used, and
 - c) qualification of the applicators, and
 - d) adjacent spray sensitive areas, and
 - e) details of good management practice that will be used to control spray manage the risk of spray-drift ⁽⁷⁷⁾ to the extent that adverse effects from spray at the boundary of the site are managed.

D.3.5

Activities in the Marsden Point airshed

The Marsden Point Air Quality Strategy must be taken into account when considering resource consent applications for discharges to air in the Marsden Point airshed as shown in I 'Maps | Ngā mahere matawhenua'.

⁷⁶ including significant environmental and biodiversity protection (Minister of Conservation)

⁷⁷ Horticulture New Zealand

D.4 Land and water

D.4.1

Water quality standards for rivers

A discharge of a contaminant into a river or any surface water flowing to a river must not cause any of the following river water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Outstanding rivers—	Other rivers
Nitrate (toxicity)	mg NO ₃ -N/L	annual median	≤1.0	≤1.0
		annual 95 th percentile	≤1.5	≤1.5
Ammonia (toxicity)	mg NH ₃ -N/L	annual median	≤0.03*	>0.03 and ≤0.24
		annual maximum	≤0.05*	>0.05 and ≤0.40

*Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.

These standards will be replaced with numeric freshwater quality objectives in accordance with the regional council's programme for implementing the National Policy Statement for Freshwater Management.

(78)

D.4.2

Water quality standards for lakes

A discharge of a contaminant into a lake or any surface water flowing to a lake must not cause any of the following lake water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Shallow lakes (≤ 10m)	Deep lakes (>10 m)
Phytoplankton (chl-a)	mg Chl-a/m ³	Annual median	>5 and ≤12	>2 and ≤5
		Annual maximum	>25 and ≤60	>10 and ≤25
Total nitrogen	mg/m ³	Annual median	>500 and ≤800	>160 and ≤350
Total phosphorus	mg/m ³	Annual median	>10 and ≤20	≤10

Attribute	Unit	Compliance metric	Shallow lakes (≤ 10m)	Deep lakes (>10 m)
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.

These standards will be replaced with numeric freshwater quality objectives in accordance with the council's programme for implementing the National Policy Statement for Freshwater Management⁽⁷⁹⁾

D.4.3

Coastal water quality standards

The water quality standards in this policy and recommended amendments have been relocated to Appendix H.5⁽⁸⁰⁾

A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following coastal water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hātea river	Tidal creeks	Estuaries	Open-coast
Dissolved oxygen	mg/L	Median	>6.2	>6.3	>6.9	No change from natural state
	mg/L	Minimum	4.6	4.6	4.6	4.6
Temperature	°C	Maximum change	3°	3°	3°	3°
pH			7.0 – 8.5	7.0 – 8.5	7.0 – 8.5	8.0 – 8.4
Turbidity	NTU	Median	<7.5	<10.8	<6.9	No change from natural state
Secchi depth	m	Median	>0.8	>0.7	>1.0	No change from natural state

⁷⁹ The Oil Companies

⁸⁰ Top Energy

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hātea river	Tidal creeks	Estuaries	Open coast
Chlorophyll-a	mg/L	Median	0.003	<0.004	<0.004	No change from natural state
Total phosphorus	mg/L	Median	<0.119	<0.040	<0.030	No change from natural state
Total nitrogen	mg/L	Median	<0.860	<0.600	<0.220	No change from natural state
Nitrite-nitrite-nitrogen	mg/L	Median	<0.580	<0.218	<0.048	No change from natural state
Ammoniacal-nitrogen	mg/L	Median	<0.099	<0.043	<0.023	No change from natural state
Copper	mg/L	Maximum	0.0013			0.0003
Lead	mg/L	Maximum	0.0044			0.0022
Zinc	mg/L	Maximum	0.0150			0.0070
Faecal coliforms	MPN/100mL	Median	Not applicable		≤14	≤14
		90th percentile	Not applicable		≤43	≤43
Enterococci	Enterococci/100mL	95th percentile	≤500	≤200	≤200	≤40

D.4.4

Coastal sediment quality standards

The coastal water quality standards in this policy and recommended amendments have been relocated to Appendix H.5 ⁽⁸¹⁾

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:

81 Top Energy

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hatea River	Tidal Creeks	Estuaries	Open Coast
Copper	mg/kg	Maximum	65		18.7	
Lead	mg/kg	Maximum	50		30.2	
Zinc	mg/kg	Maximum	200		124	
Chromium	mg/kg	Maximum	80		52.3	
Nickel	mg/kg	Maximum	21		15.9	
Cadmium	mg/kg	Maximum	1.5		0.68	

D.4.5

Maintaining overall water quality⁽⁸²⁾

An application for a resource consent that would allow a water quality standard or sediment quality standard to be exceeded or further exceeded will generally be declined. Resource consent may be granted if existing beneficial water quality dependent values of water are not adversely affected.⁽⁸³⁾

New Policy - Maintaining coastal water quality⁽⁸⁴⁾

When considering an application for a resource consent to discharge a contaminant into coastal water have particular regard to the coastal water quality standards and coastal sediment quality standards in H.5 'Water quality standards'.

D.4.6

Offsetting residual non-toxic contaminants

Regardless of the quality of the receiving waters, ensure that non-toxic contaminants that cannot be removed from a discharge are offset to the fullest extent practicable in the catchment of the water body or coastal water, such as by way of re-vegetating riparian margins and restoring or constructing wetlands.⁽⁸⁵⁾

D.4.7

Wastewater discharges to water⁽⁸⁶⁾

An application to discharge wastewater to water will generally not be granted unless:

⁸² Consequential change to deletion of policies D.4.1 and D.4.2 and the insertion of a new policy on maintaining coastal water quality

⁸³ Whangarei District Council

⁸⁴ GBC Winstone

⁸⁵ GBC Winstone

⁸⁶ Consequential change

- 1) all other alternative methods of discharge have been considered and found not be to economically or practicably viable discharging wastewater from a farm, domestic or municipal source to water is the best practicable option⁽⁸⁷⁾, or
- 2) there is no trade waste connection available to receive industrial or trade wastewater or the network operator is unable or unwilling to accept the discharge.⁽⁸⁸⁾

D.4.8

Zone of reasonable mixing

When determining what constitutes a reasonable mixing zone, have particular regard to:

- 1) use using the smallest zone necessary to achieve the required water quality in the receiving waters; and
- 2) ensure ensuring that within the mixing zone is free from contaminant concentrations and levels of dissolved oxygen that will not cause acute toxicity effects.⁽⁸⁹⁾

D.4.9

Transitional policy under the National Policy Statement for Freshwater Management

- 1) When considering an application for a discharge, the consent authority must have regard to the following matters:
 - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
 - b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge will be avoided.
- 2) When considering an application for a discharge the consent authority must have regard to the following matters:
 - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary⁽⁹⁰⁾ contact with fresh water, and
 - b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary⁽⁹¹⁾ 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.

⁸⁷ Fonterra

⁸⁸ Clarification

⁸⁹ First Gas Ltd.

⁹⁰ Clarification

⁹¹ Clarification

- 4) Clause 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.
- 5) Clause 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect.

D.4.10

Discharge of hazardous substances to land or water

- 1) Where a substance is approved under the Hazardous Substances and New Organisms Act 1996 to be discharged to land or water, good management practices must be used to avoid, as far as practicable, adverse effects on:
 - a) non-target organisms, and
 - b) the use and consumption of water by humans or livestock, and
 - c) accidental spillage, 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 hazardous substances must be undertaken using the best practicable options to:
 - a) as a first priority, avoid a discharge (including accidental spillage) of hazardous substances 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 hazardous substances, including any accidental spillage, it is contained on-site and does not enter surface water bodies, groundwater or stormwater systems.

New Policy <Discharges from contaminated land>

The discharge 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/groundwater, where it can be demonstrated that the level of residual contamination is not reasonably likely to pose a significant adverse effect on human health or the environment; and
- 2) avoids adverse effects on potable water supplies; and
- 3) avoids, remedies or mitigates adverse effects on ecological values, 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 the 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.

(92)

D.4.11

Discharges from landfills

The adverse effects on surface water, groundwater, and coastal water from discharges to land associated with landfills must be minimised by ensuring landfill design, construction, operation and maintenance include:

- 1) methods for leachate management, collection, treatment and disposal, and
- 2) methods for stormwater capture and control from both off-site and on-site sources, and
- 3) maintenance and monitoring to minimise contamination of the receiving environment, and
- 4) ensuring landfills are managed in accordance with site-specific landfill management plans, and
- 5) **ensuring new landfills are located in such a way as to avoid sensitive aquifers and recharge zones, and** ⁽⁹³⁾
- 6) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes into or onto land where they may enter water, and
- 7) ensuring landfills are closed and monitored in accordance with *A Guide for the Management of Closing and Closed Landfills in New Zealand* (Ministry for the Environment, 2001).

D.4.12

Application of biosolids to land

The application of biosolids to land must be managed in accordance with *Guidelines for the Safe Application of Biosolids to Land in New Zealand 2003* (New Zealand Water and Wastes Association, 2003).

D.4.13

Achieving freshwater quantity related outcomes ⁽⁹⁴⁾

Manage the taking, use, damming, and diversion of fresh water so that:

- 1) **the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh and coastal water are safe-guarded, and**
- 2) **the natural hydrological variation of outstanding freshwater bodies and natural wetlands are not altered, and**
- 3) **rivers have sufficient flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes, and**
- 4) **flows and water levels support sustainable mahinga kai, and**
- 5) **saline intrusion in, and land subsidence above, aquifers is avoided, and**
- 6) **recreational and amenity values associated with fresh water are maintained.**

⁹³ Horticulture New Zealand

⁹⁴ This policy including recommended amendments has been relocated to Section F of this plan

D.4.14

Minimum flows for rivers⁽⁹⁵⁾

Apply the following minimum flows for Northland's rivers, unless a lesser minimum flow is approved under D.4.19 'Exceptions to minimum flows and levels':

- 1) for outstanding rivers, 100% of the seven-day mean annual low flow, and
- 2) for coastal rivers, 90% of the seven-day mean annual low flow, and
- 3) for small rivers, 80% of the seven-day mean annual low flow, and
- 4) for large rivers, 80% of the seven-day mean annual low flow.

D.4.15

Minimum levels for lakes and wetlands⁽⁹⁶⁾

Apply the following minimum levels for Northland's lakes and natural wetlands, unless a lesser minimum level is approved under D.4.19 'Exceptions to minimum flows and levels':

- 1) for deep lakes (greater than 10 metres in depth), median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state, and
- 2) for shallow lakes (less than or equal to 10 metres in depth), median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state, and
- 3) for natural wetlands, there is no change in their seasonal or annual range in water levels.

D.4.16

Allocation limits for rivers⁽⁹⁷⁾

- 1) The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from rivers, and
 - b) applications for water permits for the taking and use of fresh water from rivers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 'Takes existing and the notification date of the plan – controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity'.
- 2) The quantities of fresh water that can be taken from rivers at flows below the median flow must not exceed whichever is the greater of:
 - a) the default allocation limits in the following table, or
 - b) the quantities authorised to be taken by:
 - i) permitted rules in this plan, and

⁹⁵ The minimum flows in this policy including recommended amendments have been relocated to Appendix H.6

⁹⁶ The minimum levels in this policy and recommended amendments have been relocated to Appendix H.6

⁹⁷ The allocation limits in this policy and recommended amendments have been relocated to Appendix H.6

- ii) resource consents at the date of public notification of this plan less, with the exception of water permits for takes from rivers in the Mangere Catchment, any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
- iii) resource consents for unauthorised takes that existed at the notification date of this plan.

Table 12 Default allocation limits for rivers

River water quantity management unit	Default allocation limit
Outstanding rivers	10 percent of the seven-day mean annual low flow
Coastal rivers	30 percent of the seven-day mean annual low flow
Small rivers	40 percent of the seven-day mean annual low flow
Large rivers	50 percent of the seven-day mean annual low flow

D.4.17

Allocation limits for aquifers⁽⁹⁸⁾

- 1) The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from aquifers, and
 - b) applications for water permits for the taking and use of fresh water from aquifers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 'Takes existing and the notification date of the plan – controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity'.
- 2) The quantities of fresh water that can be taken from aquifers must not exceed:
 - a) for the Aupouri aquifer,:
 - i) the catchment-specific allocation limits in Table 13 'Allocation limits for the Aupouri aquifer management unit', and
 - b) for coastal aquifers, an allocation limit of whichever is the greater of:
 - i) a default allocation limit of 10 percent of the average annual recharge, or
 - ii) the quantities authorised to be taken by:
 - 1) permitted rules in this Plan, and
 - 2) resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 3) resource consents for unauthorised takes that existed at the notification date of this Plan, and
 - c) for other aquifers, an allocation limit of whichever is the greater of:
 - i) a default allocation limit of 35 percent of the average annual recharge, or
 - ii) the quantities authorised to be taken by:
 - 1) permitted rules in this Plan, and

⁹⁸ The allocation limits in this policy and recommended amendment have been relocated to Appendix H.6

- 2) resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
- 3) resource consents for unauthorised takes that existed at the notification date of this Plan;

Table 13 Allocation limits for the Aupouri aquifer management unit

Sub-aquifer	Allocation limit	
	m ³ /year	% annual average recharge
Aupouri-Waihopo	1,278,200	15
Aupouri-Houhora	2,141,300	11
Aupouri-Motutangi	1,069,600	10
Aupouri-Waiparera	2,312,200	10
Aupouri-Paparore	3,787,500	35
Aupouri-Waipapakauri	1,192,800	20
Aupouri-Awanui	4,640,400	12
Aupouri-Sweetwater	4,675,000	35
Aupouri-Ahipara	922,500	12
Aupouri-other	Not applicable	15

New Policy - Avoiding over-allocation

For the purpose of assisting with the achievement of Objective 1 of this plan:

- 1) apply the allocation limits set in H.6 'Environmental flows and levels' when considering and determining applications for resource consents to take, use, dam or divert fresh water, and⁽⁹⁹⁾
- 2) ensure that no decision will not likely result in over-allocation.⁽¹⁰⁰⁾

⁹⁹ Consequential change because the limits in policies D.15, D.16 and D.17 have been moved to appendix H.6

¹⁰⁰ Consequential change because of the deletion of rule C.5.1.13

D.4.18

Integrated Conjunctive surface water and groundwater management⁽¹⁰¹⁾

Prepare and consider applications for resource consents to take groundwater in accordance with H.7 'Managing groundwater and surface water connectivity' **so that surface and groundwater resources are managed in an integrated way.**⁽¹⁰²⁾

Apply **minimum flows, minimum levels and allocation limits** set for rivers, lakes and **natural wetlands** to water takes from aquifers that are directly or highly connected. An application to take water from an aquifer with direct or high hydraulic connectivity to a **fully allocated** river or which would result in flows or levels to be reduced below a **minimum flow or minimum level** will generally not be granted. A resource consent may be granted under D.4.13 'Exceptions to minimum flows and levels.'

D.4.19

Exceptions to minimum flows and levels⁽¹⁰³⁾

For the purposes of assisting with the achievement of Objective 1 of this plan⁽¹⁰⁴⁾, **ensure that the minimum flows and levels in** H.6 'Environmental flows and levels' **apply to activities that require water permits pursuant to rules in this plan.**⁽¹⁰⁵⁾

An application for a water permit that would allow **fresh** water to be taken, **dammed or diverted from a river, lake or natural wetland**⁽¹⁰⁶⁾ when flows or levels are below a minimum flow or minimum level **in** H.6 'Environmental flows and levels' **will generally not be granted. A resource consent**⁽¹⁰⁷⁾ may be granted if:

- 1) the water is to be taken, **dammed or diverted**⁽¹⁰⁸⁾ for:
 - a) the health of people as part of a **registered drinking water supply**, or
 - b) the sole purpose of preventing the death of permanent viticulture or horticulture crops (excluding pasture species, animal fodder crops, and maize), or
 - c) **an individual's reasonable domestic needs of the reasonable needs of a person's animals for drinking water, or**⁽¹⁰⁹⁾
 - d) **the take is for a temporary and short term activity, or**⁽¹¹⁰⁾
 - e) **non-consumptive purposes, or**⁽¹¹¹⁾
- 2) a different minimum flow or minimum level has been set for the water body in an **existing**⁽¹¹²⁾ resource consent.

101 Far North District Council

102 Irrigation New Zealand

103 Clarification

104 CEP Services Matauwhi Ltd

105 Clarification

106 Clarification

107 Far North District Council

108 Clarification

109 Federated Farmers of New Zealand

110 The Oil Companies

111 Fonterra

112 Clarification

D.4.20

Reasonable and efficient use of water - irrigation

An application for a resource consent to take water for irrigation purposes must include an assessment using a field-validated ⁽¹¹³⁾ water balance model that considers land use, crop water use requirements, on-site physical factors such as soil water holding capacity, and climate factors such as rainfall variability and potential evapotranspiration. The model must reliably predict annual irrigation volume within an accuracy of 15 percent ⁽¹¹⁴⁾. The annual volume calculated using the model must meet the following criteria:

- 1) an irrigation application efficiency of at least 80 percent, and
- 2) demand conditions that occur in nine out of 10 years.

D.4.21

Reasonable and efficient use of water - group or community water supplies

An application for a resource consent to take or use water for group or community drinking water supplies must include a water management plan to demonstrate efficiency and must set out the current and likely future demand for water that addresses:

- 1) the number and nature of the properties that are to be supplied, and
- 2) how the water supplier will manage water availability during summer flow periods and drought events, and
- 3) the effectiveness and efficiency of the distribution network.

D.4.22

Reasonable and efficient use of water - other uses

A resource consent application to take water for any other use of water must include an assessment of reasonable and efficient use by taking into account the nature of the activity, ⁽¹¹⁵⁾ consideration of possible wastage ⁽¹¹⁶⁾ and demonstrating that water will not be wasted and identify any opportunities for re-use or conservation.

New Policy: Water user groups

The formation of water user groups should be encouraged to allow permit holders who choose to work with other water permit holders in the same catchment or subcatchment to temporarily share all or part of the water take authorised by their water permit provided:

- 1) all water permits are subject to conditions that specify a maximum rate of take, a daily volume, and a seasonal or annual volume;
- 2) metering and telemetry of data is undertaken for all takes; and
- 3) all water permits are subject to common restriction conditions, or any discrepancies in restriction conditions are addressed prior to the formation of the group. ⁽¹¹⁷⁾

113 Horticulture New Zealand

114 Horticulture New Zealand

115 Tegel Foods Ltd

116 GBC Winstone

117 Irrigation New Zealand

D.4.23

Conditions on water permits

Water permits **for the taking and use of water under rules in this plan**⁽¹¹⁸⁾ must include conditions that:

- 1) clearly define the take amount in instantaneous take rates and total volumes, including by reference to the temporal aspects of the take and use, and
- 2) **unless there are exceptional circumstances**⁽¹¹⁹⁾ **or the water permit is for a temporary take or a non-consumptive take**⁽¹²⁰⁾ 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
 - a) for water permits for takes equal to or greater than 10 litres per second, **require**⁽¹²¹⁾ the water meter to be telemetered to the regional council, and
- 3) clearly define when **any restrictions and cessation of the water take must be restricted or cease**⁽¹²²⁾ **occur**⁽¹²³⁾ to ensure compliance with **freshwater water quantity limits environmental flows and levels set in this plan**⁽¹²⁴⁾, 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**⁽¹²⁴⁾
- 6) specify when and under what circumstances the permit will be reviewed pursuant to Section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment.

D.4.24

Transfer of water permits

An application to transfer a water permit, permanently or temporarily, pursuant to Section 136 of the RMA will generally be granted if:

- 1) both sites are in the same catchment (either upstream or downstream) or aquifer, and
- 2) other authorised takes are not adversely affected, and
- 3) there is no increase in the level of adverse effects on the health of aquatic ecosystems.

D.4.25

Activities affecting flood control schemes

Avoid activities that are likely to:

118 Clarification

119 The Egg Producers Federation of New Zealand

120 The Oil Companies

121 Clarification

122 Clarification

123 Clarification

124 Irrigation New Zealand

- 1) compromise the functional integrity of flood control schemes, or
- 2) impede access to flood control schemes for maintenance purposes.

D.4.26

New Land drainage ⁽¹²⁵⁾

Land drainage activities that require consent must:

- 1) maintain bed and bank stability, and
- 2) ensure that peatlands are not adversely affected, and
- 3) ensure that significant adverse effects on groundwater levels are avoided, and
- 4) ensure the effects of ground subsidence from de-watering are avoided or where avoidance is not possible, remedied or mitigated, and ⁽¹²⁶⁾
- 5) recognise the values of existing wetlands, and
- 6) maintain existing fish passage and where possible, encourage development of new fish passage opportunities. If land drainage leads to deteriorated or non-functional fish passages, new functional fish passage to fulfil the loss of passage is required. ⁽¹²⁷⁾

D.4.27

Wetlands – requirements

Activities affecting a natural ⁽¹²⁸⁾ wetland must-should ⁽¹²⁹⁾:

- 1) maintain the following important functions and values of wetlands:
 - a) water purification, and
 - b) contribution to maintaining stream flows during dry periods, and
 - c) peak stream flow reduction, and
 - d) habitat for indigenous flora and fauna, and
- 2) must ⁽¹³⁰⁾ avoid, remedy, or mitigate effects, or provide biodiversity offsetting or environmental biodiversity compensation, so that residual adverse effects are no more than minor.

D.4.28

Wetland – values

When considering resource consents for activities in wetlands, recognise:

¹²⁵ Foy F

¹²⁶ New Zealand Transport Agency

¹²⁷ Royal Forest and Bird Protection Society NZ

¹²⁸ Federated Farmers

¹²⁹ Clarification - if part 1 of the rule can not be met, part 2 must be

¹³⁰ Clarification

- 1) the benefits of wetland creation, restoration and enhancement of wetland functions, and
- 2) the values of **induced wetland** or **reverted wetland** are likely to relate to:
 - a) the length of time the wetland has been in existence (ecological values are generally lower in newly established wetlands), and
 - b) whether long-term viability of the wetland relies on maintenance works to maintain suitable hydrological conditions (wetlands that don't require maintenance are of greater value), and
- 3) that the consent duration should be as long as the time it takes for the wetland to reach its expected **end state values** ⁽¹³¹⁾.

D.4.29

Freshwater fish

When considering resource consent applications for activities in freshwater bodies recognise:

- 1) that in the absence of alternative evidence, most Northland rivers and some lakes and wetlands provide habitat for threatened indigenous fish species, and
- 2) that ~~some fish species are sensitive~~ **all fish species have varying degrees of sensitivity** ⁽¹³²⁾ to habitat disturbance, changed water flow and degraded water quality, particularly increased turbidity or sedimentation, and
- 3) the need to maintain the ability for non-**pest** fish species to effectively move up and downstream of the activity site, and
- 4) opportunities to reduce the risk of spreading or introducing pest species, and
- 5) the benefits of avoiding:
 - a) impact during migration periods, and
 - b) spawning habitat disturbance, particularly during spawning periods.

D.4.30

Benefits of freshwater structures, dams and diversions

Recognise the significant benefits activities in water bodies can provide to local communities, Māori and the region, including:

- 1) socio-economic well-being and resilience of communities or industry, **or**
- 2) **regionally significant infrastructure**, **or**
- 3) enhanced fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, **or**
- 4) flood protection and the safeguarding of public health and safety, **or**
- 5) public access along, over or in the water body,
- 6) **resilience of communities to climate change**, ⁽¹³³⁾
- 7) **enhancing recreation opportunities including walking, bird watching, fishing, game bird hunting and boating.**

¹³¹ Whangarei District Council

¹³² Royal Forest and Bird Protection Society NZ

¹³³ Irrigation New Zealand

- 8) for education and scientific research, and
- 9) for enhancing amenity and natural character. ⁽¹³⁴⁾

D.4.31

Land preparation, earthworks and vegetation clearance Managing the effects of land-disturbing activities

When assessing an application for a resource consent for an Earthworks⁽¹³⁵⁾, vegetation clearance and or land preparation activity⁽¹³⁶⁾ and any associated discharge, ensure that the activity must⁽¹³⁷⁾:

- 1) will be done in accordance with established good management practices, and
- 2) avoid^s significant adverse effects, and avoid^s, remed^{ies}y or mitigate^s ⁽¹³⁸⁾ other adverse effects on:
 - a) human ⁽¹³⁹⁾ drinking water supplies, and
 - b) areas of high recreational use, and
 - c) aquatic ecosystems and species ⁽¹⁴⁰⁾ receiving environments that are sensitive to sediment or phosphorus accumulation ⁽¹⁴¹⁾.

New Policy: Construction, alteration and decommissioning of bores

When considering an application for a resource consent for the construction, alteration or decommissioning of a bore ensure that the activity will be done in accordance with established good management practices. ⁽¹⁴²⁾

D.4.32

Exceptions to livestock exclusion requirements

When considering an application for a resource consent to allow livestock access to the bed of a lake or a permanently flowing river, a permanently flowing drain artificial watercourse ⁽¹⁴³⁾, a natural wetland, or the coastal marine area, have particular ⁽¹⁴⁴⁾ regard to:

- 1) any relevant priorities and recommendations in a farm environment plan prepared or approved by the regional council or in an industry approved farm environment plan ⁽¹⁴⁵⁾, and
- 2) the need to extend the deadline for livestock to be effectively excluded on the grounds of significant practical constraints, and

134 Northland Fish and Game

135 Clarification

136 Consequential amendment because of the new definition

137 Clarification

138 Clarification

139 Leonard B

140 CEP Services Matuawhi Ltd

141 Northland Fish and Game

142 New Zealand Geothermal Association

143 Consequential change

144 Matauri Trustee Ltd.

145 Landcorp Farming Ltd

- 3) the implementation of substitute measures/ mitigations⁽¹⁴⁶⁾ such as constructed wetlands to avoid or mitigate/ minimise⁽¹⁴⁷⁾ losses of sediment and faecal microbes to downstream water bodies and coastal waters; and
 - 4) the ecological benefits of grazing the banks of water bodies, including suppression of weeds and maintenance of grass cover to minimise contaminant inputs to water bodies.⁽¹⁴⁸⁾
-

146 Clarification

147 Clarification

148 The Royal Forest and Bird Protection Society of New Zealand

D.5 Coastal

D.5.1

Aquaculture – benefits

Recognise the significant benefits aquaculture can provide to local communities, Māori and the region, including:

- 1) social, cultural and economic benefits, including local employment and enhancing Māori development (for example, by involvement in the aquaculture industry), particularly in areas of Northland where alternative opportunities are limited, and
- 2) supplementing natural fish and shellfish stocks by an alternative source of fish and shellfish, and
- 3) providing improved information about water quality, and
- 4) the significant opportunity [marae-based aquaculture](#) provides for Māori to enhance their well-being (through improving traditional customary kaimoana provision for marae), and
- 5) as a method Māori can use for the management and enhancement of Māori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986).

D.5.2

Aquaculture - avoid adverse effects

Aquaculture activities must avoid adverse effects (after taking into account any remediation or mitigation) on:

- 1) areas of the coastal marine area where a marine reserve has been established or publicly notified under the Marine Reserves Act 1971, and
- 2) residential activities in significant urban areas provided for in operative district plans, which activities are existing at 1 September 2017, [authorised](#) by unexercised resource consents or enabled by operative district plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, and
- 3) significant tourism and/or recreation areas, and
- 4) [recognised navigational routes](#), and
- 5) anchorages referred to in cruising guides, pilot books and similar publications as being suitable for shelter in adverse weather, and
- 6) port or harbour approaches, and
- 7) existing aquaculture (either because there is no or limited space, or the area is at its production or ecological carrying capacity), and
- 8) the use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables, and
- 9) defence exercise areas, and
- 10) access lanes, as referred to by the Navigation Safety Bylaw, and
- 11) the management purpose or objectives of:
 - a) [tāiapure](#) or [mataitai](#), and
 - b) areas for which fisheries restriction methods have been established under the Fisheries Act 1996 and regulations, including any Māori Oyster Reserve or set netting ban, and
 - c) protected customary rights and customary marine titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011, and

- d) wildlife refuges established under the Wildlife Act 1953, and
- e) areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977, and
- f) areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971⁽¹⁴⁹⁾, and
- g) any marine park established by or through statutory or regulatory processes.

12) **Mooring Zones**⁽¹⁵⁰⁾

D.5.3

Aquaculture – avoid significant adverse effects

Aquaculture activities should avoid significant adverse effects on:

- 1) the integrity, functioning and resilience of coastal processes and ecosystems, and
- 2) public access to and along the coast, and
- 3) use or functioning of coastal reserves and conservation areas.

D.5.4

Aquaculture – general matters

New aquaculture activities should:

- 1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure where required, and
- 2) provide for the integrated management of the associated activities, including any required land-based facilities and operations, and
- 3) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing and/or harvesting of shellfish where the aquaculture is for the purpose of **directly**⁽¹⁵¹⁾ harvesting shellfish for human consumption, and
- 4) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

D.5.5

Aquaculture – staged development

New aquaculture activities may be required to be developed and monitored in a staged manner **where the potential adverse effects cannot adequately be predicted and may be significant, for example where:**

- 1) **the potential adverse effects cannot adequately be predicted**⁰ **or**

149 The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

150 Mataka Residents Association

151 Moana NZ

- 2) ~~new species are farmed or new technology is used, or~~
- 3) ~~the scale or type of marine farm warrants a cautious approach.~~ ⁽¹⁵²⁾

D.5.6

Aquaculture – abandoned or derelict farms

Coastal permits for aquaculture activities involving structures in the coastal marine area must include conditions requiring:

- 1) the repair or removal of structures that have been abandoned or have fallen into a state of disrepair, and ~~Either~~
- 2) a bond ~~or alternative surety~~ to cover the actual and reasonable costs of ~~removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed~~ , or
- 3) ~~an alternative surety that reflects the reasonable:~~
 - a) ~~likelihood of structures being abandoned or falling into a state of disrepair, and~~
 - b) ~~the costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed.~~~~of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed.~~ ⁽¹⁵³⁾

D.5.7

Coastal Commercial Zone ~~and Marsden Point Port Zone~~

Development in the Coastal Commercial Zone ~~and the Marsden Point Port Zone~~ will generally be appropriate provided it is:

- 1) consistent with:
 - a) existing development in the Coastal Commercial Zone ~~or the Marsden Point Port Zone~~, and
 - b) existing development on adjacent land above mean high water springs, and
 - c) development anticipated on the land above mean high water springs by the relevant district plan, ~~or~~
- 2) ~~associated with regionally significant infrastructure in the Marsden Point Port Zone.~~ ⁽¹⁵⁴⁾

Development that is inconsistent with 1) ~~to 3)~~ will not necessarily be inappropriate.

D.5.8

Whangārei City Centre Marine Zone

Recognise that the purpose of the Whangārei City Centre Marine Zone is to enable the development of structures for amenity and public good purposes.

152 Aquaculture NZ and Westpac Mussels Distributors Limited

153 Aquaculture NZ

154 Northport Ltd

D.5.9

Moorings outside Mooring Zones

Moorings outside Mooring Zones that require resource consent must:

- 1) have all necessary shore based toilet facilities, parking, dinghy storage and refuse disposal available long term, and
- 2) not by itself or in combination with existing moorings in the same bay or inlet, result in more than minor adverse effects, and
- 3) ~~not be allowed where the mooring will more likely than not set a precedent for additional new moorings in the same bay or inlet, and~~⁽¹⁵⁵⁾
- 4) demonstrate why it is not practical to be in a Mooring Zone, and
- 5) not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless it is directly associated with a maritime related commercial enterprise, and⁽¹⁵⁶⁾
- 6) demonstrate why short-term anchorage or land-based vessel storage is not practical, and
- 7) not be in the following areas (refer: I 'Maps | Ngā mahere matawhenua')
 - a) Areas of Outstanding Natural Character, or
 - b) Historic Heritage Areas, or
 - c) Nationally Significant Surf breaks, or
 - d) Outstanding Natural Features, or
 - e) Regionally Significant Anchorage,

New Clause- Sites or areas of significance to tangata wheneua.⁽¹⁵⁷⁾

unless

 - f) the mooring is associated with a property that is only legally accessible by water, or
 - g) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
 - h) the mooring is associated with a maritime related commercial enterprise that could not otherwise be located within a Mooring Zone.

Errata

D.5.10

New moorings in Mooring Zones with limited shore-based facilities

Manage moorings in Mooring Zones with limited shore-based facilities by:

- 1) Recognising that shore-based facilities to serve moorings are limited or at capacity in the following mooring areas:

Location	Mooring Zone
Mangonui Harbour	All mooring zones

155 Yachting NZ
156 Northport
157 Heritage New Zealand

Location	Mooring Zone
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 from are provided at all times of the year **at their own on** ⁽¹⁵⁸⁾ private property near the proposed mooring, and
 - c) where an applicant demonstrates provision of adequate parking, toilet facilities, refuse disposal and dinghy storage at their private property in accordance with clause 2.2, the coastal permit must include a condition limiting the transfer of the mooring to new owners of the property.

D.5.11

Regionally Significant Anchorages

Manage Regionally Significant Anchorages (refer I 'Maps | Ngā mahere matawhenua') by:

- 1) recognising the value of Regionally Significant Anchorages to the to the boating community as anchorages that are critical refuges during bad weather, and
- 2) avoiding **structures** that have adverse effects on the ability of vessels to anchor in a Regionally Significant Anchorage, except **structures** installed to reduce the environmental impact of repetitive anchoring and that are freely available for public use.

D.5.12

Recognised Anchorages

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding and / or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publication.

D.5.13

Marinas – managing the effects of marinas

Marinas must:

- 1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:
 - a) refuse from vessels, and
 - b) sewage and sullage from vessels, and
 - c) recyclable material including waste oils, and
 - d) spills from refuelling operations and refuelling equipment, and
 - e) the discharge of stormwater generated from the marina complex, and
- 2) provide for shore-based facilities, including parking, public toilets, boat racks, public access, and
- 3) mitigate for any loss of public access to, along and within the coastal marine area, including providing facilities such as public boat ramps and alternative access for other users, and
- 4) take into account the benefits of landscaping and urban design treatment, and
- 5) take into account any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

D.5.14

Marinas – recognising the benefits of marina development

Recognise the benefits of marina development include:

- 1) efficient use of water space for boat storage, and
- 2) responding to demand for boat storage and associated services, and
- 3) opportunities to enhance public facilities and access to the coastal marine area, and
- 4) socio-economic opportunities through construction and ongoing operation.

D.5.15

Marina Zones – purpose

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

D.5.16

Marina Zones – structures

When considering coastal permit applications for **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.

D.5.17

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, and
- 6) Mangawhai.

New policy - Reclamation

Recognise the potential benefits of reclamations when they are undertaken to:

- 1) **maintain or repair an authorised reclamation;**
- 2) **carry out rehabilitation or remedial works;**
- 3) **create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.**⁽¹⁵⁹⁾

New policy - Unlawful reclamation

Recognise the following matters when considering the authorisation of an unlawful reclamation in the coastal marine area:

- 1) **The extent of social or economic benefit provided to the public, including whether the reclamation is necessary to enable the operation of infrastructure;**
- 2) **The length of time the unlawful reclamation has existed;**
- 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.**⁽¹⁶⁰⁾

¹⁵⁹ Riverside Drive Marina

¹⁶⁰ Northport

D.5.18

Dredging, disturbance and deposition activities

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.

New policy - 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) to maintain and improve access and navigational safety within the coastal marine area, or
- 3) for beach re-nourishment or replenishment activities, or
- 4) to protect, restore or rehabilitate the significant values associated with a mapped 'significant area' or
- 5) when it is undertaken in association with the deposition of material for beneficial purposes, including the restoration or enhancement of natural systems and features that contribute towards reducing the impacts of coastal hazards.⁽¹⁶¹⁾

D.5.19

Disposal Dumping (deliberate disposal) of dredge spoil and other waste material

Discourage the disposal dumping (deliberate disposal) of dredge spoil and other waste in the coastal marine area, unless:⁽¹⁶²⁾

- 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⁽¹⁶³⁾⁽¹⁶⁴⁾
- 2) it is for restoration, maintenance or enhancement of natural coastal defences that provide protection against coastal hazards, or
- 3) it is associated with a reclamation, or
- 4) it is associated with the operation of regionally significant infrastructure and the dumping does not occur within a mapped (refer I 'Maps | Ngā mahere matawhenua'):
 - a) significant ecological area,
 - b) nationally significant surfbreak,
 - c) area of outstanding natural character,
 - d) outstanding natural feature,
 - e) site or area of significance to tangata whenua or
 - f) historic heritage area.⁽¹⁶⁵⁾

¹⁶¹ Refining NZ

¹⁶² Mangawhai Harbour Restoration Society Inc

¹⁶³ LaBonte A & R

¹⁶⁴ Refining NZ

¹⁶⁵ Refining NZ

The disposal dumping (deliberate disposal) of dredge spoil or other waste that is inconsistent with clauses 1-3 4 above may be appropriate, if it is demonstrated that the location is the best practicable option, given the type of material to be dumped disposed of.

D.5.20

Dredging, disturbance and deposition – effects on areas with significant values

When considering a resource consent application for dredging, disturbance or deposition that is likely to have an adverse effect on any mapped (refer I 'Maps | Ngā mahere matawhenua'):

- 1) Outstanding Natural Character, or
- 2) Outstanding Natural Feature, or
- 3) Significant Ecological Area, or
- 4) Significant Bird Area, or
- 5) Marine Mammal and Seabird Area, or
- 6) Historic Heritage Area or
- 7) Nationally or Regionally Significant Surf Break

take into account whether the proposal provides for any of the following beneficial activities:

- 8) protects, restores or rehabilitates the significant values associated with one or more of the areas listed in 1–7 above, or
- 9) improves water quality, connections between water bodies or between freshwater bodies and coastal water, or other natural processes, or
- 10) provides educational, scientific or passive recreational opportunities that will enhance the understanding and long-term protection of the significant values of the area, or
- 11) is in association with scientific research and analysis, or
- 12) is in association with the operation, maintenance and protection of regionally significant infrastructure, or
- 13) involves the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
- 14) is dredging or other disturbance of the foreshore and seabed in existing artificial watercourses or modified watercourses, or
- 15) is in association with the mitigation of natural hazards, or
- 16) is in association with the operation, maintenance and protection of existing river schemes and land drainage schemes, or
- 17) is in association with the repair, maintenance, reconstruction and removal of authorised structures, or
- 18) involves sand extraction within areas where this has previously occurred and adverse effects have been demonstrated as being no more than minor. ⁽¹⁶⁶⁾

D.5.21

Underwater noise

Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

- 1) demonstrate that adopt the best practicable option to manage noise so that it does not exceed a reasonable level is being used to minimise noise,⁽¹⁶⁷⁾ and
- 2) in the case of marine seismic surveying, demonstrate compliance with *Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Surveying Operations* (Department of Conservation, 2013), and
- 3) require an acoustic assessment where the activity may cause significant adverse effects on marine animals,⁽¹⁶⁸⁾ and
- 4) demonstrate that there are no more than minor avoid adverse effects on marine mammals listed as threatened or at risk in the New Zealand Threat Classification System lists,⁽¹⁶⁹⁾
- 5) avoid, remedy or mitigate other adverse effects on marine mammals, taking into account the location and duration of the proposed activity and whether the purpose of the proposal:
 - a) is to be undertaken in association with scientific research and analysis, or
 - b) involves the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
 - c) is to be undertaken in association with the operation, maintenance and protection of Regionally Significant Infrastructure, or
 - d) is in association with the mitigation of natural hazards.⁽¹⁷⁰⁾

D.5.22

Mangrove removal – purpose

Resource consent for mangrove removal:

- 1) may be granted when it is necessary to maintain, restore or improve one or more of the following:
 - a) biodiversity and ecological values, natural features, scheduled historic places, or
 - b) public recreation and walking access to, or along, the coastal marine area, or
 - c) connections with reserves or publicly owned land and the coast, or
 - d) public use and public amenity values, or
 - e) water access for vessels and navigation, or
 - f) public health and safety, including sightlines and traffic safety, or
 - g) access to the coast from marae, or to areas of traditional use, or
 - h) ongoing authorised activities, or
 - i) infrastructure, or
 - j) maintenance of drainage channels, control of flooding or erosion caused by mangroves, or
 - k) tidal flows, or
 - l) scientific research, and
- 2) must not be granted where it is for the purpose of improving private views.

¹⁶⁷ Refining NZ

¹⁶⁸ New Zealand Defence Force

¹⁶⁹ Royal Forest and Bird Protection Society NZ

¹⁷⁰ Refining NZ

D.5.23

Mangrove removal – outcome

If the desired outcome of the mangrove removal is a return to sandy conditions, or maintain or enhance ecological values, then the resource consent applicant must scientifically demonstrate how the desired outcome will be achieved. ⁽¹⁷¹⁾

D.5.24

Mangrove removal – adverse effects

When considering resource consents for mangrove removal, recognise that mangrove removal can result in a range of adverse effects, in particular:

- 1) effects on ecological values including:
 - a) disturbance, displacement or loss of fauna and habitat including rare, threatened, at risk species, and
 - b) disturbing ecological sequences, corridors, and
 - c) areas important for linking significant ecological areas, and
 - d) restricting faunal migration and movement and to shorebird breeding and feeding, and
 - e) removal of a buffer to sensitive ecological areas, and
 - f) disturbance of the foreshore and seabed, effects of compaction, sediment redistribution, mangrove biomass deposition and storage, and
- 2) increased 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.
- 6) **effects on natural character** ⁽¹⁷²⁾

D.5.25

Marine pests

Protect Northland from the adverse effects from marine pests by:

- 1) recognising that the introduction or spreading of marine pests could have significant and irreversible adverse effects on Northland's marine environment, and
- 2) recognising that the main risk of introducing and spreading of marine pests is from the movement of vessels, structures, equipment, marine livestock and materials, and
- 3) decision makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of marine pests, and
- 4) putting conditions in resource consents requiring that best practicable option measures are implemented so that there is a very low risk of introducing or spreading marine pests as a result of the consented activity. ⁽¹⁷³⁾

171 Mangawhai Harbour Restoration Society

172 CEP Services Matauwhi Limited

173 Minister of Conservation - new pest management policy applies region wide.

D.5.26

Significant surf breaks

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) significant adverse effects on Regionally Significant Surf Breaks are avoided, and
- 3) access to Regionally Significant Surf Breaks is maintained or enhanced.

D.5.27

Managing effects on surf breaks

Have regard to the following effects on mapped surf breaks (refer I 'Maps | Ngā mahere matawhenua');

- 1) effects on the quality or consistency of the surf break by considering the extent to which the activity may:
 - a) change or interrupt coastal sediment dynamics, and
 - b) change or interrupt swell within the swell corridor including through reflection, refraction or diffraction of wave energy, and
 - c) change the morphology of the foreshore or seabed, and
 - 2) effects on:
 - a) amenity values, and
 - b) the feeling of wilderness or isolation.
-

D.6 Natural Hazards

D.6.1

Appropriateness of hard protection structures

New **hard protection structures** may be considered appropriate when:

- 1) alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have greater adverse effects on the environment, or
- 2) they are the only practical means to protect existing **or proposed**: ⁽¹⁷⁴⁾
 - a) **regionally significant infrastructure**, or
 - b) **core local infrastructure** (**district parks and reserves, network infrastructure and local roads**), or ⁽¹⁷⁵⁾
 - c) concentrations of existing vulnerable development, and
 - d) they provide a better outcome for the local community, district or region, compared to if the hard protection structure was not built, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.

D.6.2

Design and location of hard protection structures

New **hard protection structures** must:

- 1) be located as far landward as possible in order to retain as much of the existing natural defences 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.

¹⁷⁴ Bay of Islands Maritime Park Inc

¹⁷⁵ Clarification

D.6.4

Flood hazard management – flood defences

Recognise the significant benefits that [flood defences](#) play in reducing flood hazard risk to people, property and the environment.

D.6.5

Flood hazard management – development within floodplains

Development in [flood hazard areas](#) and 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.

E Catchments | Ngā whaitua

Catchments objective

New Objective - Catchment specific values

Recognise the following values in the Doubtless Bay, Waitangi, Pouto, Mangere and Whangarei Harbour catchments:

- 1) Cultural and recreational uses associated with fresh and coastal waters
- 2) The ability to gather mahinga kai
- 3) The natural character of waterbodies and their margins
- 4) The quality of habitat for aquatic native species
- 5) Access to freshwater for productive uses.

New Policy - catchments

When considering resource consent applications in the Doubtless Bay, Waitangi, Pouto, Mangere and Whangarei Harbour catchments have particular regard to the following:

- 1) Reducing the amount of sediment entering waterways from hill slope and stream-bank erosion
- 2) Improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather mahinga kai
- 3) Protecting the ecosystem health and natural character of freshwater bodies, particularly outstanding lakes
- 4) Enabling the extraction and use of freshwater where this will not compromise other values or exceed a minimum flow or level, or an allocation limit.⁽¹⁾

The following rules are from Catchment Management Plans developed for the Doubtless Bay, Waitangi, Mangere, Whangarei Harbour and Pouto catchments. Catchment-specific rules take precedence over other rules (whether more or less restrictive).

Doubtless Bay catchment

E.0.1

Erosion control plans in the Doubtless Bay catchment - controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Doubtless Bay catchment (I 'Maps | Ngā mahere matawhenua') is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.

The RMA activities this rule covers:

- Restrictions on use of land Pastoral land use on High Sediment Yielding Land⁽²⁾(s9(2)).

1 Haititaimarangai Marae 339 Trust (Para 34 Pg 12)

2 Clarification

E.0.2

Water takes from Lake Waiporohita - discretionary activity

The taking and use of fresh water from Lake Waiporohita for any purpose is a discretionary activity, provided:

- 1) water is not taken when a flow or water level is below a [minimum flow](#) or [minimum level](#), and
- 2) any new take (after the notification date of this plan) does not cause an [allocation limit](#) to be exceeded.

The RMA activities this rule covers:

- [Restrictions relating to water](#) [The taking and use of freshwater from Lake Waiporohita \(s14\(2\)\) and s14\(3\)\(b\)\).](#)⁽³⁾

Poutō catchment

E.0.3

Water takes from a lake in the Poutō catchment - permitted activity

The taking and use of water from a lake in the Poutō catchment (refer I 'Maps | Ngā mahere matawhenua') (other than for reasonable stock drinking or domestic needs) 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, up to a maximum of 20 cubic metres, or
 - b) from other Poutō lakes, 10 cubic metres or 200 litres per hectare 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) the water user must provide the regional council with:
 - a) their name, address, and phone number, and
 - b) the location of the water take, and
 - c) the nature of the water use, and
- 10) at the written request of the regional council, a water meter is installed and water use records are provided to the regional council.

The RMA activities this rule covers:

- [Restrictions relating to water](#) [The taking and use of freshwater from a lake in the Poutō catchment](#)⁽⁴⁾(s14(2)).

3 Clarification

4 Clarification

E.0.4

New plantation forestry in the Poutō Forestry Restriction Area - restricted discretionary activity

New [plantation forestry](#) that exceeds five hectares per property in the Forestry Restriction Area - Poutō catchment (refer 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](#) ⁽⁵⁾

The RMA activities this rule covers:

- [Restrictions on use of land](#) [New plantation forestry in the Poutō Forestry Restriction Area](#) ⁽⁶⁾(s9(2)).

E.0.5

New plantation forestry within 20 metres of outstanding Poutō Lakes - restricted discretionary activity

New [plantation forestry](#) within 20 metres of the bed of an [outstanding lake](#) in the Poutō catchment (refer I 'Maps | Ngā mahere matawhenua') is a restricted discretionary activity:

Matters of discretion:

- 1) The location and extent of trees within the setback, and
- 2) The potential effects of the activity on outstanding Poutō lakes
- 3) [The positive effects of the activity](#). ⁽⁷⁾

[The RMA activities this rule covers:](#)

- [New plantation forestry within 20 metres of the bed of an outstanding Poutō lake \(s9\(2\)\)](#). ⁽⁸⁾

Waitangi catchment

E.0.6

Erosion control plans in the Waitangi catchment - controlled activity

[Pastoral land use](#) after 1 January 2025 on [high sediment yielding land](#) in the Waitangi catchment (refer I 'Maps | Ngā mahere matawhenua') is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.

5 Clarification

6 Clarification

7 Clarification

8 clarification

- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 3) **Information and monitoring requirements:** ⁽⁹⁾

The RMA activities this rule covers:

- Restrictions on use of land **Pastoral land use on High Sediment Yielding Land** ⁽¹⁰⁾ (s9(2)).

Mangere catchment

E.0.7

Access of livestock to the bed of a water body or permanently flowing watercourse in the Mangere catchment – permitted activity

The access of livestock to a natural wetland, the bed of a lake or a permanently flowing river **or stream**, or a permanently flowing **artificial watercourse** ⁽¹¹⁾ in the Mangere Catchment (refer I 'Maps | Ngā mahere matawhenua') is a permitted activity, provided:

- 1) **native** ⁽¹²⁾ wetland vegetation in a natural wetland is not **damaged or** ⁽¹³⁾ destroyed, and
- 2) other than at a livestock crossing point, livestock are **effectively excluded** from the full extent of the water body or drain in accordance with the requirements in the following table, and
- 3) livestock crossing points used by livestock more than once per week **on average** ⁽¹⁴⁾ must be bridged or culverted by the dates in the following table, and
- 4) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
 - a) **actively led or** ⁽¹⁵⁾ driven across the **water body or artificial watercourse** ⁽¹⁶⁾ **river or drain**, and
 - b) **effectively excluded** from the river or drain between crossings by the dates in the following table.

9 clarification

10 Clarification

11 clarification

12 consequential Northland Fish and Game

13 Consequential Dairy NZ

14 consequential New Zealand Deer Farmers Association

15 clarification

16 clarification

Table 14 Dates when livestock must be effectively excluded from water bodies and permanently flowing drains in the Mangere Catchment .

Livestock type	Permanently flowing rivers, streams and artificial watercourses drains greater than 1m wide and 30cm deep* ⁽¹⁷⁾	All permanently flowing rivers, streams and artificial watercourses drains ⁽¹⁸⁾	Natural wetlands $\geq 2000\text{m}^2$ (excluding significant wetlands) ⁽¹⁹⁾	Lakes (>1ha) and significant wetlands ⁽²⁰⁾
Pigs and dairy cows	Excluded from the date this rule becomes operative.	Excluded from 1 January 2023.	Excluded from three years after date this rule becomes operative.	Excluded from the date this rule becomes operative.
Beef cattle, dairy support cattle and deer	Lowland areas and Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': Excluded by 1 January 2025.	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. Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': No exclusion required.	Excluded from the date this rule becomes operative.

*Rivers, streams and artificial watercourses that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks. ⁽²¹⁾

Note:

Where the conditions of this rule cannot be met C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity' applies.

The RMA activities this rule covers:

- Restrictions on use of land **Access of livestock to wetlands or artificial watercourses** ⁽²²⁾ (s9(2)).
- **Restrictions on certain uses of** **Access of livestock to the** ⁽²³⁾ beds of lakes and rivers (s13(2)).

E.0.8

Erosion control plans in the Mangere catchment - controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Mangere catchment (I 'Maps | Ngā mahere matawhenua') is a controlled activity, if an erosion control plan has not been developed for the land.

¹⁷ Consequential Minister of Conservation

¹⁸ clarification

¹⁹ Federated Farmers

²⁰ Consequential Federated Farmers

²¹ King G

²² Clarification

²³ Clarification

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 3) Information and monitoring requirements.⁽²⁴⁾

The RMA activities this rule covers:

- Restrictions on use of land Pastoral land use on High Sediment Yielding Land⁽²⁵⁾(s9(2)).

Whangārei Harbour catchment

E.0.9

Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity

The access of livestock to a natural wetland, the bed of a lake or a permanently flowing river or stream or a permanently flowing artificial watercourse drain⁽²⁶⁾ in the Whangārei Harbour Catchment (refer I 'Maps | Ngā mahere matawhenua') is a permitted activity, provided:

- 1) native⁽²⁷⁾ wetland vegetation in a natural wetland is not damaged or⁽²⁸⁾ destroyed, and
- 2) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or drain in accordance with the requirements in the following table⁽²⁹⁾, and
- 3) livestock crossing points used by livestock more than once per week on average⁽³⁰⁾ must be bridged or culverted by the dates in the following table, and
- 4) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
 - a) actively led or⁽³¹⁾ driven across the water body or artificial watercourse river or drain,⁽³²⁾ and
 - b) effectively excluded from the river or drain between crossings by the dates in the following table.

24 Clarification
25 Clarification
26 clarification
27 consequential Northland Fish and Game
28 Consequential Dairy NZ
29 The earlier date applies if there are two applicable dates
30 Consequential New Zealand Deer Farmers Association
31 clarification
32 Clarification

Table 15 Dates when livestock must be excluded from water bodies in the Whangarei Harbour catchment.

Livestock type	Permanently flowing rivers, streams and artificial watercourses drains ⁽³³⁾ greater than 1m wide and 30cm deep* ⁽³⁴⁾	All permanently flowing rivers, streams and artificial watercourses drains ⁽³⁵⁾	Natural wetlands ≥2000m ² (excluding significant wetlands) ⁽³⁶⁾	Permanently flowing ⁽³⁷⁾ Rivers upstream of swimming sites on Hātea and Raumanga rivers (refer I 'Maps Ngā mahere matawhenua')	Lakes (>1ha) and significant wetlands ⁽³⁸⁾
Pigs and dairy cows	Excluded from date this rule becomes operative.	Excluded from 1 January 2023.	Excluded from 1 January 2023.	Excluded from two years after the date this rule becomes operative.	Excluded from the date this rule becomes operative.
Beef cattle, dairy support cattle and deer	<p>Lowland areas as mapped in I 'Maps Ngā mahere matawhenua': Excluded by 1 January 2025.</p> <p>Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': No exclusion required.</p>	<p>Lowland areas as mapped in I 'Maps Ngā mahere matawhenua': Excluded from 1 January 2030.</p> <p>Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': No exclusion required.</p>	<p>Lowland areas as mapped in I 'Maps Ngā mahere matawhenua': Excluded from 1 January 2025.</p> <p>Hill country areas as mapped in I 'Maps Ngā mahere matawhenua': No exclusion required.</p>	Excluded from two years after the date this rule becomes operative.	Excluded from the date this rule becomes operative.

*Rivers, streams and artificial watercourses that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.⁽³⁹⁾

Note:

Where the conditions of this rule cannot be met C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity' applies.

The RMA activities this rule covers:

- Restrictions on use of land Access of livestock to wetlands and artificial watercourses⁽⁴⁰⁾(s9(2)).
- Restrictions on certain uses of Access of livestock to the⁽⁴¹⁾ beds of lakes and rivers (s13(2)).

33 clarification

34 Consequential Minister of Conservation

35 Clarification

36 Consequential Dairy NZ

37 clarification

38 Consequential Federated Farmers

39 King G

40 Clarification

41 Clarification

E.0.10

Erosion control plans in the Whangārei Harbour catchment - controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Whangārei Harbour catchment (refer I 'Maps | Ngā mahere matawhenua') is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion, and
- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion, and
- 3) Information and monitoring requirements.⁽⁴²⁾

The RMA activities this rule covers:

- Restrictions on use of land Pastoral land use on High Sediment Yielding Land⁽⁴³⁾(s9(2)).

⁴² Clarification

⁴³ Clarification

F Objectives | Ngā whāinga

Note: The scope for the addition of the objectives in this section is discussed in the *General approach* S42A report, in the section titled *Scope for adding the objectives and policies*.

F.0.1

Objective

Manage the use, development, and protection of Northland's natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- 1) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
- 2) safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and
- 3) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

F.0.2

Freshwater quantity objectives Achieving freshwater quantity related outcomes⁽¹⁾

Manage the taking, use, damming and diversion of fresh water so that:

- 1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded, and
- 2) the significant values, including⁽²⁾ hydrological variation ~~in~~⁽³⁾ outstanding freshwater bodies and natural wetlands are ~~protected~~⁽⁴⁾ not altered, and
- 3) the extent of littoral zones in lakes are maintained, and⁽⁵⁾
- 4) rivers have sufficient flows and flow⁽⁶⁾ variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes and support the natural movement of indigenous fish⁽⁷⁾, and
- 5) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies⁽⁸⁾, and
- 6) adverse effects associated with saline intrusion and land subsidence avoided saline intrusion intrusion in, and land subsidence above, aquifers is avoided⁽⁹⁾, and
- 7) it is a reliable resource for consumptive and non-consumptive uses.⁽¹⁰⁾
- 8) Recreational and amenity values associated with fresh water are maintained.⁽¹¹⁾

1 Clarification. Note this objective was expressed as Policy D.4.13 in the proposed plan

2 Minister of Conservation

3 Clarification

4 Minister of Conservation

5 Minister of Conservation

6 Clarification

7 Hāitaitamarangai Marae 339 Trust

8 CEP Services Matauwhi Ltd

9 Refining NZ

10 Horticulture New Zealand

11 Consequential amendment because of the amendments to clause 4).

Note: This objective was included in this this plan pursuant to Policy B1 of the National Policy Statement for Freshwater Management 2017.

F.0.3

Water quality management

Manage the use of land and discharges of contaminants so that:

- 1) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and
- 2) the health of people and communities, as affected by contact with fresh and coastal water is safeguarded, and
- 3) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected and
- 4) the significant values of outstanding freshwater bodies and significant wetlands are protected, and
- 5) sustainable mahinga kai, recreational and amenity and other social and cultural values are supported, and
- 6) economic opportunities are provided to people.⁽¹²⁾

Note: Freshwater quality objectives required by Policy A1 of the National Policy Statement for Freshwater Management 2017 will be included in this plan at a later date as per the council's programme for implementing the national policy statement.⁽¹³⁾

F.0.4

Indigenous ecosystems and biodiversity

Safeguard ecological integrity in the coastal marine area and in fresh waterbodies by:

- 1) Protecting ecological complexes and areas of significant indigenous vegetation and significant habitats of indigenous fauna, and
- 2) Maintaining indigenous biodiversity in the region, and
- 3) Where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally threatened species, and
- 4) Preventing the introduction of new marine or freshwater pests into Northland and slowing the spread of established pests within the region.

F.0.5

Enabling economic wellbeing

Northland's natural and physical resources are in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.⁽¹⁴⁾

¹² Fonterra

¹³ Clarification

¹⁴ This is the same as objective 3.5 in the Regional Policy Statement for Northland

F.0.6

Regionally significant infrastructure

Recognise the benefits of regionally significant infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repairs, upgrading and removal.

F.0.7

Security of energy supply

Northland's energy supplies are secure and reliable, and generation that benefits the region is supported, particularly when it uses renewable sources.⁽¹⁵⁾

F.0.8

Use and development in the coastal marine area

Use and development in the coastal marine area:

- 1) Makes efficient use of space occupied in the common marine and coastal area, and
- 2) Is of a scale, density and design compatible with its location, and
- 3) Recognises the need to maintain and enhance the public open space qualities and recreational opportunities of the coastal marine area, and
- 4) Is provided for in appropriate places and forms, and within appropriate limits.

F.0.9

Tangata whenua role in decision-making

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.⁽¹⁶⁾

F.0.10

Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by:

- 1) Increasing our 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 10 and 100 year flood hazard areas and coastal hazard areas, and
- 4) Not compromising the effectiveness of existing defences (natural and man-made), and
- 5) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development, and

¹⁵ This is the same as objective 3.9 in the Regional Policy Statement for Northland

¹⁶ This is the same as objective 3.12 in the Regional Policy Statement for Northland

- 6) Promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities, and
- 7) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.⁽¹⁷⁾

F.0.11

Improving Northland's natural and physical resources

Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.

F.0.12

Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua

Protect from inappropriate use and development:

- 1) The qualities and characteristics that make up:
 - a) outstanding natural features in the coastal marine area and in fresh waterbodies, and
 - b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and
 - c) natural character in fresh waterbodies outside the coastal environment, and
- 2) The integrity of historic heritage in the coastal marine area.
- 3) The values of places of significance to tangata whenua in the coastal marine area and fresh waterbodies

F.0.13

Air quality

Adverse effects from discharges to air are managed by:

- 1) Minimising cross boundary effects on sensitive areas from discharges of dust, smoke, spray and odour.
- 2) Protecting sensitive areas from exposure to dangerous and/or noxious levels of gases or airborne contaminants.
- 3) Maintaining and, where possible, enhancing ambient air quality in urban areas by avoiding, remedying or mitigating the cumulative effects of air discharges.

F.0.14

Hazardous substances and contaminated land

Protect human health, and minimise the risk to the environment to acceptable levels, from discharges of hazardous substances and contaminants from contaminated land.

¹⁷ This is the same as objective 3.13 in the Regional Policy Statement for Northland

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 meters, as shown in the following diagram:



Where it is necessary to fix the width of the river for the purposes of determining the cross-river coastal marine area boundary, the width of a river is the shortest distance between the banks of the river at mean high water springs.

G.2 Statutory acknowledgements

It is a legal requirement ⁽¹⁾ to attach statutory acknowledgements to regional plans and regional policy statements. Rather than attaching statutory acknowledgements to the Regional Plan and Regional Policy Statement, the approach taken is to have a single companion document recording all statutory acknowledgements – *Te Ture Whakamana ngā Iwi o Taitokerau: Statutory acknowledgements in Northland*. This can be viewed on the regional council's website.

What is a statutory acknowledgement?

The Treaty of Waitangi is considered the founding document of New Zealand. It recognises the special relationship between Māori and the Crown. It is the basis from which Māori and the Crown negotiate terms to address grievances in relation to omissions and acts by the Crown which are contrary to the Treaty principles. One mechanism used (to address grievances) in settlement legislation that has an impact for local government is through statutory acknowledgements.

A statutory acknowledgement is a formal acknowledgement by the Crown recognising the mana of tangata whenua in relation to a specified area. It recognises the particular cultural, spiritual, historical, and traditional association of an iwi or hapū with the statutory area.

Statutory acknowledgements are only over Crown-owned land and may apply to rivers, lakes, wetlands, landscapes estuaries/harbours and other coastal areas. Where a statutory acknowledgement is noted in regards to a river, lake, wetland or coastal area, the acknowledgement only applies to the bed, being Crown-owned.

Statements associated with a statutory acknowledgement are set out in Treaty of Waitangi settlement legislation. The text for each statutory acknowledgement includes:

- identification and description of the statutory area,
- a statement of association detailing the relationship between the relevant iwi or hapū with the statutory area, and
- the specific requirements of the statutory acknowledgement.

Statutory acknowledgements enhance the ability of iwi and hapū to participate in Resource Management Act 1991 processes. It includes requirements for council to:

- have regard to effects on statutory acknowledgment areas when determining notification of resource consent applications, and
- provide summaries of resource consent applications to the iwi or hapū.

¹ Set out in the relevant Treaty of Waitangi settlement legislation.

G.3 Financial contributions

Note: From 18 April 2022, resource consents will no longer be able to include a condition requiring a financial contribution⁽²⁾.

The RMA requires the Regional Plan to specify the circumstances when a financial contribution may be imposed, the manner in which the level of contribution that may be imposed will be determined, and the general purposes for which the contribution may be used.

Financial contributions are available to compensate for the adverse effects that cannot otherwise be adequately avoided, remedied, mitigated or offset.

If adverse effects can be adequately avoided, remedied, mitigated or, offset, and this is identified in a resource consent application, then financial contributions will not be required. However, the regional council may require financial contributions or a contractual agreement if remediation, mitigation or offsetting is dependent on a third party.

The following provisions set out:

- 1) the circumstances when financial contributions may be imposed, and
- 2) the purposes for which financial contributions may be required and used, and
- 3) the method for determining the contribution, and
- 4) matters that the regional council will have regard to when deciding:
 - a) whether to impose a financial contribution,
 - b) the type of contribution, and
 - c) the amount of any contribution, and the general provisions that would apply.

Table 16 Circumstances and purposes for financial contributions

Circumstance	Purpose
Aquatic habitats of indigenous species Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem values.	<ol style="list-style-type: none"> 1) Restore or enhance aquatic habitats at the site, or to provide an offset or environmental compensation by restoring or enhancing aquatic habitat characteristics at another suitable location where avoiding, remedying or mitigating adverse effects at the site is not practicable or effective, or 2) Provide for research and/or protection to enhance aquatic habitats.
Wetlands Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem, water quality, water quantity, soil conservation or flood mitigation values of a wetland.	<ol style="list-style-type: none"> 1) Offset effects by enhancing another suitable wetland of similar habitat where such a wetland is available, or 2) Offset effects by creating a new wetland at an appropriate site, or 3) Enhance another part of the wetland that is adversely affected, including if appropriate, cost associated with maintaining the original state of the wetland.

² Resource Legislation Amendment Act 2017

Circumstance	Purpose
<p><i>Discharges</i></p> <p>Where a resource consent is granted for a discharge that does not meet environmental standards in this Plan because it is not cost-effective or practicable to do so:</p>	<p>Provide on-site mitigation or remediation measures, or works in other areas to mitigate or offset the effects of the discharge:</p>
<p><i>Disturbance to the foreshore or seabed and margins</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on the foreshore, seabed or margins:</p>	<p>Mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the foreshore, seabed or margins, including, but not limited to, maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and including contribution to such measures elsewhere in the same general locality:</p>
<p><i>Public access to, along and within the coastal marine area</i></p> <p>Where the activity for which a resource consent is granted will restrict or prevent existing lawful public access to, along or within the coastal marine area, except where such restrictions are necessary in accordance with Policy 19(3) NZCPS:</p>	<p>Provide for alternative public access in the vicinity of the activity or at another similar location:</p>
<p><i>Exclusive occupation of space</i></p>	<p>Enhance public access or facilities in another similar location:</p>
<p><i>General works</i></p> <p>Where the activity for which a resource consent is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section:</p>	<p>Provide works for the purpose of offsetting the adverse effects of the activity, including protecting, restoring or enhancing natural and physical resources elsewhere in the same general locality:</p>
<p><i>Structures in the coastal marine area</i></p> <p>Where the structure may cause a risk to navigational safety or public health and safety or cause adverse effects on the environment if abandoned, damaged or derelict:</p>	<ol style="list-style-type: none"> 1) The removal of abandoned or derelict structures; or 2) The reinstatement of the environment; or 3) Any emergency repairs or rescue undertaken by the regional council on behalf of the consent holder in the event of any part of the structure breaking loose or causing a potential navigational hazard:

Amount of contribution

The amount of financial contribution must be an amount determined on a case-by-case basis by the regional council to be fair and reasonable. The amount must not exceed the reasonable cost of funding positive environmental effects required to offset the net adverse effects caused directly by the activity:

For the purposes of this section, 'net adverse effects' means a fair and reasonable assessment of the level of adverse effects after taking into account:

- 1) the extent to which significant adverse effects will be avoided, remedied or mitigated by other consent conditions, and
- 2) the extent to which there will be positive environmental effects from the activity which may offset any or all adverse effects, and
- 3) the extent to which other environmental compensation is offered as part of the activity which may offset any or all adverse effects.

Matters to be considered for financial contributions

In deciding whether or not to impose financial contributions, the types of contribution and their value, the regional council will have particular regard to the following matters:

- 1) Financial contributions must be for the purpose of avoiding, remedying, mitigating or offsetting adverse effects on natural and physical resources.
- 2) Financial contributions must be used to avoid, remedy, or mitigate or offset adverse effects of the same type as those caused or potentially caused by the activity for which consent is sought.
- 3) Preference will be given to the use of financial contributions at, or close to, the site of the activity for which consent is sought. This does not prevent the use of financial contributions at other locations when appropriate or agreed between parties to the application.
- 4) Financial contributions will only be required when:
 - a) the avoidance, remedy or mitigation of adverse effects could not be practically achieved by another condition of consent, or
 - b) a financial contribution would be more efficient than another condition of consent in achieving the avoidance, remedy or mitigation of adverse effects, or
 - c) a financial contribution is agreed by parties to the application to be the best outcome to avoid, remedy, mitigate or offset adverse effects on the environment.
- 5) An assessment as to whether a financial contribution is appropriate to the activity will be made on a case-by-case basis.
- 6) Preference will generally be for a financial contribution of money, except where land may be more appropriate.

General provisions

In imposing a financial contribution, the following general provisions will apply:

- 1) All financial contributions are GST inclusive.
- 2) Where the financial contribution is, or includes, a payment of money, the regional council may specify in the condition:
 - a) the amount to be paid by the consent holder or the methods by which the amount of the payment shall be determined, and
 - b) how payment is to be made, including whether payment is to be made by instalments, and
 - c) when payment must be made, and
 - d) whether the amount of the payment is to bear interest and, if so, the rate of interest, and
 - e) if the amount of the payment is to be adjusted to take account of inflation and, if so, how the amount is to be adjusted, and
 - f) whether any penalty is to be imposed for default in payment and, if so, the amount of the penalty or formula by which the penalty is to be calculated.
- 3) Where the financial contribution is, or includes, land, the value of the land must be determined by a registered valuer mutually agreed upon by the regional council and the resource consent applicant.

- 4) In granting a consent, the regional council must give reasons in its decision for its assessment of the value of the land.
- 5) Where the financial contribution is, or includes, land, the regional council may specify:
 - a) The location and the area of the land, and
 - b) when and how the land is to be transferred to, or vested in, the regional council.

(3)

G.4 Coastal occupation charging

Section 64A of the RMA requires the Regional Plan to implement a coastal occupation charging regime ⁽⁴⁾ or state that there will be no coastal occupation charging. At this stage, the regional council has decided **not** to introduce a coastal occupation charging regime. However, this position may change in the future after consultation with the community.

⁴ to persons occupying any part of the common marine and coastal area

H Appendices | Āpitihangā

H.1 Wastewater network management plans <Delete>

A wastewater network management plan must include:

- 1) A description of the wastewater network, and
- 2) Identification of wet weather wastewater overflow points and a description of the frequency that they overflow on an annual average basis, and
- 3) A description of the receiving environments, and
- 4) A description of the network operator's best practicable option for preventing, responding to, and minimising the adverse effects of wastewater discharges, and
- 5) A description of the operation and maintenance programme for the network, and
- 6) Any prioritised programme for capital works.⁽¹⁾

¹ Consequential amendment because of the deletion of Rule C.6.2.1

H.2 Stormwater management plans

<Delete>

A stormwater management plan must be matched to the scale and complexity of the network and include the following:

- 1) Plans showing the stormwater catchment area and the public stormwater network, and
- 2) The expected performance of system as a result of likely development, and
- 3) Identification of existing drainage and flooding problems and potential flood hazards and other sensitive areas such as overland flow paths, and
- 4) The location of contaminated, and
- 5) The location of high risk industrial and trade premises, and
- 6) Methods by which the network operator will control the quality of stormwater discharged from industrial and trade premises to the public stormwater network, and
- 7) Any prioritised programme for capital works, and
- 8) The operation and maintenance programme for the network.⁽²⁾

H.3 Chimney height requirements

Scope of the requirements

- 1) This appendix is intended to provide a relatively simple method of calculating the approximate chimney height commonly desirable in normal circumstances.
- 2) This method is regarded as a general guide rather than a mathematically precise and absolute way of reaching a decision on chimney height. It may need to be modified or more appropriate methods used such as computer modelling in the light of particular local circumstances, such as a chimney in a narrow valley or near tall buildings or when emissions of contaminants not covered by this method are present.
- 3) the requirements are not applicable to all chimneys. In respect of this plan, it is applicable only to discharges from the operation of fuel burning equipment covered by C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity'. The regional council should also have regard to these requirements when assessing the 'best practicable option' for any resource consent for a stack discharge which involve contaminants covered by this method.

General requirements

General

- 4) The method of calculation is based on the amount of flue gases the chimney is expected to emit as a function of the maximum rate of emission of sulphur dioxide. Modification of the result obtained may be necessary where there is a potential for pollution by gaseous emissions other than normal products of combustion.
- 5) Prejudice to health or nuisance from smoke, grit and dust should not occur where chimney heights are so calculated and where the other relevant requirements of the RMA are given effect to. It should be noted that non-compliance with grit and dust requirements cannot be avoided solely by increasing the height of a chimney. Dust arrestment plant may also be necessary in order to achieve compliance with rules in this Plan.
- 6) For small- and medium-sized oil-fired boilers, experience has shown that an insulated stack is necessary to avoid acid smut problems.
- 7) In Figures 1 to 6 below (the 'nomographs'), the chimney height has been calculated to ensure dispersion of the gases to achieve a theoretical maximum ground level concentration of 400 milligrams per cubic metre (about 0.16 parts per million by volume) of sulphur dioxide. This is less than the generally accepted threshold of odour for this gas of 1.1 milligrams per cubic metre (about 0.5 parts per million by volume).
- 8) This will also be taken by the regional council as demonstrating compliance with exposure levels for:
 - sulphur dioxide of 500 milligrams per cubic metre (ten minute time - weighted average exposure),
 - 350 milligrams per cubic metre as the hourly average of 10 minute means,
 - 125 milligrams per cubic metre as the 24 hour average and
 - 50 milligrams per cubic metre as the annual average

These figures are guideline air quality values for sulphur dioxide in New Zealand.

Efflux velocity

- 9) The diameter of a chimney top should be as small as possible in order to increase the efflux velocity of the flue gases. If the efflux velocity is insufficient, the plume tends to flow down the outside of the stack on the lee side and the effective chimney height is thus reduced. Efflux velocities of about 15 metres per second will avoid this downwash.
- 10) Such a velocity is impracticable for small boilers, but boilers equipped with forced draft fans only should have a chimney efflux velocity of not less than 5 metres per second at full load. Boilers equipped with

induced draft fans should have a chimney efflux velocity of not less than 8 metres per second at full load for boilers rated up to 13,600 kilograms per hour, increasing to a maximum of 15 metres per second at full load for boilers rated at 204,000 kilograms per hour.

- 11) The method of calculation assumes that the appropriate efflux velocity will be achieved.

Combining of emissions

- 12) There are several adjacent furnaces in the same works, there are advantages in combining the waste gases, if possible, and discharging them through a common chimney. The larger volume from the combined emissions has a higher thermal rise than the discharges from separate chimneys and the concentration of the flue gases reaching the ground is smaller.

Fuel types

- 13) For liquid or solid fuels, including untreated wood, the calculations of chimney height should be based on the maximum sulphur content of any fuel to be burned. It is also recommended that the minimum sulphur content of any fuel used in the calculations be 0.5 percent.
- 14) For natural gas and manufactured gas with zero or very low sulphur content, it is recommended that emission data for nitrogen oxides (NO_x) be applied and substituted for sulphur dioxide in the figures below. For furnaces using gas fuel in the aggregate not exceeding a rate of 5 megawatt, the main consideration is to avoid local down-draught effects. It is recommended that the height of the building containing the furnace, or buildings within 30 metres be taken as the "uncorrected stack height", and the nomograph of Figure 6 or three metres (whichever is the greater) be used to reach "corrected height". Usually no correction will be required for taller buildings 30 metres or more distant.
- 15) For furnaces or aggregates of furnaces of larger size, guidance as to uncorrected heights in typical situations would be approximately as follows.

Table 17 Uncorrected height guidance

Heat release (MW)	Required height (metres)
6	9
9	12
10	13

- 16) For processes receiving mixed fuels, the height should be based on one percent sulphur in the absence of further consideration of fuel types.

Dust emissions

- 17) The stack height is also based on the assumption that little dust or grit is produced in combustion or that an effective grit arrestor is fitted. It should be noted that when grit arrestors are fitted to wood burning plants, performance is likely to be less effective than on solid fuels because of the lower density of the material to be collected.

Method of calculating chimney heights

'Uncorrected chimney height' and 'final chimney height'

- 18) The first stage is the calculation of the 'uncorrected chimney height'. This is the height appropriate for the relevant maximum rate of sulphur dioxide emission when account has been taken of neighbouring sources of pollution, the local background level of pollution and the general character of the district.
- 19) The second stage is the calculation of the 'final chimney height'. This is the uncorrected chimney height amended if necessary to allow for the dispersal from the chimney being affected by the supporting building and by neighbouring buildings.

Calculation of 'uncorrected chimney height' - consideration of locality

- 20) The initial step is to consider the character of the surrounding district which for this purpose should be regarded as falling into one of the following categories:

Table 18 Categories for the character of the surrounding district

Category	Description
A	Rural area, where background pollution is low, and where there is no industrial development within one kilometre of the new chimney.
B	A partially-developed area with scattered houses, low background pollution, and no other comparable industrial emissions within one kilometre of the new chimney.
C	A built-up residential area with only moderate background pollution and without other comparable background emissions.
D	An urban area of mixed industrial and residential development, with considerable background pollution and with other comparable industrial emissions within half a kilometre of the new chimney.
E	Heavy industrial or dense residential areas.

Note: Of the categories listed above, categories A, C and D are those considered to be generally applicable in Northland, covering rural, urban residential and industrialised areas respectively. Category E is applicable in areas where comparable emissions occur in close proximity and cumulative effects are significant.

- 21) In situations of existing significant air quality degradation, the regional council may choose to apply the more stringent requirements of category E to prevent or minimise further degradation.

Amount of sulphur dioxide emissions

- 22) The amount of sulphur dioxide likely to be emitted will be calculated as follows:

Table 19 Sulphur dioxide emission calculations

Fuel	Calculation
Coal or solid fuel	Weight of sulphur dioxide emitted = $18 \times W \times S$ kg/hr where W = maximum burning rate ('000 kg/hr) and S = % sulphur content
Oil fuel	Weight of sulphur dioxide emitted = $20 \times W \times S$ kg/hr where W = maximum burning rate ('000 kg/hr), (1 tonne oil = 1,050 litres) and S = % sulphur content
Natural gas or LPG	Weight of NO _x emitted = $3.2 \times G$ kg/hr where G = maximum burning rate ('000 m ³ /hr). Note: Weight of NO _x emission is substituted for SO _x emission in nomographs

- 23) When it has been decided into which of the categories the surrounding district falls, reference is then made to the relevant chart in Figures 1 to 4, which relate to various mass emission rates of discharges. A line starting from the relevant sulphur dioxide emission on the left hand side of the appropriate chart and produced through the points A, B, C, D or E (representing the category into which the district falls) will indicate on the right hand side of the chart the appropriate uncorrected chimney height so indicated in order to allow for the average reduction in thermal lift compared with that of a similar emission of sulphur dioxide from coal firing.

Example 1

A new chimney is needed for a plant burning coal and emitting 127 kilograms of sulphur dioxide per hour. What is the uncorrected chimney height in a district category C and district category E? Reference to Figure 3 will show that the respective uncorrected chimney heights are 33 metres and 37.5 metres.

Calculation of final chimney height

- 24) An uncorrected chimney height not less than 2.5 times the height of the building to which the chimney is attached or of any other building in the vicinity does not need to be corrected to allow for the effect of the building. In that case, the final chimney height is the same as the uncorrected chimney height, and no further calculation is necessary.
- 25) Corrections for the effects of buildings are, however, necessary when the uncorrected height is less than 2.5 times the height of such buildings and these establish in the final chimney height.
- 26) The correction is partly based on the ratio between the greatest length and height of the building (to the ridge), since the relationship between the greatest length and height influences the effect of down-draughts.
- 27) In a closely built-up area where the plant building is lower than adjacent buildings, the chimney should be regarded as being attached to an infinitely long building whose height is the average level of the roof tops in the immediate vicinity.
- 28) Reference is then made to the chart in Figure 5. A line starting from the relevant uncorrected chimney height on the left-hand side is produced through the point representing the building height to the reference line. From this point on the reference line, another line produced through a point representing the height of the building or its greatest length, whichever is lower, will indicate on the right-hand side of the chart the final chimney height, subject to any adjustment that may be necessary to ensure that this is never less than three metres above the ridge of the building, nor less than the uncorrected chimney height.

Example 2

A chimney whose uncorrected height is 37 metres is attached to a building 31 metres in height to the ridge of the roof. What will the final chimney height have to be if the maximum width of the building is (a) 31 metres or more, (b) 15 metres and (c) 7 metres? Reference to Figure 5 will show the three cases represented by dotted lines and the corresponding final heights are 52 metres, 43 metres and 38 metres.

Example 3

A chimney whose uncorrected height is calculated as 18 metres is associated with a building 24 metres in height to the ridge of the roof. What should the final chimney height be if the maximum width of the building is (a) more than 24 metres and (b) nine metres? Reference to Figure 5 will show the corresponding final heights to be 34 metres and 25 metres. The final heights are therefore 34 metres and 27 metres respectively, since they must be at least three metres above the ridge of the roof.

Figure 1: Uncorrected chimney heights for very small discharges of sulphur dioxide (up to 14 kg/hour)

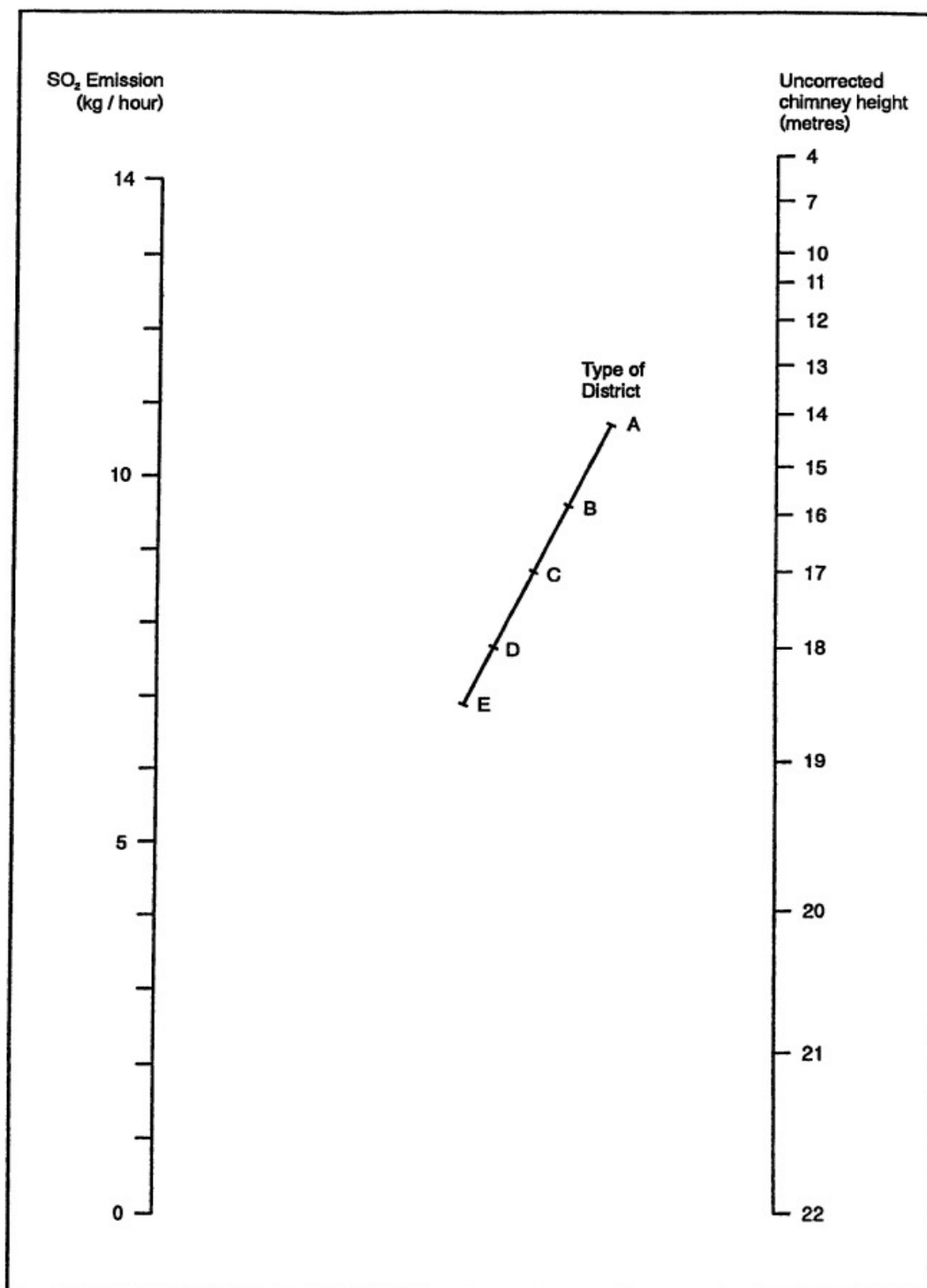


Figure 2: Uncorrected chimney heights for small discharges of sulphur dioxide (15–45 kg/hour)

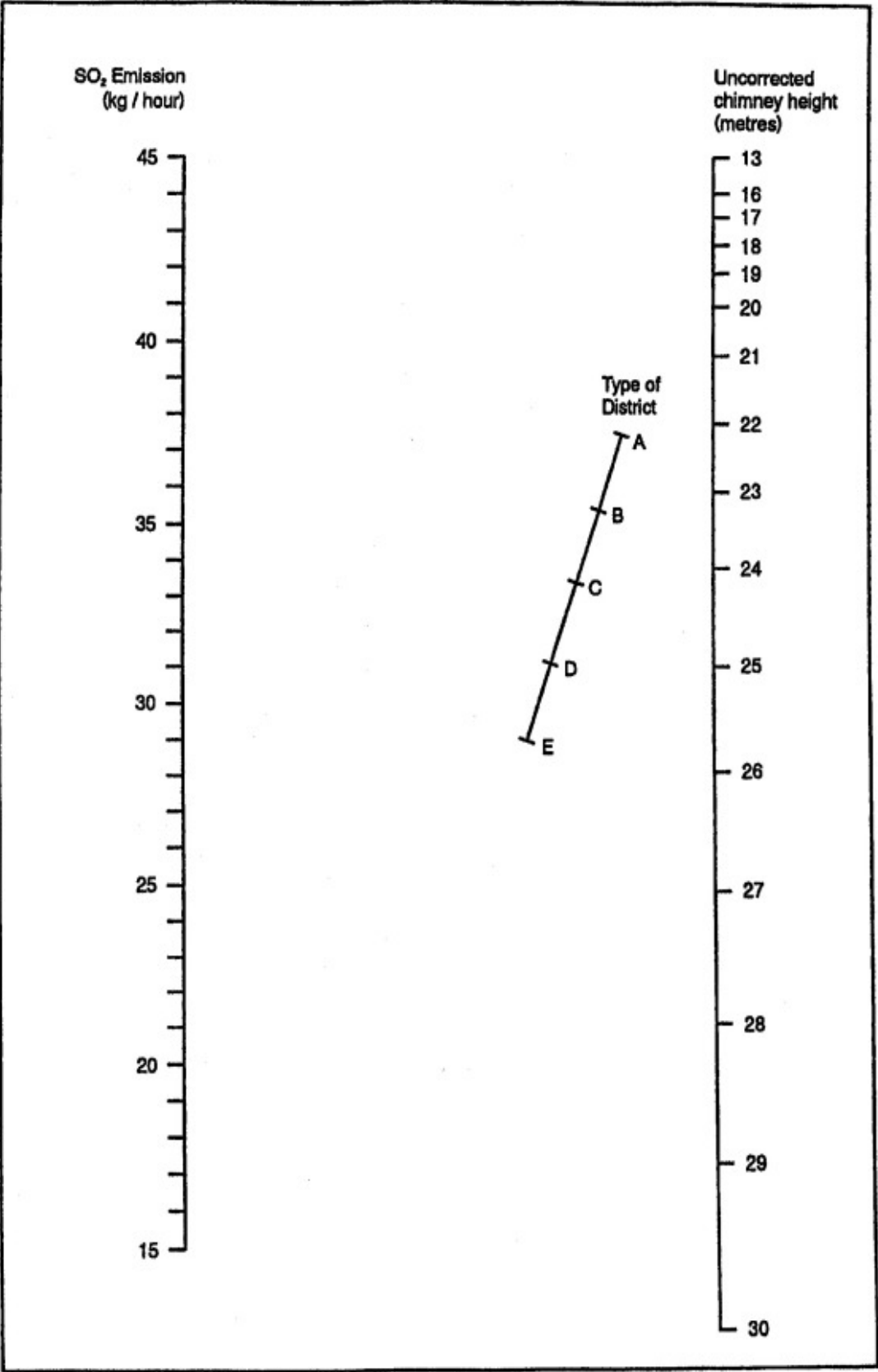


Figure 3: Uncorrected chimney heights for medium discharges of sulphur dioxide (50–180 kg/hour)

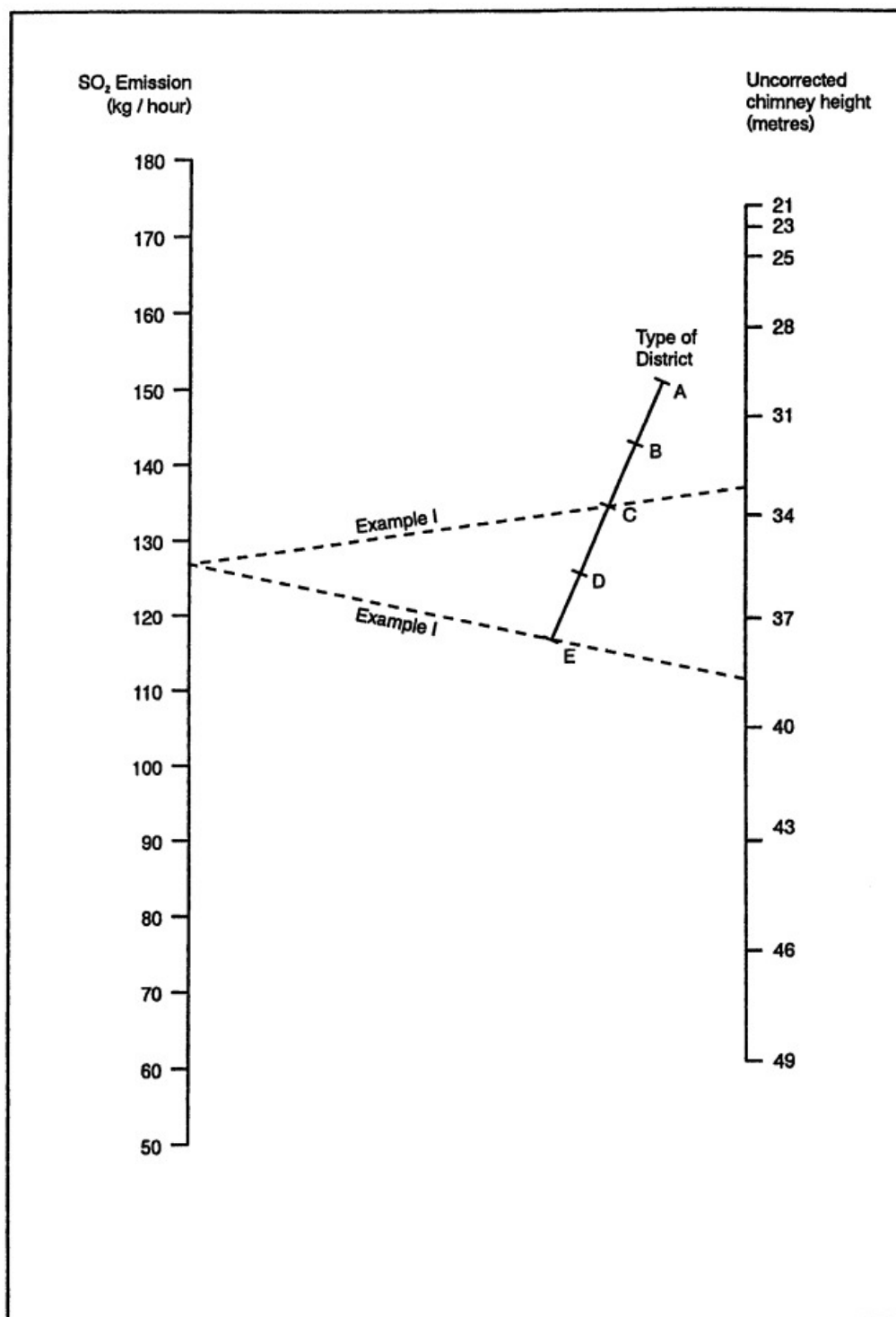


Figure 4: Uncorrected chimney heights for large discharges of sulphur dioxide (200–800 kg/hour)

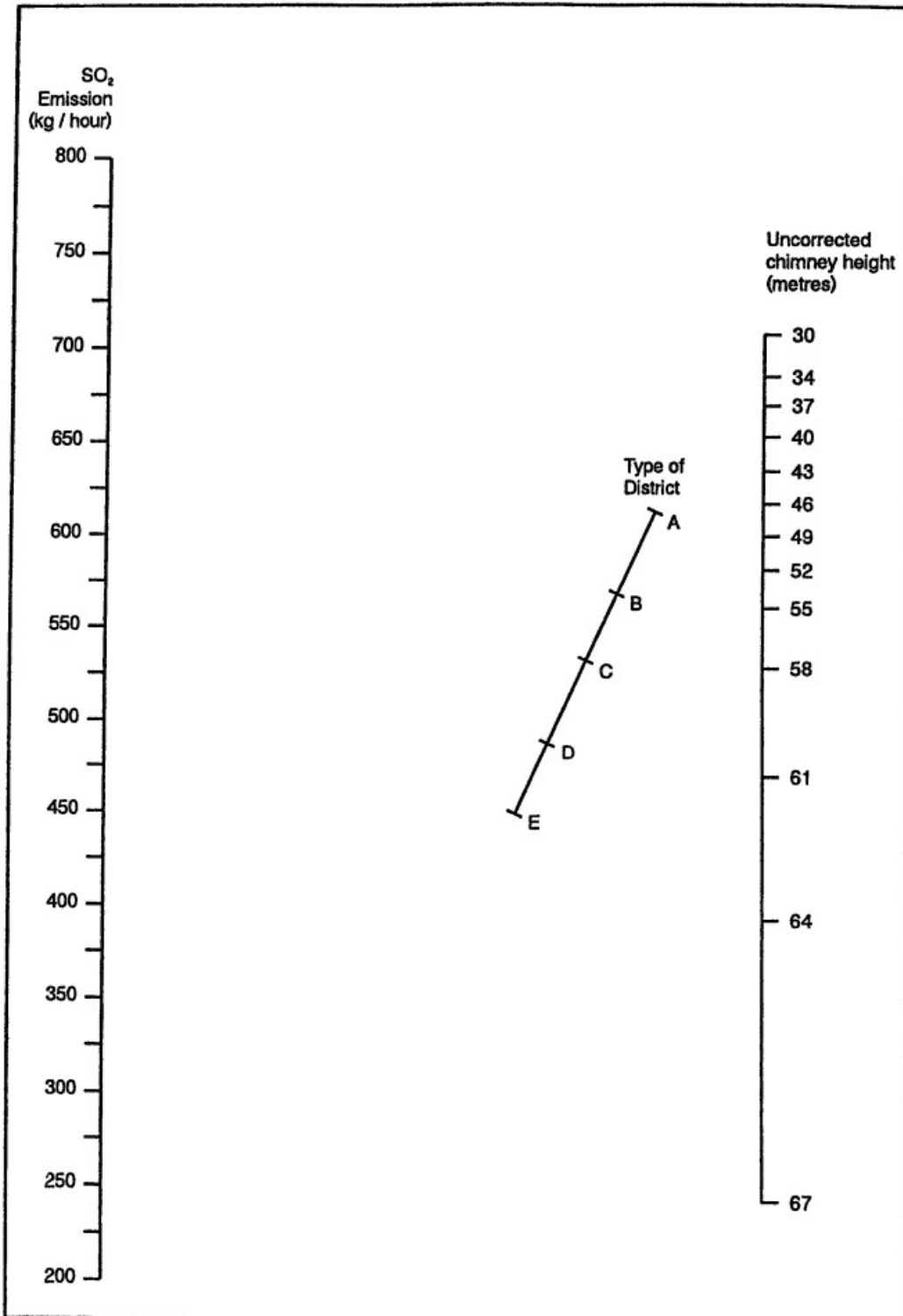


Figure 5: Final chimney heights

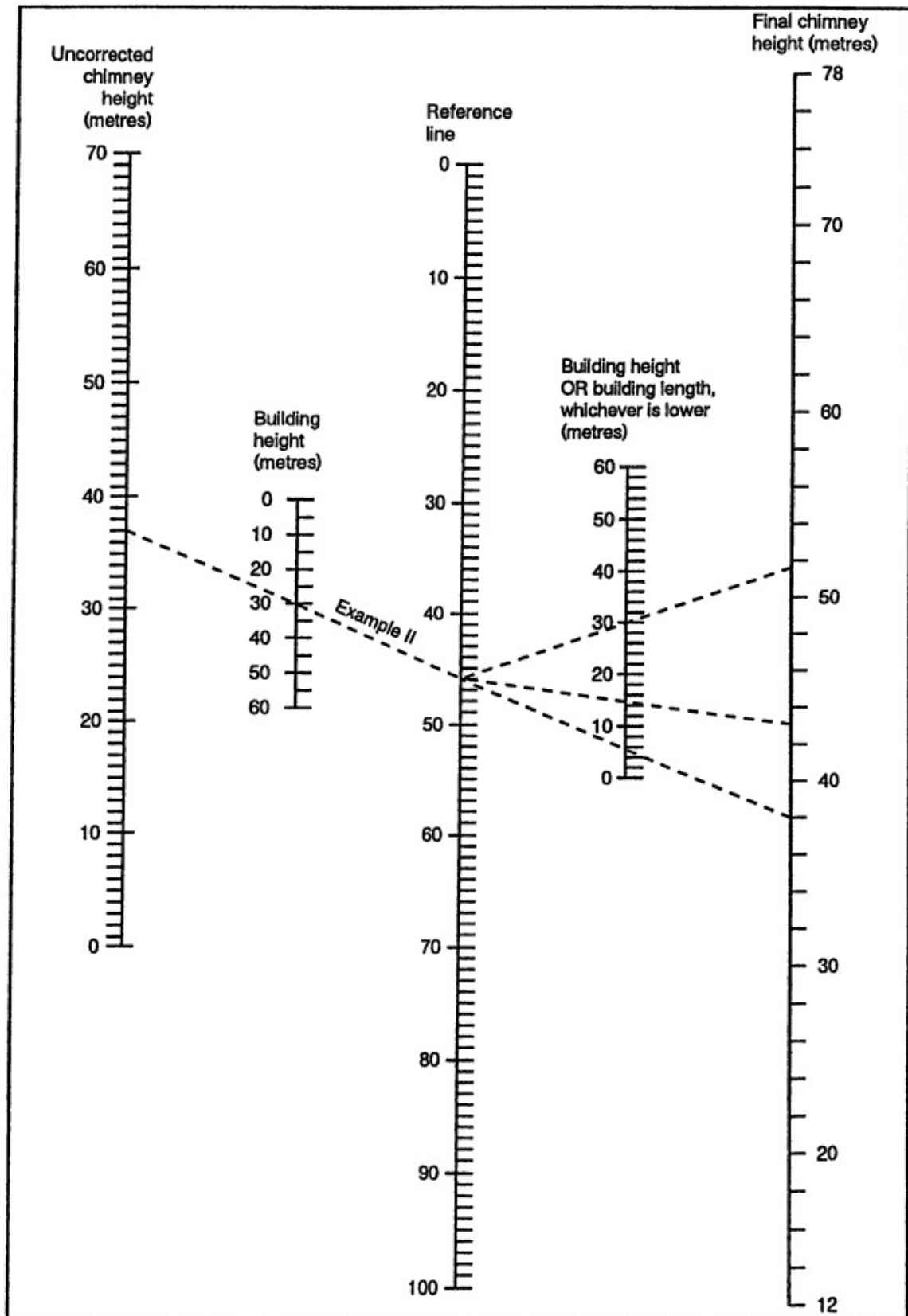
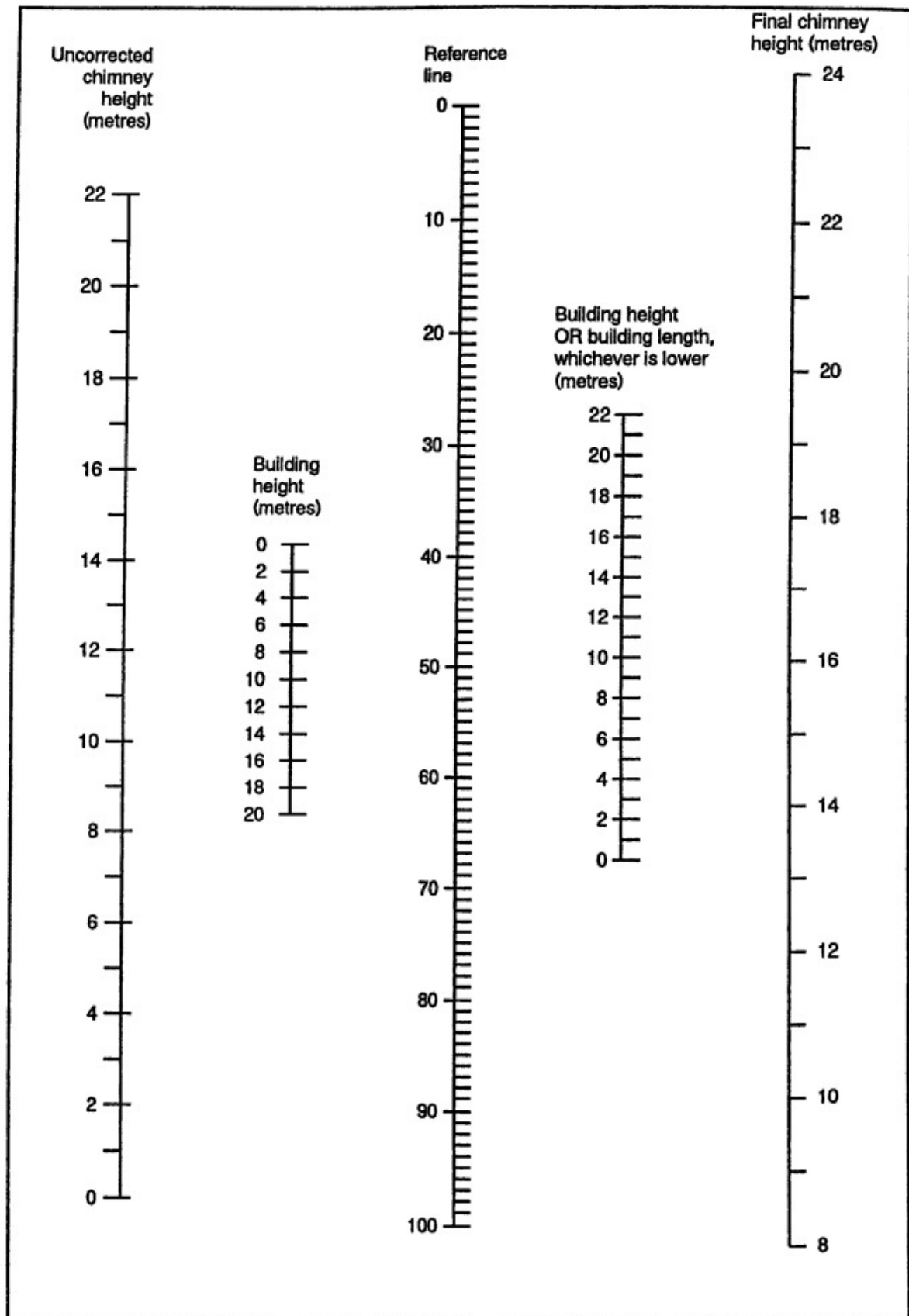


Figure 6: Final chimney heights for gas-fired processes



H.4 Erosion control plans

Erosion Control Plans shall 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 stock exclusion (retirement), remedial planting, stocking rate, grazing / pasture management, creation of wetlands or bunds or other suitable methods to reduce sediment entering waterways.
- 6) Recommendations on priority measures that addresses the most critical sources of sediment first and timeframes for undertaking erosion / sediment mitigation measures.
- 7) A plan based on aerial imagery showing items (iii) to (vi) above at a scale of 1:10,000 or less.
- 8) Evidence to support the recommendations in item (6) above.⁽³⁾

H.5 Water quality standards

Coastal water quality standards

The water quality standards in Table 20 'Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption' apply to Northland's coastal waters, after allowing for reasonable mixing.⁽⁴⁾ A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following coastal water quality standards to be exceeded.⁽⁵⁾

⁴ Whangarei District Council

⁵ Consequential amendments because of the amendments to policy D.4.5

Table 20 Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption

Value ⁽⁶⁾	Attribute	Unit	Compliance Metric ⁽⁷⁾	Coastal water quality management unit			
				Hātea River	Tidal creeks	Estuaries	Open coastal water ⁽⁸⁾
Ecosystem health	Dissolved oxygen	mg/L	Annual Median	>6.2	>6.3	>6.9	No change from natural state No discernible change ⁽⁹⁾
			Minimum	4.6			4.6
	Temperature	°C	Maximum change	3°			
	pH			7.0 - 8.5			8.0 - 8.4
	Turbidity	NTU	Annual Median	<7.5	<10.8	<6.9	No change from natural state No discernible change
	Secchi depth	m	Annual Median	>0.8	<10.8	<6.9	No change from natural state No discernible change
	Chlorophyll-a	mg/L	Annual Median	<0.003	<0.004	<0.004	No change from natural state No discernible change
	Total phosphorus	mg/L	Annual Median	<0.119	<0.040	<0.030	No change from natural state No discernible change
	Total nitrogen	mg/L	Annual Median	<0.860	<0.600	<0.220	No change from natural state No discernible change
	Nitrite-nitrate nitrogen	mg/L	Annual Median	<0.580	<0.218	<0.048	No change from natural state

Value ⁽⁶⁾	Attribute	Unit	Compliance Metric ⁽⁷⁾	Coastal water quality management unit			
				Hātea River	Tidal creeks	Estuaries	Open coastal water ⁽⁸⁾
							No discernible change
	Ammoniacal nitrogen	mg/L	Annual Median	<0.099	<0.043	<0.023	No change from natural state 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
Shellfish consumption	Faecal coliforms	MPN/100mL	Median	Not applicable		≤14	≤14
			Annual 90th percentile	Not applicable		≤43	≤43
Contact recreation	Enterococci /100mL		Annual 95th percentile	≤500	≤200	≤200	≤40

Coastal sediment quality standards

The coastal water quality standards 'Sediment quality standards for ecosystem health in coastal waters' apply to benthic sediments in Northland's coastal waters, after allowing for reasonable mixing.⁽¹⁰⁾ 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:

- 6 Clarification
- 7 Horticulture NZ
- 8 Clarification
- 9 Refining New Zealand
- 6 Clarification
- 7 Horticulture NZ
- 8 Clarification
- 10 Refining New Zealand

Sediment quality standards for ecosystem health in coastal waters

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hatea River	Tidal Creeks	Estuaries	Open Coast
Copper	mg/kg	Maximum	65	18.7		
Lead	mg/kg	Maximum	50	30.2		
Zinc	mg/kg	Maximum	200	124		
Chromium	mg/kg	Maximum	80	52.3		
Nickel	mg/kg	Maximum	21	15.9		
Cadmium	mg/kg	Maximum	1.5	0.68		

H.6 Environmental flows and levels

Minimum flows for rivers⁽¹¹⁾

The minimum flows in Table 21 'Minimum flows for rivers' apply to Northland's rivers (excluding ephemeral streams) unless a lower minimum flow is approved under D.4.19 'Exceptions to minimum flows and levels'. Clarification: Apply the following minimum flows for Northland's rivers, unless a lower minimum flow is approved under D.4.19 'Exceptions to minimum flows or levels':⁽¹²⁾

Table 21 Minimum flows for rivers

River water quantity management unit	Minimum flow (l/s)
All other outstanding rivers	100 percent of the seven-day mean annual low flow
All other coastal rivers	90 percent of the seven-day mean annual low flow
All other small rivers	80 percent of the seven-day mean annual low flow
All other large rivers	80 percent of the seven-day mean annual low flow

Note:

- 1) The minimum flow will be applied at the point of take and downstream reaches, including at a flow recorder site.⁽¹³⁾
- 2) The seven-day mean annual low flow can be determined by gauging of river flows correlated with water level monitoring sites, rated flow recording sites or hydrological modelling.⁽¹⁴⁾

Minimum levels for lakes and wetlands

The minimum levels in Table 22 'Minimum levels for lakes and wetlands' apply to Northland's lakes and natural wetlands unless a lower level is approved under D.4.19 'Exceptions to minimum flows and levels'. Clarification: Apply the following minimum levels for Northland's lakes and natural wetlands, unless a lesser minimum level is approved under D.4.19 'Exceptions to minimum flows or levels':

Table 22 Minimum levels for lakes and wetlands

Management unit	Minimum level
Deep lakes (greater than 10 metres in depth)	Median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state.

¹¹ Note that the limits in this appendix were relocated from section D.4 of the plan

¹² Clarification

¹³ DairyNZ

¹⁴ Fonterra

Management unit	Minimum level
Shallow lakes (less than or equal to 10 metres in depth)	Median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state.
Natural wetlands	There is no change in their seasonal or annual range in water levels.

Allocation limits for rivers

- 1) The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from rivers, and⁽¹⁵⁾
 - b) applications for water permits for the taking and use of fresh water from rivers, but do not apply to:
 - i) applications for water permits for the taking and use of fresh water under: C.5.1.7 'Takes existing at the notification date of the plan - controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity', or
 - ii) quantities permitted to be taken by rules in this plan, or
 - iii) non consumptive takes⁽¹⁶⁾.
- 2) the quantity⁽¹⁷⁾ of fresh water than can be taken from a rivers⁽¹⁸⁾ at flows below the median flow must not exceed whichever is the greater of:
 - a) the relevant limit in Table 23 'Allocation limits for rivers' default allocation limits in the following table⁽¹⁹⁾, or
 - b) the quantity⁽²⁰⁾ authorised to be taken by:
 - i) permitted rules in this plan, and⁽²⁰⁾
 - ii) resource consents at the date of public notification of this plan less, with the exception of water permits for takes from rivers in the Mangere Catchment, any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - iii) takes that existed at the notification date of this plan that are now authorised by resource consents under C.5.1.7 'Takes existing at the notification date of the plan - controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity' for unauthorised takes that existed at the notification date of this plan⁽²¹⁾.

Table 23 Allocation limits for rivers

River water quantity management unit	Default 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

¹⁵ DairyNZ

¹⁶ Fonterra

¹⁷ Clarification

¹⁸ Clarification

¹⁹ Clarification

²⁰ Consequential amendment because of the deletion of clause 1(a)

²¹ Horticulture New Zealand

River water quantity management unit	Default allocation limit (m ³ /day)
Small rivers	40 percent of the seven-day mean annual low flow
Large rivers	50 percent of the seven-day mean annual low flow

Note:

- 1) The minimum flow allocation limit will be applied at the point of take and downstream reaches, including at a flow recorder site⁽²²⁾
- 2) The seven-day mean annual low flow can be determined by gauging of river flows correlated with water level monitoring sites, rated flow recording sites or hydrological modelling.⁽²³⁾
- 3) Information on allocation levels are available from the council.⁽²⁴⁾

Errata

Allocation limits for aquifers

- 1) The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from aquifers, and⁽²⁵⁾
 - b) applications for water permits for the taking and use of fresh water from rivers, but do not apply to applications for water permits for:
 - i) the taking and use of fresh water under C.5.1.7 'Takes existing at the notification date of the plan - controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity', non consumptive takes⁽²⁶⁾, or
 - ii) quantities permitted to be taken by rules in this plan, or⁽²⁷⁾
 - iii) the taking of water for temporary dewatering purposes.⁽²⁸⁾
- 2) The quantityquantities of fresh water that can be taken from an aquifers must not exceed⁽²⁹⁾:
 - a) for the Aupouri aquifer, the catchment-specific allocationrelevant⁽³⁰⁾ limits in Table 24 'Allocation limits for the Aupouri aquifer management unit' and minimum groundwater levels along the coastal margin required to prevent adverse effects associated with saline intrusion⁽³¹⁾, or
 - b) for a coastal aquifers⁽³²⁾, an allocation limit of whichever is the greater of:
 - i) a default allocation limit of 10 percent of the average annual recharge of the aquifer, andor⁽³³⁾
 - ii) the quantities of water authorised to be taken by:
 - 1) permitted rules in this plan, and⁽³⁴⁾

22 DairyNZ

23 Clements B

24 Clarification

25 DairyNZ

26 Fonterra

27 Consequential amendment

28 The Oil Companies

29 Clairification

30 Clarification

31 Motutangi Waiharara Water Group

32 Clarification

33 Clarification

34 Consequential amendment because of the deletion of Clause 1(a) in "Allocation limits for rivers"

- 2) resource consents at the date of public notification date of this plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 3) takes that existed at the notification date of this plan that are now authorised by resource consents under C.5.1.7 'Takes existing at the notification date of the plan - controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity' for unauthorised takes that existed at the notification date of this plan⁽³⁵⁾, and
- c) for other aquifers, an allocation limit of whichever is the greater of:
- i) a default allocation limit of⁽³⁶⁾ 35 percent of the average annual recharge, or
 - ii) the quantities authorised to be taken by:
 - 1) permitted rules in this plan, and⁽³⁷⁾
 - 2) resource consents at the date of public notification date of this plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 3) takes that existed at the notification date of this plan that are no authorised by resource consents under C.5.1.7 'Takes existing at the notification date of the plan - controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan - discretionary activity' for unauthorised takes that existed at the notification date of this plan⁽³⁸⁾.

Table 24 Allocation limits for the Aupouri aquifer management unit

Sub-aquifer	Allocation limit (m ³ /year) ⁽³⁹⁾	Allocation limit (% annual average recharge) ⁽⁴⁰⁾
Aupouri-Waihopo	1,278,200	15
Aupouri-Houhora	2,141,300 3,211,950	11
Aupouri-Motutangi	1,069,600 1,604,400	10
Aupouri-Waiparera	2,312,200 3,468,300	10
Aupouri-Paparore	3,787,500	35
Aupouri-Waipapakauri	1,192,800	20
Aupouri-Awanui	4,640,400	12

35 Consequential amendment

36 Clarification

37 Consequential amendment because of the deletion of Clause 1)a) in "Allocation limits for rivers"

38 Consequential amendment

39 Motutangi Waiharara Water Group

40 Clarification

Sub-aquifer	Allocation limit (m ³ /year) ⁽³⁹⁾	Allocation limit (% annual average recharge) ⁽⁴⁰⁾
Aupouri-Sweetwater	4,675,000	35
Aupouri-Apihara	922,500	12
Aupouri-Other	Not applicable	15

³⁹ Motutangi Waiharara Water Group

⁴⁰ Clarification

H.7 Managing groundwater and surface water connectivity

(41)

Table 25 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% of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the maximum 7 day volume averaged over 7 days. Pumping duration of 7 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.6 '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% of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the maximum 7 day volume averaged over 7 days. Pumping duration is calculated as follows: 1) For takes with a pumping duration less than 150 days, the maximum continuous period of abstraction at the abstraction rate, until the seasonal volume is fully utilised. 2) 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.6 '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.6 '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% and 60% 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.6 'Environmental flows and levels'. The take is not subject to surface water minimum flows and water levels.

The following requirements will assist implementation of D.4.18 'Integrated Conjunctive surface water and groundwater management' Far North District Council

- 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.8 Wetland definitions relationships

The following diagram illustrates the relationship between the different wetland definitions used in this plan.

It provides assistance in determining which definition applies in different circumstances.

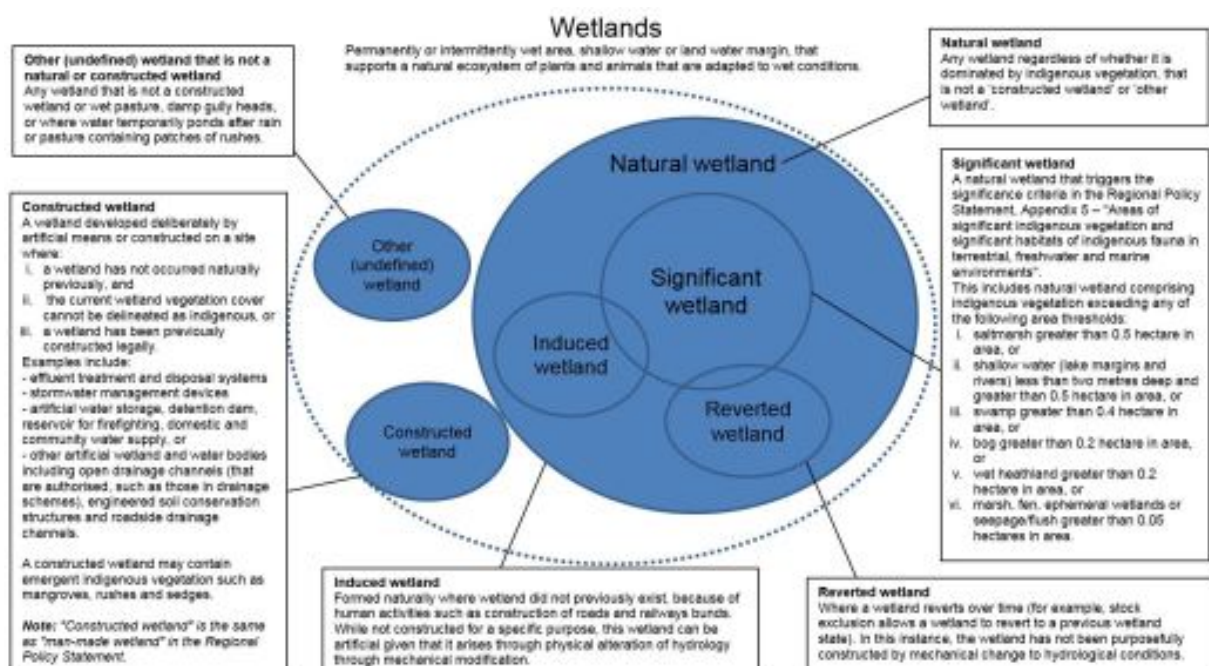
The regional council's wetland mapping indicates the location of natural and constructed wetland currently known, to the regional council – this can be found on the regional council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of the regional plan, because they are incomplete and wetland extent varies over time.

If there is any doubt over wetland extent, use: Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand. This report is available on Landcare Research's website.

'Wet heathland' describes habitat found in Northland that includes gumland and ironstone heathland. When seasonally wet and consisting of wetland vegetation this is wetland. Wet heathland is often found in mosaics with other low fertility habitat such as bog and heathland. This is vulnerable habitat and can have very high biodiversity values.

The illustrated definitions originate from the Regional Policy Statement, Appendix 5 – "Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments (see council's website). For clarification, when translating these definitions to the Proposed Regional Plan for Northland, 'Constructed wetland' is now used instead of "man-made wetland" to help distinguish between this and the 'induced and reverted' wetland.

If you propose an activity and are unsure which definition applies to it, please contact Council for advice. ⁽⁴²⁾



42 Clarification - explanatory text from the diagram and wetland definitions

H.9 Interpretation of noxious, dangerous, offensive and objectionable effects

- 1) Several rules in this Plan use the terms 'noxious', 'dangerous', 'offensive', and 'objectionable', particularly rules relating to the discharges of contaminants into air. These terms are also included in section 17 of the RMA. Whether an activity is 'noxious', 'dangerous', 'offensive' or 'objectionable' depends upon an objective assessment. A Regional Council enforcement officer's views will not be determinative but may trigger further action and will be one factor considered by the Court if formal enforcement action is taken.
- 2) There is no standard definition of 'noxious', 'dangerous', 'offensive', and 'objectionable' terms because of the need to take account of case law precedent as it develops, i.e. the Plan cannot override interpretations decided by the judiciary. However, the following notes are intended to provide some guidance for interpreting these terms:
 - a) **NOXIOUS, DANGEROUS** - The Concise Oxford Dictionary defines 'noxious' as "harmful, unwholesome". Noxious effects may include significant adverse effects on the environment (e.g. on plant and animal life) even though the effects may not be dangerous to humans. 'Dangerous' is defined as "involving or causing exposure to harm". Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals. The Workplace Exposure Standards (Occupational Safety and Health Service, 1994) provide guidelines for those involved in occupational health practice, and can be used for interpreting the terms 'noxious' and 'dangerous'. The concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one thirtieth of the time weighted average standard on adjacent properties or public land. Although human health cannot be assured by compliance with this guideline, it can be used as a guide for protection of the general population.
 - a) **OFFENSIVE, OBJECTIONABLE** - 'Offensive' is defined as "giving or meant to give offence disgusting, foul-smelling, nauseous, repulsive". 'Objectionable' is defined as "open to objection, unpleasant, offensive". Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:
 - i) Location of an activity and sensitivity of the receiving environment - For example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.
 - ii) Reasonableness - Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive, in deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.
 - iii) Existing uses - It is important to consider what lawfully established activities exist in an area, i.e. if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

Each investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour, the approach will be as follows:

- a) An assessment of the situation will be made by a council officer who has experience in odour complaints and has had his/her nose calibrated using olfactometry. This assessment will take into account the FIDOL factors - frequency, intensity, duration, offensiveness, location; and those matters identified below:

- i) If the discharge is deemed to be offensive or objectionable by the council officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge.
- ii) If the discharger disputes the council officer's assessment or the problem is ongoing, then a number of approaches may be taken, including one or more of the following:
 - 1) assessments by more council officers.
 - 2) asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours
 - 3) promoting the use of community working groups and other means of consultation between the affected community and the discharger
 - 4) using the services of an independent consultant to carry out an investigation, and/or community survey
 - 5) using the services of the Council's odour panellists who have all had their noses calibrated by olfactometry and are deemed to have an average sense of smell
 - 6) undertaking an odour assessment using an olfactometer, or other appropriate technology
 - 7) leaving the matter to be determined by the Environment Court.

If the discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution, pursuant to the Resource Management Act 1991. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent application to be lodged.

- b) Further information can be found in the following guidance documents produced by the Ministry for the Environment:
 - i) 1) Good Practice Guidance on Odour, and
 - 2) Good Practice Guidance on Dust, and
 - 3) Good Practice Guidance on Industrial Emissions. (43)

I Maps | Ngā mahere matawhehua

View the maps in a GIS viewer: arcg.is/1myj98 www.nrc.govt.nz/rpmaps <Note - this is a link to the Proposed Plan maps. The Proposed Plan maps with staff recommended changes can be found [here](#)>

The maps are only available via the GIS viewer.

The map layers are described in the following tables.

Coastal

Where the extent of a mapped layer in the coastal marine area coincides with the 'Indicative mean high water springs line', the mapped layer must be interpreted as extending up to actual mean high water springs - see following examples:

Example of mapped layer coinciding with Indicative mean high water springs line:



Example of mapped layer not coinciding with Indicative mean high water springs line:



Map layer	Description
<p>Coastal zones:</p> <p><i>Coastal Commercial Zone</i></p> <p><i>Marina Zone</i></p> <p><i>Mooring Zone</i></p> <p><i>Whangārei City Centre Marine Zone</i></p> <p><i>General Coastal Marine Zone</i></p>	<p>Northland's coastal marine area is split into five zones:</p> <ul style="list-style-type: none"> • The Coastal Commercial Zone are locations within the coastal marine area where the primary purpose is to accommodate commercial activity. This zone includes existing ports and wharves used for commercial operations. • The Marina Zone are locations in the coastal marine area where the primary purpose is to accommodate or develop marina structures and/or activities. • The Mooring Zone are locations in the coastal marine area where the primary purpose is to accommodate and manage moorings. • The Whangārei City Centre Marine Zone is located upstream of the Te Matau a Pohe bridge in the Hātea River. It includes all areas of the coastal marine area located upstream of the bridge that are not identified as either a Marina Zone or a Mooring Zone. • The General Coastal Marine Zone is the coastal marine area that is not zoned Coastal Commercial, Marina, Mooring or Whangārei City Centre Marine zones. This encompasses most of Northland's coastal marine area.⁽¹⁾
<p><i>Significant Ecological Areas</i></p> <p><i>Significant Bird Areas</i></p> <p><i>Significant Marine Mammal and Seabird Areas</i></p>	<p>The mapping is based on reports by Vince Kerr and Associates drafted 2015/2016 and revised 2017, that identify known:</p> <ul style="list-style-type: none"> • Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; • Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement for Northland; and • Areas set aside for full or partial protection of indigenous biodiversity under other legislation. <p>The following reports detail the assessments used to map significant ecological areas in the coastal marine area:</p> <ol style="list-style-type: none"> 1) Methodology Report – Mapping of significant ecological areas in Northland. 2) Identification and Mapping of Significant Ecological Marine Areas in Northland - Project Brief and Guide to Assessment. 3) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in harbours and estuaries: <ol style="list-style-type: none"> a) Hokianga Harbour Entrance and Lower Harbour Marine Values; b) Horahora Estuary Marine Values; c) Houhora Harbour Marine Values; d) Mangawhai Estuary Marine Values; e) Matapouri Marine Values; f) Ngunguru Estuary Marine Values; g) North Kaipara Harbour; h) Pārengarenga Harbour; i) Pataua Estuary Marine Values; j) Pickmere Channel shellfish Marine Values;

¹ Bay of Islands Planning Limited

Map layer	Description
	<ul style="list-style-type: none"> k) Rangaungu Marine Values; l) Ruakaka Estuary Marine Values; m) Taiharuru Marine Values; n) Tangatapu Bay of Islands Marine Values; o) Te Haumi Estuary Marine Values; p) Waipū Estuary Marine Values; q) Waitangi Estuary Marine Values; r) Whananaki Estuary Marine Values; s) Whangārei Harbour Marine Values. <p>4) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in open coast areas (including toheroa beaches):</p> <ul style="list-style-type: none"> a) Great Exhibition Bay Biogenic Habitat; b) Ahipara Banks; c) Berghan Point to Taupō Bay Coast; d) Black Rocks, Bay of Islands; e) Bland Bay Coast; f) Bream Head Coast; g) Cavalli Islands and coast; h) Doubtless Bay; i) Eastern Bay of Islands and Cape Brett Coast; j) Eastern Bay of Island Biogenic Soft Sediment Complex; k) Far North Special Biodiversity Area; l) Hen and Chicks Islands; m) Kawerua Offshore Reef; n) Matapia Island Shallow Reefs; o) Mimiwhangata Coast; p) Poor Knights Islands; q) Takou Beach to Ninepin Coast; r) The Bluff, Ninety Mile Beach; s) Toheroa Beaches, West Coast; t) Tutukaka to Taiharuru Coast; u) West Coast Shallow Reefs; v) Whananaki Coast; w) Whangaroa Coast. <p>5) Assessment sheets for Significant Bird Areas and Significant Marine Mammal and Seabird Areas:</p> <ul style="list-style-type: none"> a) Significant Ecological Estuarine Area Assessment Sheet for Wading and Aquatic Birds;

Map layer	Description
	<p>b) SEA's coastal and island birds – Ecologically Significant Marine Area Assessment Sheet for Wading and Aquatic Birds;</p> <p>c) Northland Coastal Management Area – General marine values for highly mobile and dispersed species (marine mammals and seabirds).</p>
<i>Regionally significant anchorages</i>	Regionally significant anchorages are strategic anchorages that are heavily relied on during bad weather – usually also popular in times of lighter winds of appropriate direction.
<i>Marine pollution limits</i>	<p>The marine pollution limits are shown as a line, landward of which the rule restricting the discharge of sewage from vessels applies (C.6.9.7 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity').</p> <p>The marine pollution limits include all coastal waters that are:</p> <ul style="list-style-type: none"> • In any east coast harbour, are shallower than 5 meters; • Less than 500m from mean high water springs or less than 1000m from mean high water springs in the outer Bay of Islands, less than 500 meters from a Mātaitai reserve; and • Less than 200m from a marine reserve. <p>The marine pollution limits are a combination of:</p> <ul style="list-style-type: none"> • The default areas as set out in the Resource Management (Marine Pollution) Regulations, 1998 ⁽²⁾; and • Extensions to the default areas ⁽³⁾.
<i>Enclosed waters</i>	These areas include all harbours, estuaries and inlets.
<i>Aquaculture exclusion areas</i>	<p>The combination of locations in the General Marine Coastal ⁽⁴⁾ Zone where adverse effects of aquaculture activities on the following are unavoidable, and which are not already mapped in the Plan:</p> <ul style="list-style-type: none"> • Residential activities in significant urban areas provided for in operative District Plans, which activities are existing at 1 September 2017, authorised by un-exercised resource consents or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status; • Significant tourism and/or recreation areas; • Areas of outstanding natural landscapes (including seascapes); • Recognised navigational routes; • Anchorages referred to in cruising guides, pilot books or similar publications as being suitable for shelter in adverse weather, and • Port or harbour approaches; • Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).

Errata

² Section 11(1) and (2).

³ as allowed by Section 11(3) Resource Management (Marine Pollution) Regulations, 1998.

⁴ Clarification

Map layer	Description
<p>Surfbreaks:</p> <p><i>Nationally significant surf breaks</i></p> <p><i>Regionally significant surf breaks</i></p> <p><i>Other surf breaks</i></p>	<p>The Nationally significant surf breaks are those listed in Schedule 1 of the New Zealand Coastal Policy Statement 2010.</p> <p>The Regionally significant surf breaks and Other surf breaks are based on;</p> <ul style="list-style-type: none"> Northland Regional Council, 2016. <i>Methodology – Identifying Regionally Significant Surf Breaks in Northland</i> Northland Regional Council, 2016. <i>Application of methodology Identifying Regionally Significant Surf Breaks in Northland</i> <p>These reports are available on the regional council's website.</p> <p>Regionally significant surf breaks are those with scores greater than the threshold for regional significance.</p> <p>Other mapped surf breaks are those breaks that are regularly surfed but do not meet the threshold for regional significance.</p>
<i>Marine pathways places</i>	Places where restrictions apply to vessel movement between these places when hull fouling exceeds light fouling .
<i>Cross-river coastal marine area boundary</i>	<p>This is the administrative boundary for the coastal marine area on rivers. For more information refer to G.1 'Cross-river coastal marine area boundary').</p> <p>Also shown with this layer is the Indicative mean high water springs line. It is not part of the plan and is only an approximation of the coastal marine area boundary (the line of mean high water springs). It is based on the NZ Mainland Coastlines and NZ Islands Coastlines produced by LINZ which is a component of the Topo50 maps (1:50,000 scale).</p>

Natural, historic and cultural heritage - fresh and coastal waters

Mapped layers	Description
<i>Sites and areas of significance to tangata whenua</i>	<p>Sites and Areas of Significance to Tangata Whenua are mapped in accordance with policy D.1.5 'Places of Significance to Tangata Whenua'.</p> <p>They are a single resource or set of resources identified, described and contained in a mapped location.</p> <p>Worksheets for each mapped site or area are available on the regional council's website or by clicking on a site or area in the GIS viewer.</p>
<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> .

Mapped layers	Description
	<p>The maps show the 'dry' and 'wet' parts of the Outstanding Natural Features where they straddle the boundary between land and water. The 'dry' parts are shown in a lighter shade and are for information purposes only. The 'wet' parts are subject to rules in the regional plan. No rules apply to the 'dry' parts in the regional plan - these will be contained in the relevant district plan.</p>
<p>Natural character:</p> <p><i>Outstanding natural character</i></p> <p><i>High natural character</i></p>	<p>These areas have been assessed under criteria in Policy 13(2) of the New Zealand Coastal Policy Statement 2010. A complete series of worksheets describing the values of each natural character area are available on the regional council's website.</p> <p>Natural character attributes include:</p> <ol style="list-style-type: none"> 1) Natural elements, processes and patterns; 2) Biophysical, ecological and geomorphological aspects; 3) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; 4) The natural movement of water and sediment; 5) The natural darkness of the night sky; 6) Places or areas that are wild or scenic; and 7) Experiential attributes, including the sounds and smell of the seas; and their context and setting. <p>Outstanding natural character generally means entirely natural such as near to pristine indigenous vegetation, negligible human features (for example, buildings, wharves, jetties, paved surfaces, pipelines, cables, hard protection structures) and a very strong experience of naturalness.</p> <p>High natural character generally means a high proportion of indigenous vegetation, visually unobtrusive structures (for example, swing moorings) few and visually subservient human features and a strong experience of naturalness.</p> <p>In some cases the natural character maps include areas beyond the coastal marine area - this includes situations where a natural character unit spans the coastal marine area and includes both marine and freshwater environments. In these cases, that part of the unit above the coastal marine area is also mapped but shown as hashed to indicate it is not within the coastal marine area. The natural character maps also include a number of freshwater bodies where the unit specifically delineates that freshwater body (E.g. dune lakes) and the values and characteristics of the unit relate specifically to freshwater.</p>

Mapped layers	Description
<p>Historic heritage:</p> <p><i>Historic heritage areas</i></p> <p><i>Historic heritage sites</i></p>	<p>The mapped historic heritage is based on the report by Clough R. and Brown A., 2016. <i>Northland Coastal and Freshwater Heritage Survey: Identification of Historic Heritage Resource Methodology</i> and subsequent updates by Clark L (2017). The map shows:</p> <ul style="list-style-type: none"> • 56 historic heritage areas. <ul style="list-style-type: none"> ◦ 3 of these are water based areas that form part of a cultural heritage landscape in combination with land based historic sites. They have been assessed by Clough and Associates and are considered to be significant enough to include in the plan. ◦ 1 additional historic heritage area identified through consultation on the Proposed Plan.⁽⁵⁾ ◦ 2 waka landing sites that have been registered as Wahi Tapu areas by Heritage New Zealand have also been included. • 17 18 historic heritage sites. These are buildings and structures that have been assessed by Clough and Associates and Heritage New Zealand Pouhere Taonga (8 7 sites) and Clark L. (9 8 sites, peer reviewed by Heritage New Zealand Pouhere Taonga) and are considered to be significant enough to include in the plan. 3 additional sites were identified through consultation on the Proposed Plan.⁽⁶⁾ <p>Site and area reports comprising the historic heritage schedule⁽⁷⁾ are available on the regional council's website.</p>

5 Clarifications

6 Clarifications

7 Heritage NZ

Water quality and quantity management units

Map layer	Description
<p>Outstanding freshwater bodies:</p> <p><i>Rivers</i></p> <p><i>Lakes</i></p>	<p>Outstanding freshwater bodies are lakes and rivers that have outstanding values as defined in the National Policy Statement for Freshwater Management 2014.</p> <p>The following rivers and section of rivers were identified as having outstanding natural values in the Regional Water and Soil Plan for Northland 2004 and have been identified as outstanding rivers in this plan:</p> <ul style="list-style-type: none"> • Waipoua; • Waikohatu; • Wairau; • Whirinaki; • Waipapa; and • Mangamuka. <p>The following lakes were identified as having outstanding natural values by Champion and de Winton (2012):⁽⁸⁾</p> <ul style="list-style-type: none"> • Morehurehu; • Ngatu; • Waihopo; • Waiporohita; • Wahakari; • Taharoa; • Waikare; • Kai-Iwi; • Humuhumu; • Kanono; and • Mokeno.
<p>Groundwater management units:</p> <p><i>Aupouri aquifer</i></p> <p><i>Coastal aquifers</i></p> <p><i>Other aquifers</i></p>	<p>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The council has identified two broad aquifer management units (coastal aquifers and other aquifers) for the purposes of setting default allocation limits. They are largely based on the aquifer management units in the Regional Water and Soil Plan for Northland 2004, but consolidated. The council has also identified the Aupouri Aquifer system, which is comprised of 12 sub-aquifers, for the purposes of setting aquifer-specific (tailored) allocation limits.</p>

⁸ 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
<p>River water quantity management units:</p> <p><i>Outstanding rivers</i></p> <p><i>Coastal rivers</i></p> <p><i>Small rivers</i></p> <p><i>Large rivers</i></p>	<p>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The coastal rivers, small rivers and large rivers management units were defined by Ton Snelder (2016)⁽⁹⁾ and Susie Osbaldiston (2016)⁽¹⁰⁾.</p>
<p>Coastal water quality management units:</p> <p><i>Open Coast</i></p> <p><i>Estuary</i></p> <p><i>Tidal Creek</i></p> <p><i>Hatea River</i></p>	<p>Coastal water quality management units are areas of coastal waters that have been determined by the regional council as the appropriate spatial scale for applying water quality standards and for management purposes. Northland Regional Council has grouped the region's coastal waters into four management units based on the recommendations of Richard Griffiths (2016)⁽¹¹⁾.</p>

Catchment specific layers

Map layer	Description
<p>Priority catchments:</p> <p><i>Doubtless Bay</i></p> <p><i>Mangere</i></p> <p><i>Pouto</i></p> <p><i>Waitangi</i></p> <p><i>Whangarei</i></p>	<p>This map shows the catchment boundaries of the five priority catchments (Doubtless Bay, Mangere, Pouto and Whangarei) where catchment management plans have been developed. These catchments are subject to catchment specific rules in section E 'Catchments Ngā whaitua'.</p>
<p><i>High sediment yielding land</i></p>	<p>Areas of land predicted to have high sediment yield (high sediment yielding land) in the Doubtless Bay, Waitangi, Mangere and Whangarei Harbour catchments which are subject to a rule requiring Erosion Control Plans be developed by 1 January 2015. The thresholds for high sediment yielding land are 250 tonnes / km² / year or more in the Waitangi, Whangarei Harbour and Mangere catchments and 500 tonnes / km² / year or more in the Doubtless Bay catchment. See section E 'Catchments Ngā whaitua'.</p>

9 Ton Snelder. 2016. *Defining Freshwater Management Units for Northland: A Recommended Approach*. Prepared for Northland Regional Council. LWP Client Report Number: 2015-004.

10 Susie Osbaldiston. 2016. *Refining the Draft River Water Quantity FMUs for Northland*. Northland Regional Council.

11 Richard Griffiths. 2016. *Recommended Coastal Water Quality Standards for Northland*. Northland Regional Council.

Map layer	Description
Whangarei swimming sites stock 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 Whangarei section in E 'Catchments Ngā whaitua').
<i>Forestry restriction area – Pouto catchment</i>	This map shows the surface water catchments of Outstanding Water Bodies (lakes) on the Poutō peninsula where new plantation forestry that exceeds 5 hectares per property is subject to a requirement for resource consent (See Pouto Section in E 'Catchments Ngā whaitua')

Flood protection schemes and drainage districts

Map layer	Description
<i>Flood protection schemes</i>	The regional council's flood protection schemes are designed to reduced river flood risk. The schemes involve such protection structures as stopbanks, spillways, floodgates and dams.
<i>Drainage districts</i>	These are statutorily recognised areas that district councils have rights and responsibilities for managing land drainage within. Land drainage activities include culverts, drains, flood gates, bunds and stop banks.

Airsheds

Map layer	Description
<i>Airsheds</i>	<p>Northland has five airsheds gazetted under the National Environmental Standards 2004. Airsheds are gazetted when there is the potential for local ambient air quality to exceed national standards. Northland has the following gazetted airsheds:</p> <ul style="list-style-type: none"> • Whangārei – for PM₁₀ • Marsden Point – for SO₂ and PM₁₀ • Kerikeri – for PM₁₀

Map layer	Description
	<ul style="list-style-type: none"> • Dargaville – for PM₁₀ • Kaitiāia – for PM₁₀

Livestock exclusion

Map layer	Description
Livestock exclusion areas - Lowland and hill country areas ⁽¹²⁾	Land defined as having a dominant slope of between 0-15 degrees (lowland areas) and greater than 15 degrees (hill country areas). The areas were mapped using the NZLRI database at a 1:50,000 scale.

Highly erodible land Erosion Prone land⁽¹³⁾

Map layer	Description
Highly erodible land ⁽¹⁴⁾	Land defined as land use capability units VIe17, VIe19, VIIe1 - VIIe10, VIIIe1 - VIIIe3, and VIIIs1. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition.

¹² Clarification

¹³ Clarification

¹⁴ Erosion prone land

