



# Draft Regional Plan for Northland

August 2016

Putting Northland first

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# A Introduction

The draft Regional Plan is for consultation only and the provisions have no legal effect. It is a combined regional air, land, water and coastal plan.

More information about the draft Regional Plan is available at [www.nrc.govt/newregionalplan](http://www.nrc.govt/newregionalplan)



# B Definitions

Definitions have the same meaning in the singular and plural. Terms defined in the Resource Management Act 1991 are not repeated.

<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>Adaptive management</i>	A system for managing the effects of (generally) large projects where the nature and extent of those effects is uncertain and the outcome of methods to avoid, remedy or mitigate them is similarly uncertain. These are regimes commonly established through conditions of consent incorporating management plans which seek to manage the effects of any given activity in a flexible and responsive manner.
<i>Aerial spraying</i>	Spraying taking place from an aircraft, either piloted or remotely controlled.
<i>Aids to navigation</i>	All marks and signs in aid of marine navigation, including navigation aids and ski access lane markers.
<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. Including, adjutants and animal remedies but excluding fertilisers.
<i>Ambient air quality</i>	The general quality of the surrounding air, reflecting the cumulative effect of all activities, both anthropogenic and natural.
<i>Animal effluent</i>	Dung and urine from animals (other than humans) kept in captivity. This does not include dung and urine deposited by individual animals put out to graze.
<i>Anchoring</i>	Temporarily securing a vessel, raft, aircraft or floating structure with any weight or article that is normally removed with the vessel when it leaves the site, which is placed in, or on the foreshore or seabed or 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 jetty or wharf or any method that is permanently in place is not anchoring.
<i>Anti-fouling</i>	A coating, paint, surface treatment, surface, or device that is used on a vessel or submerged equipment to control or prevent the attachment of organisms.
<i>Artificial watercourse</i>	A man-made channel constructed in or over land for carrying water and includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canals.
<i>Authorised</i>	Has all the approvals required under the RMA (for example, resource consent).
<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>	Any hole regardless of the method of formation that has been constructed to provide access to the ground (for example, for the monitoring of ground or groundwater conditions, extraction of groundwater, ground or rock investigation or disposal of waste) but does not include the drilling of blast holes, seismic shot holes or similar where the

	hole will be destroyed upon construction and where adverse effects on groundwater will be avoided.
<i>Category A (Significant) Historic Heritage</i>	Historic heritage that has been assessed as being significant under criteria in Policy 4.5.3 of the Regional Policy Statement for Northland.
<i>Coastal hazard management zone</i>	Coastal hazard management zone is: <ol style="list-style-type: none"> <li>1) Any land within a horizontal distance of 20m landward from the coastal marine area; and</li> <li>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 in vegetated sand dunes; and</li> <li>3) Excludes any land identified in a district plan as an area subject to coastal erosion and/or coastal inundation over a 100 year time-frame (commonly referred to as coastal hazard zones).</li> </ol>
<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. 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 recontouring to achieve a more natural substrate and/or shape and/or the planting of appropriate native plant species. It does not include works involving hard protection structures.
<i>Coastal riparian management zone</i>	Coastal riparian management zone is: <ol style="list-style-type: none"> <li>1) Any land within a horizontal distance of 10m landward from the coastal marine area; and</li> <li>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 sand dunes.</li> </ol>
<i>Community controlled organisation</i>	Not-for-profit corporations, incorporated societies, charitable bodies, organised clubs, sports clubs, religious groups and educational providers.
<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>Contaminated land</i>	Land that has a hazardous substance in or on it that— <ol style="list-style-type: none"> <li>1) has significant adverse effects on the environment; or</li> <li>2) is reasonably likely to have significant adverse effects on the environment.</li> </ol> <p><i>Note: Northland Regional Council maintains a register of contaminated land – a map of the registered contaminated land can be viewed on the regional council's website <a href="http://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=45516418a87e40b2b899f20748b6ab55">nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=45516418a87e40b2b899f20748b6ab55</a>. Land mapped as 'managed' or 'tested confirmed' is contaminated land.</i></p>
<i>Contractor (in relation to agrichemical application)</i>	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.

<i>Cultivation</i>	The disturbance of earth by machinery in preparation for planting or replanting crops (excluding forestry trees) and pasture, but excludes direct drilling and no-till practices.
<i>Dairy support cattle</i>	Dry cows and dairy replacements.
<i>Dam</i>	An artificial barrier that is constructed or modified to divert, store or hold back water, including: flood control dam and canal but not a floodwater stopbank.
<i>Dam crest</i>	The elevation of the uppermost surface of the dam excluding any curbs, parapet walls, railings or other structures that are not part of the water retaining structure.
<i>Dam height</i>	The vertical distance from the crest of the dam and must be measured:(a) In the case of a dam across a stream, from the natural bed of the stream at the lowest downstream outside limit of the dam; and(b) In the case of a dam not across a stream, from the lowest elevation at the outside limit of the dam; and(c) In the case of a canal, from the invert of the canal.
<i>Dam volume</i>	The volume of water held by a dam using the dam crest level to determine the reservoir surface area, depth and volume.
<i>Deep soakage system</i>	A hole excavated to use permeable subsoil layers or weathered rock at depth under poorly draining upper soils for the purpose of disposing of wastewater. The holes may be backfilled.
<i>Dewatering</i>	The removal of groundwater from a land disturbance activity below the groundwater table.
<i>Domestic wastewater</i>	Wastewater originating from toilets, kitchens, bathrooms, showers, baths, basins, and laundries (not not spa pools) from residential dwellings, commercial, industrial or other premises. But does not include wastewater from commercial laundries, schools, cafes, restaurants, trade waste, industrial or trade process wastewater, or wash water.
<i>Dust sensitive area</i>	<ol style="list-style-type: none"> <li>1) Residential buildings and surrounds; and</li> <li>2) School, hospital buildings and care facilities and surrounds; and</li> <li>3) Amenity areas where people congregate, including parks and reserves; and</li> <li>4) Community buildings and surrounds, including places of worship and marae; and</li> <li>5) Orchards and market gardens; and</li> <li>6) Water bodies used for the supply of drinking water.</li> </ol>
<i>Earthworks</i>	<p>The mechanical disturbance of land surfaces by excavation, cutting and filling operations, blading, ripping, contouring, placing or replacing earth, quarrying (as defined), but excludes:</p> <ol style="list-style-type: none"> <li>1) Cultivation (as defined);</li> <li>2) Vegetation clearance (as defined);</li> <li>3) The maintenance of walking and other recreational tracks;</li> <li>4) The placement of roading aggregates during road and track works, and site development;</li> <li>5) Digging post holes; and</li> <li>6) Planting trees.</li> </ol>
<i>Erosion control plan</i>	Means a Regional Council approved plan which specifically identifies gully, landslide, and earthflow erosion and remediation measures.



<i>Excluded (in the context of stock exclusion rules)</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) or a fence. Temporary fencing may be used in flood prone areas.	
<i>Farm wastewater</i>	All wastewater from a farm dairy, dairy yard, feed pad, standoff area, stock yard, sale yard, wintering barn, loafing pad, calf rearing barn, piggery, poultry farm, or any other stock yard, adjacent entrance and exist races, farm transit races when used for standoff, stock underpass or similar. Farm wastewater includes animal effluent (as defined), 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.	
<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>Functional need</i>	When an activity (including structures) is dependent on having its location in the coastal marine area to operate. For the purposes of this plan, this excludes but is not limited to dwellings and guest houses, hotels/motels, cafes/restaurants and shops.	
<i>Good practice guidelines</i>	<b>Good practice guidelines</b>	
	<b>Activity</b>	<b>Relevant guidelines</b>
	Cultivation (as defined)	Erosion and Sediment Control Guidelines for Vegetable Production 2014.
	Forestry	Forestry and Harvesting Guidelines for Northland 2016.
		New Zealand Forest Road Engineering Manual.
	State highway roading	Erosion and Sediment Control Guidelines for State Highway Infrastructure 2014.
	Other earthworks	Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region 2016
Cleanfill material disposal	Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region 2016	
<i>Greywater</i>	Domestic wastewater that does not contain faecal contamination. Sources include kitchens, laundries, and showers.	
<i>Ground-based spraying</i>	Spraying taking place at ground level but does not include hand-held spraying.	
<i>Hand-held spraying</i>	Any spraying where the part of the spraying equipment that emits the agrichemical is held by the applicator and where the spray is only applied direct to the target species.	
<i>Hard protection structure</i>	A seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure or modification to the seabed, foreshore or land above the mean high water springs that has the primary purpose of protecting an activity from a coastal hazard, including erosion.	
<i>Harmful aquatic organism</i>	See marine pest.	

<i>High risk coastal hazard area</i>	<p>Locations that have been assessed at 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.</p> <p><i>Note: They are referred to as coastal hazard 1 zones in district plans.</i></p>
<i>High risk industrial and trade premises</i>	<p>Any premises used for any of the following industrial or trade purposes:</p> <ol style="list-style-type: none"> <li>1) Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material.</li> <li>2) Boat construction.</li> <li>3) Boat storage and maintenance.</li> <li>4) Cement or lime manufacture using a kiln including the storage of wastes from the manufacturing process.</li> <li>5) Chemical manufacture, formulation or bulk storage.</li> <li>6) Coal or coke yards.</li> <li>7) Commercial concrete manufacture or commercial cement storage.</li> <li>8) Fertiliser manufacture or bulk storage.</li> <li>9) Hydrocarbon exploration or production including well sites or flare pits.</li> <li>10) Landfill sites.</li> <li>11) Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings.</li> <li>12) Petroleum or petrochemical industries, including a petroleum depot, terminal, blending plant or finery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground.</li> <li>13) Port activities, including dry docks.</li> <li>14) Scrap yards including automotive dismantling, wrecking or scrap metal yards.</li> <li>15) Waste recycling or waste treatment.</li> <li>16) Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage or treated timber outside.</li> </ol>
<i>High risk flood hazard area</i>	<p>Locations subject to repeated river flooding and present a high risk to life and property because there is at least a 10% chance of river flooding occurring annually.</p> <p><i>Note: 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 – these locations can be viewed on the council's GIS (map) viewer.</i></p>
<i>Historic Heritage Area</i>	<p>A historic heritage landscape (or seascape) that has been assessed as being significant under criteria in Policy 4.5.3 of the Regional Policy Statement for Northland.</p>
<i>Hull</i>	<p>For the purposes of this plan, means the normally wetted undersurface and sides of a vessel (also see hull niche areas).</p>
<i>Hull niche areas</i>	<p>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.</p>

<i>Incineration device</i>	A non-flammable device with a flue, cowl, and lid designed for the purposes of incineration. Examples of a non-flammable device include: <ol style="list-style-type: none"> <li>1) An oil drum; or</li> <li>2) A pumice copper vessel; or</li> <li>3) A masonry or concrete-enclosed vessel placed on a concrete slab base and fitted with a fire box.</li> </ol>
<i>Indoor burning</i>	Any burning taking place that is not outdoor burning.
<i>Induced wetlands</i>	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. For the purposes of this plan induced wetlands are a type of natural wetland.
<i>In-stream</i>	Located within an intermittently flowing or perennial, stream, river or lake.
<i>Intermittently flowing river</i>	A river that is naturally dry at certain times of the year and has three or more of the following characteristics: <ol style="list-style-type: none"> <li>1) The seven day mean annual low flow is zero;</li> <li>2) Appears as a blue line on topographical maps at 1:50,000 scale or the River Environment Classification – REC2;</li> <li>3) It has a well-defined channel, such that the bed and banks can be distinguished;</li> <li>4) It contains surface water flows for the majority of the time; and</li> <li>5) Has stable pools in late summer that are capable of supporting aquatic animal species.</li> </ol>
<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, or to achieve some other resource management purpose.
<i>Land drainage scheme</i>	Means 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 s517Z 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>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 as part of normal farming operations. The locations on each side of the surface water body are not more than 20m wide and the entry and exit points are associated with an access track and have temporary fence or gate to exclude stock between crossings.
<i>Macrofouling</i>	Biofouling with large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms and fronds of algae.
<i>Man-made wetland</i>	Are wetlands developed deliberately by artificial means or have been constructed on sites where: <ol style="list-style-type: none"> <li>1) Wetlands have not occurred naturally previously; and</li> <li>2) The current wetland vegetation cover cannot be delineated as indigenous; or</li> <li>3) Man-made wetlands have been previously constructed legally.</li> </ol>

	<p>Man-made wetlands do not include induced wetlands; reverted wetlands or wetlands created for conservation purposes, for example, as a requirement of resource consent. Examples of man-made wetlands include wetlands created and subsequently maintained principally for or in connection with:</p> <ol style="list-style-type: none"> <li>1) Effluent treatment and disposal systems; or</li> <li>2) Stormwater management; or</li> <li>3) Artificial water storage facilities, detention dams, reservoirs for firefighting, domestic and community water supply; or</li> <li>4) Other artificial wetlands and water bodies including or open drainage channels (that have been legally established) such as those in drainage schemes) and engineered soil conservation structures.</li> </ol> <p>These may contain emergent indigenous vegetation such as mangroves, rushes and sedges.</p> <p><i>Note: The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website: <a href="http://bit.ly/1TUYGXS">http://bit.ly/1TUYGXS</a>.</i></p>
<p><i>Marae-based aquaculture</i></p>	<p>Aquaculture with the following attributes:</p> <ol style="list-style-type: none"> <li>1) The purpose of the aquaculture activities is to improve traditional customary kaimoana provision for marae; and</li> <li>2) The farmed kaimoana is not for sale<sup>1</sup>; and</li> <li>3) The organisations entitled to hold coastal permits for marae-based aquaculture are: <ol style="list-style-type: none"> <li>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</li> <li>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</li> </ol> </li> <li>4) The area of occupation is no more than one hectare per marae; and</li> <li>5) The area of occupation is within the area traditionally harvested by the marae.</li> </ol> <p><sup>1</sup>Sale includes:</p> <ol style="list-style-type: none"> <li>1) Every method of disposition for valuable consideration, including barter; and</li> <li>2) The disposition to an agent for sale on consignment; and</li> <li>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</li> <li>4) Disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003); and</li> <li>5) The use by a person of fish, aquatic life, or seaweed as bait in that person's commercial fishing operations; and</li> <li>6) Any other use by a person of fish, aquatic life, or seaweed as part of that person's commercial activities</li> </ol> <p><i>(Sourced from the Maori Commercial Aquaculture Claims Settlement Act 2004 definition of "sale".)</i></p>
<p><i>Marine pest (also known as: invasive aquatic species or harmful aquatic organism)</i></p>	<p>Any identified or suspected aquatic organism listed in the Northland Regional Pest Management Plan, or in the Unwanted Organisms Register held by the Ministry for Primary Industries (<a href="http://www.biosecurity.govt.nz/pests/registers/uor">www.biosecurity.govt.nz/pests/registers/uor</a>).</p>

<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. <sup>(1)</sup>
<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>Microfouling</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>Mooring</i>	Any weight, pile or article placed in, or on the foreshore or seabed or bed of any lake, river or stream to secure a vessel, raft, aircraft, or floating structure. Includes any float, wire, rope, or other device attached or connected to such a weight, pile or article. Excludes: 1) An anchor normally removed with a vessel, raft, aircraft, or floating structure when it leaves a site or anchorage; and 2) The non-permanent laying and relaying of buoys. For the purposes of this plan, moorings only include swing moorings, pile moorings and trot moorings.
<i>Native dune vegetation</i>	Indigenous plant species that grow naturally in a particular 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. 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.
<i>Natural wetland</i>	Any wetland whether or not it is dominated by indigenous vegetation provided it is not: 1) A man-made wetland; or 2) Wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes. <i>Note: The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website: <a href="http://bit.ly/1TUYGXS">http://bit.ly/1TUYGXS</a>.</i>
<i>Odour sensitive area</i>	1) Residential buildings and surrounds; and 2) School, hospital buildings and care facilities and surrounds; and 3) Amenity areas where people congregate including parks and reserves; and 4) Community buildings and surrounds, including places of worship and marae.
<i>Off-stream</i>	Not located within intermittently flowing or perennial, streams and rivers and lakes.
<i>Off-stream dam</i>	A dam that intercepts surface water flows and is not located within an intermittently flowing or perennial, stream, river or lake.

<sup>1</sup> Charles Mohi, *Mātauranga Māori – A National Resource, a paper prepared for the Ministry of Research, Science and Technology, 1993, pp1-3.*

<i>One percent Annual Exceedance Probability (AEP) floodplain. Also known as 1% AEP floodplain</i>	Any land that has a one percent (1%) chance in any year of being inundated due to high river flows. Within 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 public website <a href="http://www.nrc.govt.nz/Your-Council/Council-Projects/Priority-Rivers/Flood-maps/">http://www.nrc.govt.nz/Your-Council/Council-Projects/Priority-Rivers/Flood-maps/</a> .
<i>Other property</i>	1) Means any land or buildings, or part of any land or buildings, that are: <ul style="list-style-type: none"> <li>a) not held under the same allotment; or</li> <li>b) not held under the same ownership; and</li> </ul> 2) Includes a road.
<i>Outfall</i>	The end point of any pipe, conduit, or drain from which discharges enter a receiving environment.
<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 rainfall event. Overland flow paths are sometimes modified through development and are often contained within road corridors.
<i>Outdoor burning</i>	Burning that takes place outside of a building or enclosed area. Outdoor burning includes burning in an incineration device.
<i>Outstanding freshwater body</i>	Has the same meaning as in the National Policy Statement for Freshwater Management. They can be viewed here: I.10 'Water quality and quantity management units map'
<i>Passive discharge</i>	Means the movement of contaminants entrained in soil and / or groundwater from the location of a discharge to another property through groundwater or surface water movement
<i>Pastoral land use</i>	Means effective grazing area and includes all contiguous land areas in herbaceous species including isolated trees. It excludes those forested areas which achieve 100% canopy closure or other woody vegetation which prevents pastoral growth.
<i>Permanent accommodation</i>	In relation to the use of moored vessels, means the use of a vessel on a mooring as the primary abode of the mooring owner, vessel owner or person accommodated in the vessel.
<i>Pest or Pest organism</i>	These include: <ol style="list-style-type: none"> <li>1) Any unwanted living organism including micro-organisms, 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</li> <li>2) Any organism listed in the Northland Regional Pest Management Plan; or</li> <li>3) In the Unwanted Organisms Register held by the Ministry for Primary Industries (<a href="http://www.biosecurity.govt.nz/pests/registers/uor">www.biosecurity.govt.nz/pests/registers/uor</a>); and</li> <li>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.</li> </ol>
<i>Property</i>	Any contiguous area of land or freehold title in one ownership.

<i>Portable toilet</i>	A sewage containment device constructed in impermeable materials, which is fully self-contained and removable and consists of two independently sealed chambers comprising a water-holding tank and a sewage-holding tank separated by a slide valve.
<i>Potentially contaminated land</i>	Means that part of a site where an activity or industry described in the Ministry for the Environment's Hazardous Industries or Activities List ( <a href="http://www.mfe.govt.nz/land/risks-contaminated-land/my-land-contaminated">www.mfe.govt.nz/land/risks-contaminated-land/my-land-contaminated</a> ) <sup>(2)</sup> has been or is being undertaken on it but excludes any site where a detailed site investigation <sup>(3)</sup> 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.
<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>	The open surface extraction of rock material from the ground, including the removal of overlying earth, and the stacking, crushing, conveying, storing, depositing and treatment of the excavated material and the removal of unwanted materials.
<i>Recognised anchorages of refuge</i>	An anchorage marked on a nautical chart.
<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 pleasure craft routes, which are normally used to navigate between popular destinations.
<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.
<i>Registered drinking-water supply</i>	Has the same meaning as in section 3(1) of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
<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. For the purposes of this plan reverted wetlands are a type of natural wetland.
<i>Significant wetland</i>	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 wetlands comprising greater than 50% indigenous vegetation, wider than five metres and exceeding any of the following area thresholds: <ol style="list-style-type: none"> <li>1) Saltmarsh greater than 0.5 hectare in area; or</li> <li>2) Shallow water (lake margins and rivers) less than 2m deep and greater than 0.5 hectare in area; or</li> <li>3) Swamp greater than 0.4 hectare in area; or</li> </ol>

<sup>2</sup> Means the current edition of the Hazardous Activities and Industries List, Ministry for the Environment.

<sup>3</sup> 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.



	<p>4) Bog greater than 0.2 hectare in area; or</p> <p>5) Pakihi (including gumland and ironstone heathland) greater than 0.2 hectare in area; or</p> <p>6) Marsh; fen; ephemeral wetlands or seepage/flush greater than 0.05 hectares in area.</p> <p><i>Note:</i></p> <p>1) <i>If there is any doubt over wetland extent use: Landcare Research, Published 2014: <a href="#">A vegetation tool for wetland delineation in New Zealand</a>. This report is available on Landcare Research's website: <a href="http://www.landcareresearch.co.nz">www.landcareresearch.co.nz</a></i></p> <p>2) <i>The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website: <a href="http://bit.ly/1TUYGXS">http://bit.ly/1TUYGXS</a>. 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></p>
<i>Slime layer</i>	See microfouling.
<i>Smoke sensitive area</i>	<p>1) Residential buildings and surrounds; and</p> <p>2) School, hospital buildings and care facilities; and</p> <p>3) Amenity areas where people congregate including parks and reserves; and</p> <p>4) Community buildings and surrounds, including places of worship and marae; and</p> <p>5) Orchards and market gardens.</p>
<i>Spray sensitive area</i>	<p>1) Residential buildings and surrounds; and</p> <p>2) School, hospital buildings and care facilities and surrounds; and</p> <p>3) Amenity areas where people congregate including parks and reserves; and</p> <p>4) Community buildings and surrounds, including places of worship and marae; and</p> <p>5) Certified organic farms; and</p> <p>6) Orchards and market gardens; and</p> <p>7) Water bodies used for the supply of drinking water, and</p> <p>8) Apiaries,</p>
<i>Stabilised earth</i>	Exposed earth that is protected or reinforced by best practice measures (vegetative and/or structural) to prevent erosion, or that is naturally stable, for example, rock faces.
<i>Storage facilities</i>	Include ponds and tanks for storing and/or treating farm wastewater (as defined), but do not include sumps.
<i>Storm anchorage</i>	Recognised places to shelter during storm conditions. Storm anchorages are identified on the I.6 'Regionally significant anchorages map'.
<i>Stormwater interceptor system</i>	<p>A system that designed and able to:</p> <p>1) Contain deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site from stormwater discharges; and</p> <p>2) In the event of stormwater contamination by a hazardous substance or other contaminant, reduce concentrations of such substances in the stormwater prior to discharge, to levels that will not result in contamination of either water or sediments that is likely to result in adverse effects on aquatic life or to affect the suitability of the waters for specific defined purposes.</p>
<i>Structure</i>	Within the coastal marine area, means any building, equipment, device or other facility made by people and which is fixed to land. It includes a raft and a vessel fixed to land or another structure, but does not include a vessel at anchor.



<i>Surface water</i>	Water in surface water bodies, artificial water courses and the coastal marine area
<i>Taonga</i>	Treasure, property; taonga are prized and protected as sacred possessions of the 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 structure</i>	A structure in the coastal marine area which is not in place for a period exceeding a total of 30 days or part days during a 12 month period, inclusive of the time required for structure placement and removal.
<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>Treated farm wastewater</i>	Wastewater that has undergone, at a minimum, secondary treatment in a purpose-built facility that has adequate design capacity for the contaminant load in the influent.
<i>Urban area</i>	Includes the built-up areas of Mangawhai, Dargaville, Waipū, Whangārei city, Ruakaka/Marsden Point, Parua Bay, Paihia, Kerikeri/Waipapa, Kaikohe and Kaitāia.
<i>Vegetation clearance</i>	The cutting, burning, crushing or destruction of plants, but excludes: <ol style="list-style-type: none"> <li>1) The following vegetation types: <ol style="list-style-type: none"> <li>a) Grasses, hedging, scattered trees, shrubs, or regenerating bush among pasture;</li> <li>b) Forest thinnings, agricultural or horticultural crops;</li> <li>c) Any species identified in the Regional Pest Management Plan or the National Pest Plant Accord;</li> </ol> </li> <li>2) The following types of clearance: <ol style="list-style-type: none"> <li>a) Clearing vegetation around public utility networks;</li> <li>b) Clearing vegetation that impedes or is likely to impede flood flows;</li> <li>c) Cultivation (as defined);</li> <li>d) Clearing vegetation for the maintenance of roads and tracks.</li> </ol> </li> </ol>
<i>Vertebrate control chemical</i>	Any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including possums, rats and mustelids. Includes vertebrate pest control products as identified (but not defined) in NZS 8409:2004 Management of Agrichemicals.
<i>Vessel</i>	Means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes: <ol style="list-style-type: none"> <li>1) A barge, lighter, or other like vessel;</li> <li>2) A 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</li> <li>3) A submarine or other submersible.</li> </ol>
<i>Wāhi tapu</i>	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.

<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>Wet weather wastewater discharge</i>	An overflow from a wastewater pump station or reticulation network that is caused by the inflow and/or infiltration of stormwater into the network.
<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.  <i>Note: Pakihi (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.</i>



# C Rules

## Legal effect of rules

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from notification of the Regional Plan.

## Interpretation of rules

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' take precedence over other rules (whether more or less restrictive).

## 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.

# C.1 Coastal works

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.

## **General structures**

- C.1.1.1 'Existing minor structures – permitted activity'
- C.1.1.2 'Minor structures in a Commercial Coastal Zone, Marina Zones and the Whangārei City Centre Marine Zone – permitted activity'
- C.1.1.3 'Temporary structure – permitted activity'
- C.1.1.4 'Aids to navigation – permitted activity'
- C.1.1.5 'Signs – permitted activity'
- C.1.1.6 'Monitoring and sampling equipment – permitted activity'
- C.1.1.7 'Replacement of a structure – permitted activity'
- C.1.1.8 'Maintenance and repair of structures – permitted activity'
- C.1.1.9 'Maintenance, repair or removal of hard protection structures – permitted activity'
- C.1.1.10 'Additions and alterations to structures – permitted activity'
- C.1.1.11 'Removal of structures – permitted activity'
- C.1.1.12 'Structures for scientific, research, monitoring or education purposes – controlled activity'
- C.1.1.13 'Structures in the Whangārei City Centre Marine Zone – controlled activity'
- C.1.1.14 'Existing structures in a Commercial Coastal Zone or Marina Zone – controlled activity'
- C.1.1.15 'Structure in a Marina Zone or Coastal Commercial Zone – discretionary activity'
- C.1.1.16 'Existing structures (other) – discretionary activity'
- C.1.1.17 'Structures outside areas with significant values – discretionary activity'
- C.1.1.18 'Hard protection structures – discretionary activity'
- C.1.1.19 'Hard protection structures in areas with significant values – non-complying activity'
- C.1.1.20 'Removal, demolition or replacement of a Category A historic heritage site or part of a Category A historic heritage site – non-complying activity'
- C.1.1.21 'Structures with no functional need – non-complying'
- C.1.1.22 'Structures within areas with significant value – non-complying activity'

## **Moorings and anchorage**

- C.1.2.1 'Anchoring – permitted activity'
- C.1.2.2 'New swing moorings in a Mooring Zone - permitted activity'
- C.1.2.3 'Existing mooring in a Mooring Zone – permitted activity'

- C.1.2.4 'Relocation of a mooring by Regional Harbourmaster - permitted activity'
- C.1.2.5 'Maintenance and repair of moorings – permitted activity'
- C.1.2.6 'Existing swing mooring outside Mooring Zone – permitted activity'
- C.1.2.7 'Mooring - discretionary activity'
- C.1.2.8 'Anchoring – discretionary activity'
- C.1.2.9 'Mooring within areas with significant values and storm anchorages – non-complying'

### **Aquaculture**

- C.1.3.1 'Re-consenting shellfish aquaculture – controlled activity'
- C.1.3.2 'Re-consenting shellfish aquaculture in a significant or outstanding area – restricted discretionary activity'
- C.1.3.3 'Realignment of existing aquaculture – restricted discretionary'
- C.1.3.4 'Re-consenting finfish aquaculture – discretionary activity'
- C.1.3.5 'New aquaculture outside areas with significant values – discretionary activity'
- C.1.3.6 'New aquaculture in an authorised area – discretionary activity'
- C.1.3.7 'New aquaculture in Maori oyster reserves – discretionary activity'
- C.1.3.8 'Relocation of aquaculture in the Waikare Inlet – discretionary activity'
- C.1.3.9 'Marae-based aquaculture in areas with significant values – non-complying'
- C.1.3.10 'New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity'
- C.1.3.11 'Relocation of aquaculture in the Pārengarenga Harbour – non-complying activity'
- C.1.3.12 'New aquaculture in areas with significant values – prohibited activity'

### **Mangrove removal**

- C.1.4.1 'Mangrove seedling removal – permitted activity'
- C.1.4.2 'Minor mangrove removal – permitted activity'
- C.1.4.3 'Mangrove removal – controlled activity'
- C.1.4.4 'Mangrove removal in the Whangārei City Centre Marine Zone – restricted discretionary activity'
- C.1.4.5 'Mangrove management to reduce coastal stream bank erosion – restricted discretionary activity'
- C.1.4.6 'Mangrove removal – discretionary activity'

### **Dredging and disposal**

- C.1.5.1 'Small-scale sampling and scientific investigation – permitted activity'
- C.1.5.2 'Removal of nuisance marine plant debris – permitted activity'
- C.1.5.3 'Removal or recovery of wrecked vessels – permitted activity'
- C.1.5.4 'Clearing of stormwater outlets – permitted activity'
- C.1.5.5 'Clearing artificial water courses – permitted activity'

- C.1.5.6 'Clearing tidal stream mouths – permitted activity'
- C.1.5.7 'Burial of dead animals – permitted activity'
- C.1.5.8 'Maintenance dredging – controlled activity'
- C.1.5.9 'Dredging and disturbance activities – discretionary activity'
- C.1.5.10 'Disposal of certain waste in coastal marine area – discretionary activity'
- C.1.5.11 'Other dredging, disturbance and disposal activities – non-complying'

### **Reclamations**

- C.1.6.1 'Unlawful public road reclamations – controlled activity'
- C.1.6.2 'New reclamations – discretionary activity'
- C.1.6.3 'Authorising unlawful reclamations – discretionary activity'
- C.1.6.4 'Reclamations for regionally significant infrastructure – discretionary activity'
- C.1.6.5 'New reclamations in significant marine areas – non-complying activity'

### **Marine pests**

- C.1.7.1 'In-water cleaning (deep water) – permitted activity'
- C.1.7.2 'In-water vessel hull and niche area cleaning (development zones) – permitted activity'
- C.1.7.3 'In-water vessel hull and niche area cleaning – discretionary activity'
- C.1.7.4 'Biofouling on vessels – discretionary activity'
- C.1.7.5 'Introduction of marine pests – non-complying activity'

### **Coastal works general conditions**

- C.1.8 'Coastal works general conditions'

## C.1.1 General structures

### C.1.1.1

#### Existing minor structures – permitted activity

The following structures in the coastal marine area that:

- 1) existed at *<the date this plan is notified>* , or
  - 2) were lawfully established,
- are permitted activities:
- 3) stormwater outlet pipes, and
  - 4) road and railway culverts, and
  - 5) bridges, and
  - 6) aerial and submarine telephone cables, and
  - 7) aerial and submarine power cables, and
  - 8) suspended and submarine pipelines, and
  - 9) hard protection structures in estuaries and harbours, and
  - 10) boat ramps and concreted slipways less than 15 metres in length and less than 4 metres in width, and
  - 11) dinghy skids used solely for private boat launching and retrieval, and
  - 12) steps, and
  - 13) wharves and buildings on wharves in the Coastal Commercial Zone, provided:
    - 14) the structure complies with C.1.8 'Coastal works general conditions', and
    - 15) the structure owner can provide, if requested by the regional council:
      - a) clear written or photographic evidence the structure existed at *<the date this plan is notified>*, or
      - b) a copy of the necessary approval(s) for the lawful establishment of the structure.

The RMA activities this rule covers:

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- use of the structure (s12(3)).

### C.1.1.2

#### Minor structures in a Commercial Coastal Zone, Marina Zones and the Whangārei City Centre Marine Zone – permitted activity

A structure in a Commercial Coastal Zone, Marina Zone or the Whangārei City Centre Marine Zone, is a permitted activity, provided:

- 1) the structure is not for aquaculture activities, and
- 2) the structure does not exceed a 5m vertical projection above mean high water springs, and
- 3) the structure is attached to a structure which is attached to the seabed and/or foreshore (for example, a wharf), and
- 4) the structure does not extend beyond the horizontal footprint of an existing structure, and
- 5) the structure is above mean high water springs in a vertical projection, and



- 6) the structure does not include advertising or marketing signage, and
- 7) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- use of the structure (s12(3)).

### C.1.1.3

#### Temporary structure – permitted activity

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

- 1) the structures is not for aquaculture activities, and
- 2) the structure does not exceed an area of 10m<sup>2</sup> (excluding any anchor(s) and anchor line(s)) and
- 3) the structure does not exceed a 2m vertical projection above the surface of the water or foreshore, and
- 4) the structure does not include advertising or marketing signage, and
- 5) the structure is not in the coastal marine area for a period exceeding a total of 30 days or part days during a 12 month period, inclusive of the placement and removal, and
- 6) the entire structure is removed within seven days of the completion of the event or use; and
- 7) the structure does not prevent public access to and along the foreshore, and
- 8) the activity is not in a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
- 9) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- erection or placement of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.4

#### Aids to navigation – permitted activity

Aids to navigation in the coastal marine area are a permitted activity, provided:

- 1) the activity is undertaken by:
  - a) the regional council or its agents, or
  - b) Northport, or
  - c) Maritime New Zealand or its agents, and
- 2) the activity is not in a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
- 3) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g))

### C.1.1.5

#### Signs – permitted activity

A sign in the coastal marine area:

- 1) placed by a statutory authority directly relating to information or safety matters concerning the coastal marine area, or
- 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, or
- 4) on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure,

is a permitted activity, provided:

- 5) the activity 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 1.25m<sup>2</sup>, and
  - b) the sign (or any part of the sign) must not be reflective, flashing or neon, and
  - c) the bottom of the sign must not be more than 4m above deck level, and
  - d) the bottom of the sign must be at least 2.4m above walkways, and
  - e) the total combined area of all signs (under this rule) on the structure must not exceed 5m<sup>2</sup>.

The RMA activities this rule covers:

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

### 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) the monitoring or sampling equipment is not for aquaculture activities, and
- 2) the monitoring or sampling equipment does not exceed an area of 10m<sup>2</sup> (excluding any anchor(s) and anchor line(s)) and 2m vertical projection above the surface of the water or foreshore, and
- 3) the monitoring or sampling equipment is not located in a position that would obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and

- 4) the structure is not in place for a period exceeding a total of 365 days or part days during a 2 year period, inclusive of the placement and removal, and
- 5) the structure does not prevent public access to and along the foreshore, and
- 6) surface buoyage of monitoring or sampling equipment is clearly labelled with the owner's name and a 24-hour free phone contact number and the statement "Please do not moor or anchor within 100m", and
- 7) equipment and any associated mooring and anchorage systems is marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System, and
- 8) the activity complies with C.1.8 'Coastal works general conditions', and
- 9) the regional council's compliance manager is notified (in writing or by e-mail) of each deployment of equipment no less than 10 working days before the deployment and the notification includes:
  - a) location details of proposed deployment(s), and
  - b) proposed date(s) and approximate time(s) of deployment, scheduled maintenance and retrieval, and
  - c) an image and description of the type of equipment to be deployed and its purpose, and
  - d) details of who is responsible for the deployment.

**The RMA activities this rule covers:**

- erection or placement of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.7

#### Replacement of a structure – permitted activity

The replacement of an authorised structure, or part of an authorised structure, in the coastal marine area, is a permitted activity, provided:

- 1) the replacement structure is built in the same location as the original structure, and
- 2) the replacement structure has the same or lesser footprint as the original structure, and
- 3) the replacement structure is within the form of the original structure and there is no increase in the length, width, and height, and
- 4) the activity complies with C.1.8 'Coastal works general conditions'.

**The RMA activities this rule covers:**

- reconstruction or alteration of structures (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

### C.1.1.8

#### Maintenance and repair of structures – permitted activity

The maintenance and repair of an authorised structure in the coastal marine area, is a permitted activity, provided:

- 1) the maintenance and/or repair is contained within the form of the existing structure and there is no increase in length, width, or height of the existing structure, and
- 2) that for Category A historic heritage (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), the materials used for maintenance and repair match the existing site in form and appearance, and
- 3) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- maintenance of structures (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

### C.1.1.9

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

The maintenance, repair or removal of a hard protection structure is a permitted activity, provided:

- 1) the regional council's compliance manager is notified (in writing or by e-mail) of the date of the commencement of any works, at least 10 working days prior to the work starting; and
- 2) where the activity is within the coastal marine area, the activity complies with C.1.8 'Coastal works general conditions', and
- 3) the maintenance and/or repair is contained within the form of the existing authorised structure and there is no increase in length, width, or height of the existing structure, and
- 4) the activity does not prevent or unduly interfere with other lawful activities, and
- 5) all equipment and materials is removed from the foreshore and seabed on the completion of works or activities; and
- 6) where the structure has an owner, the owner has given their written approval for the removal.

The RMA activities this rule covers:

- restrictions on the use of land, (s9(2)), and
- erection, placement, replacement or alteration of structures in the coastal marine area, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure in coastal marine area (s12(3)).

### C.1.1.10

#### Additions and alterations to structures – permitted activity

Additions and alterations to the following structures in the coastal marine area are permitted activities:

- 1) aerial telecommunications cables or aerial electricity transmission lines, and:
  - a) the additions or alterations will not result in an increase in the design voltage, and
  - 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 activity complies with C.1.8 'Coastal works general conditions', and
- 6) the activity does not cause an increase in flood levels for a 1% annual exceedance probability flood event, and

**The RMA activities this rule covers:**

- alteration of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

#### **C.1.1.11**

##### **Removal of structures – permitted activity**

The demolition or removal of structures in the coastal marine area is a permitted activity, provided:

- 1) the activity complies with C.1.8 'Coastal works general conditions', and
- 2) where the structure has an owner, the owner has given their written approval for the removal or demolition.

**The RMA activities this rule covers:**

- removal or demolition of structures (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

#### **C.1.1.12**

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

Structures for scientific, research, monitoring or education purposes in the coastal marine area are a controlled activity, provided:

- 1) the structure does not exceed an area of 10m<sup>2</sup> (excluding any anchor(s) and anchor line(s)) and 2m vertical projection above the surface of the water or foreshore, and
- 2) the activity is not in a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
- 3) the activity complies with C.1.8 'Coastal works general conditions'.

**Matters of control:**

- 1) effects on public access, and
- 2) effects on shoreline stability in the vicinity, and
- 3) adverse interference with natural processes, and

- 4) effects on:
  - a) nationally significant surfbreaks
  - b) regionally significant surfbreaks, and
  - c) outstanding natural features, and
  - d) outstanding natural landscapes, and
  - e) areas of outstanding natural character, and
  - f) significant ecological areas, and
- 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 (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.13

#### Structures in the Whangārei City Centre Marine Zone – controlled activity

Jetties, boat ramps, pontoons, walkways, board walks and viewing platforms in the Whangārei City Centre Marine Zone that are not a:

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

are 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 shoreline stability in the vicinity, and
- 2) adverse interference with natural processes, and
- 3) effects on aquatic ecosystem health, and
- 4) 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 (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

#### C.1.1.14

##### Existing structures in a Commercial Coastal Zone or Marina Zone controlled activity

An existing authorised structure in a Commercial Coastal Zone or Marina Zone and its use, that is not a permitted activity under C.1.1.1 'Existing minor structures – permitted activity', is a controlled activity, provided:

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

Matters of control:

- 1) effects on shoreline stability in the vicinity, and
- 2) adverse interference with natural processes, and
- 3) effects on aquatic ecosystem health, and
- 4) public access, and
- 5) effects of disturbance, deposition and discharge associated with construction.

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)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

#### C.1.1.15

##### Structure in a Marina Zone or Coastal Commercial Zone – discretionary activity

In the coastal marine area any:

- 1) structure, or
- 2) replacement of a structure, or
- 3) addition or alteration to a structure, or
- 4) removal of a structure,

in a Marina Zone or Coastal Commercial Zone that is not a:

- 5) permitted activity under C.1.1.2 'Minor structures in a Commercial Coastal Zone, Marina Zones and the Whangārei City Centre Marine Zone – permitted activity'
- 6) permitted activity under C.1.1.3 'Temporary structure – permitted activity', or
- 7) permitted activity under Aids to navigation – permitted activity, or
- 8) permitted activity under Signs - permitted activity, or
- 9) permitted activity under Monitoring and sampling equipment - permitted activity, or
- 10) permitted activity under Replacement of a structure – permitted activity, or
- 11) permitted activity under Maintenance and repair of structures - permitted activity, or
- 12) permitted activity under Additions and alterations to structures - permitted activity, or
- 13) permitted activity under Removal of structures - permitted activity, or
- 14) controlled activity under Structures for scientific, research, monitoring or education purposes – controlled activity, or
- 15) controlled activity under Structures in the Whangarei city centre marine zone - controlled activity, or is a discretionary activity.

**The RMA activities this rule covers:**

- erection or placement of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.16

#### Existing structures (other) – discretionary activity

An existing authorised structure in the coastal marine area, that is not a:

- 1) permitted activity under C.1.1.1 'Existing minor structures – permitted activity', or
  - 2) permitted activity under C.1.1.3 'Temporary 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 'Replacement of a structure – permitted activity', or
  - 7) permitted activity under C.1.1.8 'Maintenance and repair of structures – permitted activity', or
  - 8) permitted activity under C.1.1.10 'Additions and alterations to structures – permitted activity', or
  - 9) permitted activity under C.1.1.11 'Removal of structures – permitted activity', or
  - 10) controlled activity under C.1.1.12 'Structures for scientific, research, monitoring or education purposes – controlled activity', or
  - 11) controlled activity under C.1.1.13 'Structures in the Whangārei City Centre Marine Zone – controlled activity', or
  - 12) controlled activity under C.1.1.14 'Existing structures in a Commercial Coastal Zone or Marina Zone – controlled activity',
- is a discretionary activity.

**The RMA activities this rule covers:**

- erection, placement, replacement or alteration of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and



- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.17

#### Structures outside areas with significant values – discretionary activity

In a Mooring Zone or General Coastal Zone any:

- 1) new structure, or
  - 2) existing unauthorised structure, or
  - 3) temporary 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 not a:
- 7) permitted activity under C.1.1.1 'Existing minor structures – permitted activity', or
  - 8) permitted activity under C.1.1.3 'Temporary structure – permitted activity', or
  - 9) permitted activity under C.1.1.4 'Aids to navigation – permitted activity', or
  - 10) permitted activity under C.1.1.5 'Signs – permitted activity', or
  - 11) permitted activity under C.1.1.6 'Monitoring and sampling equipment – permitted activity', or
  - 12) permitted activity under C.1.1.7 'Replacement of a structure – permitted activity', or
  - 13) permitted activity under C.1.1.8 'Maintenance and repair of structures – permitted activity', or
  - 14) permitted activity under C.1.1.10 'Additions and alterations to structures – permitted activity', or
  - 15) permitted activity under C.1.1.11 'Removal of structures – permitted activity', or
  - 16) controlled activity under C.1.1.12 'Structures for scientific, research, monitoring or education purposes – controlled activity',
- is a discretionary activity, provided:
- 17) it is not in:
    - a) a Nationally Significant Surfbreak I.8 'Nationally and regionally significant surf breaks map', or
    - b) an Outstanding Natural Feature I.4 'Outstanding natural features in fresh and coastal waters map', or
    - c) an Area of Outstanding Natural Character I.5 'Areas of outstanding and high natural character areas map', or
    - d) a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
    - e) a Historic Heritage Area I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', and
  - 18) there is no removal, demolition or replacement of a Significant Historic Heritage Site or part of a Significant Historic Heritage Site (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
  - 19) the structure has a functional need to be located in the coastal marine area.

The RMA activities this rule covers:

- erection or placement of structures (s12(1)(b)), and
- removal or demolition of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and

- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.18

#### Hard protection structures – discretionary activity

Any:

- 1) new hard protection structure, or
- 2) existing unauthorised hard protection structure, or
- 3) extension or addition to a hard protection structure,

is a discretionary activity, provided it is not in the following areas:

- 4) a Nationally Significant Surfbreak (I.8 'Nationally and regionally significant surf breaks map'), or
- 5) an Outstanding Natural Feature in the coastal marine area (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 6) an Area of Outstanding Natural Character in the coastal marine area (I.5 'Areas of outstanding and high natural character areas map'), or
- 7) a Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
- 8) a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map').

The RMA activities this rule covers:

- restrictions on the use of land, (s9(2)), and
- erection, placement, replacement or alteration of structures in the coastal marine area, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure in coastal marine area (s12(3)).

### C.1.1.19

#### Hard protection structures in areas with significant values – non-complying activity

Any:

- 1) new hard protection structure, or
- 2) existing unauthorised hard protection structure, or
- 3) extension or addition to a hard protection structure,

that is not a discretionary activity under rule C.1.1.18 'Hard protection structures – discretionary activity' is a non-complying activity.

The RMA activities this rule covers:

- restrictions on the use of land, (s9(2)), and
- erection, placement, replacement or alteration of structures in the coastal marine area, (s12(1)(b)), and

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure in coastal marine area (s12(3)).

### C.1.1.20

#### Removal, demolition or replacement of a Category A historic heritage site or part of a Category A historic heritage site – non-complying activity

In the coastal marine area, except where the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority, any:

- 1) replacement of a Category A historic heritage site or part of a Category A historic heritage site, or
- 2) removal (including relocation) of a Category A historic heritage site or part of a Category A historic heritage site, or
- 3) demolition of a Category A historic heritage site or part of a Category A historic heritage site as identified in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', is a non-complying activity.

The RMA activities this rule covers:

- erection, placement, replacement or alteration of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.21

#### Structures with no functional need – non-complying

A new structure or existing unauthorised structure with no functional need to be located in the coastal marine area is a non-complying activity.

The RMA activities this rule covers:

- erection, placement, replacement or alteration of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

### C.1.1.22

#### Structures within areas with significant value – non-complying activity

In the coastal marine area any:

- 1) structure, or
- 2) replacement of a structure, or
- 3) addition or alteration to a structure, or
- 4) removal of a structure,

that is in:

- 5) a Nationally Significant Surfbreak (I.8 'Nationally and regionally significant surf breaks map'), or
- 6) an Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 7) an Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'), or
- 8) a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
- 9) a Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'),

and is not a:

- 10) permitted activity under C.1.1.1 'Existing minor structures – permitted activity', or
  - 11) permitted activity under C.1.1.3 'Temporary structure – permitted activity', or
  - 12) permitted activity under C.1.1.4 'Aids to navigation – permitted activity', or
  - 13) permitted activity under C.1.1.5 'Signs – permitted activity', or
  - 14) permitted activity under C.1.1.6 'Monitoring and sampling equipment – permitted activity', or
  - 15) permitted activity under C.1.1.7 'Replacement of a structure – permitted activity', or
  - 16) permitted activity under C.1.1.8 'Maintenance and repair of structures – permitted activity', or
  - 17) permitted activity under C.1.1.10 'Additions and alterations to structures – permitted activity', or
  - 18) permitted activity under C.1.1.11 'Removal of structures – permitted activity', or
  - 19) controlled activity under C.1.1.13 'Structures in the Whangārei City Centre Marine Zone – controlled activity', or
  - 20) discretionary activity under C.1.1.16 'Existing structures (other) – discretionary activity',
- is a non-complying activity.

The RMA activities this rule covers:

- erection, placement, replacement or alteration of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- use of the structure (s12(3)).

## C.1.2 Moorings and anchorage

### C.1.2.1

#### Anchoring – permitted activity

Anchoring a vessel is a permitted activity, provided:

- 1) the activity complies with C.1.8 'Coastal works general conditions', and
- 2) no person stays overnight on a vessel anchored in an vessel sewage restriction area (I.7 'Vessel sewage discharge restriction areas map') unless:
  - a) the vessel is equipped with 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) the vessel is equipped with a sewage holding tank or the vessel has a portable toilet on board, and
- 3) no person may stay overnight on the anchored vessel if one or more people have stayed overnight on board the vessel for more than five nights (consecutive or not), and within the 5 nights the vessel has not:
  - a) pumped out all of the sewage from the vessel's holding tank at a sewage pump-out facility (if the vessel has a holding tank), or
  - b) disposed of all of the sewage from all the vessel's portable toilets at an authorised disposal site (if the vessel has a portable toilet), or
  - c) navigated into waters where the discharge of sewage from the vessel is permitted and disposed of all its sewage into those waters, and
- 4) the vessel (including its anchor) is more than 75m away from a marine farm structure, and
- 5) the vessel is anchored for no more than 14 consecutive calendar days or part days in an estuary or a harbour and does not re-anchor within that estuary or harbour within 3 calendar days. (This rule does not apply to vessels anchoring in the outer Bay of Islands <sup>(1)</sup> and outer Whangaroa Harbour <sup>(2)</sup> between 1 November and 31 March or vessels actively being used in the construction, maintenance, repair of structures), and
- 6) in the outer Bay of Islands <sup>(3)</sup> and Whangaroa Harbour <sup>(4)</sup> between 1 November and 31 March, the vessel is anchored for no more than 14 consecutive calendar days or part days in one location <sup>(5)</sup> and does not re-anchor within that location within 3 calendar days <sup>(6)</sup>. This rule does not apply to vessels actively being used in the construction, maintenance, repair of structures), and
- 7) upon request of the regional council, the skipper and/or owner, keeps and provides the regional council with a copy of written or electronic records detailing how conditions 1-5 have been complied with, and
- 8) the vessel (including its anchor) is not anchored within a Coastal Commercial Zone.

The RMA activities this rule covers:

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- discharge of contaminants to water<sup>15(1)</sup>

1 East of a line between Porenuī Point and Tāpeka Point.

2 North of a line between Oteko Point and Puketamoi Point.

3 East of a line between Porenuī Point and Tāpeka Point

4 North of a line between Oteko Point and Puketamoi Point.

5 For the purpose of this rule location means any position within a 1000m / 0.59 Nautical Mile radius

6 For the purpose of this rule location means any position within a 1000m / 0.59 Nautical Mile radius

### C.1.2.2

#### 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 available space for the new swing mooring during all weather and tidal conditions to avoid collisions with neighbouring vessels, and
- 2) a mooring licence has been obtained from the regional council's harbourmaster, and
- 3) the swing mooring is not located in any designated channel or fairway, and
- 4) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- erection or placement of structures (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

### C.1.2.3

#### Existing mooring in a Mooring Zone – permitted activity

An existing mooring and moored vessel in a Mooring Zone is a permitted activity, provided:

- 1) the activity complies with the C.1.8 'Coastal works general conditions', and
- 2) the vessel has a valid mooring licence, and
- 3) all vessels using the mooring are not used for permanent accommodation, and
- 4) the mooring is not located in any designated channel or fairway, and
- 5) there is only one vessel attached to the swing mooring at any one time (except for dingies), and
- 6) no person stays overnight on the moored vessel unless:
  - a) the vessel is equipped with 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) if the vessel is equipped with a sewage holding tank, an effective outlet sealing device is installed to prevent sewage discharges and this device remaining activated in the sealed state or position at all times while the vessel is moored, and
  - c) the vessel has a portable toilet on board, and
- 7) no person(s) stays overnight on the vessel for more than 5 nights (consecutive or not), unless:
  - a) all of the sewage has been pumped from the vessel's holding tank at an authorised sewage pump-out facility, or
  - b) all of the sewage from all the vessel's portable toilets has been disposed at an authorised disposal site, or
  - c) the vessel has navigated into waters where the discharge of sewage from the vessel is permitted and disposed of all its sewage into those waters, and
- 8) upon request of the regional council, the skipper keeps and provides the regional council with a copy of written or electronic records detailing how conditions 3-4 above have been complied with.

The RMA activities this rule covers:

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- use of the mooring structure (s12(3)).

#### C.1.2.4

##### Relocation of a mooring by Regional Harbourmaster - permitted activity

The relocation of a mooring as directed by the the regional council's Harbourmaster for navigation safety purposes is a permitted activity, provided the mooring is not relocated into a:

- 1) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 2) Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'), or
- 3) Storm Anchorage Area (I.6 'Regionally significant anchorages map'), or
- 4) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map').

The RMA activities this rule covers:

- occupation of space in the common marine and coastal area (s12(2)(a)).

#### C.1.2.5

##### 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 structures (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

#### C.1.2.6

##### Existing swing mooring outside Mooring Zone – permitted activity

An existing swing mooring outside a Mooring Zone that held a valid mooring license issued by the the regional council's harbourmaster at 1 January 2015 is a permitted activity, provided:

- 1) the activity complies with C.1.8 'Coastal works general conditions', and
- 2) the vessel using the mooring is not used for permanent accommodation, and

- 3) the mooring has the necessary shore-based car parking, dinghy storage and waste disposal facilities available, and
- 4) the mooring is the only mooring associated with a property and that property is located within a 2km distance of the mooring, and
- 5) on request from the regional council, the mooring owner provides evidence demonstrating how conditions 3 and 4 have been complied with,
- 6) there is no change in size of the existing mooring block, and
- 7) no part of the mooring is within a mapped storm anchorage area, unless:
  - a) the mooring is associated with a property only legally accessible by water, or
  - b) the mooring is for public benefit and/or to enhance public access and minimise environmental effects of repetitive anchorage, or
  - c) the mooring is associated with a maritime-related commercial enterprise that could not otherwise be located within a Mooring Zone, and
- 8) no person stays overnight on the moored vessel unless:
  - a) the vessel is equipped with 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) if the vessel is equipped with a sewage holding tank, an effective outlet sealing device is installed to prevent sewage discharges and this device remains activated in the sealed state or position at all times while the vessel is moored, or
  - c) the vessel has a portable toilet on board, and
- 9) no person(s) stays overnight on the vessel for more than five nights (consecutive or not), unless:
  - a) all of the sewage has been pumped from the vessel's holding tank at an authorised sewage pump-out facility, or
  - b) all of the sewage from all the vessel's portable toilets has been disposed at an authorised disposal site, or
  - c) the vessel has navigated into waters where the discharge of sewage from the vessel is permitted and disposed of all its sewage into those waters, and
- 10) on request from the regional council, the boat owner or operator keeps and provides the regional council with a copy of written or electronic records detailing how conditions 8 and 9 have been complied with.

**The RMA activities this rule covers:**

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- use of the mooring structure (s12(3)).

### C.1.2.7

#### Mooring - discretionary activity

A mooring that is not a:

- 1) permitted activity under rule C.1.2.2 'New swing moorings in a Mooring Zone - permitted activity', or
- 2) permitted activity under rule C.1.2.3 'Existing mooring in a Mooring Zone – permitted activity', or
- 3) permitted activity under rule C.1.2.5 'Maintenance and repair of moorings – permitted activity', or
- 4) permitted activity under rule C.1.2.6 'Existing swing mooring outside Mooring Zone – permitted activity', or
- 5) non-complying activity under rule C.1.2.9 'Mooring within areas with significant values and storm anchorages – non-complying',



is a discretionary activity.

The RMA activities this rule covers:

- erection or placement of structures (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- occupation of space in the common marine and coastal area (s12(2)(a)).

### C.1.2.8

#### Anchoring – discretionary activity

Anchoring that is not a permitted activity under rule C.1.2.1 'Anchoring – permitted activity' is a discretionary activity.

The RMA activities this rule covers:

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- discharge of contaminants to water<sup>15</sup>(1)
- activities that are contrary to a rule in a regional plan s12(3)).

### C.1.2.9

#### Mooring within areas with significant values and storm anchorages – non-complying

A new mooring (and moored vessel) in a:

- 1) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
  - 2) Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'),  
or
  - 3) Storm Anchorage Area (I.6 'Regionally significant anchorages map'),
- is a non-complying activity.

The RMA activities this rule covers:

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- erection or placement of structures (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

## C.1.3 Aquaculture

### C.1.3.1

#### Re-consenting shellfish aquaculture – controlled activity

Existing shellfish aquaculture is a controlled activity, provided:

- 1) no part of the activity is in a:
  - a) Significant Ecological Area (I.3 'Significant marine ecological areas map'), or
  - b) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
  - c) Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'), and
- 2) the application is made before the one year anniversary of the coastal permit for the aquaculture activity expiring or lapsing, and
- 3) there is no change to the activities as authorised by the existing, expired or lapsed coastal permit (other than a decrease in the area of occupation).

**Matters of control:**

- 1) effects on marine mammals, birds and benthic habitat, and
- 2) effects on food (plankton) availability in the water, and
- 3) the risk of introducing or spreading marine pests, and
- 4) lighting, and
- 5) noise, and
- 6) integrity of the structure, and
- 7) navigation safety, and
- 8) monitoring, and
- 9) duration of consent, and
- 10) circumstances when the consent conditions are reviewed, and
- 11) the need to upgrade, replace or remove any derelict or disused structures, and
- 12) the mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.

**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 (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.2

#### Re-consenting shellfish aquaculture in a significant or outstanding area – restricted discretionary activity

Existing shellfish aquaculture in a:

- 1) Significant Ecological Area (I.3 'Significant marine ecological areas map'), or
- 2) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 3) Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'), and

is a restricted discretionary activity, provided:

- 4) the application is made within one year of the coastal permit for the aquaculture activity expiring or lapsing, and
- 5) 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 outstanding natural character, outstanding natural features and significant marine ecology, and
- 2) effects on marine mammals, birds and benthic habitat, and
- 3) effects on food (plankton) availability in the water, and
- 4) the risk of introducing or spreading marine pests, and
- 5) lighting, and
- 6) noise, and
- 7) integrity of the structure, and
- 8) navigation and safety, and
- 9) monitoring, and
- 10) duration of consent, and
- 11) circumstances when the consent conditions are reviewed, and
- 12) the need to upgrade, replace or remove any derelict or disused structures, and
- 13) any mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.

**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 (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.3

#### Realignment of existing aquaculture – restricted discretionary

The realignment of the area aquaculture is 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 outstanding natural character, outstanding natural features and significant marine ecology, and
- 2) effects on marine mammals, birds and benthic habitat, and

- 3) effects on food (plankton) availability in the water, and
- 4) the risk of introducing or spreading marine pests, and
- 5) lighting, and
- 6) noise, and
- 7) integrity of the structure, and
- 8) navigation and safety, and
- 9) monitoring, and
- 10) duration of consent, and
- 11) circumstances when the consent conditions are reviewed, and
- 12) the need to upgrade, replace or remove any derelict or disused structures, and
- 13) mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.

**The RMA activities this rule covers:**

- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

**Note:**

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

### C.1.3.4

#### Re-consenting finfish aquaculture – discretionary activity

Existing finfish aquaculture is a discretionary activity, provided:

- 1) the application is made within one year of the coastal permit for the aquaculture activity expiring or lapsing, and
- 2) there is no change to the activities 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 (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.5

#### New aquaculture outside areas with significant values – discretionary activity

New aquaculture is a discretionary activity, provided the area of occupation is not in a:

- 1) Significant Ecological Area (I.3 'Significant marine ecological areas map'), or
- 2) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 3) Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'), or
- 4) Aquaculture Exclusion Area (I.2 'Aquaculture prohibited areas map'), or
- 5) Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
- 6) Regionally Significant Anchorage (I.6 'Regionally significant anchorages map'), or
- 7) Mooring Zone (I.1 'Coastal marine area zones map'), or
- 8) Coastal Commercial Zone (I.1 'Coastal marine area zones map').

**The RMA activities this rule covers:**

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.6

#### **New aquaculture in an authorised area – discretionary activity**

New aquaculture in an area authorised for aquaculture is a discretionary activity, provided:

- 1) the area of occupation applied for is within an area authorised for aquaculture at the time of the application.

**The RMA activities this rule covers:**

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.7

#### **New aquaculture in Maori oyster reserves – discretionary activity**

New aquaculture in Maori oyster reserves in the Kaipara Harbour <sup>(7)</sup>, that is not a:

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

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.

<sup>7</sup> Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9

The RMA activities this rule covers:

- erection or placement of structures, (s12(1)(b), RMA), and
- occupation of space in the common marine and coastal area (s12(2)(a), RMA), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g), RMA), and
- deposition onto the foreshore or seabed (s12(1)(d), RMA), and
- discharge of contaminants (s15(1)(a), RMA).

### C.1.3.8

#### Relocation of aquaculture in the Waikare Inlet – discretionary activity

The relocation of authorised aquaculture within the Waikare Inlet, that is not a:

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

is a discretionary activity, provided:

- 2) the proposed area to be occupied is no greater than the existing authorised area, and
- 3) the current space approved for occupation and the proposed space to be occupied is within the Waikare Inlet (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, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.9

#### Marae-based aquaculture in areas with significant values – non-complying

New marae-based aquaculture in a:

- 1) Significant Ecological Area (I.3 'Significant marine ecological areas map'), or
  - 2) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
  - 3) Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'),
  - 4) Aquaculture Exclusion Area (I.2 'Aquaculture prohibited areas map'), or
  - 5) Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
  - 6) Regionally Significant Anchorage Area (I.6 'Regionally significant anchorages map'), or
  - 7) Mooring Zone (I.1 'Coastal marine area zones map'), or
  - 8) Coastal Commercial Zone (I.1 'Coastal marine area zones map'),
- is a non-complying activity.

The RMA activities this rule covers:

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.10

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

New aquaculture in a Significant Ecological Area in the Kaipara Harbour (I.3 'Significant marine ecological areas map') that is not a:

- 1) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary',  
is a non-complying activity, provided:
- 2) The seabed within the entire footprint of the aquaculture activity is greater than 0.5m below Chart Datum<sup>(8)</sup>
- 3) 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, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.3.11

#### Relocation of aquaculture in the Pārengarenga Harbour – non-complying activity

The relocation of authorised aquaculture in the Pārengarenga Harbour, provided:

- 1) the proposed area to be occupied is no greater than the existing authorised area, and
- 2) the current space approved for occupation is within the Pārengarenga Harbour and the proposed space to be occupied is within the northern part of the Pārengarenga (north of a line from Ngatehe Point (1596766mE 6180206mN) to Paratoetoe Point (1594178mE 6181677mN) to Te Hapua (1592993mE 6181055mN) – all coordinates in NZTM2000),

is a non-complying activity.

<sup>8</sup> Chart datum is used for navigation and for hydrographic charts. It typically refers to a level below which tides do not fall (often defined by the lowest astronomical tide). Standard port tide gauges are usually set to read zero at chart datum.

#### Relevant sections of the RMA this rule applies to:

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

#### C.1.3.12

#### New aquaculture in areas with significant values – prohibited activity

New aquaculture in a:

- 1) Significant Ecological Area (I.3 'Significant marine ecological areas map'), or
- 2) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 3) Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'), or
- 4) Aquaculture Exclusion Area (I.2 'Aquaculture prohibited areas map'), or
- 5) Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
- 6) Regionally Significant Anchorage Area (I.6 'Regionally significant anchorages map'), or
- 7) Mooring Zone (I.1 'Coastal marine area zones map'), or
- 8) Commercial Coastal Zone (I.1 'Coastal marine area zones map'),

that is not a:

- 9) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary', or
- 10) discretionary activity under rule C.1.3.7 'New aquaculture in Maori oyster reserves – discretionary activity', or
- 11) discretionary activity under rule C.1.3.8 'Relocation of aquaculture in the Waikare Inlet – discretionary activity', or
- 12) non-complying activity under rule C.1.3.9 'Marae-based aquaculture in areas with significant values – non-complying', or
- 13) non-complying activity under rule C.1.3.10 'New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity', or
- 14) non-complying activity under rule C.1.3.11 'Relocation of aquaculture in the Pārengarenga Harbour – non-complying activity',

is a prohibited activity.

#### The RMA activities this rule covers:

- erection or placement of structures, (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).



## C.1.4 Mangrove removal

### C.1.4.1

#### Mangrove seedling removal – permitted activity

The removal of mangroves, is a permitted activity, provided:

- 1) the plants removed are single-stemmed and unbranched juvenile mangrove plants less than 60cm in height, and
- 2) the plants are not located within stands of mature mangroves, and
- 3) the activity is undertaken by hand by either pulling out the plant or using non-powered hand-held tools to cut stems, and
- 4) within mapped Significant Bird Areas (I.3 'Significant marine ecological areas map'), removal is not undertaken between 1 August and 31 March (inclusive) to avoid bird breeding and nesting seasons, and
- 5) the activity does not involve tracked or wheeled motorised machinery operating within the coastal marine area, and
- 6) the activity complies with the mangrove removal and disturbance general conditions in the C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- mangrove removal and disposal activities outside the coastal marine area (s9(2)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- remove any natural material from the foreshore or seabed (s12(3), and
- mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)), and
- discharge of sediment resulting from mangrove removal (s15(1)(a)).

### C.1.4.2

#### Minor mangrove removal – permitted activity

The removal and pruning of mangroves necessary for the continuation of authorised activities listed 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) cut vegetation is removed from the coastal marine area, and
- 3) the activity complies with the mangrove removal and disturbance general conditions in the C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- mangrove removal and disposal activities outside the coastal marine area (s9(2)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and

- mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and (s13(2A)(a-d)), and
- discharge of sediment to the coastal marine area resulting from mangrove removal (s15(1)(a)).

**Table 1 Maximum allowable area of mangrove removal**

Existing authorised activity	Maximum allowable area of mangrove removal
Boat ramps, jetties, wharves, and marina berths	Restricted to: <ol style="list-style-type: none"> <li>1) the footprint of the structure, and</li> <li>2) within 10m of the footprint of the structure, and</li> <li>3) a 5m-wide access channel between the structure and the nearest permanently navigable waters.</li> </ol>
Stormwater outlets (Also refer to C.1.5.4 'Clearing of stormwater outlets – permitted activity')	Restricted to: <ol style="list-style-type: none"> <li>1) within 10m of the stormwater outlet, and</li> <li>2) the extent of the clearance is limited to that required to create a free-draining path from the stormwater outlet to the sea.</li> </ol>
Artificial watercourse (Also refer to C.1.5.5 'Clearing artificial water courses – permitted activity')	Restricted to: <ol style="list-style-type: none"> <li>1) the active channel or drain area, and</li> <li>2) not exceeding 5m from each side of the artificial water course, and</li> <li>3) the extent of the clearance is limited to that required to create a free-draining flow path, and</li> <li>4) sites where the adjacent land is likely to become flooded if the mangroves are not removed.</li> </ol>
Roads, railway lines and bridges	Restricted to : <ol style="list-style-type: none"> <li>1) 5m from either side of the edge of the road, railway line or bridge, or 1m from the base of the batter slope either side (whichever is the greater), or</li> <li>2) removal or pruning of mangroves to achieve maintenance of sight clearance lines for road safety at all road intersections, round-abouts and horizontal curves must be undertaken in accordance with Barton D., 2010. Guide to Road Design Part 3: Geotric Design. 2nd Edition. Sydney, Australia: Austroads (<a href="#">Guide to Road Design</a>).</li> </ol>
All other structures	Restricted to: <ol style="list-style-type: none"> <li>1) the footprint of the structure, and</li> <li>2) within 1m of the footprint of the structure.</li> </ol>

### C.1.4.3

#### Mangrove removal – controlled activity

The removal and pruning of mangroves to:

- 1) provide a single track of no greater than 5m wide and only to the extent necessary to provide public access to a marae, urupa or public land, 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 200 square metres,

is a controlled activity, provided:

- 4) the activity complies with the mangrove removal and disturbance general conditions in the C.1.8 'Coastal works general conditions'.

**Matters of control:**

- 1) effects on mapped Outstanding Natural Character Areas, Significant Ecological Areas and Significant Bird Areas, and
- 2) method and timing of activities, and
- 3) the extent of activities, and
- 4) effects on natural systems and indigenous biodiversity, and
- 5) navigation and safety.

**The RMA activities this rule covers:**

- mangrove removal and disposal activities outside the coastal marine area (s9(2)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and s13(2A)(a-d)), and
- discharge of sediment to the coastal marine area resulting from mangrove removal (s15(1)(a)).

### C.1.4.4

#### Mangrove removal in the Whangārei City Centre Marine Zone – restricted discretionary activity

The removal and pruning of mangroves in the Whangārei City Centre Marine Zone (I.1 'Coastal marine area zones map') is a restricted discretionary activity.

**Matters of discretion:**

- 1) effects on natural systems and indigenous biodiversity, and
- 2) effects on navigation and safety, and
- 3) effects on visual amenity values.

**The RMA activities this rule covers:**

- mangrove removal and disposal activities outside the coastal marine area (s9(2)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and s13(2A)(a-d)), and
- discharge of sediment to the coastal marine area resulting from mangrove removal (s15(1)(a)).

#### C.1.4.5

### Mangrove management to reduce coastal stream bank erosion – restricted discretionary activity

The removal and pruning of mangroves that are deflecting channelised flows and are clearly causing stream bank erosion, is a restricted discretionary activity, provided:

- 1) The activity is not located in any mapped:
  - a) Outstanding Natural Character Area (I.5 'Areas of outstanding and high natural character areas map'); or
  - b) Significant Ecological Area (I.3 'Significant marine ecological areas map'); or
  - c) Significant Bird Area (I.3 'Significant marine ecological areas map').

#### Matters of discretion:

- 1) effects on natural systems, and
- 2) effects on indigenous biodiversity, and
- 3) effects on navigation.

#### Notification:

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

#### The RMA activities this rule covers:

- mangrove removal and disposal activities outside the coastal marine area (s9(2)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and s13(2A)(a-d)), and
- discharge of sediment to the coastal marine area resulting from mangrove removal (s15(1)(a)).

#### C.1.4.6

### 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
- 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 – restricted discretionary activity', or
- 5) restricted discretionary activity under rule C.1.4.5 'Mangrove management to reduce coastal stream bank erosion – restricted discretionary activity',

is a discretionary activity.

The RMA activities this rule covers:

- mangrove removal and disposal activities outside the coastal marine area (s9(2)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and s13(2A)(a-d)), and
- discharge of sediment to the coastal marine area resulting from mangrove removal (s15(1)(a)).

## C.1.5 Dredging and disposal

### C.1.5.1

#### Small-scale sampling and scientific investigation – permitted activity

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

- 1) no more than 1m<sup>3</sup> 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 250mm in diameter, and
- 3) the activity is not in a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
- 4) the activity complies with the 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)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.2

#### Removal of nuisance marine plant debris – permitted activity

The removal of nuisance marine plant debris washed onto beaches where it is significantly adversely affecting amenity or access to and use of the beach, is a permitted activity, provided:

- 1) the regional council's compliance manager is notified (in writing or by e-mail) at least 24 hours before the start of any removal, and
- 2) if the activity occurs within a significant bird area I.3 'Significant marine ecological areas map' between the months of August to March, a staff member from the Northland Regional Council needs to be on-site prior to the works commencing to assist with identification of bird species and potential nesting areas, and
- 3) 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)), and

- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.3

#### Removal or recovery of wrecked vessels – permitted activity

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

- 1) the regional council's harbourmaster is notified (in writing or by e-mail) at least 24 hours before the start of any removal/retrieval, and
- 2) the works are undertaken by the regional council or a district council or agent of those organisations, and
- 3) 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)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.4

#### Clearing of stormwater outlets – permitted activity

Clearing material (including mangroves) from a stormwater outlet is a permitted activity, provided:

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stormwater outlet to the sea, and
- 2) if the activity occurs within a significant bird area I.3 'Significant marine ecological areas map' between the months of August to March, a staff member from the Northland Regional Council needs to be on-site prior to the works commencing to assist with identification of bird species and potential nesting areas, and
- 3) excavated material is not mounded, banded and/or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 4) all vegetation and visibly contaminated material is removed from the coastal marine area, and
- 5) the activity complies with permitted mangrove removal requirements Table 1 'Maximum allowable area of mangrove removal'
- 6) 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)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.5

#### Clearing artificial water courses – permitted activity

Clearing material (including 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) regional council's compliance manager is notified (in writing or by e-mail) at least three working days prior to work being undertaken, and
- 4) the activity complies with permitted mangrove removal requirements Table 1 'Maximum allowable area of mangrove removal'
- 5) sediment may be disposed of in the coastal marine area, provided:
  - a) it is deposited no greater than 10m either side of the artificial water course, and
  - b) individual sediment piles do not exceed 25m in area or 300mm in height above bed level, and
  - c) deposited sediment does not dam tidal water or stormwater, and
- 6) 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)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.6

#### Clearing tidal stream mouths – permitted activity

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

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stream to the sea, and
- 2) the clearance is for the purpose of avoiding flooding of adjacent land or releasing impounded water which is stagnant and/or a health risk, and
- 3) excavated material is not mounded, banded and/or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 4) all vegetation and visibly contaminated material is removed from the coastal marine area, and
- 5) 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 2 working days before the start of work, and
- 6) 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)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.7

#### Burial of dead animals – permitted activity

Burying dead animals (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) burial does not occur within 100m of a tidal stream mouth.

The RMA activities this rule covers:

- restrictions on the use of land, (s9(2)).
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.8

#### Maintenance dredging – controlled activity

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

Matters of control:

- 1) the method used to carry out the activity, and
- 2) the timing of the activity in relation to tides, season or other activities, and
- 3) effects on natural processes, and
- 4) effects of disturbance, deposition and discharge associated with the activity, and
- 5) effects on the stability of the seabed and nearby shorelines, and
- 6) navigation and safety (including notification to the regional council's harbourmaster and Maritime New Zealand), and
- 7) any effects on:
  - a) Nationally Significant Surf Breaks and Regionally Significant Surf breaks, and
  - b) Outstanding Natural Features, and
  - c) Outstanding Natural Landscapes, and
  - d) Areas of Outstanding Natural Character, and
  - e) a Historic Heritage Area or site, and
  - f) a Significant Ecological Area (habitat values).



### 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)), and
- discharge of contaminants (s15(1)(a)).

## C.1.5.9

### Dredging and disturbance activities – discretionary activity

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

- 1) permitted activity under rule C.1.5.1 'Small-scale sampling and scientific investigation – permitted activity', or
  - 2) permitted activity under rule C.1.5.2 'Removal of nuisance marine plant debris – permitted activity', or
  - 3) permitted activity under rule C.1.5.3 'Removal or recovery of wrecked vessels – permitted activity', or
  - 4) permitted activity under rule C.1.5.4 'Clearing of stormwater outlets – permitted activity', or
  - 5) permitted activity under rule C.1.5.5 'Clearing artificial water courses – permitted activity', or
  - 6) permitted activity under rule C.1.5.6 'Clearing tidal stream mouths – permitted activity', or
  - 7) permitted activity under rule C.1.5.7 'Burial of dead animals – permitted activity', or
  - 8) controlled activity under rule C.1.5.8 'Maintenance dredging – controlled activity',
- is a discretionary activity, provided it is not in:
- 9) a Nationally Significant Surfbreak I.8 'Nationally and regionally significant surf breaks map', or
  - 10) an Outstanding Natural Feature I.4 'Outstanding natural features in fresh and coastal waters map', or
  - 11) an Area of Outstanding Natural Character I.5 'Areas of outstanding and high natural character areas map', or
  - 12) a Historic Heritage Area I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', or
  - 13) a Significant Ecological Area I.3 'Significant marine ecological areas map'.

### The RMA activities this rule covers:

- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

## C.1.5.10

### Disposal of certain waste in coastal marine area – discretionary activity

The disposal of the following waste in the coastal marine area is a discretionary activity:

- 1) dredged 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.

The RMA activities this rule covers:

- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.5.11

#### Other dredging, disturbance and disposal activities – non-complying

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

- 1) discretionary activity under rule C.1.5.9 'Dredging and disturbance activities – discretionary activity', or
- 2) discretionary activity under rule C.1.5.10 '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)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

## C.1.6 Reclamations

### C.1.6.1

#### Unlawful public road reclamations – controlled activity

The authorisation of an unlawful public road reclamation within a designated road reserve, existing at *<the date of notification>*, is a controlled activity.

Matters of control:

- 1) the method used to carry out the activity, and
- 2) Whether the reclamation is not subject to erosion or is protected by a hard protection structure, and
- 3) whether or not the reclamation is in good order and repair.
- 4) effects on tangata whenua and their taonga.

Notification:

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

Relevant sections of the RMA this rule applies to:

- reclaiming or draining foreshore or seabed (s12(a)(a)).

### C.1.6.2

#### New reclamations – discretionary activity

A new reclamation in the coastal marine area is a discretionary activity, provided it is not in:

- 1) a Nationally Significant Surf Break (I.8 'Nationally and regionally significant surf breaks map'), or
- 2) a mapped Significant Ecological Area (I.3 'Significant marine ecological areas map'), or
- 3) a mapped Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 4) a mapped Area of Outstanding Natural Character (I.5 'Areas of outstanding and high natural character areas map'), or
- 5) a mapped Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map').

Relevant sections of the RMA this rule applies to:

- reclaiming or draining foreshore or seabed (s12(a)(a)), and
- erection or placement of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.6.3

#### Authorising unlawful reclamations – discretionary activity

The authorisation of an unlawful reclamation, existing at <the date of notification>, is a discretionary activity.

Relevant sections of the RMA this rule applies to:

- reclaiming or draining foreshore or seabed (s12(a)(a)).

### C.1.6.4

#### Reclamations for regionally significant infrastructure – discretionary activity

A new reclamation in the coastal marine area necessary for regionally significant infrastructure is a discretionary activity.

#### Relevant sections of the RMA this rule applies to:

- reclaiming or draining foreshore or seabed (s12(a)(a)), and
- erection or placement of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.6.5

#### New reclamations in significant marine areas – non-complying activity

Any new reclamation that is not a discretionary activity under rule:

- 1) C.1.6.2 'New reclamations – discretionary activity', or
- 2) C.1.6.4 'Reclamations for regionally significant infrastructure – discretionary activity',  
is a non-complying activity.

#### Relevant sections of the RMA this rule applies to:

- reclaiming or draining foreshore or seabed (s12(a)(a)), and
- erection or placement of structures (s12(1)(b)), and
- occupation of space in the common marine and coastal area (s12(2)(a)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- discharge of contaminants (s15(1)(a)).

### C.1.7 Marine pests

#### C.1.7.1

#### In-water cleaning (deep water) – permitted activity

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

- 1) the discharge is in water greater than 100m depth and greater than 5 nautical miles from mean high water springs, and
- 2) if any marine pest is found, all cleaning ceases and regional council's biosecurity manager is notified immediately, and
- 3) the anti-fouling on the hull to be cleaned does not exceed the service life specified by the manufacturer.

#### The RMA activities this rule covers:

- discharge of contaminants to water (15B(1)(a)).

### C.1.7.2

#### In-water vessel hull and niche area cleaning (development zones) – permitted activity

The discharge of contaminants from in-water vessel hull and niche area cleaning is a permitted activity, provided:

- 1) the discharge is in a Commercial Coastal Zone, Marina or Mooring Zone, and
- 2) excluding presence of goose barnacles, fouling on the vessel hull and hull niche areas is limited to a slime layer only/level of fouling score of 1 (see H.1 'Level of fouling scale'), and
- 3) the vessel is not a barge or vessel longer than 25m, and
- 4) only non-abrasive cleaning methods are used, and
- 5) if any marine pest is found all cleaning ceases and regional council's biosecurity manager is notified immediately, and
- 6) the anti-fouling on the hull to be cleaned does not exceed the service life specified by the manufacturer.

The RMA activities this rule covers:

- discharge of contaminants to water (s15(1)(a) and s15B(1)(a)).

### C.1.7.3

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

The deposition and/or discharge of contaminants from in-water vessel hull and niche area cleaning that is not a:

- 1) permitted activity under rule C.1.7.1 'In-water cleaning (deep water) – permitted activity', or
- 2) permitted activity under rule C.1.7.2 'In-water vessel hull and niche area cleaning (development zones) – permitted activity',

is a discretionary activity.

The RMA activities this rule covers:

- discharge of contaminants to water (s15(1)(a) and 15B(1)(a)), and
- deposition of contaminant onto foreshore or seabed (s12(1)(d)), and

### C.1.7.4

#### Biofouling on vessels – discretionary activity

A vessel with biofouling where:

- 1) the vessel hull and niche area fouling exceeds a level of fouling score of 2 (see H.1 'Level of fouling scale') and
- 2) is in coastal waters less than 100m depth and 5 nautical miles from mean high water springs,

is a discretionary activity.

The RMA activities this rule covers:

- no person may do an activity that contravenes a regional rule (s12(3) and 13(2)).

### C.1.7.5

#### Introduction of marine pests – non-complying activity

Introducing any marine pest (with the exception of pacific oysters) into coastal waters is a non-complying activity.

The RMA activities this rule covers:

- discharge of contaminants to water 15(1)(a) and 15B(1)(a), and
- deposit any substance in, on and under any foreshore or seabed (s12(1)(d), and
- introduce or plant any marine pest in, on and under any foreshore or seabed 12(1)(f) and 12(3)(a).

### C.1.8 Coastal works general conditions

General conditions for activities in the coastal marine area that apply when specified in a permitted or controlled activity rule.

#### **Structures and disturbance:**

- 1) The activity must not alter, damage or destroy a Category A Historic Heritage (1.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map') unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority, and
- 2) in the event of archaeological sites or kōiwi being uncovered, activities in the vicinity of the discovery must cease and the person undertaking the activity must contact Heritage New Zealand Pouhere Taonga and consult with local iwi if the site is of māori origin. Work must not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.
- 3) regional council's compliance manager must be notified (in writing or by e-mail) of the start date of any construction, alteration, addition, demolition or removal, at least 10 working days beforehand, and
- 4) structures must at all times:
  - a) be maintained in good order and repair, and
  - b) not impede fish passage between freshwater and coastal water, and
  - c) not cause a hazard to navigation, and
- 5) maintenance, alteration or addition to an authorised structure must not result in a weakening of the structural integrity or strength of the structure, and
- 6) restrictions on public access to, 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 7 days unless an alternate access route or controlled access is provided, and
- 7) disturbance, construction, alteration or addition of structures must only be carried out during the hours between sunrise and sunset or 6.00 am and 8.00 pm, whichever occurs earlier and on days other than Sundays and public holidays, and

- 8) upon the completion of a new structure, or addition or alteration to an existing structure, the structure owner must notify in writing (including a scale plan of the completed works) Land Information New Zealand, Maritime New Zealand, the regional council's monitoring manager, and the local district council, and
- 9) all machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity, and
- 10) there must be no damage to shellfish beds and no disturbance or damage to seagrass meadows in Significant Ecological Areas (I.3 'Significant marine ecological areas map'), and
- 11) any visible disturbance of the foreshore and seabed must be remedied or restored within 48 hours of completion of works in:
  - a) a Outstanding Natural Character I.5 'Areas of outstanding and high natural character areas map', and
  - b) a Outstanding Natural Feature I.4 'Outstanding natural features in fresh and coastal waters map', and
  - c) a Significant Ecological Area I.3 'Significant marine ecological areas map' and within 7 days in other areas, and
- 12) the activity must not:
  - a) cause erosion or scour of banks, and
  - b) cause or exacerbate flooding of any neighbouring property, and
  - 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), and
- 13) discharges must not result in a coastal water quality limits in H.7 'Water quality limits' to be exceeded or further exceeded, and
- 14) 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, and
  - 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, and

#### ***Mangrove removal and pruning:***

- 15) removed mangrove vegetation must be taken from the coastal marine area, and
- 16) the activity must not disturb or damage areas of seagrass, saltmarsh or other wetland, and
- 17) no chemical herbicides are used, and
- 18) access to removal and pruning areas must use existing open areas or paths, and
- 19) regional council's compliance manager is notified (in writing or by e-mail) 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 within any one year, or
  - b) the activity is located in a mapped Significant Bird Area or Significant Ecological Area I.3 'Significant marine ecological areas map' or Area of Outstanding Natural Character I.5 'Areas of outstanding and high natural character areas map', and

#### ***Lighting:***

- 20) all 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, and

#### ***Noise:***

- 21) noise from activities located outside the coastal commercial zone within the coastal marine area must comply with the following noise standards:
  - a) the activity must not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area, and between the hours of 7.00 am and 11.00 pm, and
  - b) the noise level (Leq) measured at any point on the nearest residentially zoned boundary in a district plan must not exceed 55dB(A), and

- c) between the hours of 11.00 pm and 7.00 am, the noise level (Leq) measured at any point on the nearest residentially zoned boundary in a district plan must not exceed 45dB(A), and
  - d) single events of noise must not exceed a Lmax sound level of 75dB(A), and
  - e) noise must be measured and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise, and
  - f) any construction activities must meet the standards specified in Table 1 of NZS 6803:1999 Acoustics – Construction Noise, and
  - g) helicopter landing areas must meet the standards specified for residential areas in Table 1 of NZS 6807:1994 Noise management and land use planning for helicopter landing areas, and
- 22) conditions 21(a) to (d) above do not apply to the following:
- a) noise generated by navigational aids, safety signals, warning devices, and emergency pressure relief valves, and
  - b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage, and
  - c) commercial firework displays, and
- 23) conditions 21(a) and (d) above do not apply to temporary military training activities undertaken for defence purposes. Noise emission as a result of temporary military training measured on a line 20 metres from and parallel to the facade of any dwelling used for accommodation or the legal boundary where this is closer to the dwelling or building must meet the following for all activities excluding the use of explosives:

**Table 2 Noise emission limits for temporary military training**

Time (any day)	Limits (dBA) Leq	Limits (dBA) Lmax
0000-0630	45	75
0630-0730	60	75
0730-1800	75	90
1800-2000	70	80
2000-2400	45	75

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



# C.2 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.

## **Stock exclusion**

C.2.1.1 'Livestock crossing points and droving – permitted activity'

C.2.1.2 'Access of livestock to the bed of a water body – permitted activity'

C.2.1.3 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity'

C.2.1.4 'Access of livestock to a significant indigenous wetland, an outstanding freshwater body, and coastal marine area – non-complying activity'

## **Cultivation**

C.2.2.1 'Cultivation – permitted activity'

C.2.2.2 'Cultivation – controlled activity'

## **Earthworks**

C.2.3.1 'Earthworks – permitted activity'

C.2.3.2 'Coastal dune restoration – permitted activity'

C.2.3.3 'Earthworks – restricted discretionary activity'

C.2.3.4 'Earthworks and coastal dune restoration – discretionary activity'

## **Vegetation clearance**

C.2.4.1 'Vegetation clearance – permitted activity'

C.2.4.2 'Vegetation clearance within coastal riparian management zone – permitted activity'

C.2.4.3 'Vegetation clearance – controlled activity'

C.2.4.4 'Vegetation clearance within coastal riparian management zone – discretionary activity'

## **Afforestation and planting**

C.2.5.1 'Planting of forestry trees within setbacks – restricted discretionary activity'

## **Bores**

C.2.6.1 'Construction, maintenance, alteration, decommissioning and closure of a temporary bore - permitted activity'

C.2.6.2 'Maintenance, decommissioning and closure of a bore – permitted activity'

C.2.6.3 'Construction and alteration of a bore – controlled activity'

C.2.6.4 'Construction, maintenance, alteration, decommissioning and closure of a bore that is not a permitted or controlled activity – restricted discretionary activity'

### ***Re-building***

C.2.7.1 'Re-building of materially damaged or destroyed buildings – restricted-discretionary activity'

## C.2.1 Stock exclusion

### C.2.1.1

#### Livestock crossing points and droving – permitted activity

The access of livestock at a dedicated livestock crossing point to the bed of a permanently flowing river or permanently flowing drain in the lowland river water quality management unit (I.10 'Water quality and quantity management units map') for the purpose of crossing the river or drain, or to the coastal marine area for purpose of droving animals is a permitted activity, provided:

- 1) the livestock are excluded from the river, drain and coastal marine area between crossing or droving, and
- 2) the livestock do not damage or destroy any native vegetation in the coastal marine area.

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on certain uses of beds of lakes and rivers (s13(1) and (2)), and
- discharge of contaminants into environment (s15(1)).

### C.2.1.2

#### Access of livestock to the bed of a water body – permitted activity

The access of livestock to the bed of a river or lake or a wetland is a permitted activity, provided:

- 1) livestock do not:
  - a) discharge dung or urine to water and cause:
    - i) the production of conspicuous scums or foams, or floatable of suspended materials, or
    - ii) any conspicuous change in the colour or visual clarity, or
    - iii) any emission of objectionable odour, and
  - b) disturb the bed of a lake or a permanently flowing river, and
  - c) damage or destroy any native vegetation (excluding grasses) in or on the bed of a lake or a permanently flowing river, or in a natural wetland, and
- 2) livestock are excluded from the full extent of the water body in accordance with the following table:

**Table 3 Dates when livestock must be excluded from water bodies.**

Livestock type	Permanently flowing rivers and drains greater than 1m wide and 30cm deep*	All permanently flowing rivers and drains	Natural wetlands and lakes
Pigs and dairy cows	Excluded from date the Regional Plan becomes operative	Excluded from 1 January 2025	Excluded from date the Regional Plan becomes operative
Beef cattle, dairy support cattle and deer	<b>Hill country</b> river water quality management unit <sup>†</sup> : No exclusion required	<b>Hill country</b> river water quality management unit <sup>†</sup> : No exclusion required	Excluded from date the Regional Plan becomes operative

Livestock type	Permanently flowing rivers and drains greater than 1m wide and 30cm deep*	All permanently flowing rivers and drains	Natural wetlands and lakes
	Lowland river water quality management unit <sup>‡</sup> : Excluded from 1 January 2025	Lowland river water quality management unit <sup>‡</sup> : Excluded from 1 January 2030	

\* Rivers and drains that permanently contain water and at any time are wider than 1m and deeper than 30cm at any point within or immediately adjacent to the boundary of the property. Width and depth is measured when the waters of the river or drain is at its annual fullest flow without overtopping its banks.

<sup>‡</sup>Refer I.10 'Water quality and quantity management units map'.

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on certain uses of beds of lakes and rivers (s13(1) and (2)), and
- discharge of contaminants into environment (s15(1)).

### C.2.1.3

#### Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity

The access of livestock to a natural wetland, the bed of a lake or a permanently flowing river, a permanently flowing drain in the lowland river water quality management unit (I.10 'Water quality and quantity management units map') that is not:

- 1) a permitted activity under C.2.1.1 'Livestock crossing points and droving – permitted activity', or
- 2) a permitted activity under C.2.1.2 'Access of livestock to the bed of a water body – permitted activity', or
- 3) a non-complying activity under C.2.1.4 'Access of livestock to a significant indigenous wetland, an outstanding freshwater body, and coastal marine area – non-complying activity'

is a restricted discretionary activity.

Matters of discretion:

- 1) the extent to which livestock can be practicably excluded,
- 2) the methods and timing for excluding livestock,
- 3) the sensitivity of the water body to the effects of stock access, and
- 4) meeting water quality objectives and limits.

Notification

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

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on certain uses of beds of lakes and rivers (s13(2)).

#### C.2.1.4

### Access of livestock to a significant indigenous wetland, an outstanding freshwater body, and coastal marine area – non-complying activity

The access of livestock to a significant indigenous wetland, an outstanding freshwater body, or the coastal marine area that is not a permitted activity under C.2.1.1 'Livestock crossing points and droving – permitted activity' is a non-complying activity.

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on use of coastal marine area (s12(3)), and
- restrictions on certain uses of beds of lakes and rivers (s13(2)).

## C.2.2 Cultivation

### C.2.2.1

#### Cultivation – permitted activity

Cultivation of land and any associated diversion and discharge of stormwater into water is a permitted activity provided:

- 1) cultivation does not occur within:
  - a) 5m from a natural wetland, or
  - b) 5m from the bed of a permanently or intermittently flowing river, or
  - c) 10m from the bed of a lake, or
  - d) 20m from the bed of any outstanding freshwater body, or
  - e) the coastal riparian management zone, and
- 2) cultivation is done parallel to the contour of the land, unless it is physically not possible. Where it is not possible erosion and sediment control measures must be implemented in accordance with relevant good practice guidelines to minimise erosion and the discharge of sediment to water, and
- 3) the discharge does not cause any conspicuous change in the colour or visual clarity of the receiving water beyond a 20 m radius from a point of discharge.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

## C.2.2.2

### Cultivation – controlled activity

Cultivation of land and any associated discharge of sediment into water that is not permitted by rule C.2.2.1 'Cultivation – permitted activity' is a controlled activity.

#### Matters of control:

- 1) the scale, location, and timing of cultivation, and
- 2) erosion and sediment control measures.

#### Notification

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

#### The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

## C.2.3 Earthworks

### C.2.3.1

#### Earthworks – permitted activity

Earthworks and any associated diversion and discharge of stormwater into water is a permitted activity provided:

- 1) the amount of earthworks does not exceed the following thresholds at any time per activity:

**Table 4 Permitted activity earthworks thresholds**

Location	Earthworks thresholds
High risk flood hazard areas	50m <sup>3</sup> of placed earthworks fill in any 12 month period
Coastal hazard management zone	<ol style="list-style-type: none"><li>1) 50m<sup>3</sup> in any 12 month period, and</li><li>2) the area of exposed earth is less than 200m<sup>2</sup>, and</li><li>3) no native dune vegetation is cleared/removed as part of the earthworks</li></ol>
One percent Annual Exceedance Probability floodplains	100m <sup>3</sup> of placed earthworks fill in any 12 month period (unless on request by the regional council, a report from a Chartered Professional Engineer (CPEng) is provided to the regional council demonstrating that the placement of fill does not divert flood flows onto other property)

Location	Earthworks thresholds
5m from a natural wetland	Excluding tracks, 200m <sup>2</sup> of exposed un stabilised earth
5m from the bed of a permanently flowing or intermittently flowing river in the lowland freshwater management unit (I.10 'Water quality and quantity management units map')	Excluding tracks, 200m <sup>2</sup> of exposed un stabilised earth
10m from the bed of a permanently flowing or intermittently flowing river in the hill country management unit (I.10 'Water quality and quantity management units map')	Excluding tracks, 200m <sup>2</sup> of exposed un stabilised earth
10m from the bed of a lake	Excluding tracks, 200m <sup>2</sup> of exposed un stabilised earth
20m from the bed of any outstanding freshwater body	Excluding tracks, 200m <sup>2</sup> of exposed un stabilised earth
Highly erodible land (I.11 'Highly erodible land map')	Excluding tracks, 1000m <sup>2</sup> of exposed un stabilised earth
All other areas	Excluding tracks, 5000m <sup>2</sup> of exposed un stabilised earth (excluding off-stream dam construction)

- 2) the volume of earth moved when constructing an off-stream dam does not exceed 5000m<sup>3</sup>, and
- 3) the earthworks does not:
  - a) exacerbate flood or coastal hazard risk on any property owned or occupied by another person, and
  - b) divert flood flows onto other property, and
- 4) regional council's compliance manager is notified (in writing or by e-mail) at least 10 working days in advance of any earthworks activity, and
- 5) cut batters are stable and areas of exposed earth are stabilised as soon as possible but no later than six months after the completion of the earthworks, to minimise erosion and avoid slope failure, and
- 6) where the diversion and discharge of stormwater is likely to enter water, erosion and sediment control measures are installed and maintained in accordance with relevant good practice guidelines, and
- 7) fill material does not contain more than 5% (by volume) of vegetation except for tracked areas or when wood is used as corduroy, and
- 8) soil, rock, and debris are not deposited into or in a position where they can readily enter a surface water body or the coastal marine area, and
- 9) vehicle and equipment hygiene procedures are used when working within 30m of a New Zealand kauri tree to prevent the spread of Kauri Dieback disease. Soil from land disturbance within 30m of a kauri tree must not be transported off-site unless being transported to landfill for disposal, and
- 10) any discharge associated with the earthworks does not cause any conspicuous change in the colour or visual clarity of the receiving water body beyond a 20m radius of a point of discharge.

**The RMA activities this rule covers:**

- restrictions on the use of land (s9(2)), and
- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

### C.2.3.2

#### Coastal dune restoration – permitted activity

Coastal dune restoration is a permitted activity, provided:

- 1) the activity does not exacerbate coastal hazard risk for adjacent properties; and
- 2) no native dune vegetation is removed or cleared, and
- 3) written advice is given to the regional council, Department of Conservation and Heritage New Zealand outlining details of the proposed works, at least 15 working days prior to the commencement of any works, and
- 4) there is no reduction in height of any dune crest, and
- 5) if the activity is within a Significant Ecological Area (I.3 'Significant marine ecological areas map'), there is no use of hydraulic excavators or other heavy machinery on the foreshore or seabed, and
- 6) all equipment and materials is removed from the foreshore and seabed on the completion of works or activities; and
- 7) the restoration is expressly for the purpose of providing protection against coastal hazards.

The RMA activities this rule covers:

- restrictions on the use of land, (s9(2)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).

### C.2.3.3

#### Earthworks – restricted discretionary activity

Earthworks and any associated diversion and discharge of stormwater into water that is not a permitted activity under rule C.2.3.1 'Earthworks – permitted activity' is a restricted discretionary activity, provided:

- 1) excluding tracks, the earthworks does not exceed the thresholds at any time per activity in rule C.2.3.1 'Earthworks – permitted activity' for:
  - a) High risk flood hazard areas, and
  - b) the Coastal hazard management zone, and
  - c) One percent Annual Exceedance Probability floodplains.

Matters of discretion:

- 1) the scale, location, and timing of earthworks,
- 2) erosion and sediment control measures,
- 3) meeting water quality objectives and limits, and
- 4) Measures to manage biosecurity risks from species listed in the Regional Pest Management Plan.

#### Notification

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



The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

#### C.2.3.4

##### Earthworks and coastal dune restoration – discretionary activity

Any coastal dune restoration works or earthworks and any associated diversion and discharge of stormwater into water, that is not a:

- 1) Permitted activity under C.2.3.2 'Coastal dune restoration – permitted activity', or
- 2) Restricted discretionary activity under C.2.3.3 'Earthworks – restricted discretionary activity', is a discretionary activity.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

#### C.2.4 Vegetation clearance

##### C.2.4.1

##### Vegetation clearance – permitted activity

Vegetation clearance is a permitted activity provided:

- 1) the area of cleared vegetation is less than 200m<sup>2</sup> in the following areas:
  - a) 5m from a natural wetland, or
  - b) 5m from the bed of a permanently flowing or intermittently flowing river, or
  - c) 10m from the bed of a lake, or
  - d) 20m from the bed or an outstanding freshwater body, or
  - e) the coastal riparian management zone.
- 2) for the clearance of plantation forests, a harvest plan is prepared and provided to the regional council at least 10 working days before harvesting forestry trees. The scope of the harvest plan must be matched to the scale and complexity of the operation and be consistent with relevant good practice erosion and sediment control guidelines. All harvesting must be done in accordance with the harvest plan, and
- 3) cleared areas (excluding tracks, landing sites, firebreaks and riparian setbacks in condition 1) are replanted by establishing vegetation cover or otherwise stabilised as soon as possible but no later than 12 months after the completion of the vegetation clearance, and
- 4) vegetation is not cleared by burning on peat soils, and
- 5) trees are felled away from a water body or coastal marine area except where it is unsafe or impractical to do so, and

- 6) all stem butts are raised above the ground when cable logging across the bed of a lake or river, a wetland, or the coastal marine area, and
- 7) harvesting machinery does not operate within 5m of the bed a lake or any permanently flowing river, wetland, or the coastal marine area, except:
  - a) water-body crossing points, or
  - b) where slash removal is necessary, or
  - c) where essential for assisting with directional falling and extraction of trees from the riparian margin, and
- 8) slash is not deposited or placed in a position where it has the potential to mobilise under heavy rain or flood flows and:
  - a) block or dam stream flow, or
  - b) cause erosion, or
  - c) damage receiving environments, downstream infrastructure, or property.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)).

### C.2.4.2

#### Vegetation clearance within coastal riparian management zone – permitted activity

Vegetation clearance (excluding those undertaken for coastal restoration purposes C.2.3.2 'Coastal dune restoration – permitted activity') in the coastal riparian management zone is a permitted activity, provided:

- 1) the vegetation being cleared is not native dune vegetation, and
- 2) regional council's compliance manager is notified (in writing or by e-mail) of the date of the commencement of any works, at least 10 working days prior to the work starting and
- 3) the activity does not exacerbate flood or coastal hazard risk on any property owned or occupied by another person; and
- 4) the vegetation clearance does not exceed 200m<sup>2</sup> in any 12 month period.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)).

### C.2.4.3

#### Vegetation clearance – controlled activity

Vegetation clearance that is not a permitted activity under rule C.2.4.1 'Vegetation clearance – permitted activity' is a controlled activity:

**Matters of control:**

- 1) Measures to manage effects on riparian vegetation and aquatic ecosystems,
- 2) The timing and extent of vegetation clearance in riparian areas, and
- 3) Erosion and sediment control measures.

## Notification

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

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)).

### C.2.4.4

#### Vegetation clearance within coastal riparian management zone – discretionary activity

Vegetation clearance in the coastal riparian management zone that is not a permitted activity under rule C.2.4.2 'Vegetation clearance within coastal riparian management zone – permitted activity' is a discretionary activity.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)).

## C.2.5 Afforestation and planting

### C.2.5.1

#### Planting of forestry trees within setbacks – restricted discretionary activity

The planting of forestry trees within the following areas is a restricted discretionary activity:

- 1) 5m of any permanently flowing or intermittently flowing river, or
- 2) 5m of any natural wetland, or
- 3) 10m of the bed of any lake or significant wetland, or
- 4) 20m of the bed of any outstanding water body, or
- 5) the coastal riparian management zone.

Matters of discretion:

- 1) the location and extent of trees within the setbacks, and
- 2) potential effects of future vegetation clearance and associated earthworks activities on water bodies and the coastal marine area.

Notification:

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

The RMA activities this rule covers:

- sections 9(2).

## C.2.6 Bores

### C.2.6.1

#### Construction, maintenance, alteration, decommissioning and closure of a temporary bore - permitted activity

The construction, maintenance, alteration, decommissioning and closure of a temporary bore is a permitted activity provided:

- 1) the activity is in accordance with all requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 2) the bore is decommissioned and closed within 14 days of its construction, and
- 3) the bore is not constructed in contaminated land or potentially contaminated land, and
- 4) the bore is not constructed within 50m of any contaminated sites or potentially contaminated sites, refuse disposal sites, effluent disposal fields or offal pits.

The RMA activities this rule covers:

- restrictions on use of land in contravention of a regional rule (s9(2)).

### C.2.6.2

#### Maintenance, decommissioning and closure of a bore – permitted activity

The maintenance, decommissioning and closure of an existing bore is a permitted activity provided:

- 1) the bore is maintained, decommissioned and closed in accordance with Section 2.7 of the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 2) regional council's compliance manager is notified (in writing or by e-mail) of the decommissioning and closure 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)).

### C.2.6.3

#### Construction and alteration of a bore – controlled activity

The construction or alteration of a bore is a controlled activity provided:

- 1) the activity is in accordance with all requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and

- 2) the bore is not constructed in contaminated land or potentially contaminated land, and
- 3) the bore is not constructed within 50m of any contaminated sites or potentially contaminated sites, refuse disposal sites, effluent disposal fields or offal pits.

**Matters of control:**

- 1) any actual and potential effects on water quality,
- 2) the location of the bore including the proximity to other bores,
- 3) the bore design, construction, operation and maintenance requirements, and
- 4) 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)).

#### C.2.6.4

### **Construction, maintenance, alteration, decommissioning and closure of a bore that is not a permitted or controlled activity – restricted discretionary activity**

The construction, maintenance, alteration, or decommissioning and closure of a bore that is not:

- 1) a permitted activity under rule C.2.6.1 'Construction, maintenance, alteration, decommissioning and closure of a temporary bore - permitted activity' , or
  - 2) a permitted activity under rule C.2.6.2 'Maintenance, decommissioning and closure of a bore – permitted activity'
  - 3) a controlled activity under rule C.2.6.3 'Construction and alteration of a bore – controlled activity'
- is a restricted discretionary activity.

**Matters of discretion:**

- 1) any actual and potential effects on water quality,
- 2) the location of the bore including the proximity to other bores,
- 3) the proximity of the bore to any contaminated sites or potentially contaminated sites, refuse disposal sites, effluent disposal fields or offal pits existing at the time of drilling,
- 4) the bore design, construction, operation and maintenance requirements, and
- 5) effects on tangata whenua and their taonga.
- 6) 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)).

## C.2.7 Re-building

### C.2.7.1

#### 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 a natural hazard event is a restricted discretionary activity.

##### Matters of discretion:

- 1) the ability to design and construct the building to ensure that natural hazard risk is reduced (compared to before the building was materially damaged or destroyed), and
- 2) the potential to exacerbate existing natural hazard risk as a result of the proposed re-building, and
- 3) the ability to avoid increasing natural hazard risk on other property.

##### Notification:

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

##### The RMA activities this rule covers:

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

# C.3 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.

## ***Activities in the beds of lakes and rivers***

- C.3.1.1 'Introduction or planting of plants in rivers and lakes – permitted activity'
- C.3.1.2 'Extraction of material from rivers – permitted activity'
- C.3.1.3 'Maintenance of the free flow of water in rivers – permitted activity'
- C.3.1.4 'Existing lawfully established structures – permitted activity'
- C.3.1.5 'Maintenance or repair of authorised flood defence – permitted activity'
- C.3.1.6 'Existing vessel launching, retrieval and mooring structures – permitted activity'
- C.3.1.7 'Fish passage – permitted activity'
- C.3.1.8 'Demolition and removal of existing structures – permitted activity'
- C.3.1.9 'New minor structures – permitted activity'
- C.3.1.10 'Minor river bank protection works – permitted activity'
- C.3.1.11 'Existing vessel launching, retrieval and mooring structures – controlled activity'
- C.3.1.12 'Culvert crossings and bridges – controlled activity'
- C.3.1.13 'Structures – discretionary activity'
- C.3.1.14 'New flood defence – discretionary activity'
- C.3.1.15 'Introduction of a plant to a lake or river - discretionary activity'
- C.3.1.16 'Structures in a significant area - non-complying activity'
- C.3.1.17 'Removal, demolition or replacement of a Category A historic heritage site or part of a Category A historic heritage site – non-complying activity'
- C.3.1.18 'New flood defence in significant areas – non-complying activity'
- C.3.1.19 'Fresh water structures general conditions'

## ***Activities affecting wetlands***

- C.3.2.1 'Weed control, planting and fencing in wetlands – permitted activity'
- C.3.2.2 'Wetland construction, alteration or extension – permitted activity'
- C.3.2.3 'Man-made wetland deconstruction – permitted activity'
- C.3.2.4 'Wetland construction, alteration or extension – restricted-discretionary activity'
- C.3.2.5 'Activities in wetlands – discretionary activity'

C.3.2.6 'Activities in significant wetlands – non-complying activities'



## C.3.1 Activities in the beds of lakes and rivers

### C.3.1.1

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

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

- 1) the activity is not located in a wetland, and
- 2) the activity does not involve deliberate introduction or planting of:
  - a) any pest organism, or
  - b) any exotic aquatic plant except watercress (*Rorippa nasturtium-aquaticum*)
  - c) crack willow (*Salix fragilis*), and
  - d) grey willow (*Salix caprea*), and
  - e) weeping willow (*Salix babylonica*), and
  - f) black alder (*Alnus glutinosa*), and
- 3) 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
- 4) the planted species are managed by the land owner or occupier to ensure that they do not create an obstruction to the free flow of water or spread to other properties, and
- 5) there is no erosion of the bed or banks of the river or lake, as a result of the planting, and
- 6) the activity does not cause adverse flooding effects on upstream, downstream or adjacent properties, and
- 7) the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes.

The RMA activities this rule covers:

- introducing plants to the bed of a lake or river and associated disturbance (s13(1)(b and c)).

### C.3.1.2

#### Extraction of material from rivers – permitted activity

The excavation and disturbance of the bed of a river associated with the extraction of material (sand, gravel or rock) for private use is a permitted activity, provided:

- 1) the volume extracted does not exceed 100m<sup>3</sup> in any 12 month period, and
- 2) regional council's compliance manager is notified (in writing or by e-mail) 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) the bed is graded on completion of the activity so that there are no barriers to water movement within 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 Site or Area of Significance to Tangata Whenua on the I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'.

The RMA activities this rule covers:

- restrictions on certain uses of beds of lakes and rivers (s13(1)(b)).

### C.3.1.3

#### Maintenance of the free flow of water in rivers – permitted activity

Any:

- 1) excavation or disturbance of the bed of a river, or
- 2) deposition of any substance in, on or under the bed of a river, or
- 3) diversion or discharge of water (including temporary diversion of river flow around the activity site), or
- 4) discharge of sediment or other material derived from the subject water body into water and into or on to land,

undertaken for the purpose of maintaining the free flow of water in a river, including minor channel realignments (within the bed of a river) 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 5 working days prior to the work starting; and
- 2) the activity does not exacerbate flood hazard risk on any property owned or occupied by another person; and
- 3) the activity does not take place in an outstanding freshwater body I.10 'Water quality and quantity management units map', and
- 4) any vegetation clearance is limited to that required to maintain the free flow of water in the water body, and
- 5) any removal of sand, gravel or rock is limited to that required to maintain the free flow of water, and
- 6) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and
- 7) the activity does not result in deepening or widening of the channel by more than 20 percent, and
- 8) any diversion of water, or realignment of the bed of the river is restricted to within the bank full edge, and
- 9) there is no damage to, or restriction of the use of, lawfully established structures as a result of the activity, and
- 10) the activity must use good practice erosion and sediment control measures to minimise any discharge of sediment, and
- 11) 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
- 12) the activity does not alter, damage or destroy Category A Historic Heritage as mapped in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map' unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority.

The RMA activities this rule covers:

- restrictions on certain uses of beds of lakes and rivers, (s13(1)(b)), and
- restrictions relating to water (s14(3)), and
- discharges of contaminants into environment, (s15(1)(a)).

### C.3.1.4

#### Existing lawfully established structures – permitted activity

Use, repair and reconstruction of an authorised structure, on, under or over the bed of a lake or river is a permitted activity, provided:

- 1) the activity complies with C.3.1.19 'Fresh water structures general conditions'.
- 2) that for Category A historic heritage (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), the materials used for maintenance and repair match the existing site in form and appearance.

The RMA activities this rule covers:

- use of the beds of lakes and rivers (s13(1)), and
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.5

#### 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/or repair is contained within the form of the existing flood defence and there is no increase in length, width, or height of the existing flood defence, and
- 2) regional council's compliance manager is notified (in writing or by e-mail) 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.3.1.19 'Fresh water structures general conditions'.

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
- restrictions relating to water (s14(3)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.6

#### Existing vessel launching, retrieval and mooring structures – permitted activity

Any unauthorised boat ramp or concrete slipway that is less than 15 metres in length and three metres in width in the river or lake bed that existed at <the date the plan is notified> is a permitted activity, provided the activity complies with C.3.1.19 'Fresh water structures general conditions'.

The RMA activities this rule covers:

- use of the beds of lakes and rivers (s13(1)), and incidental:
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.7

#### Fish passage – permitted activity

A structure for fish passage on, under or over the bed of a lake or river, is a permitted activity, provided the activity complies with C.3.1.19 'Fresh water structures general conditions'.

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)):
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.8

#### Demolition and removal of existing structures – permitted activity

The demolition or removal of existing structures 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 indigenous fish, and
- 2) any remaining parts of the structure are not a hazard to public access, navigation or health and safety, and
- 3) the demolition does not commence until as much of any impounded sediment has been removed from behind the structure as is reasonably practicable and then placed in a position where it is unlikely to re-enter the water body, and
- 4) best practise measures are used to minimise the discharge of sediment impounded by the structure, and
- 5) the activity complies with C.3.1.19 'Fresh water structures general conditions'.

The RMA activities this rule covers:

- structure demolition and disturbance of the beds of lakes and rivers (s13(1)(a and b), and incidental:
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.9

#### New minor structures – permitted activity

A new structure on, under or over the bed of a lake or river, is a permitted activity, provided:

- 1) for **culverts and ford crossings**:
  - a) the length of the culvert crossing parallel to stream flow does not exceed 25 metres, and
  - b) embankment failure due to flood events is avoided, and
  - c) where a crossing has only one culvert:
    - i) the culvert is designed to pass a 5% annual exceedance probability (AEP) flood event of no greater than 5.5 cubic metres per second, with no heading up, and
    - ii) the minimum culvert diameter is 450mm, and
    - iii) the total height of the crossing crest is no more than 3.5 metres above the bed (measured from the inlet) and the fill depth and construction complies with the manufacturer's minimum height specifications, and
    - iv) the culvert invert is at least 100mm below the level of the bed of a river or lake, and
    - v) for rivers where the bed width is more than three metres, the river bed invert gradient is no greater than 6%, measured 50 metres either side of the crossing, and
    - vi) culvert approaches and fill are built from soils free of organic matter. The fill is constructed using successively compacted layers each up to 200mm loose depth and compacted, and
  - d) where a crossing has more than one culvert:
    - i) the contributing catchment is less than 500 hectares, and
    - ii) the diameter of each culvert is between 450-800 millimetres, and
    - iii) the invert of at least one culvert pipe is at least 100 millimetres below the level of the bed of a river or lake to carry base flow without impeding indigenous fish passage, and
    - iv) for rivers where the bed width is more than three metres, the river bed invert gradient is no greater than 6%, measured 50 metres either side of the crossing. The structure is sized to pass annual average flow, and
  - e) the culvert is not in an:
    - i) Outstanding water body (I.10 'Water quality and quantity management units map'), or
    - ii) Outstanding natural character area (I.5 'Areas of outstanding and high natural character areas map'), or
    - iii) Outstanding natural feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
    - iv) Significant wetland, or
    - v) Historic heritage area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
    - vi) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
- 2) for **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 or flow by more than 10%, and
  - c) the bridge abutments or foundations are constructed parallel to the channel alignment, and
  - d) the bridge is not in an:
    - i) Outstanding water body (I.10 'Water quality and quantity management units map'), or

- ii) Outstanding natural character area (I.5 'Areas of outstanding and high natural character areas map'), or
  - iii) Outstanding natural feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
  - iv) Significant wetland, or
  - v) Historic heritage area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'),
  - vi) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map') and
- 3) for **weirs**:
- a) the river bed width does not exceed three metres, and
  - b) the weir height does not exceed 600mm above the bed, and
  - c) the weir is not in an:
    - i) Outstanding Water Body (I.10 'Water quality and quantity management units map'), or
    - ii) Outstanding Natural Character Area (I.5 'Areas of outstanding and high natural character areas map'), or
    - iii) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
    - iv) Significant wetland (B 'Definitions'), or
    - v) Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'),
    - vi) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
  - d) the structure must be necessary for:
    - i) temporary hydrological monitoring, or
    - ii) stock drinking water as a result of stock exclusion required by this plan, and
- 4) for **fish and game structures** and **maimai**:
- a) any area of indigenous vegetation affected by the structure does not exceed 5 metres squared, and
  - b) the structure is removed when no longer used, and
- 5) for **cables, power lines** and **pipelines**:
- a) the cable, power line or pipeline does not cause diversion or blockage of any river, and
  - b) the cable, power line or pipeline is connected to an existing support structure or installed under the bed of a lake or river without disturbing the bed if it is in a:
    - i) Outstanding water body (I.10 'Water quality and quantity management units map'), or
    - ii) Outstanding natural character area (I.5 'Areas of outstanding and high natural character areas map'), or
    - iii) Outstanding natural feature (I.4 'Outstanding natural features in fresh and coastal waters map') or
    - iv) Historic heritage area I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', or
    - v) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map')
  - c) the cable, power line or pipeline is not in a significant wetland, and
- 6) the activity complies with C.3.1.19 'Fresh water structures general conditions', and
- 7) the activity is not associated with the launching, retrieval, mooring, maintenance or repair of vessels.

**The RMA activities this rule covers:**

- use, disturbance and deposition on to the beds of lakes and rivers (s13(1)(a, b and d)), and

- incidental damming and diversion (s14(1)), and
- incidental discharge of contaminants to water (s15(1)).

### C.3.1.10

#### Minor river bank protection works – permitted activity

Any:

- 1) use, placement or alteration of river bank protection structures in or on the bed of a river, or
- 2) deposition of material on the bed of a river for the purposes of bank protection or reinstatement, and
- 3) any associated bed disturbance and diversion,

is a permitted activity, provided:

- 4) the activity complies with C.3.1.19 'Fresh water structures general conditions'
- 5) regional council's compliance manager is notified (in writing or by e-mail) 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 I.10 'Water quality and quantity management units map', and
- 7) the structure, or the material deposited, does not extend beyond the natural alignment of the river bank, and
- 8) concrete rubble, tyres, cars and other waste or erodible material are not used for the purposes of bank protection or reinstatement, and
- 9) the length of the bank protection works is not more than 50 metres in length cumulatively over any 200m stretch of the river bank, and
- 10) the works are not in a Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map').

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(3)), and
- discharges of contaminants into environment, (s15(1)(a)).

### C.3.1.11

#### Existing vessel launching, retrieval and mooring structures – controlled activity

Any structure associated with the launching, retrieval, mooring, maintenance or repair of vessels (except boat ramps or concreted slipways less than 15m in length and less than 3m wide) in, on, under or over the bed of a river or lake, is a controlled activity provided:

- 1) the structure owner can provide clear and convincing evidence that the structure existed at *<the date the plan is notified>*, and
- 2) the activity complies with C.3.1.19 'Fresh water structures general conditions'.

Matters of control:

- 1) maintaining navigation of vessels, and

- 2) impact on:
  - a) any existing river or lake protection works, and
  - b) any other lawfully established structure, and
- 3) effects of the activity on lake, river or wetland values including ecological, hydrological and natural character values, and
- 4) effects on tangata whenua and their taonga.

**The RMA activities this rule covers:**

- use of the beds of lakes and rivers (s13(1)), and incidental:
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.12

#### Culvert crossings and bridges – controlled activity

A new culvert crossing or bridge, on, under or over the bed of a lake or river that is not a permitted activity under rule C.3.1.9 'New minor structures – permitted activity' is a controlled activity, provided:

- 1) the activity is not in a:
  - a) significant wetland, and
  - b) outstanding water body (I.10 'Water quality and quantity management units map'), and
  - c) outstanding natural character area (I.5 'Areas of outstanding and high natural character areas map'), and
  - d) outstanding natural feature (I.4 'Outstanding natural features in fresh and coastal waters map'), and
  - e) historic heritage area as mapped in (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
  - f) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map').
- 2) the length of the culvert crossing parallel to stream flow 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.

**Matters of control:**

- 1) effects on ecological, hydrological and natural character values, and
- 2) effects on authorised structures and activities, and
- 3) fish passage and effects on aquatic ecosystems, and
- 4) structural integrity of the bridge as a result of erosion, and
- 5) effects on tangata whenua and their taonga, and
- 6) the extent to which any effects that cannot be avoided, remedied or mitigated are offset.

**The RMA activities this rule covers:**

- use, disturbance and deposition on to the beds of lakes and rivers (s13(1)(a, b and d)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).



### C.3.1.13

#### Structures – discretionary activity

A structure and any repair, alteration or replacement of a structure, on, under or over the bed of a lake or river, that is not a:

- 1) permitted activity under rule C.3.1.4 'Existing lawfully established structures – permitted activity', or
- 2) permitted activity under rule C.3.1.5 'Maintenance or repair of authorised flood defence – permitted activity', or
- 3) permitted activity under rule C.3.1.7 'Fish passage – permitted activity', or
- 4) permitted activity under rule C.3.1.8 'Demolition and removal of existing structures – permitted activity', or
- 5) permitted activity under rule C.3.1.9 'New minor structures – permitted activity', or
- 6) controlled activity under rule C.3.1.11 'Existing vessel launching, retrieval and mooring structures – controlled activity', or
- 7) controlled activity under rule C.3.1.12 'Culvert crossings and bridges – controlled activity', or
- 8) non-complying activity under rule C.3.1.17 'Removal, demolition or replacement of a Category A historic heritage site or part of a Category A historic heritage site – non-complying activity'

is a discretionary activity, provided it is not in a:

- 9) Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
- 10) Significant wetland, or
- 11) Outstanding Freshwater Body (I.10 'Water quality and quantity management units map'), or
- 12) Outstanding Natural Character Area (I.5 'Areas of outstanding and high natural character areas map'), or
- 13) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 14) Site or Area of Significance to Tangata Whenua (I.5 'Areas of outstanding and high natural character areas map').

The RMA activities this rule covers:

- use, disturbance and deposition on to the beds of lakes and rivers (s13(1)(a, b and d)), and
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.14

#### New flood defence – discretionary activity

A new flood defence or an extension/addition to an existing flood defence is a discretionary activity, provided it is not within the following areas:

- 1) An Outstanding Freshwater Body (I.10 'Water quality and quantity management units map'), or

- 2) An Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 3) A Historic Heritage Area I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'

**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
- restrictions relating to water (s14(2)).
- discharge of contaminants to water (s15(1)).

### C.3.1.15

#### Introduction of a plant to a lake or river - discretionary activity

The introduction of a plant in the bed of a lake or river that is not a:

- 1) permitted activity under rule C.3.1.1 'Introduction or planting of plants in rivers and lakes – permitted activity' or
- 2) permitted activity under rule C.3.2.1 'Weed control, planting and fencing in wetlands – permitted activity', is a discretionary activity.

**The RMA activities this rule covers:**

- plant introduction and disturbance of the beds of lakes and rivers (s13(1)(b and c)), and
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.16

#### Structures in a significant area - non-complying activity

A structure and any repair, alteration or replacement of a structure, on, under or over the bed of a lake or river, that is located in, on, under or over a:

- 1) Significant wetland, or
- 2) Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
- 3) Outstanding Water Body (I.10 'Water quality and quantity management units map'), or
- 4) Outstanding Natural Character Area (I.5 'Areas of outstanding and high natural character areas map'), or
- 5) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
- 6) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and is not a:
- 7) permitted activity under rule C.3.1.4 'Existing lawfully established structures – permitted activity', or

- 8) permitted activity under rule C.3.1.5 'Maintenance or repair of authorised flood defence – permitted activity', or
- 9) permitted activity under rule C.3.1.7 'Fish passage – permitted activity', or
- 10) permitted activity under rule C.3.1.8 'Demolition and removal of existing structures – permitted activity', or
- 11) permitted activity under rule C.3.1.9 'New minor structures – permitted activity', or
- 12) controlled activity under rule C.3.1.11 'Existing vessel launching, retrieval and mooring structures – controlled activity', or
- 13) controlled activity under rule C.3.1.12 'Culvert crossings and bridges – controlled activity', or
- 14) not a discretionary activity under rule C.3.1.13 'Structures – discretionary activity',  
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)), and
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.17

#### **Removal, demolition or replacement of a Category A historic heritage site or part of a Category A historic heritage site – non-complying activity**

In the beds of lakes and rivers, except where the site is a registered archaeological site and prior authorisation is given by Heritage New Zealand under an archaeological authority, any:

- 1) replacement of a Category A historic heritage site or part of a Category A historic heritage site, or
- 2) removal (including relocation) of a Category A historic heritage site or part of a Category A historic heritage site, or
- 3) demolition of a Category A historic heritage site or part of a Category A historic heritage site,  
as identified in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', 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)), and
- use of land (s9(2)), and
- damming and diversion (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.3.1.18

#### New flood defence in significant areas – non-complying activity

A new flood defence or an extension/addition to an existing flood defence that is in an:

- 1) Outstanding Freshwater Body (I.10 'Water quality and quantity management units map'), or
  - 2) Outstanding Natural Feature (I.4 'Outstanding natural features in fresh and coastal waters map'), or
  - 3) Historic Heritage Area (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), or
  - 4) Site or Area of Significance to Tangata Whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'),
- is a non-complying activity.

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
- restrictions relating to water (s14(2)).
- discharge of contaminants to water (s15(1)).

### C.3.1.19

#### Fresh water structures general conditions

General conditions for fresh water structures that apply when specified in a permitted or controlled activity rule:

- 1) the structure must be maintained in a sound condition at all times and capable of withstanding a 1% annual exceedance probability (AEP) flood without structural failure, and
- 2) the activity must not alter, damage or destroy Category A historic heritage as mapped in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority, and
- 3) the repair, alteration, use or removal of an existing structure must not cause change to the seasonal or annual range in water level of any indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem, and
- 4) indigenous fish passage is maintained under a wide range of flow conditions, except:
  - a) during temporary works to enable repair and replacement works to be carried out, or
  - b) when otherwise provided for by an existing design and authorisation, and
- 5) the 1% 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
- 6) there is no damage to, or restriction of the use of, any other lawfully established structure as a result of this activity, and

- 7) the activity does not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream or alter the natural alignment of the river, and
- 8) construction material and ancillary structures are removed from the bed following completion of the activity, and
- 9) the activity must not prevent existing lawful public access along the river or lake, unless provided by an existing authorisation, and
- 10) any new activities crossing navigable watercourses must not prevent navigation of vessels, and
- 11) the structure does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, and
  - a) for new activities in a drainage district or flood control scheme, regional council's compliance manager is notified (in writing or by e-mail) prior to the activity occurring with:
  - b) their name, address, and phone number, and
  - c) the location and description of the proposed activity, and
- 12) any associated embankments are maintained to prevent sediment entering the river or lake, in accordance with relevant good practice guidelines, and
- 13) to calculate flow rates, necessary for structures to meet flood flow conditions, one or more of the following methods must be used:
  - a) the Rational Method, or
  - b) New Zealand Ministry of Works and Development Technical Memorandum 61 (TM61), or
  - c) Pearson's (1989) Regional Method (as updated by Griffiths and McKerchar, 2012), and
- 14) activities must:
  - a) not involve bed disturbance upstream or downstream of the structure greater than 10m either side, and
  - b) use good practice erosion and sediment control measures to minimise any discharge of sediment, and
  - c) not involve debris or other material being re-deposited elsewhere in the bed of the lake, river or stream or where it could re-enter the water body, and
  - d) not compromise the structural integrity of the structure, and
- 15) where it is necessary for machinery to sit directly on the wet cross-section of the bed, machinery is clean and leak free, and the extent and duration of any disturbance is minimised, and
- 16) there is no refuelling of equipment on any area of the river or lake bed, and
- 17) any construction, placement, replacement, repair or removal works involving bed disturbance and sediment discharge:
  - a) does not occur for more than five days from commencement or for more than 12 hours on any one day, and
  - b) there is no conspicuous change in the colour, or visual clarity of the receiving water, after reasonable mixing, at any time from 12 hours after completion of the activity, and
- 18) regional council's compliance manager is notified (in writing or by e-mail) at least 20 working days before the start of works in the bed of the water body, when:
  - a) the contributing catchment is greater than 50 hectares for an activity involving construction, placement or removal of any single culvert, battery culvert, ford or temporary crossing, or
  - b) the activity involves a weir necessary to supply stock drinking water, and
  - c) 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 any design minimum flow or measures necessary to control erosion, provide fish passage or prevent increased up stream flood risk; and
- 19) temporary damming and diverting river flow around work sites in the bed of a water body or for temporary hydrological monitoring weirs, 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) provide for river flows up to the 20% annual exceedance probability (AEP) flood event to bypass works, and
- d) be no greater than 600mm above the bed of the water body, and
- 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.

## C.3.2 Activities affecting wetlands

### C.3.2.1

#### Weed control, planting and fencing in wetlands – permitted activity

The removal or control of pest plants, deliberate introduction or planting of a plant or fencing in a wetland is a permitted activity, provided:

- 1) the activity is not located in the coastal marine area, and
- 2) the activity does not involve the deliberate introduction or planting of a pest organism, and
- 3) all vehicles, vessels and equipment entering the wetland areas:
  - a) are in a good state of repair and free of any leaks, for example, oil, diesel etc, and
  - b) use hygiene procedures to prevent the spread or introduction of any pest organism; and
- 4) refuelling or cleaning of equipment does not take place on any area of wetland, and fuel storage does not occur at any location where fuel can enter a water body or coastal water, and
- 5) any activity does not result in a clearly discernible change in the visual clarity of water beyond a distance of 50 metres from the wetland, and
- 6) excess material from weeding and fencing activities is removed from the wetland on completion of the activity, and
- 7) no vegetation, soil, or any other debris is placed in a position where it may readily enter or be carried by any water body or coastal water, and
- 8) the vegetation and the bed of the wetland is not not be disturbed to a depth or an extent greater than that required to undertake the activity, and
- 9) the activity does not alter, damage or destroy Category A historic heritage as mapped in (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map') unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority, and
- 10) the activity does not interfere with identified cultural values within any site of significance to tangata whenua (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map'), and
- 11) if the activity is located in a significant wetland, regional council's compliance manager is notified (in writing or by e-mail) at least 20 working days prior to works commencing and for ongoing operations each calendar year thereafter, with the following details:
  - a) any species to be planted, and
  - b) any species being targeted for control and methods to be used, and
  - c) amount of disturbance that may occur, and
  - d) timing and location of the activities, and
  - e) measures are in place to minimise adverse effects on significant values.

The RMA activities this rule covers:

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(b), (c) and (d)), and
- discharge of contaminants to water (s15(1)(a), (b) or (d)).

### C.3.2.2

#### Wetland construction, alteration or extension – permitted activity

The construction, alteration, disturbance or extension of a wetland is a permitted activity, provided:

- 1) the activity is not in any outstanding water body (I.10 'Water quality and quantity management units map'), significant wetland (significant wetland) or significant ecological area (I.3 'Significant marine ecological areas map'), and
- 2) the activity does not alter, damage or destroy Category A historic heritage as mapped in (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map') unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority, and
- 3) there is no decrease in the vegetated wetland area (if an alteration to an existing wetland), and
- 4) any dam or weir is less than 600 mm in height, and
- 5) any perennial stream bed does not exceed three metres in width, and
- 6) any activity does not result in a clearly discernible change in the visual clarity of the water beyond a distance of 50 metres downstream of the wetland, after reasonable mixing and otherwise there is no discharge of contaminants to water or the bed, except where the discharge is permitted by another rule in this plan, and
- 7) the activities are carried out in a manner to ensure that:
  - a) any temporary diversion around the construction area is for longer than the time required to undertake the activity, and is for less than 14 consecutive days, and
  - b) except for the construction period and for no longer than 14 consecutive days during construction, upstream and downstream passage of fish is provided for, and
  - c) the vegetation and the bed of the wetland is not disturbed to a depth or an extent greater than that required to undertake the activity, and
  - d) no vegetation, soil, or any other debris is placed in a position where it may readily enter or be carried by water, into a wetland, and
  - e) all excess material is removed from the wetland on completion of the activity, and
  - f) all vehicles or equipment entering the wetland areas are in a good state of repair and free of any leaks; and
  - g) vehicle and equipment hygiene procedures are used to prevent the spread or introduction of any pest organism; and
  - h) refuelling or cleaning of equipment does not take place on any area of wetland, and fuel storage does not occur at any location where fuel can enter a water body, and
  - i) the seasonal or annual range in water level or flow of water is not changed to an extent likely to reduce the area of wetland or indigenous vegetation, and
  - j) the natural alignment of any river is not altered, and
  - k) the structural integrity or use of any authorised structure or activity is not compromised, and

- l) damming or diversion of water does not cause flooding or ponding on any property owned or occupied by another person, and
  - m) construction is adequate so that the dam or any part cannot break free and cause a blockage or erosion, and
- 8) regional council's compliance manager is notified (in writing or by e-mail) at least 20 working days before the start of construction with the following details:
- a) measures to avoid erosion, structure failure and obstruction of fish passage, and
  - b) timing, location and extent of the activities.

**The RMA activities this rule covers:**

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a) to (e)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1) and s14(3)), and
- discharge of contaminants to water (s15(1)(a) or (b)).

### C.3.2.3

#### **Man-made wetland deconstruction – permitted activity**

Any disturbance, removal, deconstruction and alteration of a man-made wetland is a permitted activity provided:

- 1) there is no ongoing resource consent requirement for the wetland, and
- 2) the activity is not in any outstanding water body (I.10 'Water quality and quantity management units map'), significant wetland (significant wetland) or significant ecological area (I.3 'Significant marine ecological areas map'), and
- 3) it does not cause flooding or ponding on any property owned or occupied by another person.

**The RMA activities this rule covers:**

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a), (b) and (e)).

### C.3.2.4

#### **Wetland construction, alteration or extension – restricted-discretionary activity**

The construction, alteration, disturbance or extension of a wetland that is not:

- 1) a permitted activity under rule C.3.2.1 'Weed control, planting and fencing in wetlands – permitted activity', or
- 2) a permitted activity under rule C.3.2.2 'Wetland construction, alteration or extension – permitted activity', is a restricted-discretionary activity, provided:
- 3) there is no decrease in wetland area.

**Matters of discretion:**

- 1) effects on ecosystem function and biodiversity values, and



- 2) erosion control, structure integrity and provisions to allow continued fish passage, and
- 3) changes to the hydrology of the wetland, and
- 4) disturbance and deposition, and
- 5) effects on downstream water quality, peak and low flows, and
- 6) effects on tangata whenua and their taonga.

**The RMA activities this rule covers:**

- restrictions on the use of land (s9(1)), and
- drain any foreshore or seabed (s12(1)(a)), and
- erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure in the coastal marine area (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c) and (e) and (f)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- introduce or plant any exotic plant to the coastal marine area (s12(1)(f)), and
- removal of any sand, shingle, shell, or other natural material from the coastal marine area (s12(2)(b)), and
- restriction on use of beds of lakes and rivers (s13(1)(a) to (e)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1) and s14(3)), and
- discharge of contaminants to water (s15(1)(a), (b) or (d)).

### C.3.2.5

#### Activities in wetlands – discretionary activity

The construction, alteration, disturbance or extension of a wetland, that is not a:

- 1) permitted activity under rule C.3.2.3 'Man-made wetland deconstruction – permitted activity'
  - 2) restricted-discretionary activity under rule C.3.2.4 'Wetland construction, alteration or extension – restricted-discretionary activity',
- is a discretionary activity, provided:

- 3) it is not in a significant wetland.

**The RMA activities this rule covers:**

- restrictions on the use of land (s9(1)), and
- drain any foreshore or seabed (s12(1)(a)), and
- erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure in the coastal marine area (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c) and (e) and (f)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- introduce or plant any exotic plant to the coastal marine area (s12(1)(f)), and
- removal of any sand, shingle, shell, or other natural material from the coastal marine area (s12(2)(b)), and
- restriction on use of beds of lakes and rivers (s13(1)(a) to (e)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1) and s14(3)), and
- discharge of contaminants to water (s15(1)(a), (b) or (d)).

## C.3.2.6

### Activities in significant wetlands – non-complying activities

The construction, alteration, disturbance or extension of a wetland that is not a:

- 1) permitted activity under rule C.3.2.3 'Man-made wetland deconstruction – permitted activity'
- 2) restricted-discretionary activity under rule C.3.2.4 'Wetland construction, alteration or extension – restricted-discretionary activity',

is a non-complying activity.

The RMA activities this rule covers:

- restrictions on the use of land (s9(1)), and
- drain any foreshore or seabed (s12(1)(a)), and
- erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure in the coastal marine area (s12(1)(b)), and
- damage, destruction or disturbance of the foreshore or seabed (s12(1)(c) and (e) and (f)), and
- deposition onto the foreshore or seabed (s12(1)(d)), and
- introduce or plant any exotic plant to the coastal marine area (s12(1)(f)), and
- removal of any sand, shingle, shell, or other natural material from the coastal marine area (s12(2)(b)), and
- restriction on use of beds of lakes and rivers (s13(1)(a) to (e)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1) and s14(3)), and
- discharge of contaminants to water (s15(1)(a), (b) or (d)).

## C.4 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.

### ***On-site domestic wastewater discharges***

C.4.1.1 'Existing treated domestic wastewater discharge – permitted activity'

C.4.1.2 'Pit toilet – permitted activity'

C.4.1.3 'Other treated domestic wastewater discharge – permitted activity'

C.4.1.4 'Other domestic wastewater discharges – discretionary activity'

### ***Wastewater network and treatment plant discharges***

C.4.2.1 'Wet weather wastewater discharge from a pump station or pipe network – controlled activity'

C.4.2.2 'Wet weather discharge from a pump station or pipe network – discretionary activity'

C.4.2.3 'Wastewater treatment plant discharge – discretionary activity'

C.4.2.4 'Untreated wastewater discharge – prohibited activity'

### ***Farm wastewater discharges***

C.4.3.1 'Farm wastewater discharges to land – permitted activity'

C.4.3.2 'Farm wastewater discharges to land – discretionary activity'

C.4.3.3 'Treated farm wastewater discharges to water – discretionary activity'

C.4.3.4 'Farm wastewater discharges – prohibited activity'

### ***Stormwater discharges***

C.4.4.1 'Stormwater discharge from a public stormwater network – permitted activity'

C.4.4.2 'Other stormwater discharges – permitted activity'

C.4.4.3 'Stormwater discharge from a public stormwater network – controlled activity'

C.4.4.4 'Stormwater discharge – discretionary activity'

### ***Agrichemicals***

C.4.5.1 'Application of agrichemicals – permitted activity'

C.4.5.2 'Application of agrichemicals into water – permitted activity'

C.4.5.3 'Vertebrate control chemicals (ground based application) – permitted activity'

C.4.5.4 'Vertebrate control chemicals (aerial application) – controlled activity'

C.4.5.5 'Application of agrichemicals and vertebrate control chemicals – discretionary activity'

### ***Solid waste***

C.4.6.1 'Cleanfill material disposal – permitted activity'

C.4.6.2 'Discharges to land or water from closed landfills – permitted activity'

C.4.6.3 'On site refuse disposal – permitted activity'

C.4.6.4 'Composting operations less than 10m<sup>3</sup> – permitted activity'

C.4.6.5 'Composting operations greater than 10m<sup>3</sup> – permitted activity'

C.4.6.6 'Waste transfer stations – controlled activity'

C.4.6.7 'Other solid waste discharges – discretionary activity'

### ***Biosolids***

C.4.7.1 'Discharge of grade Aa biosolids to land – permitted activity'

C.4.7.2 'The discharge of biosolids (other) – discretionary activity'

### ***Contaminated land***

C.4.8.1 'Investigating contaminated land – permitted activity'

C.4.8.2 'Contaminated land – permitted activity'

C.4.8.3 'Contaminated land – discretionary activity'

### ***Other discharges of contaminants***

C.4.9.1 'Discharge of dust suppressants – permitted activity'

C.4.9.2 'Discharge of tracers – permitted activity'

C.4.9.3 'Discharge of fertiliser – permitted activity'

C.4.9.4 'Discharges associated with the storage of silage, or the disposal of dead stock or offal – permitted activity'

C.4.9.5 'Other discharges – permitted activity'

C.4.9.6 'Other discharges – discretionary activity'

C.4.9.7 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity'

## C.4.1 On-site domestic wastewater discharges

### C.4.1.1

#### Existing treated domestic wastewater discharge – permitted activity

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

- 1) the volume of the discharge has not increased since the on-site system was constructed as a result of the addition of buildings, an alteration of an existing building, or change in the use of a building that is connected to the on-site system, 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. Excluding primary treatment systems, maintenance must, at a minimum, be done in accordance with the manufacturer's specifications for maintenance, and
- 4) wastewater irrigation lines are at all times either installed at least 50mm beneath the surface of the disposal area or covered by a minimum of 50mm of topsoil, mulch, or bark, and
- 5) the discharge does not result in contamination of 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)).

### C.4.1.2

#### Pit toilet – permitted activity

The discharge of contaminants from a pit toilet into land is a permitted activity provided:

- 1) there is no discharge from a domestic wastewater system into the pit toilet, and
- 2) the pit toilet is situated outside of the relevant setbacks in Table 5 'Horizontal and vertical setback distances for pit toilets', and
- 3) the pit toilet is not constructed in gravels or sands, and
- 4) the pit toilet is constructed to prevent rainfall and surface water runoff from entering it, and
- 5) the discharge does not contaminate any water supply or surface water, and
- 6) there is no surface runoff or ponding of wastewater, and
- 7) there is no offensive or objectionable odour beyond the property boundary.

**Table 5 Horizontal and vertical setback distances for pit toilets**

Feature	Pit toilet
Identified stormwater flow path, including a formed road with curb and channel, that is not upslope of the disposal area.	5m
Dedicated secondary overland flows paths for constructed stormwater systems.	1% Annual Exceedance Probability
Water table drain, off stream dam or pond that is not up slope of the disposal area.	10m
Surface water bodies	10m
Coastal marine area	10m
Winter groundwater table	1.2m
Existing water supply bore	20m
Floodplain	1% Annual Exceedance Probability
Property boundary that is not upslope of the disposal area.	1.5m

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

### C.4.1.3

#### Other treated domestic wastewater discharge – permitted activity

The discharge of treated domestic wastewater into or onto land from any other 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 daily volume of wastewater discharged does not exceed 2m<sup>3</sup>, 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 and treated wastewater is via an irrigation line system that is:

- a) dose loaded, and
  - b) Installed at all times at least 50mm beneath the surface of the disposal area or covered by a minimum of 50mm of topsoil, mulch, or bark, and
- 6) for the surface discharge of treated wastewater onto slopes greater than 10 degrees, the following are required:
- a) the wastewater, excluding greywater, has received at least secondary treatment, and
  - b) the irrigation lines are firmly attached to the surface of the disposal area, and
  - c) where there is an upslope catchment that generates stormwater runoff, a surface water diversion system must be installed and maintained to divert surface water runoff from the upslope catchment away from the disposal area, and
  - d) a minimum 10m 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% canopy cover, or
  - f) The irrigation lines are covered at all times by a minimum of 100mm of topsoil, mulch, or bark, and
- 7) the disposal area is situated outside of the relevant setbacks in Table 5 'Horizontal and vertical setback distances for pit toilets', and
- 8) for septic tank treatment systems, a filter that retains solids greater than 3mm in size is fitted on the outlet, and
- 9) 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 secondary treatment or tertiary treatment, and
- 10) the on-site system is maintained so that it operates effectively at all times. Excluding primary treatment systems, maintenance must be 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 6 Horizontal and vertical setback distances for on-site domestic wastewater systems**

Feature	Primary treated domestic wastewater	Secondary and tertiary treated domestic wastewater	Greywater
Identified stormwater flow path, including a formed road with curb and channel, that is not upslope of the disposal area.	5m	5m	5m
Dedicated secondary overland flows paths for constructed stormwater systems.	1% Annual Exceedance Probability	1% Annual Exceedance Probability	1% Annual Exceedance Probability
Other surface water bodies	20m	15m	15m
Coastal marine area	20m	15m	15m

Feature	Primary treated domestic wastewater	Secondary and tertiary treated domestic wastewater	Greywater
Winter groundwater table	1.2m	0.6m	0.6m
Existing water supply bore	20m	20m	20m
Floodplain	1% Annual Exceedance Probability	5% Annual Exceedance Probability	5% Annual Exceedance Probability
Property boundary that is not upslope of the disposal area.	1.5m	1.5m	1.5m

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

#### C.4.1.4

### Other domestic wastewater discharges – discretionary activity

The discharge of domestic wastewater into or onto land that is not:

- 1) a permitted activity under rule C.4.1.1 'Existing treated domestic wastewater discharge – permitted activity', or
- 2) a permitted activity under rule C.4.1.2 'Pit toilet – permitted activity', or
- 3) a permitted activity under rule C.4.1.3 'Other treated domestic wastewater discharge – permitted activity', is a discretionary activity.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

## C.4.2 Wastewater network and treatment plant discharges

### C.4.2.1

#### Wet weather 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 that is caused by a stormwater infiltration or inflow into the network is a controlled activity provided:



- 1) an application for resource consent is received by the regional council within five years of the date of public notification of this plan, and
- 2) the resource consent application includes a wastewater network management plan for the network, which is prepared in accordance with appendix H.2 'Wastewater network management plans', and
- 3) the wastewater pump station has:
  - a) an automatic control and alarm system that provides:
    - i) immediate telemetered 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 pump that will activate in the event of failure of the duty pump(s), and
  - c) a minimum of four hour storage capacity (based on the average dry weather flow), and
- 4) any constructed overflow structure is designed and located to prevent gross solids entering water and the erosion of the bed of a water body or coastal marine area.

**Matters of control:**

- 1) measures to avoid, remedy, and mitigate adverse effects on the environment
- 2) complying with water quality limits
- 3) overflow monitoring and remediation measures to receiving environment
- 4) the staging of any upgrade works
- 5) 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:**

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

### C.4.2.2

#### Wet weather discharge from a pump station or pipe network – discretionary activity

The discharge of wastewater from a wastewater pump station or pipe network into water or onto or into land that is caused by a stormwater infiltration or inflow into the network and not a controlled activity under C.4.2.1 'Wet weather wastewater discharge from a pump station or pipe network – controlled activity' is a discretionary activity.

**The RMA activities this rule covers:**

- discharge of contaminants into environment (s15(1)).

### C.4.2.3

#### 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)).

### C.4.2.4

#### Untreated wastewater discharge – prohibited activity

The discharge of untreated wastewater into water or onto or into land and that is not:

- 1) a controlled activity under C.4.2.1 'Wet weather wastewater discharge from a pump station or pipe network – controlled activity', or
- 2) a discretionary activity under C.4.2.2 'Wet weather discharge from a pump station or pipe network – discretionary activity'

Is a prohibited activity.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

## C.4.3 Farm wastewater discharges

### C.4.3.1

#### 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 of farm wastewater within the following setbacks:
  - a) 20m of any river, lake, indigenous wetland and the coastal marine area, or
  - b) 20m of any artificial watercourse when containing water, or
  - c) 20m from the bore head of any water supply bore, or

- d) 20m from a neighbouring property owned by another person, unless expressly permitted by that person, or
  - e) 50m from any dwelling owned or occupied by another person, unless expressly permitted by that person, or
  - f) 50m from any road or public space, and
- 3) farm 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 longer than three hours after the discharge, and
  - c) minimises overland flow, and
  - d) does not cause an offensive or objectionable odour beyond the boundary of the property it is directly discharged onto, and
- 4) roof water from a dairy shed and other buildings is permanently diverted away from the effluent collection system so that it does not enter farm wastewater storage facilities, and
- 5) a stormwater diversion system is in place around farm wastewater storage facilities, and
- 6) farm wastewater storage facilities are used on dairy farms and:
- a) are designed in accordance with the Dairy Effluent Storage Calculator<sup>(9)</sup> and have sufficient contingency storage so that the discharge of farm wastewater to land can be avoided during the months of May to September (inclusive), unless a resource consent is held to discharge treated farm wastewater to water and the resource consent specifies a different contingency storage volume, and
  - b) have contingency storage available on 1 May each year, and
  - c) for storage facilities that existed at the notification date of this plan, are maintained so that leakage is minimised, and
  - d) for storage facilities installed after the date of notification of this plan, are constructed in accordance with the Institute of Professional Engineers New Zealand Practice Note 21: Farm Dairy Effluent Pond Design and Construction are not be situated within any of the setback distances in Condition 2, and
  - e) upon written request of the regional council, the person undertaking the activity provides a written statement or certification from a suitably qualified and experienced person to the regional council that shows compliance with the design and performance requirements for farm wastewater storage facilities, and
- 7) regional council's compliance manager is notified (in writing or by e-mail) by the person undertaking the activity, of any 10 percent increase in peak cow numbers or change to the milking regime.

**The RMA activities this rule covers:**

- discharge of contaminants into environment (s15(1)).

### C.4.3.2

#### Farm wastewater discharges to land – discretionary activity

The discharge of farm wastewater onto or into land that is not permitted by C.4.3.1 'Farm wastewater discharges to land – permitted activity' is a discretionary activity.

**The RMA activities this rule covers:**

- discharge of contaminants into environment (s15(1)).

<sup>9</sup> Developed by Horizons Regional Council and Massey University.

### C.4.3.3

#### Treated farm wastewater discharges to water – discretionary activity

The discharge of treated farm wastewater into water is a discretionary activity provided the discharge is not into a dune lake, surface water flowing into any dune lake, or an outstanding freshwater body.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

### C.4.3.4

#### Farm wastewater discharges – prohibited activity

The discharge of:

- 1) untreated farm wastewater to water, 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,

is a prohibited activity.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

## C.4.4 Stormwater discharges

### C.4.4.1

#### Stormwater discharge 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 is a permitted activity provided:

- 1) a stormwater management plan for the network is in place and meets the requirements in H.3 'Stormwater management plans', and is provided to the council within five years of the notification date of this plan, and
- 2) the stormwater management plan is updated to include any physical or planned changes that exceed the most recent design horizon of the plan. A copy of the stormwater management plan is provided to the regional council within one month of it being amended, and
- 3) the stormwater network is operated in accordance with the stormwater management plan, and

- 4) the diversion and discharge does not cause, or increase, flooding of properties in rainfall events up to the 10% Annual Exceedance Probability (AEP) or the inundation of buildings in events up to the 1% AEP outside of the area serviced by the public stormwater network, and
- 5) the discharge does not erode the bed or banks of a lake or river, or the foreshore, and
- 6) the discharge does not cause any conspicuous change in the colour or visual clarity of the receiving water beyond a 10 m radius from a point of discharge, and
- 7) the discharge does not cause any water quality limit in H.7 'Water quality limits' to be exceeded.

The RMA activities this rule covers:

- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

#### C.4.4.2

#### Other stormwater discharges – permitted activity

The diversion and discharge of stormwater into water, or onto or into land from any road, track, or stormwater collection system is a permitted activity provided:

- 1) the discharge is not from:
  - a) a public stormwater network, or
  - b) a high risk industrial or trade premises, and
- 2) the discharge or diversion does not cause adverse effects on other people or property, and
- 3) where the stormwater discharge is from an industrial or trade premises that is not a high risk industrial or trade premises:
  - a) the stormwater collection system is designed to prevent any hazardous substances (including unintentional releases) entering the system, and
  - b) the stormwater collection system is designed to prevent any other contaminants from being entrained in the discharge unless the stormwater is discharged through a stormwater interceptor system, and
  - c) any trade waste is banded, or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100% 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
- 4) stormwater and sediment control measures are installed and maintained to minimise erosion and sediment discharges to water bodies or coastal water, and
- 5) the discharge does not erode the bed or banks of a lake or river, or the foreshore, and
- 6) the discharge does not cause any conspicuous change in the colour or visual clarity of the receiving water beyond a 10m radius from a point of discharge, and
- 7) the discharge does not cause any water quality limit in H.7 'Water quality limits' to be exceeded.

The RMA activities this rule covers:

- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

### C.4.4.3

#### Stormwater discharge from a public stormwater network – controlled activity

The diversion and discharge of stormwater from a public stormwater network into water or onto or into land that is not a permitted by rule C.4.4.1 'Stormwater discharge from a public stormwater network – permitted activity' is a controlled activity provided:

- 1) outside of the area serviced by the public stormwater network, the discharge does not cause, or increase, flooding of properties in rainfall events up to the 10% Annual Exceedance Probability (AEP) or the inundation of buildings in events up to the 1% AEP, and
- 2) the discharge does not erode the bed or banks of a lake or river, or the foreshore, and
- 3) the discharge does not cause any conspicuous change in the colour or visual clarity of the receiving water beyond a 10 m radius from a point of discharge, and
- 4) the discharge does not cause any water quality limit in H.7 'Water quality limits' to be exceeded.

#### Matters of control

- 1) the maximum concentration or load of contaminants in the discharge,
- 2) the adequacy of measures to minimise erosion,
- 3) the adequacy of measures to minimise flooding in areas affected by the stormwater network, and
- 4) the design of the stormwater network and any staging of works.

#### The RMA activities this rule covers:

- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

### C.4.4.4

#### Stormwater discharge – discretionary activity

The diversion and discharge of stormwater into water or onto or into land that is a not:

- 1) a permitted activity under C.4.4.1 'Stormwater discharge from a public stormwater network – permitted activity', or
- 2) a permitted activity under C.4.4.2 'Other stormwater discharges – permitted activity', or
- 3) a controlled activity under C.4.4.3 'Stormwater discharge from a public stormwater network – controlled activity'

is a discretionary activity.

#### The RMA activities this rule covers:

- restrictions relating to water (s14(2)), and
- discharge of contaminants into environment (s15(1)).

## C.4.5 Agrichemicals

### C.4.5.1

#### 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 (handheld, ground based and aerial based spraying):
  - a) the discharge does not result in any offensive or objectionable odour, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
  - b) the substance is approved for its intended use by the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act 1996 and all conditions of its use are complied with, and
  - c) there is no direct discharge into water unless permitted under rule C.4.5.2 'Application of agrichemicals into water – permitted activity'
- 2) in addition, for ground based spraying:
  - a) an applicator who is a contractor holds a current GROWSAFE Registered Chemical Applicators Certificate (or its equivalent), and
  - b) an applicator who is not a contractor holds a current GROWSAFE Introductory Certificate (or its equivalent) or be under direct supervision of a person with a GROWSAFE Registered Chemical Applicators Certificate (or its equivalent), and
  - c) the activity is undertaken in accordance with NZS:8409:2004 Management of Agrichemicals, and
  - d) if the spraying is to take place within 30m of a spray sensitive area on another property:
    - i) the neighbouring property with the spray sensitive area receives notification no less than 18 hours and no more than two weeks before the spraying activity is to take place, and
    - ii) notification:
      - 1) must be in writing (which can include email), and
      - 2) must include:
        - 1) the contact details of the property owner or applicator, and
        - 2) the details of chemicals being sprayed, and
        - 3) any notable adverse effects, and
        - 4) the application method, and
    - iii) some or all of the above notification requirements can be amended or omitted with the written agreement of affected neighbours.
- 3) in addition, for aerial based spraying,
  - a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate (or its equivalent), and
  - b) the activity is undertaken in accordance with NZS:8409:2004 Management of Agrichemicals, and
  - c) there is no aerial spraying in urban areas, and
  - d) if the spraying is to take place within 200m of a spray sensitive area on another property:
    - i) the neighbouring property with the spray sensitive area receives notification no less than 18 hours and no more than two weeks before the spraying activity is to take place, and
    - ii) notification:
      - 1) must be in writing (which can include email), and
      - 2) must include:

- 1) the contact details of the property owner or applicator, and
  - 2) the details of chemicals being sprayed, and
  - 3) any notable adverse effects, and
  - 4) the application method, and
- iii) some or all of the above notification requirements can be amended or omitted with the written agreement of the affected neighbour.
- 4) in addition, for spraying in public amenity areas:
- a) signs are placed within the immediate vicinity and prior to the commencement of the spraying and remain in place until the withholding or re-entry as specified on the product label has expired. Signs must include the contact details of property owner or applicator, details on the chemical to be sprayed, any notable adverse effects and the application method, and
  - b) alongside roadways, vehicles associated with the spraying of agrichemicals display prominent signs (front and back) advising that spraying is in progress.

**The RMA activities this rule covers:**

- discharge contaminants to land which may enter water (s15(1)(b)), and
- discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

## C.4.5.2

### Application of agrichemicals into water – permitted activity

The discharge of agrichemicals into water (but not the coastal marine area) is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) the substance is approved for its intended use by the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act 1996 and all conditions of its use are complied with, and
- 3) an applicator holds a recognised application qualification with an aquatic strand, and
- 4) the activity is undertaken in accordance with NZS:8409:2004 Management of Agrichemicals, and
- 5) the following notification takes place:
  - a) every person taking water for potable supply within 1km downstream of the proposed discharge no less than 18 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 one week before the discharge, and
  - c) notification:
    - i) must be in writing (which can include email), and
    - ii) must include:
      - 1) the contact details of the property owner or applicator, and
      - 2) the details of chemicals being sprayed, and
      - 3) any notable adverse effects, and
      - 4) the application method, and
  - d) some or all of the above notification requirements can be amended or omitted with the written agreement of affected parties, and



- 6) in addition, for aerial-based spraying into water:
  - a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate (or its equivalent), and
  - b) there is no aerial spraying in urban areas, and
- 7) in addition, in public amenity areas:
  - a) prominent signs are placed within the immediate vicinity and prior to the commencement of the spraying and remain in place until the withholding or re-entry as specified on the product label has expired. Signs must include the contact details of property owner or applicator, details on the chemical to be sprayed, any notable adverse effects and the application method, and
  - b) alongside roadways, vehicles associated with the spraying of agrichemicals display prominent signs (front and back) advising that spraying is in progress.

The RMA activities this rule covers:

- discharge contaminants into water (s15(1)(a)).

### C.4.5.3

#### Vertebrate control chemicals (ground based application) – permitted activity

The discharge of any vertebrate control chemical to land where it may enter water by ground-based methods is a permitted activity provided:

- 1) the substance and application method are approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and application of the substance is in accordance with all controls of the approval, and
- 2) all notification requirements specified in an approval under Hazardous Substances and New Organisms Act 1996 are met, and
- 3) the discharge is more than 20m from a structure used to collect human or animal drinking water.

The RMA activities this rule covers:

- discharge of contaminants onto or into land where they may enter water (s15(1)(b)).

### C.4.5.4

#### Vertebrate control chemicals (aerial application) – controlled activity

The discharge of any vertebrate control chemical into or onto land where it may enter water by way of aerial application, and the incidental discharge of dust to air is a controlled activity provided that:

- 1) the substance and application method are approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and application of the substance is in accordance with all controls of the approval.

Matters of control:

- 1) separation distances from sensitive areas and water bodies, and
- 2) advice and information to people and authorities in and adjacent to the application area, including flight paths and accidental discharge into water, and
- 3) the methods used to manage and record the location and time of discharge.

The RMA activities this rule covers:

- discharge of contaminants into or onto land where they may enter water (s15(1)(b)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

## C.4.5.5

### Application of agrichemicals and vertebrate control chemicals – discretionary activity

The discharge of agrichemicals or vertebrate control chemical that is not a:

- 1) permitted activity under rule C.4.5.1 'Application of agrichemicals – permitted activity', or
  - 2) permitted activity under rule C.4.5.2 'Application of agrichemicals into water – permitted activity', or
  - 3) permitted activity under rule C.4.5.3 'Vertebrate control chemicals (ground based application) – permitted activity', or
  - 4) controlled activity under rule C.4.5.4 'Vertebrate control chemicals (aerial application) – controlled activity',
- is a discretionary activity.

The RMA activities this rule covers:

- discharge contaminants into water (s15(1)(a)), and
- discharge contaminants to land which may enter water (s15(1)(b)), and
- discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

## C.4.6 Solid waste

### C.4.6.1

#### Cleanfill material disposal– permitted activity

The disposal of natural materials, such as clay, soil, rock and other materials such as concrete, brick or demolition products that are free of:

- 1) combustible or putrescible components apart from up to 10 percent untreated timber and up to five percent green waste by volume in each load, and
  - 2) hazardous substance, and
  - 3) materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown, and
  - 4) any products or materials derived from hazardous waste treatment, stabilisation or disposal, and
  - 5) materials containing asbestos, and
  - 6) soil from land disturbance within 30m of a kauri tree,
- and the associated discharge of contaminants is a permitted activity, provided:
- 7) the amount of cleanfill material does not exceed the following limits on any property:

**Table 7 Permitted activity cleanfill material limits**

Location	Cleanfill material thresholds
High risk flood hazard areas	50m <sup>3</sup> of cleanfill material fill in any 12 month period
Coastal hazard management zone	1) 50m <sup>3</sup> in any 12 month period, and 2) the area of exposed earth and cleanfill material is less than 200m <sup>2</sup> , and 3) No native dune vegetation is cleared/removed.
One percent Annual Exceedance Probability floodplains	100m <sup>3</sup> of cleanfill material in any 12 month period (unless on request by the regional council, a report from a Chartered Professional Engineer (CPEng) is provided to the regional council demonstrating that the placement of cleanfill material does not divert flood flows onto other property)
5m from a natural wetland	200m <sup>2</sup> of exposed un stabilised earth and cleanfill material
5m from the bed of a permanently flowing or intermittently flowing river in the lowland freshwater management unit (Water quality and quantity management units map)	200m <sup>2</sup> of exposed un stabilised earth and cleanfill material
10m from the bed of a permanently flowing or intermittently flowing river in the hill country management unit (Water quality and quantity management units map)	200m <sup>2</sup> of exposed un stabilised earth and cleanfill material
10m from the bed of a lake	200m <sup>2</sup> of exposed un stabilised earth and cleanfill material
20m from the bed of any outstanding freshwater body	200m <sup>2</sup> of exposed un stabilised earth and cleanfill material
Highly erodible land (I.11 'Highly erodible land map')	1000m <sup>2</sup> of exposed un stabilised earth and cleanfill material
All other areas	5000m <sup>2</sup> of exposed un stabilised earth and cleanfill material

- 8) the placed cleanfill material does not:
  - a) exacerbate flood or coastal hazard risk on any property owned or occupied by another person, and
  - b) divert flood flows onto other property, and
- 9) regional council's compliance manager is notified (in writing or by e-mail) of a new cleanfill material disposal site at least 10 working days in advance of cleanfill material being disposed at the site, and
- 10) a record of the source and composition of cleanfill material and the location of the cleanfill material in the disposal site is provided to the regional council by the land owner on request,
- 11) areas of exposed earth and cleanfill material are stabilised as soon as possible but no later than six months after the completion of the disposal, to minimise erosion and avoid slope failure, and
- 12) where the diversion and discharge of stormwater is likely to enter water, erosion and sediment control measures are installed and maintained in accordance with relevant good practice guidelines, and
- 13) cleanfill material is not deposited into or in a position where they can readily enter a surface water body or the coastal marine area, and

- 14) vehicle and equipment hygiene procedures are used when working within 30m of a New Zealand kauri tree to prevent the spread of Kauri Dieback disease,
- 15) any discharge associated with the activity does not cause any conspicuous change in the colour or visual clarity of the receiving water body beyond a 20m radius of a point of discharge.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)).

## C.4.6.2

### Discharges to land or water from closed landfills – permitted activity

The discharge of contaminants onto or into land from a closed landfill is a permitted activity, provided:

- 1) the discharge must not cause any water quality limits in H.7 'Water quality limits' to be exceeded, and
- 2) refuse in the landfill is capped with a layer of compacted material not less than 600 millimetres thick and of a permeability not greater than 9 millimetres per day ( $1 \times 10^{-7}$  metres per second), and
- 3) the site is protected from both saltwater and freshwater/groundwater intrusion or inundation by the use of stop banks or impermeable seals, and
- 4) the surface of the landfill is sloped to prevent ponding of surface water, and
- 5) the final capping layer consists of a soil material that can be 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
- 6) catchment runoff is prevented from entering the landfill, and
- 7) the regional council may recover its reasonable costs associated with monitoring compliance with this rule.

The RMA activities this rule covers:

- discharge of contaminants onto or into land where it may enter water (s15(1)(b)), and
- discharge of contaminants to land from any trade or industrial premises (s15(1)(d)).

## C.4.6.3

### On site refuse disposal – permitted activity

- 1) the discharge of refuse onto or into land (and the associated discharge of dust or odour) which is not an industrial or trade premises is a permitted activity, provided:
  - a) the refuse comprises domestic refuse or refuse from primary production activities but does not include offal, dead stock, agrichemical containers or hazardous substances, and
  - b) the volume of refuse discharged does not exceed 12 cubic metres per year, and
  - c) the discharge of refuse is not located within:
    - i) 50 horizontal metres of the coastal marine area, a stream, river, lake or wetland, and
    - ii) 50 horizontal meters from the bore head of any water supply bore, and
    - iii) 50 horizontal metres of a geothermal surface feature, and
    - iv) 50 horizontal metres of any neighbouring property owned or occupied by another person, and
    - v) mapped one in 10 year flood hazard areas.

- 2) stormwater is prevented from entering the refuse disposal site, and
- 3) the waste is covered to prevent wind blown refuse, and
- 4) the surface of the landfill is re-vegetated when no longer in use to avoid erosion and sediment runoff, and
- 5) the location of the material within the landfill is recorded and provided to the council on request, and
- 6) no offensive odour or other nuisance is discernible from the boundary of the property, and
- 7) the regional council may recover its reasonable costs associated with monitoring compliance with this rule.

The RMA activities this rule covers:

- discharge of contaminants into or onto land where it may enter water (s15(1)(b)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

#### C.4.6.4

##### Composting operations less than 10m<sup>3</sup> – permitted activity

The discharge of contaminants from composting operations with a total volume less than 10m<sup>3</sup> per year to land in circumstances where contaminants may enter water (and the associated discharge of dust or odour) is a permitted activity provided:

- 1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons (including oil), fats (including grease trap wastes and animal fats), offal or animal carcasses, and
- 2) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property,
- 3) leachate is not discharged to a surface water body.

The RMA activities this rule covers:

- discharge of contaminants into or onto land where it may enter water (s15(1)(b)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

#### C.4.6.5

##### Composting operations greater than 10m<sup>3</sup> – permitted activity

The discharge of contaminants from composting operations to land in circumstances where contaminants may enter water (and the associated discharge of dust and odour) is a permitted activity, provided:

- 1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons (including oil), fats (including grease trap wastes and animal fats), offal or animal carcasses, and
- 2) leachate is not discharged to a surface water body, and
- 3) there is no surface ponding of leachate or overland flow of leachate from the composting site, and
- 4) stormwater is diverted away from the pile, and
- 5) the discharge does not result in any offensive or objectionable odour or dust, or any noxious or dangerous levels of gases, beyond the boundary of the subject property. This includes visible emissions that adversely affect traffic or aircraft safety, and
- 6) the activity is not located within:
  - a) 50 horizontal metres of any groundwater bore, stream, river, lake or wetland, and

- b) 50 horizontal metres of a geothermal surface feature, and
- c) 50 horizontal metres of the coastal marine area, and
- d) mapped one in 10 year flood hazard areas.

**The RMA activities this rule covers:**

- discharge of contaminants into or onto land where it may enter water (s15(1)(b)), and
- discharge of contaminants into land from any trade or industrial premises (s15(1)(d)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.4.6.6

#### Waste transfer stations – controlled activity

Discharges from waste transfer stations into or onto land is a controlled activity provided that:

- 1) the concentration of contaminants in groundwater, surface water or coastal water beyond the property boundary do not exceed the following standards;
  - a) 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) where the discharge is to groundwater the limits for groundwater set out in the Drinking-Water Standards New Zealand 2005 (revised 2008) also apply, and
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property, and

**Matters subject to control:**

- 1) measures in place to prevent contaminants entering surface water, groundwater or the coastal marine area.

**The RMA activities this rule covers:**

- discharge of contaminants into land from any trade or industrial premises (s15(1)(d)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.4.6.7

#### Other solid waste discharges – discretionary activity

A solid waste discharge that is not a:

- 1) permitted activity under rule C.4.6.2 'Discharges to land or water from closed landfills – permitted activity', or
- 2) permitted activity under rule C.4.6.4 'Composting operations less than 10m3 – permitted activity', or
- 3) permitted activity under rule C.4.6.5 'Composting operations greater than 10m3 – permitted activity', or
- 4) permitted activity under rule C.4.6.3 'On site refuse disposal – permitted activity', or
- 5) controlled activity under rule C.4.6.6 '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)), and
- discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).

## C.4.7 Biosolids

### C.4.7.1

#### Discharge of grade Aa biosolids to land – permitted activity

The discharge of grade Aa biosolids onto or into land and the associated discharge of dust and odour is a permitted activity provided:

- 1) the grade Aa biosolids, after blending with other matter, meets the requirements of Tables 4.1 and 4.2 of *Guidelines for the Safe Application of Biosolids to Land in New Zealand* (New Zealand Water and Wastes Association, August 2003), and
- 2) application rates do not exceed a three-year average of 200kg total Nitrogen per hectare per year, or 600kg of Nitrogen per hectare per year with no repeat within three years, and
- 3) soil pH where the biosolids are discharged is not less than pH 5.5, and
- 4) the discharge is not located within 20 metres of a:
  - a) surface water body or the coastal marine area or gully, and
  - b) water supply bore, and
  - c) property boundary, and
- 5) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- discharge of contaminants into the environment (s15(1)(b)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.4.7.2

#### The discharge of biosolids (other) – discretionary activity

Any discharge of biosolids to land that is not a permitted activity under rule:

- 1) C.4.7.1 'Discharge of grade Aa biosolids to land – permitted activity' is a discretionary activity.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- discharge of contaminants into the environment (s15(1)(b)).

## C.4.8 Contaminated land

### C.4.8.1

#### Investigating contaminated land – permitted activity

Site investigations to assess the concentration of hazardous substances that may be present in soil and any associated discharge into air is a permitted activity provided:

- 1) the site investigations are undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011), and
- 2) the site investigations do not include the construction of a bore (refer rule C.2.6.1 'Construction, maintenance, alteration, decommissioning and closure of a temporary bore - permitted activity').

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.4.8.2

#### Contaminated land – permitted activity

The passive discharge of contaminants from contaminated land or potentially contaminated land in circumstances where those contaminants may enter water is a permitted activity provided:

- 1) a site investigation is provided to Northland Regional Council on request; and
  - a) the site investigation report is prepared in accordance with *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, 2011), and
  - b) the site investigation is undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment 2011), and
- 2) a site management plan is provided to Northland Regional Council on request. The site management plan is prepared in accordance with *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, 2011), and
- 3) the concentration of contaminants in groundwater at the property boundary does not exceed the limits for groundwater set out in the *Drinking-Water Standards New Zealand 2005* (revised 2008), and
- 4) at any point where groundwater exits to surface water the concentration of contaminants does not exceed the water quality limit in H.7 'Water quality limits', and
- 5) at any point where the groundwater exits to surface water, the discharge does not produce any:
  - a) conspicuous oil or grease films, scums or foams, or floatable or suspended materials, and
  - b) conspicuous change in the colour or visual clarity, and
  - c) emission of objectionable odour.

The RMA activities this rule covers:

- discharge 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)).



### C.4.8.3

#### Contaminated land – discretionary activity

Site investigations to assess the concentration of hazardous substances that may be present in soil, or discharges from contaminated land or potentially contaminated land, that is not a:

- 1) permitted activity under rule C.4.8.1 'Investigating contaminated land – permitted activity', or
  - 2) permitted activity under rule C.4.8.2 'Contaminated land – permitted activity',
- is a discretionary activity.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)), and
- discharge contaminants to land which may enter water (15(1)(b)), and
- discharge of contaminants into land from any trade or industrial premises (15(1)(d)).

### C.4.9 Other discharges of contaminants

#### C.4.9.1

##### Discharge of dust suppressants – permitted activity

The discharge of dust suppressant to land is a permitted activity provided:

- 1) the discharge is not within:
  - a) 20m of a surface water body or the coastal marine area, and
  - b) 20m of a water supply bore, and
- 2) the dust suppressant is not a hazardous substance, or
- 3) the dust suppressant is approved under the Hazardous Substances and New Organisms Act 1996 for use as a dust suppressant and all controls of the approval are met.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

#### C.4.9.2

##### Discharge of tracers – permitted activity

The discharge of a dye or tracer into water is a permitted activity provided:

- 1) the discharge is not upstream of any abstraction point for a registered drinking-water supply, and

- 2) the dye or 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 regional council is notified in writing of the discharge at least 24 hours in advance of the activity occurring.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

### C.4.9.3

#### Discharge of fertiliser – permitted activity

The discharge of fertiliser, other than farm wastewater, onto or into land where it may enter water is a permitted activity, provided:

- 1) it is not discharged to a river, lake, natural wetland, or the coastal marine area, and
- 2) it is not discharged to land within:
  - a) 10m of:
    - i) the bed of a lake or river, or
    - ii) a natural wetland, or
    - iii) the coastal marine area, and
  - b) 20m from any outstanding freshwater body, and
- 3) the discharge does not:
  - a) cause an offensive and objectionable odour or dust beyond the boundary of the property.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

### C.4.9.4

#### Discharges associated with the storage of silage, or the disposal of dead stock or offal – permitted activity

The discharge of contaminants onto or into land associated with the making and storage of silage (excluding wrapped bales), the disposal of dead stock, or the disposal of offal is a permitted activity, provided:

- 1) rain and surface water runoff is prevented from entering the manufacture, storage or disposal site, and
- 2) the bottom of the manufacture, storage or disposal site is at least 1.2m above the seasonally highest groundwater table, and
- 3) the manufacture, storage or disposal site is not situated:
  - a) within a high risk flood hazard area, or
  - b) 50m from the coastal marine area, a stream, river, lake, or natural wetland, or
  - c) 50m from the bore head of any water supply bore, or
  - d) 50m from any dwelling owned or occupied by another person, unless permitted by that person, or

- e) 50m from any neighbouring property owned by another person, unless permitted by that person, or
  - f) 20m from any road or public space, and
- 4) leachate is not discharged to surface water, and
  - 5) the discharge does cause an offensive and objectionable odour beyond the boundary of the property.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

### C.4.9.5

#### Other discharges – permitted activity

The discharge of a contaminant or water (excluding geothermal water) into water, or contaminant onto or into land where it may enter water, or a contaminant from any industrial or trade premises onto or into land that is not regulated by any other rule in this plan is a permitted activity, provided:

- 1) the discharge does not contain a hazardous substance, and
- 2) the discharge does not cause a water quality limit in H.7 'Water quality limits' for any receiving waters to be exceeded, and
- 3) a discharge to water does not contain:
  - a) disinfectants or antiseptics, except not more than 0.3mg/L of free of combined residual chlorine, or
  - b) more than 1mg/L of fluoride, or
  - c) more than 50mg/L of suspended solids.
- 4) the discharge does not cause any of the following effects in a receiving water beyond a 10m radius from the discharge point:
  - a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, and
  - b) any conspicuous change in the colour or visual clarity, and
  - c) any emission of objectionable odour, and
  - d) the rendering of fresh water unsuitable for consumption by farm animals, and
  - e) any significant adverse effect on aquatic life, and
- 5) a discharge to land does not cause any ponding or surface water runoff, and
- 6) 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)).

### C.4.9.6

#### Other discharges – discretionary activity

The discharge of a contaminant or water into water, or contaminant onto or into land where it may enter water, or a contaminant from any industrial or trade premises onto or into land that is not permitted by C.4.9.5 'Other discharges – permitted activity' is a discretionary activity.

The RMA activities this rule covers:

- discharge of contaminants into environment (s15(1)).

#### C.4.9.7

#### Discharges of untreated sewage from a ship or offshore installation – prohibited activity

The discharge of untreated sewage in a Vessel sewage discharge restriction area (1.7 'Vessel sewage discharge restriction areas map') from a ship or offshore installation is a prohibited activity.

The RMA activities this rule covers:

- restrictions on dumping and incineration of waste or other matter in the coastal marine area (s15A(1)).

# C.5 Taking, using, damming and diversion of water

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

## ***Taking and use of freshwater***

- C.5.1.1 'Water for stock drinking and reasonable domestic needs – permitted activity'
- C.5.1.2 'Minor takes – permitted activity'
- C.5.1.3 'Water take from an off-stream dam – permitted activity'
- C.5.1.4 'Water take from an artificial water course – permitted activity'
- C.5.1.5 'Water take associated with bore development, bore testing, or dewatering – permitted activity'
- C.5.1.6 'Existing dairy shed use – controlled activity'
- C.5.1.7 'Re-consenting water takes – controlled activity'
- C.5.1.8 'Transfer of a water permit – restricted discretionary activity'
- C.5.1.9 'Other water takes – discretionary activity'
- C.5.1.10 'Water take that will exceed a water quantity limit – non-complying activity'
- C.5.1.11 'General permitted activity conditions for taking and using freshwater'

## ***Damming, diversion and storage of water***

- C.5.2.1 'Off-stream dams – permitted activity'
- C.5.2.2 'Dam maintenance – permitted activity'
- C.5.2.3 'Minor existing in-stream dams – permitted activity'
- C.5.2.4 'Large existing dams – controlled activity'
- C.5.2.5 'New dam (intermittently flowing) – restricted discretionary activity'
- C.5.2.6 'New dam or realignment (permanently flowing) – discretionary activity'
- C.5.2.7 'New structures within one percent AEP floodplains and overland flow paths that divert flood flow – discretionary activity'
- C.5.2.8 'Damming and diversion of significant indigenous wetland, outstanding natural feature or outstanding water body – non-complying activity'
- C.5.2.9 'General conditions for damming and diversion'

## ***Land drainage***

- C.5.3.1 'Land drainage – permitted activity'
- C.5.3.2 'Existing drainage areas – permitted activity'

- C.5.3.3 'Activities within existing drainage areas – permitted activity'
- C.5.3.4 'Repair and maintenance of authorised stopbanks, floodgates and drains – permitted activity'
- C.5.3.5 'Re-consenting flood control schemes – controlled activity'
- C.5.3.6 'Land drainage schemes for which there is no approved management plan – controlled activity'
- C.5.3.7 'Other land drainage and flood control activities – discretionary activity'
- C.5.3.8 'Activities affecting flood control schemes - discretionary activity'
- C.5.3.9 'Land drainage and flood control general conditions'

## C.5.1 Taking and use of freshwater

### C.5.1.1

#### Water for stock drinking and reasonable domestic needs – permitted activity

The taking and use of water from a river, lake or aquifer for an individual's reasonable domestic needs or the reasonable needs of a person's animals for drinking water is a permitted activity provided:

- 1) a take from the following groundwater management units does not exceed the relevant volume in Table 8 'Maximum permitted pumping rates and volumes':
  - a) Mapped coastal aquifers, and
  - b) Unmapped coastal strip, and
- 2) the take and use complies with C.5.1.11 'General permitted activity conditions for taking and using freshwater'.

The RMA activities this rule covers:

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

### C.5.1.2

#### Minor takes – permitted activity

The taking and use of water from a river, lake or aquifer is a permitted activity provided:

- 1) the take is not from a coastal aquifer or fully allocated water body, unless the take lawfully existed at the notification date of this plan, and
- 2) there is only one take per property, and
- 3) the take does not exceed the relevant pumping rate and total volume in Table 8 'Maximum permitted pumping rates and volumes', unless the take was lawfully established at the notification date of this plan, and
- 4) water is not taken when a flow or water level is below a minimum flow or water level in H.6 'Freshwater quantity limits', and
- 5) any new take (after the notification date of this plan) does not cause an allocation limit in H.6 'Freshwater quantity limits' to be exceeded, and
- 6) at the written request of the Northland Regional Council, a water meter is installed and water use records are provided to the council, and
- 7) the take and use complies with C.5.1.11 'General permitted activity conditions for taking and using freshwater'.

**Table 8 Maximum permitted pumping rates and volumes**

Freshwater Management Unit (I.10 'Water quality and quantity management units map')	Pumping rate	Maximum volume per day
Outstanding rivers	1 Litres/second	2m <sup>3</sup>
Coastal rivers	1L/s	5m <sup>3</sup>

Freshwater Management Unit (I.10 'Water quality and quantity management units map')	Pumping rate	Maximum volume per day
Small inland rivers	2L/s	10m <sup>3</sup>
Large rivers	Not applicable	50m <sup>3</sup>
Shallow lakes (<10m)	Not applicable	10m <sup>3</sup>
Deep lakes (≥10m)	Not applicable	30m <sup>3</sup>
Mapped coastal aquifers	Not applicable	1m <sup>3</sup>
Unmapped coastal strip (groundwater <100m from coastal marine area)	Not applicable	2m <sup>3</sup>
Other mapped aquifers	Not applicable	5m <sup>3</sup>
Other unmapped aquifers	Not applicable	10m <sup>3</sup>
Specific (named) aquifers	Not applicable	10m <sup>3</sup>

The RMA activities this rule covers:

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

### C.5.1.3

#### Water take from an off-stream dam – permitted activity

The taking and use of water from a dam or reservoir is a permitted activity, provided:

- 1) the dam or reservoir is not situated in the bed of an intermittently or permanently flowing river or the bed of a lake, and
- 2) the take does not adversely affect the reliability of water supply of a lawfully established water take, and
- 3) the take does not lower the water level in a natural wetland.

The RMA activities this rule covers:

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



#### C.5.1.4

##### Water take from an artificial water course – 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 to a river, lake, or natural wetland, and
- 2) the artificial watercourse is controlled to ensure that no backflow occurs from rivers, lakes or coastal water as a consequence of the take, and
- 3) the take does not adversely affect the reliability of water supply of a lawfully established water take.

The RMA activities this rule covers:

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

#### C.5.1.5

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

The taking and use of groundwater associated with bore development, bore testing, or dewatering by pumping, and the associated discharge onto land or into water is a permitted activity, provided:

- 1) the site of the bore testing or groundwater dewatering does not occur within the coastal strip aquifer management unit (I.10 'Water quality and quantity management units map'), and
- 2) In any other area:
  - a) the activity is completed within seven days of commencement and the daily volume does not exceed 50m<sup>3</sup> per day, or
  - b) the activity is completed within 24 hours of commencement and the daily volume of water taken does not exceed 100m<sup>3</sup>, and
- 3) the activity does not adversely affect the reliability of water supply of a lawfully established water take, and
- 4) the water take does not cause any permanent change to water levels in any natural wetland, and
- 5) the discharged water does not cause erosion of the banks or beds of any water body, and
- 6) where the discharge is to water or onto land where it may enter water the discharge does not cause any of the following effects in the receiving water, at or beyond a 10m radius from the discharge point:
  - a) the pH of the water being outside the range of 6.5-9.0, and
  - b) any conspicuous oil or grease films, scums of foams, floatable or suspended materials, and
- 7) the regional council's compliance manager is notified in writing at least one week in advance of the activity occurring.

The RMA activities this rule covers:

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

## C.5.1.6

### Existing dairy shed use – controlled activity

The taking of fresh water from a river, lake or aquifer for dairy shed use that is not permitted by rule C.5.1.2 'Minor takes – permitted activity' and that exists at the notification date of this plan is a controlled activity, provided an application for a resource consent is lodged within 24 months of the notification date of this plan.

#### Matters of control:

- 1) the timing, rate, and volume of the water take, and
- 2) the location and design of the intake structure, including the intake velocity and screening requirements, and
- 3) efficiency measures, and
- 4) 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:

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

## C.5.1.7

### Re-consenting water takes – controlled activity

An application for a new resource consent to replace an existing resource consent is a controlled activity, provided:

- 1) the existing water take and use is authorised by an existing resource consent at the time of the resource consent application, and
- 2) there is no increase in the timing, rate, and volume of the water take and use as authorised by the current resource consent.

#### Matters of control:

- 1) the timing, rate, and volume of the water take, and
- 2) the location and design of the intake structure, including the intake velocity and screening requirements, and
- 3) efficiency measures, and
- 4) 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:

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

## C.5.1.8

### Transfer of a water permit – restricted discretionary activity

The transfer of a water permit for the taking and use of water to another person on another site, or to another site, if both sites are in the same catchment (either upstream or downstream) or aquifer is a restricted discretionary activity.

#### Matters of discretion:

- 1) effects on aquatic ecosystems, and
- 2) effects on the reliability of water supply for other consented takes, and
- 3) efficiency measures.

#### The RMA activities this rule covers:

- restrictions relating to water (s14(2)), and
- transferability of water permits (s136(2)).

## C.5.1.9

### Other water takes – discretionary activity

The taking and use of fresh water that is not:

- 1) a permitted activity under C.5.1.1 'Water for stock drinking and reasonable domestic needs – permitted activity', or
- 2) a permitted activity under C.5.1.2 'Minor takes – 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 water course – 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
- 6) a controlled activity under C.5.1.6 'Existing dairy shed use – controlled activity', or
- 7) a controlled activity under C.5.1.7 'Re-consenting water takes – controlled activity', or
- 8) a restricted discretionary activity under C.5.1.8 'Transfer of a water permit – restricted discretionary activity', or
- 9) a non-complying activity under C.5.1.10 'Water take that will exceed a water quantity limit – non-complying activity'

is a discretionary activity.

#### The RMA activities this rule covers:

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

### C.5.1.10

#### Water take that will exceed a water quantity limit – non-complying activity

The taking and use of water from a river, lake or aquifer that would cause a freshwater quantity limit in H.6 'Freshwater quantity limits' to be exceeded or further exceeded is a non-complying activity.

The RMA activities this rule covers:

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

### C.5.1.11

#### General permitted activity conditions for taking and using freshwater

- 1) a screen covers the intake structure of surface water takes and has a minimum aperture (mesh size) of 5mm to protect native fish species, and the velocity across the screen must not exceed 0.3m/s, and
- 2) the take does not adversely affect the reliability of water supply for a lawfully established water take, and
- 3) the take does not lower the water level in a natural wetland, and
- 4) the reticulation system is constructed and maintained to minimise leaks, and
- 5) the water user provides 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.

## C.5.2 Damming, diversion and storage of water

### C.5.2.1

#### Off-stream dams – permitted activity

The damming, diversion, discharge and associated storage of water and the dam structure is a permitted activity provided:

- 1) the activity does not occur within an intermittently or permanently flowing river, natural wetland or lake, and
- 2) the dam is not for the purposes of creating a wetland, and
- 3) diversion is limited to rainfall runoff that is not diverted from an intermittently or permanently flowing river, natural wetland or lake, and
- 4) if the dam volume is 20,000 cubic metres or more, regional council's compliance manager is notified (in writing or by e-mail) 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 dam volume and dam structure height, and
- 5) the activity complies with general conditions for damming and diversion C.5.2.9 'General conditions for damming and diversion'.

The RMA activities this rule covers:

- restrictions on the use of land (s9(1)); , and
- restrictions relating to damming or diverting coastal or freshwater (s14(1)).

Note:

This rule does not cover earthworks - refer to rule C.2.3.1 'Earthworks – permitted activity')

For wetland construction refer to rule C.3.2.2 'Wetland construction, alteration or extension – permitted activity'

## C.5.2.2

### Dam maintenance – permitted activity

The maintenance and repair of any existing lawfully established dam (including extraction of accumulated material retained behind the dam) is a permitted activity provided:

- 1) there is no change to existing authorised diversion of water or any new diversion is limited to rainfall runoff, and
- 2) the activity does not increase the capacity, scale or extent of the dam, and
- 3) both the extraction of material and the disturbance of the bed is limited to the area directly impounded by the dam, and
- 4) the activity complies with general conditions for damming and diversion C.5.2.9 'General conditions for damming and diversion'.

The RMA activities this rule covers:

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a), (b) and (d)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1)), and
- discharge of contaminants to water (s15(1)).

## C.5.2.3

### Minor existing in-stream dams – permitted activity

The damming and diversion of water within an intermittently or permanently flowing river, natural wetland or lake by a dam existing at *<the date this plan is notified>* is a permitted activity provided:

- 1) the dam volume is under 20,000 cubic metres, and
- 2) the dam height is less than four metres, and
- 3) the activity complies with general conditions for damming and diversion C.5.2.9 'General conditions for damming and diversion'.

#### The RMA activities this rule covers:

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a), (b) and (d)), and
- restrictions relating to water taking, using, damming, or diverting coastal or freshwater (s14(1)), and
- discharge of contaminants to water (s15(1)).

### C.5.2.4

#### Large existing dams – controlled activity

The damming and diversion of water as a result of an existing lawfully established dam within an intermittently or permanently flowing river, natural wetland or lake that is not a,

- 1) permitted activity under rule C.5.2.3 'Minor existing in-stream dams – permitted activity', is a controlled activity, provided,
- 2) the activity complies with C.5.2.9 'General conditions for damming and diversion'.

#### Matters of control:

- 1) the adequacy of the dam structure and any upgrade or maintenance required, and
- 2) monitoring necessary to demonstrate structural integrity, and
- 3) required minimum flow limits (continuation flows), and
- 4) provision for fish passage.

#### The RMA activities this rule covers:

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a), (b) and (d)), and
- restrictions relating to water taking, using, damming, or diverting coastal or freshwater (s14(1)).

### C.5.2.5

#### New dam (intermittently flowing) – restricted discretionary activity

The damming and diversion of an intermittently flowing stream and the dam structure is a restricted discretionary activity, provided:

- 1) the intermittently flowing stream is not in a significant wetland, or an outstanding natural feature as mapped in I.4 'Outstanding natural features in fresh and coastal waters map', or outstanding water body (I.10 'Water quality and quantity management units map'), and
- 2) the dam is not for the purposes of creating a wetland, and
- 3) the activity does not alter, damage or destroy Category A Historic Heritage as mapped in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority.

**Matters of discretion:**

- 1) effects on aquatic ecosystems, and
- 2) effects on hydrological flows and the reliability of water supply to other lawful water users, and
- 3) risk of nuisance flooding, and
- 4) reduced drainage, and
- 5) effects on tangata whenua and their taonga.

**The RMA activities this rule covers:**

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a), (b) and (d)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1)), and
- discharge of contaminants to water (s15(1)).

**Note:**

This rule does not cover earthworks - refer to C.2.3.1 'Earthworks – permitted activity'.

For wetland construction refer to rule C.3.2.2 'Wetland construction, alteration or extension – permitted activity'

**C.5.2.6****New dam or realignment (permanently flowing) – discretionary activity**

The damming and diversion of water in, or altering the natural alignment of, a river, natural wetland or lake and the dam structure, that is not a:

- 1) permitted activity under rule C.5.2.1 'Off-stream dams – permitted activity', or
- 2) permitted activity under rule C.5.2.2 'Dam maintenance – permitted activity', or
- 3) controlled activity under rule C.5.2.4 'Large existing dams – controlled activity', or
- 4) restricted discretionary activity under rule C.5.2.5 'New dam (intermittently flowing) – restricted discretionary activity',

is a discretionary activity provided:

- 5) the activity does not dam or divert water to, in or from an outstanding water body (I.10 'Water quality and quantity management units map') or significant wetland (significant wetland) or an outstanding natural feature as mapped in (I.4 'Outstanding natural features in fresh and coastal waters map'), and
- 6) the dam is not for the purposes of creating a wetland.

**The RMA activities this rule covers:**

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a), (b) and (d)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1)), and
- discharge of contaminants to water (s15(1)).

**Note:**

This rule does not cover earthworks - refer to rule C.2.3.1 'Earthworks – permitted activity'

For wetland construction refer to rule C.3.2.2 'Wetland construction, alteration or extension – permitted activity'

### C.5.2.7

#### **New structures within one percent AEP floodplains and overland flow paths that divert flood flow – discretionary activity**

Any new structure within a one percent AEP floodplain and/or an overland flow path that diverts flood flows onto other property is a discretionary activity.

The RMA activities this rule covers:

- restrictions on the use of land, (s9(2)), and
- restrictions relating to water (s14(2)), and
- discharges of contaminants into environment, (s15(1)(a)).

### C.5.2.8

#### **Damming and diversion of significant indigenous wetland, outstanding natural feature or outstanding water body – non-complying activity**

The damming and diversion of water to, in or from a significant wetland (significant wetland), an outstanding water body (I.10 'Water quality and quantity management units map') or an outstanding natural feature as mapped in I.4 'Outstanding natural features in fresh and coastal waters map' and the dam structure, is a non-complying activity.

The RMA activities this rule covers:

- restrictions on the use of land (s9(1)), and
- restriction on use of beds of lakes and rivers (s13(1)(a), (b) and (d)), and
- restrictions relating to water taking, using, damming, or diverting coastal or fresh water (s14(1)), and
- discharge of contaminants to water (s15(1)).

**Note:**

To be clear, this rule does not cover any earthworks beyond that permitted by earthworks rules. Refer to C.2.3.1 'Earthworks – permitted activity'

### C.5.2.9

#### **General conditions for damming and diversion**

General conditions for damming and diversion activities and dam structures that apply when specified in a permitted or controlled activity rule.

Damming and diversion activities including dams and associated structures must be designed, constructed, operated and maintained so that:



- 1) the activity can pass a 100-year Average Return Interval (ARI) flood event without structural failure or risking people, property or ecosystems, and
- 2) the dammed water does not raise sub-surface or surface water levels to the extent that drainage on adjacent properties is adversely impeded, and
- 3) the activity does not result in the loss, degradation or permanent flooding of any natural wetland in the annual range of flood events, except for wetland enhancement, maintenance or restoration, and
- 4) the downstream flows are not caused to fall below any continuation flow (design minimum flow) required by consent, and
- 5) indigenous fish passage is maintained unless an existing design and authorisation provides otherwise, and
- 6) the activity does not alter, damage or destroy Category A historic heritage as mapped in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map' unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority, and
- 7) trees or vegetation are not allowed to weaken the dam structure or prevent inspection of the dam embankment and trees are not allowed to grow on or near the embankment, and
- 8) stock are not allowed to damage the crest and faces of the dam, and
- 9) the dam does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, and
- 10) for new dam activities in a drainage district or flood control scheme, regional council's compliance manager is notified (in writing or by e-mail) prior to the activity occurring with:
  - a) their name, address, and phone number, and
  - b) the location and description of the proposed activity, and
- 11) any construction, repair or removal works involving bed disturbance and sediment discharge:
  - a) does not occur for more than five days from commencement or for more than 12 hours on any one day, and
  - b) there is no conspicuous change in the colour, or visual clarity of the receiving water, after reasonable mixing, at any time from 12 hours after completion of the activity.

### C.5.3 Land drainage

#### C.5.3.1

##### Land drainage – permitted activity

Drains, including the associated diversion and discharge of drainage water and contaminants associated with the drainage of land, are a permitted activity, provided:

- 1) the activity complies with the C.5.3.9 'Land drainage and flood control general conditions', and
- 2) if the activity occurs within an existing drainage area or flood control scheme, the activity meets all relevant aspects of the management plan (if there is one in place), and
- 3) any resulting land subsidence or slumping does not cause adverse effects on structures or infrastructure, and
- 4) the discharge is to the same catchment as that to which the water would naturally flow.

The RMA activities this rule covers:

- restrictions on certain uses of beds of lakes and rivers (s13(1)(d)), and
- restrictions relating to water (s14(2)(a)), and
- discharge of contaminants into water (s15(1)(a)).

### C.5.3.2

#### Existing drainage areas – permitted activity

Existing drainage areas are a permitted activity, provided:

- 1) there is a management plan in place for the land drainage scheme, prepared in accordance with the H.4 'Drainage district management plans'.

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)).

### C.5.3.3

#### Activities within existing drainage areas – permitted activity

The taking, diversion and discharge of drainage water associated with the drainage of land, the clearing of drainage channels and floodgates and the maintenance, repair and re-building of scheme assets within a drainage area I.13 'Flood control schemes and drainage areas map' that is carried out by:

- 1) a local authority exercising its powers, functions and duties under the *Soil Conservation and Rivers Control Act 1941* or the *Land Drainage Act 1908*, or
- 2) a group of persons who have assumed control of the land drainage scheme pursuant to section 517Z of the *Local Government Act 1974*,

is a permitted activity, provided:

- 1) the activity complies with the land drainage and flood control general conditions C.5.3.9 'Land drainage and flood control general conditions', and
- 2) within one year of the regional plan being notified, there is a management plan in place for the land drainage scheme and all works are undertaken in accordance with the management plan H.4 'Drainage district management plans', and
- 3) the regional council's Monitoring 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
- 4) the activity does not occur within the Waiharara Drainage District, and
- 5) the activity does not cause any significant erosion to any land or bed of a river, and
- 6) any resulting land subsidence or slumping does not cause adverse effects on structures or infrastructure, and
- 7) there is no more than minor adverse effect on indigenous freshwater fish, in particular on eels, and
- 8) there is no discharge of contaminants, other than sediment and other material derived from the subject water bodies, arising from the use of machinery in the bed of a water body, and
- 9) any discharge does not result in any of the following effects after 24 hours after the conclusion of the activity:
  - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, and
  - (ii) any emission of objectionable odour, and

- (iii) the rendering of freshwater unsuitable for consumption by farm animals.

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)).

#### C.5.3.4

##### Repair and maintenance of authorised stopbanks, floodgates and drains – permitted activity

The repair or maintenance of existing authorised stopbanks, floodgates and drains is a permitted activity, provided:

- 1) the activity complies with the C.5.3.9 'Land drainage and flood control general conditions', and
- 2) there is no increase to the length, width or height of the original stopbank or drain, and
- 3) written advice is given to the regional council's monitoring manager, outlining details of the proposed works, at least 10 working days prior to the commencement of any works.

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
- restrictions relating to water (s14(2)(a)), and
- discharge of contaminants into water (s15(1)(a)).

#### C.5.3.5

##### Re-consenting flood control schemes – controlled activity

The Awanui, Kāeo and Kaihū flood control schemes are a controlled activity, provided:

- 1) the application is made within one year of the resource consent for the existing scheme expiring or lapsing, and
- 2) there is no change to the activities as authorised by the existing, expired or lapsed resource consent.

Matters of control:

- 1) the management of flooding effects,
- 2) effects on tangata whenua and their taonga, and
- 3) fish passage.

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

- restrictions relating to water (s14(2)(a)), and
- discharge of contaminants into water (s15)(1)(a)).

### C.5.3.6

#### Land drainage schemes for which there is no approved management plan – controlled activity

Except for activities provided for by permitted activity rule C.5.3.3 'Activities within existing drainage areas – permitted activity', within an existing drainage area I.13 'Flood control schemes and drainage areas map', 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 carried out by a local authority or a group of land owners who have assumed control pursuant to s517A to s517ZM of the *Local Government Act 1974* is a controlled activity provided:
- 4) the activity complies with the land drainage and flood control general conditions C.5.3.9 'Land drainage and flood control general conditions', and
- 5) the activity does not occur within the Waiharara Drainage District.

#### Matters of control:

- 1) the management of drainage and flooding effects,
- 2) the adequacy of proposed measures to prevent 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, and
- 6) fish passage.

#### 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
- restrictions relating to water (s14(2)(a)), and
- discharge of contaminants into water (s15)(1)(a)).

### C.5.3.7

#### Other land drainage and flood control activities – discretionary activity

Any land drainage or flood control work (including land drainage and flood control schemes) that is not a:

- 1) permitted activity under rule C.5.3.1 'Land drainage – permitted activity', or
- 2) permitted activity under rule C.5.3.8 'Activities affecting flood control schemes - discretionary activity', or
- 3) permitted activity under rule C.5.3.4 'Repair and maintenance of authorised stopbanks, floodgates and drains – permitted activity', or

- 4) controlled activity under rule C.5.3.5 'Re-consenting flood control schemes – controlled activity', or
  - 5) controlled activity under rule C.5.3.6 'Land drainage schemes for which there is no approved management plan – controlled activity',
- is a discretionary activity.

**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
- restrictions relating to water (s14(2)(a)), and
- discharge of contaminants into water (s15(1)(a)).

### C.5.3.8

#### Activities affecting flood control schemes - discretionary activity

The following activities, which impede the functional integrity of a regional council flood control scheme (I.13 'Flood control schemes and drainage areas map'), or which impede access required for maintenance purposes, that are not a permitted activity under rule C.3.1.10 'Minor river bank protection works – permitted activity', are discretionary activities:

- 1) the introduction or planting of any plant in, on, or under the bed of any river, or within 10m of the bed, and
- 2) the erection of any building, fence or other structure in, on, or under the bed of any river, or within 10m of the bed, and
- 3) any excavation, drilling, tunnelling or other disturbance likely to undermine the functional integrity of a stopbank or flood protection structure (including spillways and flood walls), and
- 4) any land disturbance that impedes access required for maintenance of a flood control scheme (includes flood protection structures), and
- 5) any activity on a stopbank or 10m either side of the toe of a stopbank.

**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)).

### C.5.3.9

#### 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:

- 1) there is no adverse flooding, erosion or over-drainage effects on any property owned or occupied by another person, as a result of the activity, and
- 2) the activity does not alter the course or bed of any lake or river, and
- 3) any artificial watercourse must not drain directly to any outstanding freshwater body, and

- 4) the activity must not alter, damage or destroy Category A historic heritage as mapped in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map', unless the site is a registered archaeological site and prior authorisation is given by Heritage NZ under an archaeological authority, and
- 5) new land drainage does not occur within 50m of any natural or significant wetland and any drainage does not cause any change to the seasonal or annual range in water level of any wetland (excluding man-made wetlands) 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, natural or significant wetland, lake or the coastal marine area, and
- 7) there is no damage to any existing lake or river protection structure, or any other lawfully established structure as a result of the activity, and
- 8) the activity does not prevent existing fish passage, and
- 9) refuelling of machinery does not take place in any area of the bed of a river or lake, and
- 10) the discharge 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
- 11) where the discharge from land drainage enters an outstanding river, lake or the coastal marine area, at or beyond 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 by more than 40%, and
  - e) cause the natural temperature of the receiving water body to be changed by more than three degrees Celsius, and
- 12) 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 by more than 40%, of the receiving water after reasonable mixing at any time from 24 hours after completion of the activity.

## C.6 Air discharges

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.

### **Burning**

C.6.1.1 'Outdoor burning outside the Whangārei airshed – permitted activity'

C.6.1.2 'Outdoor burning inside the Whangārei airshed on properties less than 10,000m<sup>2</sup> (1 hectare) – permitted activity'

C.6.1.3 'Outdoor burning inside the Whangārei airshed on properties greater than 1 hectare – permitted activity'

C.6.1.4 'Outdoor burning for fire training – permitted activity'

C.6.1.5 'Outdoor burning for biosecurity purposes – permitted activity'

C.6.1.6 'Small-scale burning for energy generation – permitted activity'

C.6.1.7 'Large-scale burning for energy generation – permitted activity'

C.6.1.8 'Burning not a permitted or a prohibited activity – discretionary activity'

C.6.1.9 'Outdoor burning – prohibited activity'

### **Other air discharges**

C.6.2.1 'Wet abrasive blasting – permitted activity'

C.6.2.2 'Dry abrasive blasting within an enclosed booth – permitted activity'

C.6.2.3 'Discharges to air from a closed landfill – permitted activity'

C.6.2.4 'Discharges to air from industrial and trade activities - permitted activity'

C.6.2.5 'Discharges to air not specifically regulated in the plan - permitted activity'

C.6.2.6 'Discharge into air not permitted, controlled, restricted discretionary, non-complying or prohibited – discretionary activity'

## C.6.1 Burning

### C.6.1.1

#### Outdoor burning outside the Whangārei airshed – permitted activity

Outdoor burning outside the Whangārei airshed (I.12 'Air sheds map') is a permitted activity, provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) only untreated wood, paper, cardboard, vegetative matter and plastic agricultural bale wrap are burnt, and
- 3) where any outdoor burning is likely to last for more than 24 hours that is within 200m of a smoke sensitive area on another property:
  - a) the neighbouring property with the smoke sensitive area, and the regional council's compliance manager, must receive notification no less than 18 hours and no more than two weeks before the outdoor burning activity is to take place, and
  - b) notification must:
    - i) be in writing<sup>(10)</sup>, 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) 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 written agreement of affected neighbours and the regional council.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.6.1.2

#### Outdoor burning inside the Whangārei airshed on properties less than 10,000m<sup>2</sup> (1 hectare) – permitted activity

Outdoor burning inside the Whangārei airshed as shown in I.12 'Air sheds map' on properties less than 10,000m<sup>2</sup> (1 hectare) is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) there is no burning of prohibited materials as listed in C.6.1.9 'Outdoor burning – prohibited activity', and
- 3) the outdoor burning activity is:
  - a) in an incineration device on an industrial or trade premise and contains only untreated wood, paper or cardboard, or
  - b) an umu, or
  - c) a hāngi, or

<sup>10</sup> this can be an e-mail



- d) a barbeque, or
- e) a wood-fired kiln (provided that these are being used for their designed purpose and with their intended fuel), or
- f) an outdoor fire for food cooking purposes (provided that these are being used for their designed purpose and with their intended fuel), or
- g) a bonfire, provided that:
  - i) the bonfire is organised by a community controlled organisation, and
  - ii) the regional council is notified 5 working days prior to the event.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.6.1.3

#### Outdoor burning inside the Whangārei airshed on properties greater than 1 hectare – permitted activity

Outdoor burning inside the Whangārei airshed as shown in I.12 'Air sheds map' on properties greater than 10,000m<sup>2</sup> (1ha) within the Whangārei airshed is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) only untreated wood, paper, cardboard, vegetative matter and plastic agricultural bale wrap are burnt
- 3) the burning does not occur during June, July or August, and
- 4) where any outdoor burning is likely to last for more than 24 hours that is within 200m of a smoke sensitive area on another property:
  - a) the neighbouring property with the smoke sensitive area, and the regional council's compliance manager, must receive notification no less than 18 hours and no more than two weeks before the outdoor burning activity is to take place, and
  - b) notification must:
    - i) be in writing<sup>(11)</sup>, 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) 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 written agreement of affected neighbours and the regional council.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

<sup>11</sup> this can be an e-mail

#### C.6.1.4

##### Outdoor burning for fire training – 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 offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) the fire is under the control of a nationally recognised body authorised to undertake fire research or fire training activities, and
- 3) the relevant territorial authority and regional council's compliance manager are notified (in writing including e-mail) at least 5 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) approximate length of time burn will take.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

#### C.6.1.5

##### Outdoor burning for biosecurity purposes – permitted activity

Outdoor burning of any material for the purpose of addressing a biosecurity incursion under the Biosecurity Act 1993 is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

#### C.6.1.6

##### Small-scale burning for energy generation – 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 is a permitted activity provided:

- 1) the heat capacity of the device is less than 40KW, and
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.

**The RMA activities this rule covers:**

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.6.1.7

#### Large-scale burning for energy generation – permitted activity

The discharge of contaminants to air from the burning of coal, oil, natural gas, biogas, LPG or untreated wood in a burning device of more than 40KW 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) – less than 5MW,
  - b) natural gas, biogas and LPG – less than 10MW,
  - c) untreated wood burning – less than 2.5MW, and
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 3) the discharge of particulates is less than 250mg/m<sup>3</sup> of non-toxic particulates, corrected to 0°C, 12% CO<sub>2</sub>, 1 Atmosphere, and a dry gas basis, and
- 4) the stack height is calculated in accordance with the chimney height requirements in H.5 '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.

**The RMA activities this rule covers:**

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

**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).

### C.6.1.8

#### Burning not a permitted or a prohibited activity – discretionary activity

The discharge of contaminants into air from any burning that is not a:

- 1) permitted activity under rule C.6.1.1 'Outdoor burning outside the Whangārei airshed – permitted activity', or
  - 2) permitted activity under rule C.6.1.2 'Outdoor burning inside the Whangārei airshed on properties less than 10,000m<sup>2</sup> (1 hectare) – permitted activity', or
  - 3) permitted activity under rule C.6.1.3 'Outdoor burning inside the Whangārei airshed on properties greater than 1 hectare – permitted activity', or
  - 4) permitted activity under rule C.6.1.4 'Outdoor burning for fire training – permitted activity', or
  - 5) permitted activity under rule C.6.1.5 'Outdoor burning for biosecurity purposes – permitted activity', or
  - 6) permitted activity under rule C.6.1.6 'Small-scale burning for energy generation – permitted activity', or
  - 7) permitted activity under rule C.6.1.7 'Large-scale burning for energy generation – permitted activity', or
  - 8) prohibited activity under rule C.6.1.9 'Outdoor burning – prohibited activity',
- is a discretionary activity.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

### C.6.1.9

#### Outdoor burning – prohibited activity

Unless permitted under rule C.6.1.5 'Outdoor burning for biosecurity purposes – permitted activity' or rule C.6.1.4 'Outdoor burning for fire training – permitted activity', the outdoor burning of the following materials is a prohibited activity:

- 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) halogenated plastic, and
- 6) paint and other surface coating materials, and
- 7) used or waste oil, and
- 8) tar or bitumen, and
- 9) all rubber, including but not limited to rubber tyres, and
- 10) materials containing asbestos, and
- 11) synthetic material (except plastic agricultural bale wrap), including but not limited to foams, fibreglass, batteries, chemicals, paint and other surface coating materials, and

- 12) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and
- 13) 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
- 14) sludge from industrial processes, and
- 15) municipal, commercial, institutional, domestic, or industrial waste, and
- 16) any container that has been used for the purpose of storing hazardous substances.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

## C.6.2 Other air discharges

### C.6.2.1

#### Wet abrasive blasting – permitted activity

Wet abrasive blasting is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) any discharge to water or air does not contain any hazardous substances (for example, lead, arsenic, chromium, cadmium, copper, asbestos or tin), and
- 3) all working and surrounding areas are kept free of accumulations of used abrasive blasting mediums and other debris. Used blasting mediums and other debris must be removed and contained, so that no discharge into water can occur, by the end of each working day, and
- 4) the abrasive blasting medium does not contain greater than 5% by dry weight free silica, and
- 5) the discharge does not, at or beyond a 10 metre radius of the blasted surface, cause (with the exception of natural causes) to water:
  - a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, and
  - b) any conspicuous change in the colour or visual clarity, and
  - c) any significant adverse effects on aquatic life, and
  - d) the rendering of fresh water unsuitable for consumption by farm animals, and
  - e) a pH to be outside the range of 6.5-9.0.

The RMA activities this rule covers:

- discharge contaminants into water (s15(1)(a)), and
- discharge contaminants onto land where it may enter water (s15(1)(b)), and
- discharge contaminants into land and air from industrial and trade premises (s15(1)(c)(d)), and
- discharge contaminants into land and air from any other place or source (s15(2A)).

## C.6.2.2

### 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 offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) the enclosed booth is fitted with an air extraction system that discharges all contaminants and exhaust air into a vent or emissions stack, and
- 3) the air extraction system is maintained at all times to remove at least 95% of particulate matter from the discharge, and
- 4) all items to be blasted are completely contained within the abrasive blasting booth. All doors, windows and other openings to the abrasive blasting booth must be closed when blasting, and
- 5) 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)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

## C.6.2.3

### Discharges to air from a closed landfill – permitted activity

Discharges into air from any closed landfill is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) the landfill was closed before the date of plan notification, and
- 3) 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 (1) can be met through a landfill gas 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)), and
- discharge contaminants into the air from any other place or source (s15(2A)).

## C.6.2.4

### 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
- 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,  
provided:
  - 22) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)).

### C.6.2.5

#### 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 offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 3) the discharge is not from dry abrasive blasting.

The RMA activities this rule covers:

- discharge contaminants into the air from any other place or source (s15(2A)).

### C.6.2.6

#### Discharge into air not permitted, controlled, restricted discretionary, non-complying or prohibited – discretionary 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 discretionary activity,

The RMA activities this rule covers:

- discharge contaminants into air from industrial and trade premises (s15(1)(c)), and
- discharge contaminants into the air from any other place or source (s15(2A)).





# D Policies

## 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 activities on tangata whenua and taonga <sup>(1)</sup> if:

- 1) the activity or activities is likely to adversely effect one or more of the following matters of significance to tangata whenua:
  - a) adverse impacts on mahinga kai<sup>(2)</sup> and access to mahinga kai<sup>(3)</sup>, or
  - b) decrease in the safety of untreated water being taken by tangata whenua for drinking from streams and rivers, or
  - c) 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<sup>(4)</sup>, or
  - d) any adverse impact on indigenous biodiversity where it impacts on the ability of tangata whenua to carry out cultural and traditional activities<sup>(5)</sup>, or
  - e) the use of genetic engineering and the release of genetically modified organisms to the environment, or
  - f) potential climate change impacts on tangata whenua values and on Māori land, or
- 2) the activity or activities is likely to have adverse effects on:
  - a) tāiapure and mataitai, or on Māori non-commercial fisheries, or
  - b) protected customary rights, or
  - c) places of significance to tangata whenua mapped in the Regional Plan (I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map')

*Note – the continued inclusion of "the use of genetic engineering and the release of genetically modified organisms to the environment" in this policy depends on the outcome of the appeals on the matter in the Regional Policy Statement.*

### D.1.2

#### Determining whether effects on tangata whenua and their taonga are likely

- 1 A analysis of effects on tangata whenua and their taonga may be necessary in circumstances not covered by 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).

If there is a possibility of an adverse effect on the matters identified in policy D.1.1 'When an analysis of effects on tangata whenua and their taonga is required' and the applicant determines that the effects of their activities on the matters is less than likely, then the reasons for this must be included in the resource consent application.

### D.1.3

#### Requirements of an analysis of effects on tangata whenua and their taonga

An analysis of the effects of activities on tangata whenua and their taonga in a resource consent application must:

- 1) have regard to (but not limited to):
  - a) any relevant planning document recognised by an iwi authority (lodged with the council), and
  - b) the outcomes of any consultation with tangata whenua with respect to the consent application, and
  - c) statutory acknowledgements in Treaty Settlement legislation, and
- 2) follow best practice, and
- 3) specify the tangata whenua entity on whose behalf the assessment is being made, and
- 4) include endorsement with prior and informed consent by those tangata whenua, 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 activities<sup>(6)</sup>, and
- 8) identify and describe the effects of the activities on the cultural resources and activities (including the effects on the mauri of the cultural resources, the cultural activities affected, how they are both affected, and the extent of the effects), and
- 9) identify, where possible, how to avoid, remedy or mitigate the cultural effects of the activities, and
- 10) include any other relevant information.

### D.1.4

#### Affected parties

The following persons must be considered an affected person with regard to notification<sup>(7)</sup> where the adverse effects on the following resources and activities are minor or more than minor<sup>(8)</sup>:

**Table 9 Circumstances where tangata whenua are adversely affected for purposes of notification**

Person	Resource or activity
The tangata whenua entity identified in an analysis of the effects undertaken in accordance with policy D.1.3 '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.1.3 'Requirements

6 The full range of effects defined in s3 of the RMA need to be considered.

7 for resource consent applications for, restricted-discretionary, discretionary and non-complying activities

8 but not less than minor

Person	Resource or activity
	of an analysis of effects on tangata whenua and their taonga <sup>9</sup> .
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

### D.1.5

#### 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.1.6

#### 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:

- 1) is:
  - a) a historic heritage resource, or
  - b) ancestral land, water, site, wāhi tapu, or other taonga, or
  - c) within a protected customary rights area, 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<sup>(9)</sup>, 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

<sup>9</sup> A Landscape of Significance to Tangata Whenua may include Sites and/or Areas of Significance to Tangata Whenua.

- 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 matā/obsidian), or
  - ii) traditional travel and communication linkages, both on land and sea, or
  - iii) areas of mana moana for fisheries and other rights, or
  - iv) use of landmarks for navigation and location of fisheries grounds, or
  - v) implementation of traditional management measures, such as rāhui or tohatoha (distribution), or
- c) cultural associations, which include but are not limited to:
  - i) the web of whanaungatanga connecting across locations and generations, or
  - ii) the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or
  - iii) respect for authority, such as rangatiratanga, and respect for relationships, such as tuakanatanga, or
- d) spiritual associations 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

#### Managing adverse effects on Category A (significant) historic heritage and historic heritage areas

Manage adverse effects of activities requiring resource consent on Category A (significant) historic heritage and historic heritage areas as mapped in I.9 'Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map' by:

- 1) avoiding significant adverse effects of use and development on historic heritage, and
- 2) recognising the following as adverse effects:
  - a) damage or destruction:
    - i) to the physical elements of historic heritage, and
    - ii) to the setting and context of historic heritage, and
    - iii) to the connectivity between sites and locations that compromise a wider heritage landscape, and
    - iv) to the non-physical attributes that compromise spiritual or cultural values, such as those held by tangata whenua, and
- 3) avoiding:
  - a) the destruction of historic heritage unless:
    - i) the historic heritage is irreparably damaged, and
    - ii) there are significant public health and safety issues if the historic heritage were to remain, and
    - iii) information on the historic heritage will be gathered and recorded by a suitably qualified heritage professional, and
  - b) modification through relocation of the physical elements of historic heritage unless:
    - i) the context of the historic heritage within its present location has already been lost, or
    - ii) the historic heritage must be relocated because of significant public benefit or for the avoidance of natural hazards, and
    - iii) any damage to the historic heritage during relocation can be avoided, and

- c) modification through alterations to the form and appearance of historic heritage unless the changes will not result in the loss of core historic heritage values.
- d) loss of context to historic heritage taking into account the scale of any proposal, and
- 4) taking into account the historic heritage values of the site or area as described in the site reports (refer to the Northland Regional Council website) where available, and
- 5) requiring applicants for activities that are likely to have an adverse effect on a Category A (significant) historic heritage and/or historic heritage areas to:
  - a) undertake a heritage impact assessment, and
  - b) consult with:
    - i) Heritage New Zealand, and
    - ii) tangata whenua in instances where the Category A (significant) historic heritage and/or historic heritage areas have identified values of significance to tangata whenua, and
- 6) recognising that methods of avoiding, remedying or mitigating adverse effects may include:
  - a) careful design, scale and location proposed in relation to historic heritage values, including proposed use and development adjacent to historic heritage, and
  - b) the use of setback, buffers and screening from historic heritage, and
  - c) reversing previous damage or disturbance to historic heritage, and
  - d) improving the public use/value/understanding of the historic heritage, and
  - e) the development of management and restoration plans.

### D.2.3

#### Managing adverse effects on indigenous biodiversity

Manage adverse effects of activities requiring resource consent on indigenous biodiversity by:

- 1) avoiding adverse effects on the characteristics and qualities that comprise the following indigenous biodiversity in the coastal environment:
  - a) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, and
  - b) 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
  - c) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and
  - d) areas of a), b), and a) as displayed in maps – I.3 'Significant marine ecological areas map', and
- 2) avoiding adverse effects on the characteristics and qualities that comprise the following indigenous biodiversity outside the coastal environment so that they are no more than minor:
  - a) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, and
  - b) 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
  - c) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and
- 3) avoiding significant adverse effects on the characteristics and qualities that comprise the following indigenous biodiversity in the coastal environment:
  - a) areas of predominantly indigenous vegetation, and

- b) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
  - c) indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, pakihi (including gumland and ironstone heathlands), coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh, and
- 4) avoiding, remedying or mitigating adverse effects outside the coastal environment that comprise the following indigenous biodiversity so they are not significant:
- a) areas of predominantly indigenous vegetation, and
  - b) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
  - c) indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, pakihi (including gumland and ironstone heathlands), headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas, and
- 5) recognising the following as being adverse effects:
- a) irreversible or long-term damage, disturbance or loss:
    - i) to connections between areas of indigenous biodiversity, and
    - ii) to the life-supporting capacity of the area of indigenous biodiversity, and
    - iii) to flora and fauna that are supported by the area of indigenous biodiversity, and
    - iv) to natural processes or systems that contribute to the integrity of the area of indigenous biodiversity, and
- 6) assessing the potential adverse effects of the activity against the identified values of indigenous biodiversity, including by:
- a) taking a system-wide approach to large-scale 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) recognise that discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable, and
  - c) recognise that activities with transitory effects, which may be acceptable, must be those where the effects are not long-term and/or irreversible, and
- 7) recognising that 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) avoiding the incremental and cumulative loss of the values of indigenous biodiversity that over time may lead to a greater overall effect, and
  - f) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and
  - g) early consultation with relevant statutory and non-statutory bodies to address potential concerns, and
  - h) reversing previous damage or disturbance to areas of indigenous biodiversity, and
  - i) improving the public use/value/understanding to areas of indigenous biodiversity, and
  - j) the development of ecological management and restoration plans.



## D.2.4

### Managing adverse effects on outstanding natural landscapes, outstanding natural features, outstanding natural character and high natural character

Manage adverse effects of activities requiring resource consent on:

- 1) outstanding natural landscapes, or
  - 2) outstanding natural features, or
  - 3) outstanding natural character, or
  - 4) high natural character,
- by:
- 5) avoiding:
    - a) adverse effects on the characteristics and qualities that make up outstanding natural character, outstanding natural landscapes and outstanding natural features in the coastal environment, and
    - b) significant adverse effects on the characteristics and qualities that make up high natural character in the coastal environment, and
      - i) significant adverse effects on the characteristics and qualities that make up outstanding natural landscapes and outstanding natural features outside of the coastal environment, and
  - 6) recognising that discrete, localised or otherwise minor effects not impacting on the whole landscapes, features or areas of natural character may be acceptable, and
  - 7) recognising that activities with transitory effects, which may be acceptable, must be those where the effects are not long-term and/or irreversible, and
  - 8) recognising that methods of avoiding, remedying or mitigating adverse effects may include:
    - a) careful design, scale and location proposed in relation to these areas, and
    - b) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to these areas from adjacent use and development, and
    - c) maintaining the continuity of natural processes and systems contributing to the integrity of these areas, and
    - d) avoiding the incremental and cumulative loss of the values of these areas that over time may lead to a greater overall effect, and
    - e) early consultation with relevant statutory and non-statutory bodies to address potential concerns, and
    - f) reversing the effects of previous damage or disturbance to these areas, and
    - g) improving the public use/value/understanding of these areas.

## D.3 Air

### D.3.1

#### General approach to managing air quality

When considering resource consent applications for discharges to air:

- 1) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality 2004 (including subsequent amendments), and
- 2) consider applying the H.5 'Chimney height requirements' when assessing the best practicable option for stack discharges, and
- 3) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on the surrounding environment, and
- 4) take into account the New Zealand Ambient Air Quality Guidelines 2002 when assessing the effects of the discharge, and
- 5) recognise that discharges to air can have adverse effects on natural character, and
- 6) take into account the existing environment and surrounding zoning in the relevant district and regional plan, and
- 7) 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
- 8) use national guidance produced by the Ministry for the Environment, including:
  - a) Good Practice Guidance on Odour, 2016, and
  - b) Good Practice Guidance on Dust, 2016, and
  - c) Good Practice Guidance on Industrial Emissions, 2016.

### 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 granting consents for the outdoor burning of waste materials in the Whangārei airshed (I.12 'Air sheds map') unless:
  - a) there is a significant public benefit, and
  - b) there is a need for burning to take place, when compared to alternative options, and
- 2) recognise that air discharges from crematoria 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 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 minimised.

### 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 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 minimised, and
- 2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor abrasive blasting.

### D.3.4

#### Spray generating activities

When considering resource consent applications for discharges to air from spray generating activities:

- 1) Avoid granting consents for aerial agrichemical spraying in urban areas unless:
  - a) there is a significant public benefit, and
  - b) there is a need for aerial spraying to take place, when compared to alternative options, 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 sensitive areas, and
- e) details of good management practice that will be used to control spray to the extent that adverse effects from spray at the boundary of the site are minimised.

### 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 (I.12 'Air sheds map').

# D.4 Land and water

## D.4.1

### Water quality objective

Safeguard:

- 1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh and coastal water, and
- 2) sustainable mahinga kai, and
- 3) human health during secondary contact recreation in rivers and tidal creeks, and
- 4) human health during primary contact recreation in popular river swimming sites, lakes, estuaries, and open coastal waters,

by managing discharges and the use of land so that the overall quality of Northland's fresh and coastal waters is within set water quality limits (H.7 'Water quality limits') and sediment losses to water are minimised.

## D.4.2

### Protecting outstanding freshwater bodies

Protect outstanding freshwater bodies shown on maps I.10 'Water quality and quantity management units map' by not allowing discharges of contaminants and the use of land to cause more than minor adverse effects on the significant values that make them outstanding.

## D.4.3

### Maintaining water quality

Where the quality of water in a water body (excluding an outstanding freshwater body) or coastal water is within or in a better attribute state than set in a water quality limit, resource consent may only be granted for any activity that will result in a lower attribute state if:

- 1) allowing a lower water quality is necessary for important economic or social development in the area in which the waters are located, and
- 2) existing beneficial values of water are protected.

#### D.4.4

##### Managing discharges where the quality of water exceeds a limit

When considering an application for a resource consent to discharge contaminants to a water body or coastal water with water quality in a lower attribute state than set in a water quality limit, resource consent may only be granted if:

- 1) the exceedance is caused by any of the following:
  - a) naturally occurring processes, or
  - b) anthropogenic sources that cannot be remedied, or
  - c) any dams or diversions, or regionally significant infrastructure lawfully established at the notification date of this plan, and it is not practicable to restore the water body to its original condition, and
- 2) discharging to land is prohibitively expensive, and
- 3) the discharge is free of any toxic contaminants, and
- 4) non-toxic contaminants that cannot be removed from the discharge are offset by way of mitigation(s) in the catchment of the water body or coastal water.

#### D.4.5

##### Requiring discharges to land

Require that wastewater discharges (including from farms, domestic sources, and industrial and trade premises) are by land disposal:

- 1) unless discharging to water is the best practicable option, and
- 2) the discharge is free of any toxic contaminants, and
- 3) residual non-toxic contaminants in the discharge are offset by way of mitigation(s) in the catchment of the water body.

#### D.4.6

##### Zone of reasonable mixing

When determining what constitutes a reasonable mixing zone, use the smallest zone necessary to achieve the required water quality in the receiving water and ensure that the mixing zone is free from contaminant concentrations and dissolved oxygen levels that cause acute toxicity.

## D.4.7

### General requirements for wastewater and stormwater discharges

Regardless of the condition of the receiving waters, require:

- 1) for a wastewater discharge to water, the use of the best available treatment technology for a wastewater discharge to water, including to maintain dissolved oxygen, pH and temperature levels and overall water quality, and
- 2) for stormwater discharges, the best practicable option for preventing and minimising the adverse effects on the environment.

## D.4.8

### 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.

## D.4.9

### 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) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes into or onto land where they may enter water, and
- 6) ensuring landfills are closed and monitored in accordance with *A Guide for the Management of Closing and Closed Landfills in New Zealand* (Ministry for the Environment, 2001).

#### D.4.10

##### 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.4.11

##### Freshwater quantity objective

Manage the taking, use, damming, and diversion of fresh water so that the following freshwater quantity objectives are met:

- 1) the natural hydrological variation of outstanding freshwater bodies and natural wetlands is protected, and
- 2) rivers have sufficient flow variability to maintain habitat quality, and
- 3) the hydraulic habitat of flow sensitive native aquatic fish or invertebrate species is maintained in rivers so that there is no decrease in species abundance and diversity, and
- 4) flows and water levels support sustainable mahinga kai, and
- 5) the extent of littoral zones in natural lakes are maintained, and
- 6) saline intrusion to coastal aquifers and land subsidence above all aquifers is avoided.

#### D.4.12

##### Exceeding a freshwater quantity limit

An application for a water permit that would authorise a person to exceed or further exceed a freshwater quantity limit in H.6 'Freshwater quantity limits' may only be granted if:

- 1) freshwater quantity and quality objectives are met, and
- 2) the reliability of supply of existing lawfully established takes are not adversely affected, and
- 3) the applicant uses the best available scientific method(s) to demonstrate compliance with parts 1 and 2 of this policy.



#### D.4.13

##### Supplementary allocation from rivers

Allow supplementary allocation from rivers provided that freshwater quantity objectives are met.

#### D.4.14

##### Efficient use of water

An applicant for a water permit to take or use water must justify that the rate of take and amount of water sought for the proposal is reasonable and efficient for the intended use, including by:

- 1) demonstrating that the water reticulation infrastructure is designed to prevent leakage, and
- 2) demonstrating that irrigation takes are limited to the maximum seasonal needs based on crop water requirements, and providing a contingency management plan for periods when water is restricted, and
- 3) demonstrating that for industrial and trade takes industry efficiency standards or codes of practice to minimise water use are adopted, and
- 4) providing a contingency management plan for group or community drinking water supplies that sets out the current and likely future demand for water, taking into account the number and nature of the properties that are to be supplied, and how the water supplier will manage water availability during summer flow periods and drought events.

#### D.4.15

##### Conditions on water permits

Water permits must include conditions that:

- 1) clearly define the take amount in instantaneous take rate (L/s) and total volume, including by reference to the temporal aspects of the take and use, and
- 2) separate the take and use components of the consent, and
- 3) require that the water take is metered and information on rates and total volume of the take is provided to Northland Regional Council, and
- 4) for water permits for takes equal to or greater than 10 litres per second, require the water meter to be telemetered to Northland Regional Council, and
- 5) clearly define when any restrictions and cessation of the water take must occur, and
- 6) specify when and under what circumstances the permit will be reviewed pursuant to section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment.

## D.4.16

### Transfer of water permits

Allow the transfer of water permits to take or use water to another person on another site, or to another site, if both sites are in the same catchment (either upstream or downstream) or aquifer, provided that there is no change in adverse effects of the take and use of transferred water on the environment.

## D.4.17

### Water shortage direction

When issuing a water shortage direction pursuant to section 329 of the RMA, give priority to the following needs (in order of priority from highest to lowest):

- 1) takes for domestic or municipal supply and the maintenance of animal health, and
- 2) water required for the sole purpose of preventing the death of permanent viticulture or horticulture crops (excluding pasture species, animal fodder crops, and maize) provided a contingency plan is implemented, and
- 3) other takes.

## D.4.18

### Activities affecting flood control schemes

Avoid activities that are likely to:

- 1) compromise the functional integrity of flood control schemes, or
- 2) impede access to flood control schemes for maintenance purposes.

## D.4.19

### New land drainage

Land drainage activities that require resource consent must:

- 1) maintain bed and bank stability, and
- 2) ensure that peatlands are not adversely affected, and
- 3) ensure that the adverse effects on groundwater levels are avoided, remedied or mitigated, and

- 4) ensure the effects of ground subsidence from de-watering are mitigated, and
- 5) recognise the values of existing wetlands, and
- 6) maintain existing fish passage and where possible, encourage development of new fish passage opportunities.

#### D.4.20

##### Wetlands – requirements

Resource consent for activities affecting a wetland may only be granted if:

- 1) the following important functions and values of wetlands are maintained:
  - 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) after avoiding, remedying, mitigating, biodiversity offsetting and environmental biodiversity compensation, residual adverse effects are no more than minor.

#### D.4.21

##### Wetlands – recognise

Recognise:

- 1) the benefits of wetland creation, restoration and improvement of wetland processes, and
- 2) the values of induced or reverted wetland are likely to be a function of:
  - 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),
- 3) that the consent duration should be as long as the time it takes for the wetland to reach its expected end state.

#### D.4.22

##### Requirements for structures in freshwater

Structures in, on, under or over the bed of a lake or river must:

- 1) not result in water quality or quantity objectives or limits being exceeded, and
- 2) avoid, remedy or mitigate adverse effects so there are no more than minor residual effects on:
  - a) the ability for indigenous fish species to move up and downstream of the activity site, and
  - b) access to water or reduced security of supply for existing authorised users, and
  - c) the natural variation in the flow or level of outstanding water bodies (I.10 'Water quality and quantity management units map'), and
  - d) the extent of significant wetlands, and
  - e) the ecological values of significant wetlands, and
  - f) ecological and natural character values of in-stream and riparian habitats, and
  - g) risk to persons and property.

#### D.4.23

##### Benefits of freshwater structures

Recognise the benefits of freshwater structures that:

- 1) enhance the socio-economic well-being and resilience of communities or industry, or
- 2) support or form part of regionally significant infrastructure with a functional or operational need to locate within a natural water body and alternatives would be impractical and/or have greater adverse effects, or
- 3) enhance fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, or
- 4) are necessary for flood protection and the safeguarding of public health and safety, or
- 5) are designed to maintain or improve public access along or within the water body, or
- 6) provide benefits for multiple persons.

#### D.4.24

##### Land disturbance activities

Cultivation, earthworks, and vegetation clearance must be done in accordance with established good management practices to prevent and minimise:

- 1) sediment losses to rivers, wetlands, and coastal waters, and
- 2) sediment, phosphorus, and nitrogen losses to lakes.

## D.4.25

### 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, a natural wetland, or the coastal marine area have particular regard to:

- 1) any relevant priorities and recommendation in a farm plan prepared or approved by Northland Regional Council, or
- 2) the need to extend the deadline for livestock to be excluded on the grounds of significant practical constraints, or
- 3) the implementation of substitute mitigations such as constructed wetlands to avoid or minimise losses of sediment and faecal microbes to downstream water bodies and coastal waters.

# D.5 Coastal space

## D.5.1

### Aquaculture – benefits

Recognise the significant benefits aquaculture can provide to local communities, Māori, and the Northland 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 – particular considerations

When considering coastal permit applications for aquaculture activities, particular consideration will be given to the following matters:

- 1) the type of aquaculture and species proposed to be farmed and the suitability of the location for the proposed aquaculture activities, and
- 2) the nature and sensitivity of the existing environment in the proposed site, and
- 3) any lawful existing uses of the area, including public access, safe navigation and customary uses, and the extent to which those uses may be adversely affected, and
- 4) the potential positive and adverse effects of the proposed aquaculture activities on natural, social, cultural and economic values, and
- 5) the identification and location of any associated structures, facilities and activities required within the coastal marine area (within and outside the proposed site), and
- 6) the need for the integrated management of any associated land use effects outside the coastal marine area.

## D.5.3

### Aquaculture – where it is not appropriate

New aquaculture activities are not appropriate in the following areas:

- 1) areas of the coastal marine area where a marine reserve has been established or publicly notified under the Marine Reserves Act 1971, or
- 2) Significant Ecological Areas, or
- 3) locations within the General Coastal Zone where adverse effects (actual or potential) of aquaculture activities on the following are unavoidable:
  - a) residential activities in significant urban areas provided for in operative district plans, which activities are existing *[at the date this plan is notified]*, authorised by unexercised resource consents or enabled by operative district plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, or
  - b) significant tourism and/or recreation areas, or
  - c) areas of Outstanding Natural Character and/or an Outstanding Natural Feature, or
  - d) recognised navigational routes (commercial and recreational), recognised anchorages of refuge, and/or port or harbour approaches, or
  - e) taxa, indigenous ecosystems and vegetation types, habitats, and areas listed in New Zealand Coastal Policy Statement Policy 11(a), or
  - f) existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity), or
- 4) Mooring Zones, or
- 5) Coastal Commercial Zones, or
- 6) Marina Zones, or
- 7) Historic Heritage areas.

Exceptions to 2) and 3):

- 8) marae-based aquaculture may be considered appropriate, where the adverse effects on the values represented by these areas are no more than minor, and
- 9) aquaculture activities may be considered appropriate in the Significant Ecological Areas in the Kaipara Harbour where they have no more than minor adverse effects on the values represented by this area, and
- 10) relocations of existing farms within the northern Pārengarenga Harbour and the Waikare Inlet, and
- 11) aquaculture activities in the Māori oyster reserve in the outer Kaipara Harbour, and
- 12) currently authorised aquaculture activities.

#### D.5.4

### Aquaculture – avoid adverse effects

Aquaculture activities should avoid adverse effects on:

- 1) the use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables, and
- 2) consented sand dredging zones, and
- 3) defence exercise areas, and
- 4) access lanes <sup>(10)</sup> as referred to by the Navigation Safety Bylaw, and
- 5) the management purpose or objectives of:
  - a) any gazetted Taiapure or Mahinga Mataitai reserve, and

<sup>10</sup> Water ski and jet ski lanes.

- b) any area 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) any Protected Customary Rights and Customary Marine Titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011, and
- d) any Wildlife Refuge 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<sup>(11)</sup>, and
- g) any Marine Park established by or through statutory or regulatory processes.

## D.5.5

### 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.5.6

### 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 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, and
- 5) not unduly compromise the public use of existing boat ramps, jetties and wharves, and
- 6) avoid the potential to adversely affect the availability of food (plankton) in the water for existing aquaculture activities.

<sup>11</sup> 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.



## D.5.7

### Aquaculture – staged development

New aquaculture activities may be required to be developed and monitored in a staged manner, for example where:

- 1) the potential adverse effects cannot adequately be predicted, or
- 2) new species are farmed or new technology is used, or
- 3) the scale or type of marine farm warrants a cautious approach.

## D.5.8

### Aquaculture – term of coastal permit

The duration of coastal permits for aquaculture activities must be limited to a maximum of 25 years. Where the adverse effects are not well known (for example, new species and/or farming methods), a lesser coastal permit duration may be used as a way to manage the potential impact.

## D.5.9

### 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 remove structures that have been abandoned or have fallen into a state of disrepair, and
- 2) bonds or alternative security to cover the costs of removing abandoned or derelict structures and reinstatement of the environment.

## D.5.10

### Appropriateness of non-functional need structures

Do not allow structures in the common marine and coastal area if they do not have a functional need to be located in the common marine and coastal area, unless the coastal permit applicant can demonstrate that the structure will make a significant positive contribution to the region or local area.

## D.5.11

### Coastal commercial zone

Development in the Coastal Commercial Zone will generally be appropriate provided it is consistent with:

- 1) existing development in the Coastal Commercial Zone, and
- 2) existing development on adjacent land above mean high water springs, and
- 3) development anticipated on the land above mean high water springs by the relevant district plan.

Development that is inconsistent with 1) to 3) will not necessarily be inappropriate.

## D.5.12

### Whangārei City Centre Marine Zone

Recognise that the purpose of the Whangārei City Centre Marine Zone is to enable the development of structures for amenity and public good purposes.

## D.5.13

### Moorings

Moorings outside Mooring Zones that require resource consent must:

- 1) have all necessary shore based services and/or facilities available long-term (necessary in this instance means toilet facilities, parking, dinghy storage and rubbish disposal), and
- 2) not by itself and/or in combination with existing moorings in the same bay/inlet, result in more than minor adverse effects, and
- 3) not be allowed where the mooring will more likely than not result in setting a precedent for additional new moorings in the same bay/inlet, and
- 4) demonstrate why it is not practical to be in a mooring zone, and
- 5) demonstrate why short-term anchorage and/or land-based vessel storage is not practical, and
- 6) not be in the following areas:
  - a) Areas of Outstanding Natural Character, or
  - b) Historic Heritage Areas, or
  - c) Nationally Significant Surfbreaks, or
  - d) Outstanding Natural Features, or
  - e) Regionally Significant Anchorages, unless
  - f) the mooring is associated with a property that is only legally accessible by water, or

- g) the mooring is for public benefit and/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.

#### D.5.14

### Regionally Significant Storm Anchorages

Recognise the value of Regionally Significant Storm Anchorages (I.6 'Regionally significant anchorages map') to the boating community, as anchorages that are critical refuges during bad weather, including by avoiding structures that would adversely effect the ability of vessels to anchor in a Regionally Significant Storm Anchorage, except:

- 1) structures installed to reduce the environmental impact of repetitive anchoring where the structure is available for public use.

#### D.5.15

### Regionally Significant Recreational Anchorages

Recognise the value of Regionally Significant Recreational Anchorages (I.6 'Regionally significant anchorages map') to the boating community, as commonly used amenity anchorages, including by avoiding structures that will have significant adverse effects on the ability of vessels to anchor in a Regionally Significant Recreational Anchorage.

#### D.5.16

### Marinas – managing effects

Marinas must:

- 1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:
  - a) rubbish from vessels, and
  - b) sewage and sullage from vessels, and
  - c) recyclable material including waste oils, and
  - d) residues from vessel construction and maintenance, and
  - e) spills from refuelling operations and refuelling equipment, and
  - f) the discharge of stormwater generated from the marina complex, and
- 2) provide for shore-based facilities, including car and trailer parking, public toilets, boat racks, public access and esplanade reserves, landscaping and urban design treatment, 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 any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

### D.5.17

#### Benefits of marinas

Recognise that 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.5.18

#### Marina Development Zones

Recognise that Marina Development Zones (I.1 'Coastal marine area zones map'):

- 1) are in harbours or inlets where there is high demand for on-water boat storage, and
- 2) are locations where a suitably designed, developed and operated marina will likely be able avoid, mitigate and/or remedy adverse effects to an acceptable level, including being consistent with the provisions of relevant plans, the Regional Policy Statement and the New Zealand Coastal Policy Statement.

### D.5.19

#### Marinas and moorings in high demand areas

Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand Mooring Zones. Therefore, high density on-water boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on-water boat storage:

- 1) Mangonui, and
- 2) Kerikeri, and
- 3) Russell, and
- 4) Ōpua, and

- 5) Tutukaka, and
- 6) Mangawhai

## D.5.20

### Reclamations for regionally significant infrastructure

Within Significant Ecological Areas, Historic Heritage Areas, Areas of Outstanding Natural Character or Outstanding Natural Landscapes, avoid reclamations unless the proposed reclamation is directly associated with the provision of new Regionally Significant Infrastructure.

## D.5.21

### Dredging and disturbance activities

Dredging and disturbance activities must not:

- 1) cause or exacerbate erosion within the coastal marine area or on adjacent land, and
- 2) cause damage to any existing lawful structure.

## D.5.22

### Depositing and disposal of dredge spoil material

Avoid the disposal of dredge spoil and other waste in the coastal marine area unless:

- 1) it is for environmental (including beach) enhancement or ecological restoration, or
- 2) it is for restoration or enhancement of natural coastal defences that provide protection against coastal hazards.

## D.5.23

### Disturbance and deposition activities within areas with significant values

When considering resource consent applications for disturbance or deposition activities that have adverse effects on:

- 1) areas outstanding natural character areas, and

- 2) outstanding natural features, and
- 3) significant ecological areas, and
- 4) historic heritage areas, and
- 5) nationally significant surf breaks,

take into account whether the proposal provides for any of the following beneficial activities:

- 6) protects, restores or rehabilitates the significant values associated with one or more of the areas listed in 1 - 5 above, or
- 7) improves water quality, connections between water bodies or between freshwater bodies and coastal water, or other natural processes, or
- 8) provides educational, scientific or passive recreational opportunities that will enhance the understanding and long-term protection of the significant values of the area, and
- 9) is in association with scientific research and analysis, or
- 10) is in association with the operation, maintenance and protection of regionally significant infrastructure, or
- 11) involves the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
- 12) is dredging or other disturbance of the foreshore and seabed in existing artificial watercourses or modified watercourses, or
- 13) is in association with the mitigation of natural hazards, or
- 14) is in association with the operation, maintenance and protection of existing river schemes and land drainage schemes, or
- 15) is in association with the repair, maintenance, reconstruction and removal of lawfully established structures, or
- 16) involves sand extraction within areas where this has previously occurred and adverse effects have been demonstrated as being no more than minor.

## D.5.24

### Underwater noise

Activities giving rise underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

- 1) demonstrate that the best practicable option is being used to minimise noise, 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 fauna, and
- 4) demonstrate that there are no more than minor adverse effects on the values and characteristics of Significant Marine Mammal Areas.

## D.5.25

### Mangrove removal – purpose

Resource consent for mangrove removal greater than 500 square metres may only be granted if the purpose of the mangrove removal is to maintain or improve one or more of the following:

- 1) natural character, biodiversity and ecological values, including significant bird habitat, or
- 2) public walking access to, or along, the coastal marine area, or
- 3) connections with reserves or publicly owned land and the coast, or
- 4) public use and public amenity values, or
- 5) water access for vessels and navigation, or
- 6) public health and safety, including sightlines and traffic safety, or
- 7) access to the coast from marae, or to areas of traditional use, or
- 8) scheduled historic places or natural features, or
- 9) ongoing authorised activities and infrastructure, or
- 10) control of flooding or erosion caused by mangroves.

If the mangrove removal is not for one or more of the above purposes, the resource consent must not be granted.

## D.5.26

### Mangrove removal – requirements

Resource consents for mangrove removal must:

- 1) only be granted if the long term outcomes being sought are likely to be achieved, and
- 2) take an adaptive management approach for any mangrove removal greater than 500 square metres and disposal where there is uncertainty over the extent or duration of adverse effects, and
- 3) be restricted to the scale necessary for the proposed purpose.

## D.5.27

### Marine pests

Protect Northland from the adverse effects of 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 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 assuming the threats of significant or irreversible effects from the introduction or spread of marine pests are a reality if there is scientific uncertainty as to the extent of those effects, and
- 4) putting conditions in resource consents requiring that measures are implemented to manage the risk of introducing or spreading marine pests so that it is very low for activities that have a risk of introducing or spreading marine pests.

## D.5.28

### Significant surf breaks

Provide for the use and enjoyment of Nationally or Regionally significant surf breaks (I.8 'Nationally and regionally significant surf breaks map') by ensuring that:

- 1) resource consent applications for activities within the coastal marine area that are within a 1km 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) activities in the coastal environment do not adversely affect Nationally Significant Surf Breaks, and
- 3) adverse effects of other activities on access to, and use and enjoyment of Nationally Significant Surf Breaks are avoided, and
- 4) significant adverse effects on Regionally Significant Surf Breaks are avoided.



# D.6 Natural Hazards

## D.6.1

### Natural hazards – modification or damage to natural defences

Avoid significant modification or damage to natural features that provide protection against natural hazards and recognise that such natural defences include sand dunes, coastal vegetation and wetlands.

## D.6.2

### Coastal hazards – hard protection structures

New hard protection structures:

- 1) may only be granted resource consent if:
  - a) there is a net positive impact on the public's access to, use and enjoyment of the coastal marine area, or
  - b) they are the only practical means to protect existing:
    - i) infrastructure of national importance, or
    - ii) regionally significant infrastructure, or
    - iii) concentrations of existing vulnerable development, and
- 2) they provide a better outcome for the local community, district or region than if the hard protection structure were not built, if adverse effects on the public's access to, use and enjoyment of the beach are not avoided, and
- 3) must be located as far landward as possible in order to retain as much of the natural defences as possible, and
- 4) must be designed and constructed by a suitably qualified and experienced professional, and
- 5) must incorporate the use of soft protection measures where practical, and
- 6) must 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-consenting of materially damaged or destroyed buildings in high risk hazard areas

Resource consent may only be granted for the re-consenting of materially damaged or destroyed buildings in high risk flood and coastal hazard areas if the natural hazard risk is demonstrated to be reduced (compared with the risk to the building previously).

## D.6.4

### Flood hazard management – flood protection structures

Recognise the significant benefits that flood protection structures play in reducing flood hazard risk to people, property and the environment.

## D.6.5

### Flood hazard management – development within floodplains

Development in one percent AEP floodplains 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

Catchment-specific policies and rules take precedence over other rules (whether more or less restrictive).

## E.1 Doubtless Bay

*Note: These provisions are from the draft Doubtless Bay Catchment Management Plan. The catchment management plan and information about the catchment management plans can be found on the regional council's website: [www.nrc.govt.nz/waiora](http://www.nrc.govt.nz/waiora)*

### Rules

#### E.1.1

#### Access of livestock to the bed of a water body in the Doubtless Bay catchment – permitted activity

The access of livestock to the bed of a river or lake or a wetland in the Doubtless Bay catchment (I.14 'Catchment management areas map') is a permitted activity, provided:

- 1) livestock do not:
  - a) discharge dung or urine to water and cause:
    - i) the production of conspicuous scums or foams, or floatable of suspended materials, or
    - ii) any conspicuous change in the colour or visual clarity, or
    - iii) any emission of objectionable odour, and
  - b) disturb the bed of a lake or a permanently flowing river, and
  - c) damage or destroy any native vegetation (excluding grasses) in or on the bed of a lake or a permanently flowing river, or in a natural wetland, and
- 2) livestock are excluded from the full extent of the water body in accordance with the following table:

**Table 10 Dates when livestock must be excluded from water bodies in the Doubtless Bay catchment**

Livestock type	All permanently flowing rivers and drains	Natural wetlands and lakes
Pigs and dairy cows	Excluded from date the Regional Plan becomes operative	Excluded from date the Regional Plan becomes operative
Beef cattle, dairy support cattle and deer	<p><b>Hill country</b> river water quality management unit: No exclusion required</p> <p><b>Lowland</b> river water quality management unit: Excluded from 1 January 2025</p>	Excluded from date the Regional Plan becomes operative

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on certain uses of beds of lakes and rivers (s13(1) and (2)), and
- discharge of contaminants into environment (s15(1)).

## E.1.2

### Erosion control plans in the Doubtless Bay catchment - controlled activity

Pastoral land use after 1 January 2025 on highly erodible land in the Doubtless Bay catchment (I.14 'Catchment management areas map') 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.

#### The RMA activities this rule covers:

- restrictions on use of land (s9(2)).

## E.1.3

### Water takes from Lake Waiporohita - discretionary activity

The taking and use of freshwater 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 water level in H.6 'Freshwater quantity limits', and
- 2) any new take (after the notification date of this plan) does not cause an allocation limit in H.6 'Freshwater quantity limits' to be exceeded,

#### The RMA activities this rule covers:

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

## Other

### E.1.4

#### Freshwater quantity management in the Doubtless Bay catchment

The map of the freshwater quantity management units (I.10 'Water quality and quantity management units map') to be amended to show all rivers in the Doubtless Bay catchment to be 'the coastal river' freshwater management unit (refer I.14 'Catchment management areas map' to see the result). This will have the effect of more stringent freshwater quantity limits for those rivers that would otherwise be classified as 'small rivers' - see H.6 'Freshwater quantity limits').

## E.2 Poutō

*Note: These provisions are from the draft Poutō Catchment Management Plan. The catchment management plan and information about the catchment management plans can be found on the regional council's website: [www.nrc.govt.nz/waiora](http://www.nrc.govt.nz/waiora)*

### Rules

#### E.2.1

#### Water takes from a lake in the Poutō catchment - permitted activity

The taking and use of water from a lake in the Poutō catchment (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 take does not exceed:
  - a) Outstanding Freshwater Bodies (lakes) (refer I.14 'Catchment management areas map'): 30m<sup>3</sup> from a deep outstanding lake and 10m<sup>3</sup> from a shallow outstanding lake, and
  - b) Other lakes: 50m<sup>3</sup> from deep lakes and 20m<sup>3</sup> from shallow lakes, and
- 4) water is not taken when the lake water level is below a minimum water level in H.6 'Freshwater quantity limits'
- 5) the take does not adversely affect the reliability of water supply for lawfully established takes, and
- 6) a screen must cover the intake structure of surface water takes and have a minimum aperture (mesh size) of 5mm to protect native fish species, and the velocity across the screen must not exceed 0.3m/s, 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 (s14(2)).

#### E.2.2

#### New plantation forestry in the Poutō Forestry Restriction Area - restricted discretionary activity

New plantation forestry that exceeds five hectares per property in the Forestry Restriction Area in the Poutō catchment (I.14 'Catchment management areas map'), is a restricted discretionary activity.

**Matters of discretion:**

- 1) The total area and location to be planted, and
- 2) Potential effects of reduced surface water yield to lakes and water levels in lakes, and
- 3) The sensitivity of the ecological, cultural or recreational values of the lake to reduced water levels.

**The RMA activities this rule covers:**

- restrictions on use of land (s9(2)).



## E.3 Waitangi

*Note: These provisions are from the draft Waitangi Catchment Management Plan. The catchment management plan and information about the catchment management plans can be found on the regional council's website: [www.nrc.govt.nz/waiora](http://www.nrc.govt.nz/waiora)*

### Rules

#### E.3.1

#### Access of livestock to the bed of a water body in the Waitangi catchment – permitted activity

The access of livestock to the bed of a river or lake or a wetland in the Waitangi catchment (I.14 'Catchment management areas map') is a permitted activity, provided:

- 1) livestock do not:
  - a) discharge dung or urine to water and cause:
    - i) the production of conspicuous scums or foams, or floatable of suspended materials, or
    - ii) any conspicuous change in the colour or visual clarity, or
    - iii) any emission of objectionable odour, and
  - b) disturb the bed of a lake or a permanently flowing river, and
  - c) damage or destroy any native vegetation (excluding grasses) in or on the bed of a lake or a permanently flowing river, or in a natural wetland, and
- 2) livestock are excluded from the full extent of the water body in accordance with the following table:

**Table 11 Dates when stock must be excluded from waterbodies in the Waitangi catchment**

Livestock type	All permanently flowing rivers and drains	Natural wetlands and lakes
Pigs and dairy cows	Excluded from date the Regional Plan becomes operative	Excluded from date the Regional Plan becomes operative
Beef cattle, dairy support cattle and deer	<b>Hill country</b> river water quality management unit: No exclusion required <b>Lowland</b> river water quality management unit: Excluded from 1 January 2025	Excluded from date the Regional Plan becomes operative

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on certain uses of beds of lakes and rivers (s13(1) and (2)), and
- discharge of contaminants into environment (s15(1)).

## E.3.2

### Erosion control plans in the Waitangi catchment - controlled activity

Pastoral land use after 1 January 2025 on highly erodible land in the Waitangi catchment (I.14 'Catchment management areas map') 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

#### The RMA activities this rule covers:

- restrictions on use of land (s9(2)).

# E.4 Mangere

*Note: These provisions are from the draft Mangere Catchment Management Plan. The catchment management plan and information about the catchment management plans can be found on the regional council's website: [www.nrc.govt.nz/waiora](http://www.nrc.govt.nz/waiora)*

## Rules

### E.4.1

#### Access of livestock to the bed of a water body in the Mangere catchment – permitted activity

The access of livestock to the bed of a river or lake or a wetland in the Mangere catchment (I.14 'Catchment management areas map') is a permitted activity, provided:

- 1) livestock do not:
  - a) discharge dung or urine to water and cause:
    - i) the production of conspicuous scums or foams, or floatable of suspended materials, or
    - ii) any conspicuous change in the colour or visual clarity, or
    - iii) any emission of objectionable odour, and
  - b) disturb the bed of a lake or a permanently flowing river, and
  - c) damage or destroy any native vegetation (excluding grasses) in or on the bed of a lake or a permanently flowing river, or in a natural wetland, and
- 2) livestock are excluded from the full extent of the water body in accordance with the following table:

**Table 12 Dates when livestock must be excluded from water bodies in the Mangere catchment**

Livestock type	All permanently flowing rivers and drains	Natural wetlands and lakes
Pigs and dairy cows	Excluded from the date the Regional Plan becomes operative	Excluded from the date the Regional Plan becomes operative
Beef cattle, dairy support cattle and deer	Excluded from 1 January 2025	Excluded from the date the Regional Plan becomes operative

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on certain uses of beds of lakes and rivers (s13(1) and (2)), and
- discharge of contaminants into environment (s15(1)).

## E.4.2

### Erosion control plans in the Mangere catchment - controlled activity

Pastoral land use after 1 January 2025 on highly erodible land in the Mangere catchment (I.14 'Catchment management areas map') 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

#### The RMA activities this rule covers:

- restrictions on use of land (s9(2)).

## Other

## E.4.3

### Freshwater quantity management limits in the Mangere catchment

The freshwater quantity management limits in H.6 'Freshwater quantity limits' to be amended so that the following minimum flow and allocation limit apply to all rivers in the Mangere catchment:

- 1) Minimum flow limit - 72% of the seven-day mean annual low flow (as calculated for individual river reaches).
- 2) Allocated volume limit - 52% of the seven-day mean annual low flow (as calculated for the catchment - at the Knights Road recording station).

## E.5 Whangārei Harbour

*Note: These provisions are from the draft Whangārei Harbour Catchment Management Plan. The catchment management plan and information about the catchment management plans can be found on the regional council's website: [www.nrc.govt.nz/waiora](http://www.nrc.govt.nz/waiora)*

### Rules

#### E.5.1

#### Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity

The access of livestock to the bed of a river or lake or a wetland in the Whangārei Harbour catchment (I.14 'Catchment management areas map') is a permitted activity, provided:

- 1) livestock do not:
  - a) discharge dung or urine to water and cause:
    - i) the production of conspicuous scums or foams, or floatable of suspended materials, or
    - ii) any conspicuous change in the colour or visual clarity, or
    - iii) any emission of objectionable odour, and
  - b) disturb the bed of a lake or a permanently flowing river, and
  - c) damage or destroy any native vegetation (excluding grasses) in or on the bed of a lake or a permanently flowing river, or in a natural wetland, and
- 2) livestock are excluded from the full extent of the water body in accordance with the following table:

**Table 13 Dates when livestock must be excluded from water bodies in the Whangārei Harbour catchment.**

Livestock type	Permanently flowing rivers and drains greater than 1m wide and 30cm deep*	All permanently flowing rivers and drains	Natural wetlands and lakes	Rivers upstream of swimming sites on Hātea and Raumanga rivers
Pigs and dairy cows	Excluded from date the Regional Plan becomes operative	Excluded from 1 January 2025	Excluded from date the Regional Plan becomes operative	Excluded from two years after the date the Regional Plan becomes operative.
Beef cattle, dairy support cattle and deer	<p><b>Hill country</b> river water quality management unit<sup>#</sup>: No exclusion required</p> <p><b>Lowland</b> river water quality management unit<sup>#</sup>: Excluded from 1 January 2025</p>	<p><b>Hill country</b> river water quality management unit<sup>#</sup>: No exclusion required</p> <p><b>Lowland</b> river water quality management unit<sup>#</sup>: Excluded from 1 January 2030</p>	Excluded from date the Regional Plan becomes operative	Excluded from two years after the date the Regional Plan becomes operative.

\* Rivers and drains that permanently contain water and at any time are wider than 1m and deeper than 30cm at any point within or immediately adjacent to the boundary of the property. Width and depth is measured when the waters of the river or drain is at its annual fullest flow without overtopping its banks.

The RMA activities this rule covers:

- restrictions on use of land (s9(2)), and
- restrictions on certain uses of beds of lakes and rivers (s13(1) and (2)), and
- discharge of contaminants into environment (s15(1)).

## E.5.2

### Erosion control plans in the Whangārei Harbour catchment - controlled activity

Pastoral land use after 1 January 2025 on highly erodible land in the Whangārei Harbour catchment (I.14 'Catchment management areas map') 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

The RMA activities this rule covers:

- restrictions on use of land (s9(2)).



# F Objective

F.0.1

## Objective

Northland's water, coastal marine area, air and soil (and associated ecosystems) are used, developed and protected in a manner that safeguards their life-supporting capacity and maximises present and future environmental, cultural, social and economic values.





# G Administrative matters

## G.1 Cross-river coastal marine area boundary

The cross-river coastal marine area boundary is shown on the map I.1 'Coastal marine area zones map'.

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 is identified as 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 coastal marine area boundary is not shown in the map I.1 'Coastal marine area zones map' (by virtue of their small size or lack of identifiable estuarine area), and which enter the sea on the open coast and not through estuaries, inlets or harbours, 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 it enters the sea, as shown in the following diagram:



For rivers where the coastal marine area boundary is not shown in the map I.1 'Coastal marine area zones map' (by virtue of their small size), 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 coastal marine area boundary is the point at the seaward end of the river where on the applicable map, the river is marked as beginning to widen from a single blue line; and
- 2) Where those rivers *are not* shown on the Land Information New Zealand Topo 50 Series, the coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point where the width of the river begins to exceed three metres, as shown in the following diagram:



Where it is necessary to fix the width of the river for the purposes of determining the 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

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It is a legal requirement <sup>(1)</sup> 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](#) <sup>(2)</sup>.

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1 Set out in the relevant Treaty of Waitangi settlement legislation.

2 [www.nrc.govt.nz/resources/?url=%2FResource-Library-Summary%2FPlans-and-Policies%2FStatutory-Acknowledgements%2F](http://www.nrc.govt.nz/resources/?url=%2FResource-Library-Summary%2FPlans-and-Policies%2FStatutory-Acknowledgements%2F)

## G.3 Financial contributions

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 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.
- 2) The purposes for which financial contributions may be required and used.
- 3) The method for determining the contribution
- 4) Matters that the regional council will have regard to when deciding whether to:
  - a) Impose a financial contribution;
  - b) The type of contribution; and
  - c) The amount of any contribution, and the general provisions that would apply.

**Table 14 Circumstances and purposes for financial contributions**

Circumstance	Purpose
<p><i>Aquatic habitats of indigenous species</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem values</p>	<ol style="list-style-type: none"> <li>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</li> <li>2) Provide for research and/or protection to enhance marine habitats.</li> </ol>
<p><i>Wetlands</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem, water quality, water quantity, soil conservation or flood mitigation values of a wetland.</p>	<ol style="list-style-type: none"> <li>1) Offset effects by enhancing another suitable wetland of similar habitat where such a wetland is available; or</li> <li>2) Offset effects by creating a new wetland at an appropriate site; or</li> <li>3) Enhance another part of the wetland that is adversely affected, including if appropriate, cost associated with maintaining the original state of the wetland.</li> </ol>
<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>

Circumstance	Purpose
<p><i>Disturbance to the foreshore or seabed and margins</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on the foreshore, seabed or margins.</p>	Mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the foreshore, seabed or margins, including, but not limited to, maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and including contribution to such measures elsewhere in the same general locality.
<p><i>Public access to, along and within the coastal marine area (CMA)</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 CMA, except where such restrictions are necessary in accordance with Policy 19(3) NZCPS.</p>	Provide for alternative public access in the vicinity of the activity or at another similar location.
<p><i>Exclusive occupation of space</i></p>	Enhance public access or facilities in another similar location.
<p><i>General works</i></p> <p>Where the activity for which a resource consent is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.</p>	Provide works for the purpose of offsetting the adverse effects of the activity, including protecting, restoring or enhancing natural and physical resources elsewhere in the same general locality.
<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"> <li>1) The removal of abandoned or derelict structures;</li> <li>2) The reinstatement of the environment; or</li> <li>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.</li> </ol>

### 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;
- 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;
  - b) How payment is to be made, including whether payment is to be made by instalments;
  - c) When payment must be made;
  - d) Whether the amount of the payment is to bear interest and, if so, the rate of interest;
  - 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;
  - 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;
  - b) When and how the land is to be transferred to, or vested in the Regional Council.

## G.4 Coastal occupation charging

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Section 64A of the RMA requires the Regional Plan to implement a coastal occupation charging regime <sup>(3)</sup> or state that there will be no coastal occupation charging. At this stage, council has decided **not** to introduce a coastal occupation charging regime, however this position may change for the proposed (notified) Regional Plan.

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<sup>3</sup> to persons occupying any part of the common marine and coastal area





# H Appendices

## H.1 Level of fouling scale

### Level of fouling scale

The Level of Fouling (LOF) scale was developed by the Top of the South Marine Biosecurity Partnership<sup>(1)</sup>.

This scale is a simple measure of vessel hull fouling is a six-point level of fouling (LOF) scale, ranging from LOF 0 (no fouling) to LOF 5 (very heavy fouling)<sup>(2)</sup> shown in Table 15 'LOF (level of fouling) categories and descriptions from Floerl et al. (2005). LOF 0 (no visible fouling) is not used, therefore LOF 1 represents slime layer fouling or less (that is, absence of visible macrofouling)'. The LOF approach was originally developed to facilitate risk-based inspection of overseas yachts arriving in New Zealand, and has subsequently been adapted and used by:

- Ministry for Primary Industries as part of national hull fouling studies;
- Auckland Unitary Council in the Proposed Auckland Unitary Plan;
- The Top of the South Marine Biosecurity Partnership; and
- As well as other councils and crown research institutes.

As a rule of thumb it can be assumed that marine pest risk, or the presence of non-indigenous species, will increase with an increasing LOF (Hopkins & Forrest, 2010; Inglis et al., 2010). Goose barnacles are excluded because of their ubiquitous nature.

**Table 15 LOF (level of fouling) categories and descriptions from Floerl et al. (2005). LOF 0 (no visible fouling) is not used, therefore LOF 1 represents slime layer fouling or less (that is, absence of visible macrofouling).**

LOF	Description	Macrofouling cover (%)
1	Slime layer fouling only (excluding presence of goose barnacles). Submerged hull areas partially or entirely covered in biofilm, but absence of any macrofouling.	Nil
2	Light fouling. Hull covered in biofilm and 1-2 very small patches of macrofouling (only one taxon).	1-5
3	Considerable fouling. Presence of biofilm, and macrofouling still patchy but clearly visible and comprised of either one or several different taxa.	6-15
4	Extensive fouling. Presence of biofilm, and abundant fouling assemblages consisting of more than one taxon.	16-40
5	Very heavy fouling. Diverse assemblages covering most of visible hull surfaces.	41-100

<sup>1</sup> [Vessel Hull Fouling as a Marine Biosecurity Indicator in the Top of the South: 2014 Survey](#), Barrie Forrest, May 2014

<sup>2</sup> according to categories described by Floerl O, Inglis G and Hayden BJ 2005. A risk-based predictive tool to prevent accidental introductions of non-indigenous marine species. *Environmental Management* 35(6): 765-778.

## Surface assessment





Inspection of over 800 boat hulls in Northland between 2015 and 2016, was undertaken with both surface and in-water (below surface) LOF scores being recorded. It was found that surface assessment failed to detect some heavy fouling and usually recorded a lower level of fouling score than below surface inspections, and therefore surface assessment is not supported.







Photographs of vessels in each LOF category are given in Table H.1.2 below - Table 16 'Examples of surface and underwater level of fouling (LOF) categories (rough guide)'. These photographs should be regarded as a rough guide, as they show only a small section of hull, whereas the LOF assessment was conducted for "whole of boat".

## In-water assessment

This provides a "true" measure of the actual vessel LOF, given that only part of the hull is visible during surface assessment. This is best undertaken by snorkelling or scuba diving, however surface-operated video can be used. Video may however not provide an overall "boat scale" impression of fouling, and is a slower method than snorkelling and video quality can be significantly reduced a result of low water clarity.

**Table 16 Examples of surface and underwater level of fouling (LOF) categories (rough guide).**

Surface (provided for comparison only)	Underwater
<p><i>LOF 1 No macro-fouling/slime layer only.</i></p> 	<p><i>LOF 1 No macro-fouling/slime layer only.</i></p> 
<p><i>LOF2 = 1-5% (light) macro-fouling.</i></p> 	<p><i>LOF2 = 1-5% (light) macro-fouling.</i></p> 

Surface (provided for comparison only)	Underwater
<p data-bbox="204 331 786 376"><b>LOF3 = 6-15% (considerable) macro-fouling.</b></p> 	<p data-bbox="818 331 1401 376"><b>LOF3 = 6-15% (considerable) macro-fouling.</b></p> 
<p data-bbox="204 869 786 913"><b>LOF4 = 16-40% (extensive) macro-fouling.</b></p> 	<p data-bbox="818 869 1401 913"><b>LOF4 = 16-40% (extensive) macro-fouling.</b></p> 
<p data-bbox="204 1406 786 1451"><b>LOF5 = 41-100% (very heavy) fouling.</b></p> 	<p data-bbox="818 1406 1401 1451"><b>LOF5 = 41-100% (very heavy) fouling.</b></p> 

## H.2 Wastewater network management plans

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A wastewater network management plan must be matched to the scale and complexity of the network and the frequency, duration, and volumes of wet weather overflows, and include:

- 1) a description of the wastewater network, and
- 2) the current and predicted future performance of the network, and
- 3) identification of wet weather wastewater overflow points and a description of their frequency, magnitude and durations, and
- 4) a description of the receiving environments, and
- 5) a description of the best practicable option for preventing and minimising the adverse effects of wastewater discharges, and
- 6) a prioritised programme for capital works, and
- 7) the operation and maintenance programme for the network.

## H.3 Stormwater management plans

A stormwater management plan must be matched to the scale and complexity of the network and include the following:

- 1) plans showing the stormwater catchment area and the public stormwater network, and
- 2) the expected performance of system as a result of likely development, and
- 3) identification of existing drainage and flooding problems and potential flood hazards and other sensitive areas such as overland flow paths, and
- 4) the location of registered contaminated sites, and
- 5) the location of industrial and trade premises that undertake any of the activities listed in Table 17 '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) a prioritised programme for capital works, and
- 8) the operation and maintenance programme for the network.

**Table 17 High risk industrial and trade premises.**

Industrial or trade premise
Chemical manufacture, formulation or bulk storage.
Fertiliser manufacture or bulk storage.
Petroleum or petrochemical industries, including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground.
Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage or treated timber outside.
Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material.
Cement or lime manufacture using a kiln including the storage of wastes from the manufacturing process.
Commercial concrete manufacture or commercial cement storage.
Coal or coke yards.
Hydrocarbon exploration or production including well sites or flare pits.
Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings.
Boat construction facilities.
Boat storage and maintenance facilities.
Port activities, including dry docks.
Landfill sites.



**Industrial of trade premise**

Scrap yards including automotive dismantling, wrecking or scrap metal yards.

Waste recycling or waste treatment.

# H.4 Drainage district management plans

Matters to be addressed in a drainage district management plan must include (but not necessarily be limited to):

- 1) The objectives of the drainage scheme, and
- 2) Definition and map of Drainage district and catchment area, and
- 3) The planned/designed level of protection, and
- 4) A description of the works involved in the scheme. This would include drains, canals, stopbanks, floodgates, pumping stations or similar works which are owned by the drainage district, and
- 5) The programme for construction of planned and approved works, and
- 6) A description of the work programme to maintain the drainage scheme at the approved design levels. This section should include a schedule which specifies the maintenance standard for each drain or other piece of the infrastructure, the method of maintenance (whether it be by machine cleaning or herbicides), the timing and frequency of maintenance, resource consents conditions on authorisations for maintenance, methods of disposing or revegetating drain cleanings, and
- 7) An outline of the rules or bylaws controlling things such as stock access to drains, culverts or crossings over drains, connecting private drains to the community drains, planting hedges or erecting fences near drains and machine access along drains, and
- 8) Details of provisions for the protection of any significant indigenous wetlands, and
- 9) Details of provisions for methods to avoid more than minor adverse effects on indigenous freshwater fish, and in particular eels, and
- 10) Details of existing resource consents (if any) and monitoring programmes, and
- 11) Review date for the management plan.



# H.5 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 in the light of particular local circumstances, such as a chimney in a narrow valley or near tall buildings.
- 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.6.1.7 'Large-scale burning for energy generation – permitted activity'. The Northland Regional Council should also have regard to these requirements when assessing the 'best practicable option' for any resource consent for a stack discharge.

## General requirements

### General

- 4) the method of calculation is based on the amount of flue gases which 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 Resource Management Act 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 these nomograms (Figures 1 to 6), the chimney height has been calculated to ensure dispersion of the gases to achieve a theoretical maximum ground level concentration of  $400\text{mg/m}^3$  (about 0.16 ppm by volume) of sulphur dioxide. This is less than the generally accepted threshold of odour for this gas of  $1.1\text{mg/m}^3$  (about 0.5 ppm by volume).
- 8) it will also be taken by the Northland Regional Council as demonstrating compliance with exposure levels for sulphur dioxide of  $500\text{mg/m}^3$  (ten minute time - weighted average exposure),  $350\text{mg/m}^3$  as the hourly average of 10 minute means,  $125\text{mg/m}^3$  as the 24 hour average and  $50\text{mg/m}^3$  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 m/sec 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 m/sec at full load. Boilers equipped with induced draft fans should have a chimney efflux velocity of not less than 8 m/sec at full load for boilers rated up to 13,600 kg/hour increasing to a maximum of 15 m/sec at full load for boilers rated at 204,000 kg/hour.
- 11) the method of calculation assumes that the appropriate efflux velocity will be achieved.

### Combining of emissions

- 12) where 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%.
- 14) for natural gas and manufactured gas with zero or very low sulphur content it is recommended that emission data for nitrogen oxides (NO<sub>x</sub>) be applied and substituted for sulphur dioxide in the nomographs. For furnaces using gas fuel in the aggregate not exceeding a rate of 5 MW, the main consideration is to avoid local downdraught 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 3 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 18 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 1% 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 19 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 1 kilometre of the new chimney.
B	a partially developed area with scattered houses, low background pollution, and no other comparable industrial emissions within 1 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 Northland 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 20 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 NOx emitted = $3.2 \times G$ kg/hr, where $G$ = maximum burning rate ('000 m <sup>3</sup> /hr). Note: Weight of NOx emission is substituted for SOx 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 kg 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 handed 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 handed side of the chart the final chimney height, subject to any adjustment that may be necessary to ensure that this is never less than 3 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) 9 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 3 metres above the ridge of the roof.

Figure 1: Uncorrected Chimney Heights for Very Small Discharges of Sulphur Dioxide (up to 14 kg/hour)

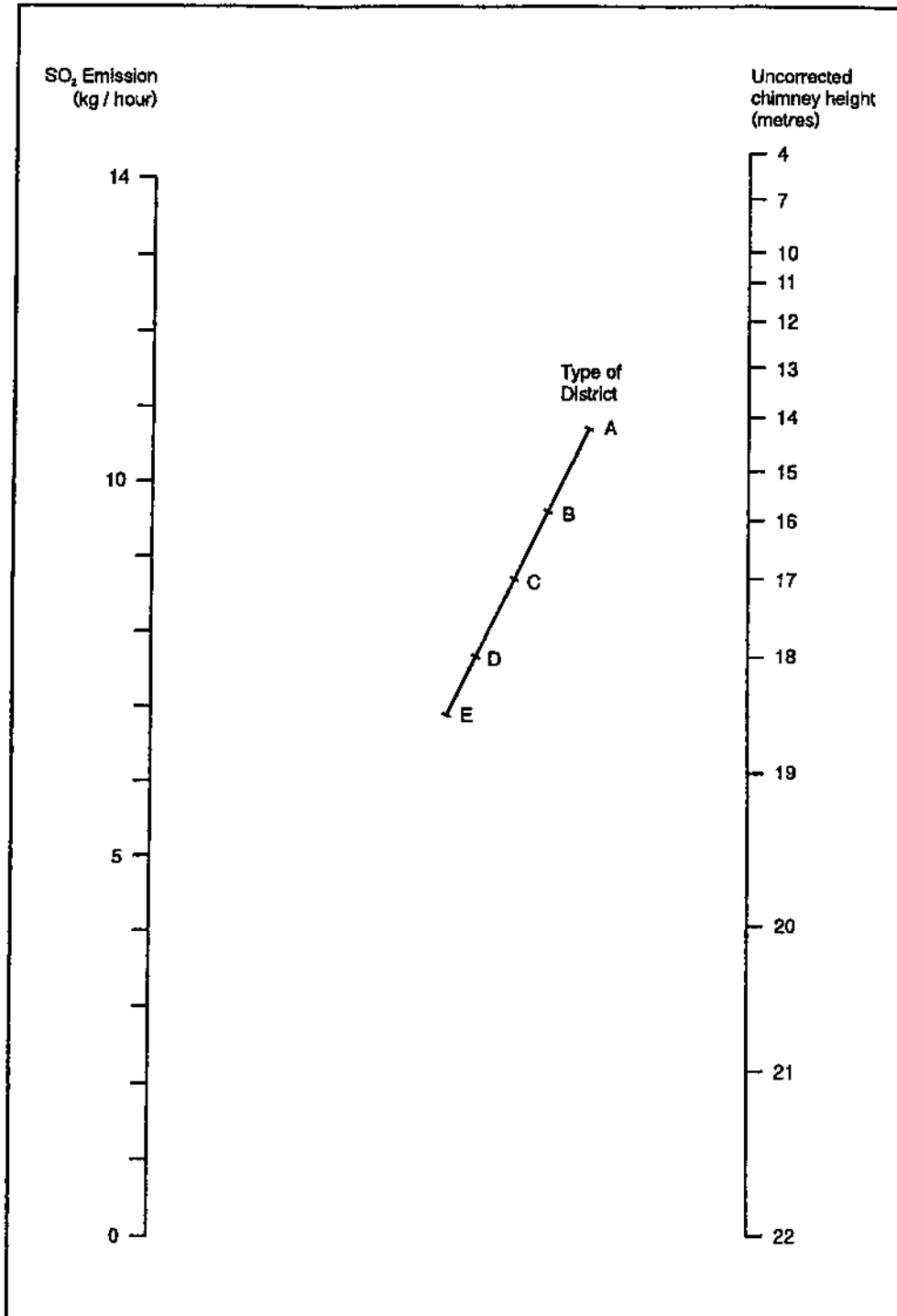


Figure 2: Uncorrected Chimney Heights for Small Discharges of Sulphur Dioxide (15 – 45 kg/hour)

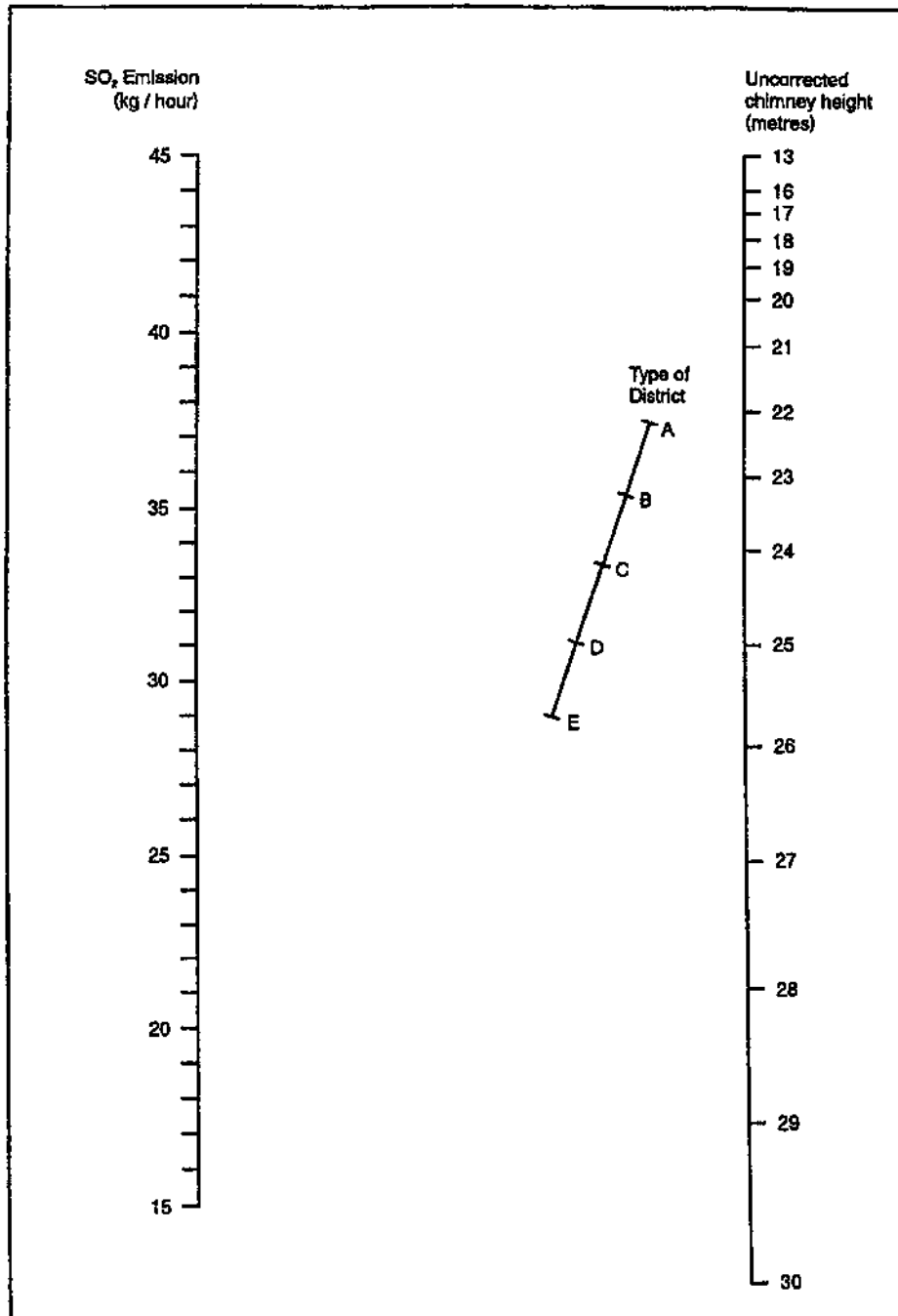


Figure 3: Uncorrected Chimney Heights for Medium Discharges of Sulphur Dioxide (50 – 180 kg/hour)

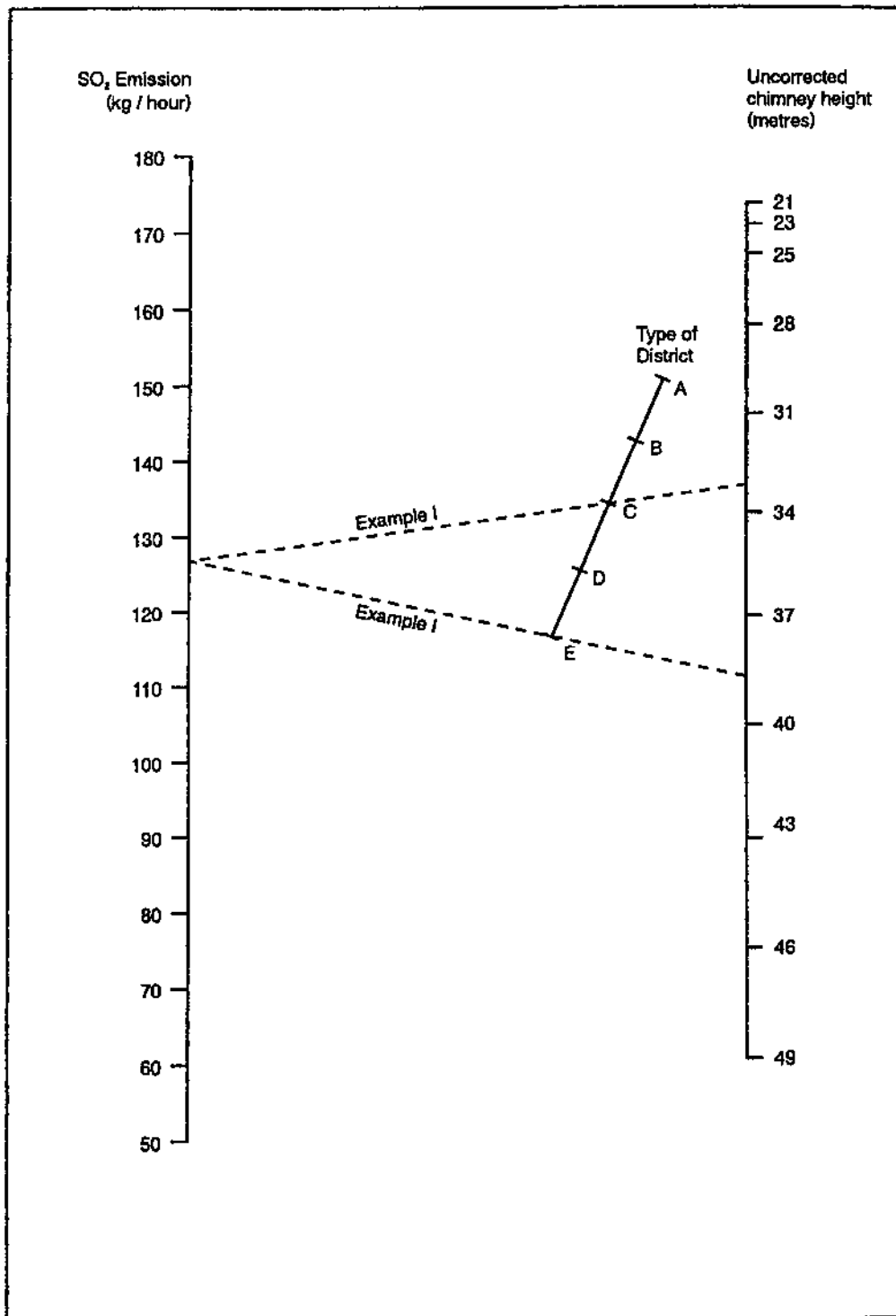


Figure 4: Uncorrected Chimney Heights for Large Discharges of Sulphur Dioxide (200 – 800 kg/hour)

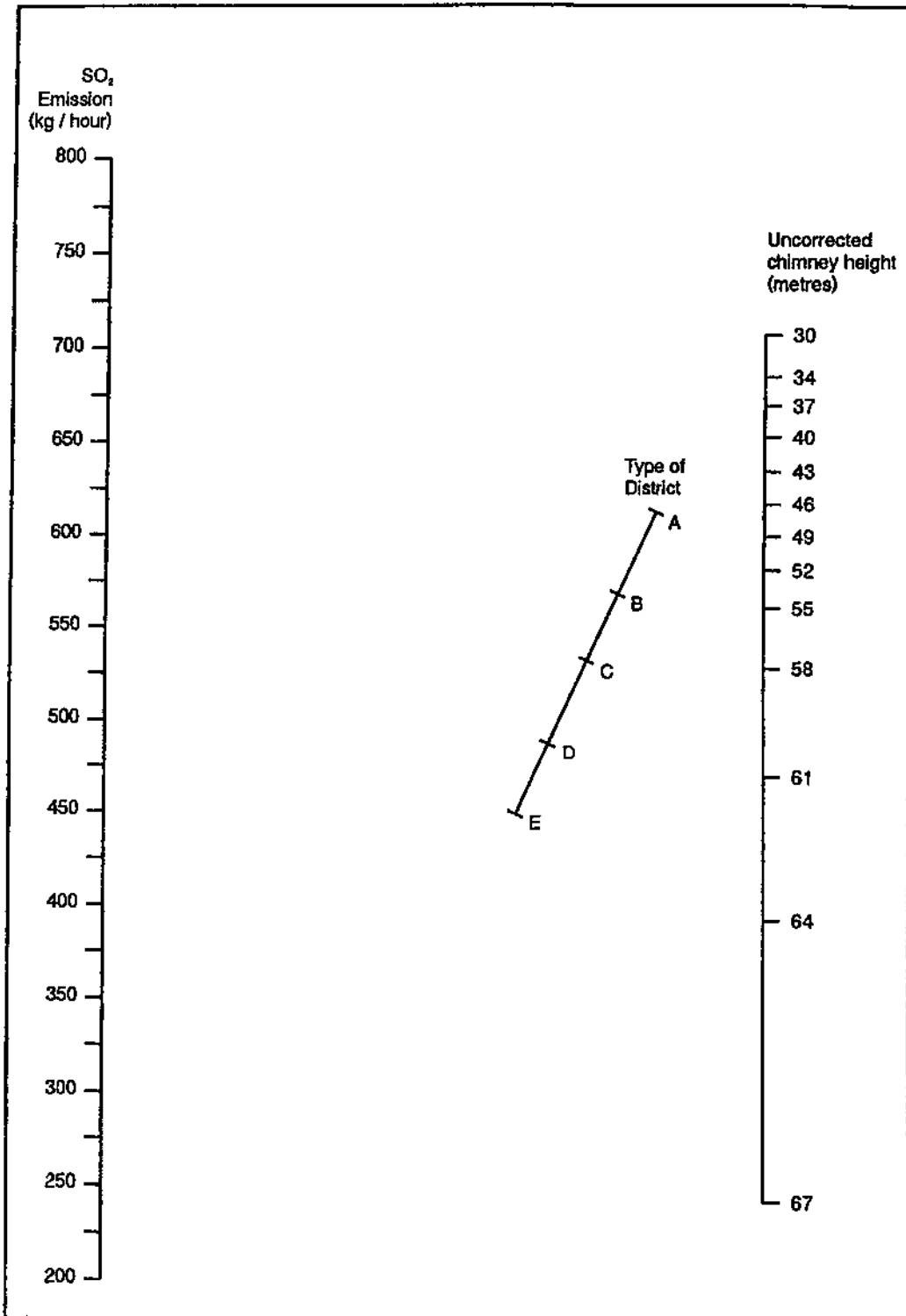




Figure 5: Final Chimney Heights

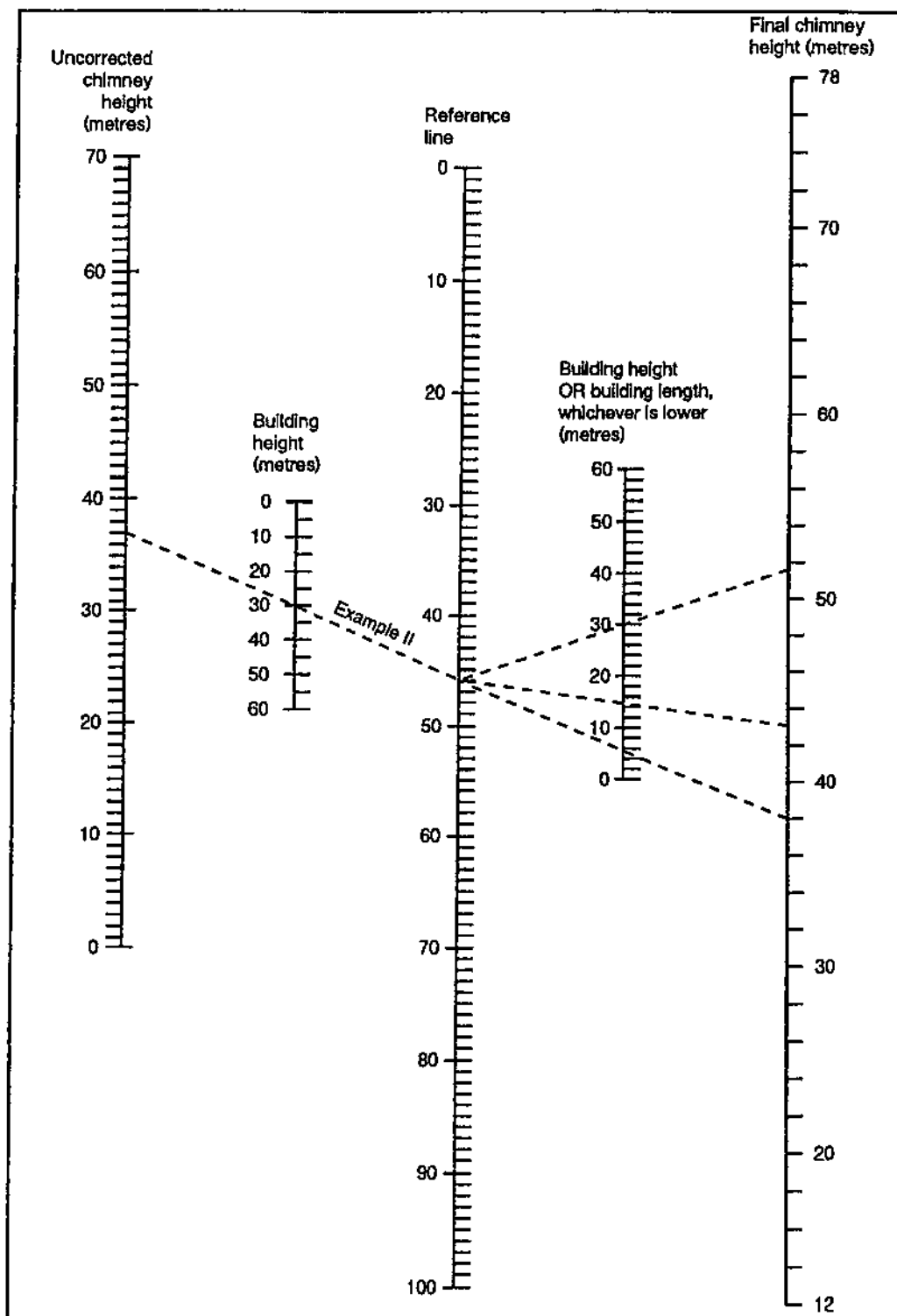
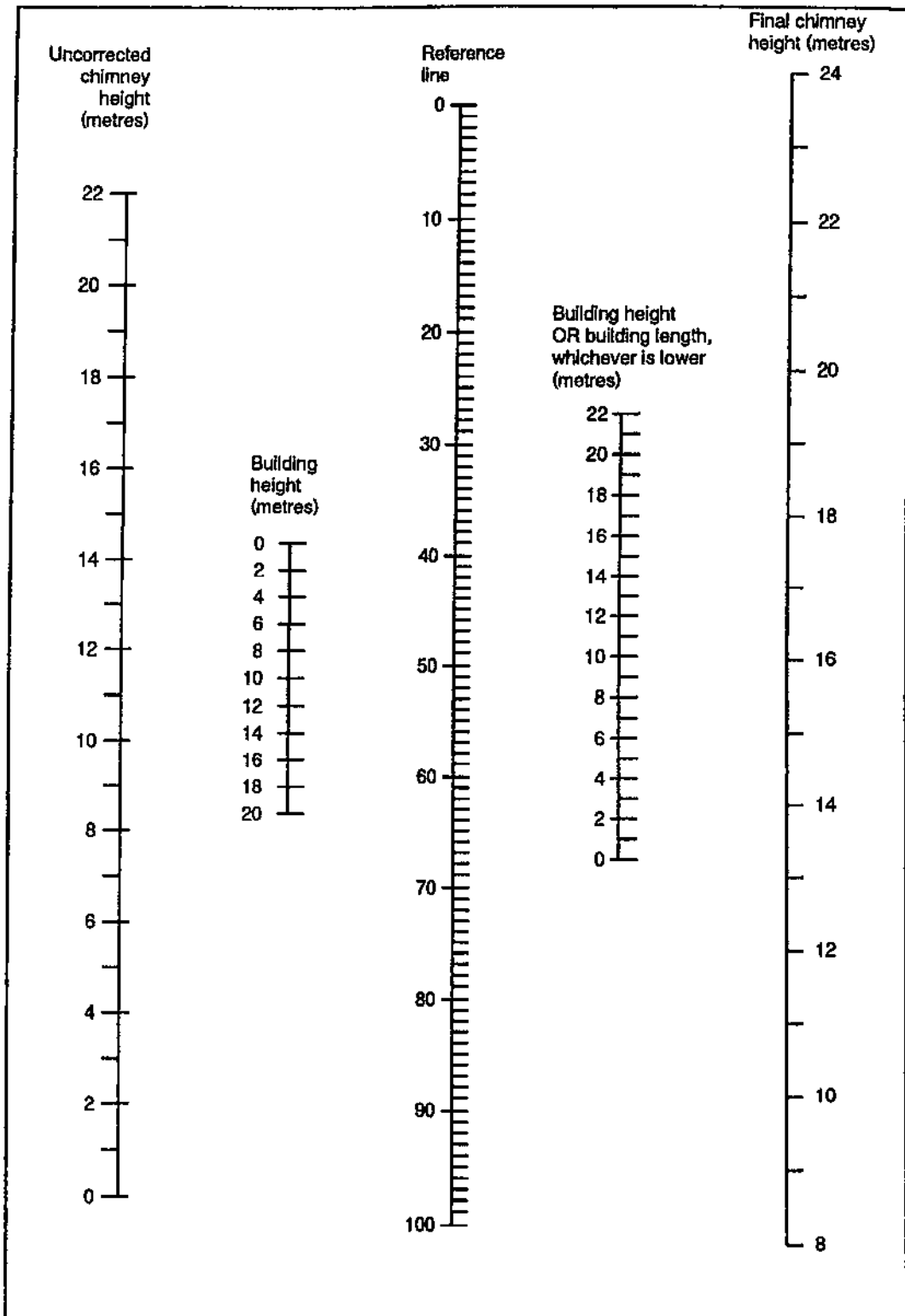


Figure 6: Final Chimney Heights for Gas-fired Processes



# H.6 Freshwater quantity limits

Freshwater quantity limits for Northland's freshwater management units (I.10 'Water quality and quantity management units map')

## H.6.1

### Minimum flows for rivers and minimum levels for lakes and wetlands

The following minimum flows and water levels apply to Northland's river water quantity management units, lake management units, and wetlands:

- 1) for rivers:
  - a) 100% of the seven-day mean annual low flow in outstanding rivers shown in, and
  - b) 90% of the seven-day mean annual low flow in coastal rivers, and
  - c) 80% of the seven-day mean annual low flow in small rivers, and
  - d) 80% of the seven-day mean annual low flow in large rivers, and
- 2) for deep ( $\geq 10\text{m}$ ) outstanding lakes, median lake levels are not changed by more than 0.5m, and there is less than a 10% change in mean annual lake level fluctuations and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state, and
- 3) for shallow ( $< 10\text{m}$ ) outstanding lakes, median lake levels are not changed by more than 10%, and there is less than a 10% 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
- 4) for other deep ( $\geq 10\text{m}$ ) lakes, median lake levels are not changed by more than 1.5m, and there is less than a 20% change in mean annual lake level fluctuation, and
- 5) for other shallow ( $< 10\text{m}$ ) lakes, median lake levels are not changed by more than 20%, and mean annual lake level fluctuation is less than 20% and
- 6) for wetlands, there is no change in water levels.

## H.6.2

### Allocation limits for rivers

The allocation limits for Northland's river water quantity management units are, whichever is the greater of:

- 1) the following allocation limits:
  - a) 10% of the seven-day mean annual low flow in outstanding rivers,
  - b) 30% of the seven-day mean annual low flow in coastal rivers,
  - c) 40% of the seven-day mean annual low flow in small rivers,
  - d) 50% of the seven-day mean annual low flow in large rivers, or
- 2) the total allocation from the river or reach of river on the date of public notification of this plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced. The total allocation also includes any unauthorised dairy shed take that exists at the time of public notification of this plan, provided that an application for a water permit to take and use the water is received by the council within two years of the notification date of this plan.

## H.6.3

### Allocation limits for aquifers

The allocation limits for Northland's aquifer management units are:

- 1) for the Aupouri aquifer the allocation limits in Allocation limits for the Aupouri aquifer management unit, or
- 2) for mapped coastal aquifers or unmapped aquifers (coastal strip and others) that are directly adjacent to saline water, an allocation limit of, whichever is the greater of:
  - a) 15% of the average annual recharge, or
  - b) the total allocation from the aquifer on the date that this plan is notified, less any resource consents surrendered, lapsed, cancelled or not replaced. The total allocation also includes any unauthorised dairy shed take that exists at the time of public notification of this plan, provided that an application for a water permit to take and use the water is received by the council within two years of the notification date of this plan, and
- 3) for mapped non-coastal aquifers or for other unmapped aquifers (coastal strip and others) an allocation limit of, whichever is the greater of:
  - a) 35% of the average annual recharge, or
  - b) the total allocation from the aquifer on the date that this plan is notified, less any resource consents subsequently surrendered, lapsed, cancelled or not replaced. The total allocation also includes any unauthorised dairy shed take that exists at the time of public notification of this plan, provided that an application for a water permit to take and use the water is received by the council within two years of the notification date of this plan.

For any aquifer that is shown to be connected to an adjacent surface water body, the allocation limit set for the surface water body also applies to the management of the groundwater take.

**Table 21 Allocation limits for the Aupouri aquifer management unit**

Aquifer	Allocation limit	
	m <sup>3</sup> /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

Aquifer	Allocation limit	
	m <sup>3</sup> /year	% annual average recharge
Aupouri-Awanui	4,640,400	12
Aupouri-Sweetwater	4,675,000	35
Aupouri-Ahipara	922,500	12
Aupouri-other	Not applicable	15

## H.7 Water quality limits

The water quality limits in the following tables apply to Northland's freshwater management units and coastal water quality management units (I.10 'Water quality and quantity management units map')

### Rivers

Table 22 Water quality limits for rivers

Attribute	Unit	Compliance metric	River water quality management unit		
			Lowland rivers	Hill country rivers	Outstanding rivers
Periphyton (chl-a)	mg chl-a/m <sup>2</sup>	exceeded no more than 8% of samples**	To be determined. <sup>(3)</sup>	To be determined. <sup>(4)</sup>	≤50 (applies only to rivers with hard substrates)
Nitrate (toxicity)	mg NO <sub>3</sub> -N/L	annual median	≤1.0	≤1.0	≤1.0
		annual 95 <sup>th</sup> percentile	≤1.5	≤1.5	≤1.5
Ammonia (toxicity)	mg NH <sub>4</sub> -N/L	annual median*	>0.03 and ≤0.24	>0.03 and ≤0.24	≤0.03
		annual maximum*	>0.05 and ≤0.40	≤0.05	≤0.05
Other toxicants (Table 3.4.1, ANZECC 2000)	mg/m <sup>3</sup>	maximum	95% species protection level.	99% species protection level.	99% species protection level.
Dissolved oxygen (below point source discharges)	mg/L	7-day mean minimum (1 November-30 April)	≥7.0 and <8.0	≥7.0 and <8.0	≥8.0
		1-day minimum (1	≥5.0 and <8.0	≥5.0 and <8.0	≥7.5

4 The council currently has insufficient data to set a limit for periphyton.

3 The council currently has insufficient data to set a limit for periphyton.

Attribute	Unit	Compliance metric	River water quality management unit		
			Lowland rivers	Hill country rivers	Outstanding rivers
		November-30 April)			
E.coli	<i>E.coli</i> /100mL	annual median	≤260	≤260	≤260

\*Based on pH 8 and temperature of 20°C. Compliance with the water quality limit should be undertaken after pH adjustment.

\*\*Based on a monthly monitoring regime. The minimum record length for grading a site based on periphyton (chl-a) is three years.

## Lakes

Table 23 Water quality limits for lakes

Attribute	Unit	Compliance metric	Lake management unit	
			Shallow lakes management unit	Deep lakes management unit
Phytoplankton (chl-a)	mg Chl-a/m <sup>3</sup>	Annual median	>5 and ≤12	>2 and ≤5
		Annual maximum	>25 and ≤60	≤10
Total nitrogen	mg/m <sup>3</sup>	Annual median	>500 and ≤800	>160 and ≤350
Total phosphorus	mg/m <sup>3</sup>	Annual median	>10 and ≤20	≤10
Ammonia (toxicity)	mg NH <sub>4</sub> -N/L	Annual median	≤0.03	≤0.03
		Annual maximum	≤0.05	≤0.05
Other toxicants (Table 3.4.1, ANZECC 2000)	mg/m <sup>3</sup>	Maximum	99% species protection level (table 3.4.1 in ANZECC 2000)	99% species protection level (table 3.4.1 in ANZECC 2000)

Attribute	Unit	Compliance metric	Lake management unit	
			Shallow lakes management unit	Deep lakes management unit
<i>E.coli</i>	<i>E.coli</i> /100 mL	Annual median	≤260	≤260
		95 <sup>th</sup> percentile	>260 and ≤540	≤260
Cyanobacteria	mm <sup>3</sup> /L OR cells/mL	80 <sup>th</sup> percentile	>0.5 and ≤1.8 mm <sup>3</sup> /L biovolume equivalent of potentially toxic cyanobacteria OR >0.5 and ≤10 mm <sup>3</sup> /L of total cyanobacteria	≤0.5 mm <sup>3</sup> /L biovolume equivalent for the combined total of all cyanobacteria OR ≤500 cells/mL of total cyanobacteria

## Coastal waters

Table 24 Water quality limits for coastal waters

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hātea river	Tidal creeks	Estuaries	Open coast
Dissolved oxygen	% saturation	Minimum (95th percentile)	80%	80%	90%	90%
	mg/L	Minimum (95th percentile)	6.2	6.3	6.9	7.3
Temperature	°C	Maximum change	3°C	3°C	3°C	3°C
pH			7.0-8.5	7.0-8.5	7.0-8.5	8-8.4
Turbidity	NTU	Annual median	9.0	10.8	6.9	2.2
Secchi depth	m	Minimum (95th percentile)	0.8	0.7	1.00	2.90
Chlorophyll-a	mg/L	annual median	0.004	0.004	0.004	0.002
TP	mg/L	annual median	0.119	0.044	0.030	0.015
DRP	mg/L	annual median	0.092	0.021	0.017	0.008
TN	mg/L	annual median	0.300	0.290	0.190	0.120



Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hātea river	Tidal creeks	Estuaries	Open coast
NNN	mg/L	annual median	0.580	0.218	0.048	0.005
NH <sub>4</sub> -N	mg/L	annual median	0.099	0.043	0.023	0.012
Heavy metals and other toxicants (see Table 3.4.1, ANZECC 2000)	µg/L	Maximum	95% species protection			99% species protection level
Benthic sediment quality (see table 3.5.1, ANZECC)	mg/kg dry wt	Maximum	ISQQ-Low trigger values			
Faecal coliforms	MPN	Median	Not applicable	Not applicable	14	14
		90th percentile	Not applicable	Not applicable	43	43
Enterococci	Enterococci/100 mL	95th percentile	Not applicable	200	200	40

# I Maps

## I.1 Coastal marine area zones map

View the map online at [www.bit.ly/1UycdVG](http://www.bit.ly/1UycdVG)



*Clicking on the link will open a map that looks like this.*

This map shows the following zones in the coastal marine area:

- Coastal Commercial Zone.
- Marina Zone.
- Marina Development Zone.
- Mooring Zone.
- Whangārei City Centre Marine Zone.
- General Coastal Zone.

It also shows the cross-river coastal marine area boundary (for more information refer to G.1 'Cross-river coastal marine area boundary'). This is the administrative boundary for the coastal marine area on rivers.

# I.2 Aquaculture prohibited areas map

View the map online at [www.bit.ly/1UOpH2k](http://www.bit.ly/1UOpH2k)



Clicking on the link will open a map that looks like this.

This map shows the areas where aquaculture is a prohibited activity (see rule C.1.3.12 'New aquaculture in areas with significant values – prohibited activity').

"Aquaculture exclusion areas" are locations within the General Coastal Zone where adverse effects of aquaculture activities on the following are unavoidable:

- 1) residential activities in significant urban areas provided for in operative District Plans, which activities are existing at the time this plan was notified, authorised by un-exercised resource consents or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, or
- 2) significant tourism and/or recreation areas, or
- 3) areas of outstanding natural landscapes (including seascapes), or
- 4) recognised navigational routes (commercial and recreational), recognised anchorages of refuge, and/or port or harbour approaches, or
- 5) existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).

"All other aquaculture prohibited areas" is a layer representing the combination of:

- 1) Significant Ecological Areas, and
- 2) Outstanding Natural Features, and
- 3) Areas of Outstanding Natural Character, and
- 4) Historic Heritage Areas, and
- 5) Regionally Significant Anchorage Areas, and
- 6) Mooring Zones, and
- 7) Commercial Coastal Zones.

# I.3 Significant marine ecological areas map

View the map online at [www.bit.ly/21laZlp](http://www.bit.ly/21laZlp)



*Clicking on the link will open a map that looks like this.*

This map shows the following significant ecological areas in the coastal marine area:

- Significant Ecological Areas.
- Significant Bird Areas.
- Significant Marine Mammal and Seabird Areas.

The mapping is based on reports by Vince Kerr and Associates completed 2015/2016 that identify known:

- 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.
- Areas set aside for full or partial protection of indigenous biodiversity under other legislation.

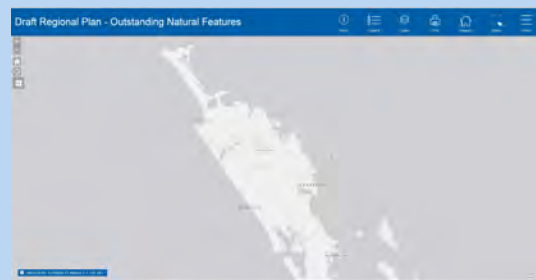
The following reports detail assessments used to map significant ecological areas in the coastal marine area:

- 1) Methodology Report – Mapping of significant ecological areas in Northland.
- 2) Identification and Mapping of Significant Ecological Marine Areas in Northland - Project Brief and Guide to Assessment.
- 3) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in harbours and estuaries:
  - a) Hokianga Harbour Entrance and Lower Harbour Marine Values;
  - b) Horahora Estuary Marine Values;
  - c) Houhora Harbour Marine Values;
  - d) Mangawhai Estuary Marine Values;
  - e) Matapouri Marine Values;
  - f) Ngunguru Estuary Marine Values;
  - g) North Kaipara Harbour;
  - h) Pārengarenga Harbour;
  - i) Pataua Estuary Marine Values;
  - j) Pickmere Channel shellfish Marine Values;
  - k) Rangaungu Marine Values;
  - l) Ruakaka Estuary Marine Values;

- m) Taiharuru Marine Values;
  - n) Tangatapu Bay of Islands Marine Values;
  - o) Te Haumi Estuary Marine Values;
  - p) Waipū Estuary Marine Values;
  - q) Waitangi Estuary Marine Values;
  - r) Whananaki Estuary Marine Values;
  - s) Whangārei Harbour Marine Values.
- 4) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in open coast areas (including toheroa beaches):
- a) Great Exhibition Bay Biogenic Habitat;
  - b) Ahipara Banks;
  - c) Berghan Point to Taupō Bay Coast;
  - d) Black Rocks, Bay of Islands;
  - e) Bland Bay Coast;
  - f) Bream Head Coast;
  - g) Cavalli Islands and coast;
  - h) Doubtless Bay;
  - i) Eastern Bay of Islands and Cape Brett Coast;
  - j) Eastern Bay of Island Biogenic Soft Sediment Complex;
  - k) Far North Special Biodiversity Area;
  - l) Hen and Chicks Islands;
  - m) Kawerua Offshore Reef;
  - n) Matapia Island Shallow Reefs;
  - o) Mimiwhangata Coast;
  - p) Poor Knights Islands;
  - q) Takou Beach to Ninepin Coast;
  - r) The Bluff, Ninety Mile Beach;
  - s) Toheroa Beaches, West Coast;
  - t) Tutukaka to Taiharuru Coast;
  - u) West Coast Shallow Reefs;
  - v) Whananaki Coast;
  - w) Whangaroa Coast.
- 5) Assessment sheets for Significant Bird Areas and Significant Marine Mammal and Seabird Areas:
- a) Significant Ecological Estuarine Area Assessment Sheet for Wading and Aquatic Birds;
  - b) SEA's coastal and island birds – Ecologically Significant Marine Area Assessment Sheet for Wading and Aquatic Birds;
  - c) Northland Coastal Management Area – General marine values for highly mobile and dispersed species (marine mammals and seabirds).

## I.4 Outstanding natural features in fresh and coastal waters map

View the map online at [www.bit.ly/1YpUe9p](http://www.bit.ly/1YpUe9p).



Clicking on the link will open a map that looks like this.

This map shows Outstanding Natural Features in water bodies and coastal waters.

They are based on the Outstanding Natural Features as shown in the Regional Policy Statement, and updated or new areas based on the report: Hayward B, May 2016. *Outstanding Natural Features Identifying and Mapping additional sites in Northland.*

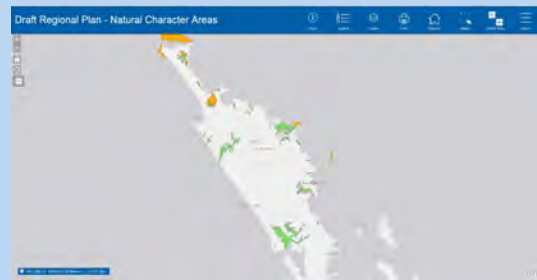
The maps only show the 'wet' parts of Outstanding Natural Features. District Plans will display the parts that are on land.

The following criteria have been used to identify Outstanding Natural Features. These are the criteria used to identify features for the NZ Geopreservation Inventory.

- 1) The extent to which the landform or geological feature contributes to the understanding of the geology or evolution of the biota in Northland, New Zealand or the earth.
- 2) The rarity or unusual nature of the feature.
- 3) The extent to which it is an outstanding representative example of the diversity of Northland's natural landforms and geological features.
- 4) The extent to which the landform or geological feature is a component of a recognisable group of geologically associated features (for example, Whangārei or Kaikohe volcanic fields).
- 5) The extent to which the landform or geological feature contributes to the aesthetic value or visual legibility of the wider natural landscape.
- 6) The community association with, or public appreciation of, the values of the feature.
- 7) The potential value of the feature for public education.
- 8) The potential value of the feature to provide additional understanding of the geological or biotic history.
- 9) The state of preservation of the feature.
- 10) The extent to which a feature is associated with a historically important natural event, geologically related industry, or individual involved in earth science research.

# I.5 Areas of outstanding and high natural character areas map

View the map online at [www.bit.ly/1UizHAP](http://www.bit.ly/1UizHAP).



*Clicking on the link will open a map that looks like this.*

These areas have been assessed under criteria in Policy 13(2) of the New Zealand Coastal Policy Statement 2010 using methodology developed by Froude 2014 - *Northland Regional Council Mapping Project: Natural Character Methodology*. Worksheets describing the values of each natural character area are available online: [www.nrc.govt.nz/newrps](http://www.nrc.govt.nz/newrps)

Natural character attributes include:

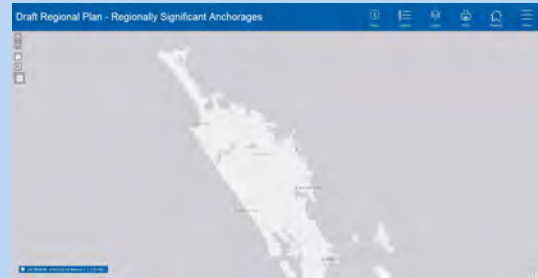
- 1) Natural elements, processes and patterns;
- 2) Biophysical, ecological and geomorphological aspects;
- 3) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- 4) The natural movement of water and sediment;
- 5) The natural darkness of the night sky;
- 6) Places or areas that are wild or scenic; and
- 7) Experiential attributes, including the sounds and smell of the seas; and their context and setting.

**Outstanding natural character** generally means entirely natural such as near to pristine indigenous vegetation, negligible human features (for example, buildings, wharves, jetties, paved surfaces, pipelines, cables, hard protection structures) and a very strong experience of naturalness.

**High natural character** generally means a high proportion of indigenous vegetation, visually unobtrusive structures (for example, swing moorings) few and visually subservient human features and a strong experience of naturalness.

## I.6 Regionally significant anchorages map

View the map online at [www.bit.ly/24Pqkvo](http://www.bit.ly/24Pqkvo).



Clicking on the link will open a map that looks like this.

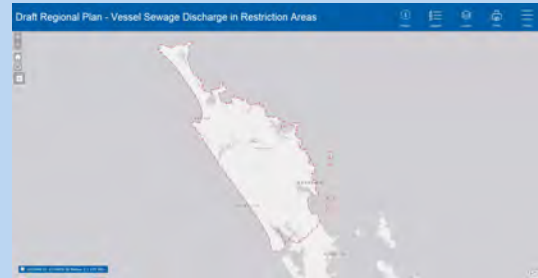
This map shows the regionally significant anchorages. It is based on the report – Brown R., 2014. *Schedule of cruising boat destinations in Northland*. These important anchorages fall into two categories;

- Regionally Significant Storm Anchorages: strategic anchorage that it is heavily relied on during bad weather – usually also popular in times of lighter winds of appropriate direction.
- Regionally Significant Recreational Anchorages: places commonly used for anchoring, suitable for overnight anchoring in the right conditions but are generally not suitable for anchoring during storm conditions. In terms of popularity, recreational anchorages vary from a few boats in a small bay to many boats in a larger one.



## I.7 Vessel sewage discharge restriction areas map

View the map online at [www.bit.ly/1YpU6Xs](http://www.bit.ly/1YpU6Xs).



*Clicking on the link will open a map that looks like this.*

The vessel sewage restriction areas are shown as a line, landward of which the rule restricting the discharge of sewage from vessels applies (C.4.9.7 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity').

The vessel sewage restriction areas are a combination of:

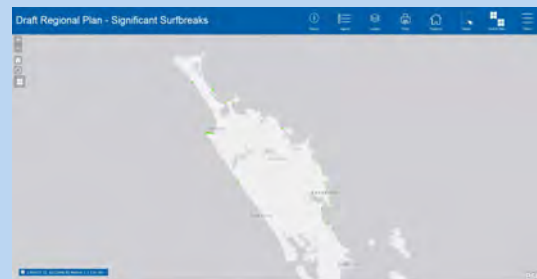
- The default areas as set out in the Resource Management (Marine Pollution) Regulations, 1998 <sup>(1)</sup>; and
- extensions to the default areas <sup>(2)</sup>.

1 Section 11(1) and (2).

2 as allowed by Section 11(3) Resource Management (Marine Pollution) Regulations, 1998.

## I.8 Nationally and regionally significant surf breaks map

View the map online at [www.bit.ly/1USEZAK](http://www.bit.ly/1USEZAK).



Clicking on the link will open a map that looks like this.

This map shows the nationally and regionally significant surf breaks.

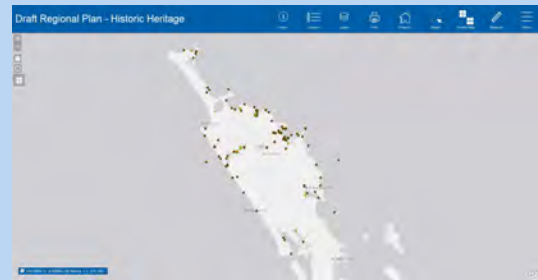
The Nationally Significant Surf Breaks are those listed in Schedule 1 of the New Zealand Coastal Policy Statement 2010.

The Regionally Significant Surf Breaks are based on;

- Northland Regional Council, 2016. *Methodology – Identifying Regionally Significant Surf Breaks in Northland*
- Northland Regional Council, 2016. *Application of methodology Identifying Regionally Significant Surf Breaks in Northland*

# I.9 Historic heritage and Places of significance to tangata whenua in fresh and coastal waters map

View the map online at [www.bit.ly/1S4yfNV](http://www.bit.ly/1S4yfNV)



Clicking on the link will open a map that looks like this.

This map shows significant historic heritage in freshwater and the coastal marine area and Places of Significance to Tangata Whenua.

*Note: there are no Places of Significance to Tangata Whenua included in the draft Regional Plan. It's expected that some will be added for the proposed Regional Plan.*

## Historic heritage

Historic heritage in the plan is based on the report by Clough R. and Brown A., 2016. *Northland Coastal and Freshwater Heritage Survey: Identification of Historic Heritage Resource Methodology*. The maps shows:

- 5 historic heritage areas.
  - 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.
  - 2 waka landing sites that have been registered as Wahi Tapu areas by Heritage New Zealand have also been included.
- 8 Category A sites of historic significance. These are buildings and structures that have been assessed by Clough and Associates and are considered to be significant enough to include in the plan.

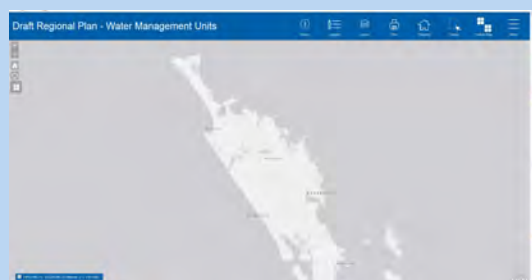
## Places of Significance to Tangata Whenua

Places of Significance to Tangata Whenua are mapped in accordance with policy D.1.6 'Places of significance to tangata whenua'. Places of Significance to Tangata Whenua is a collective phrase for:

- Sites and Areas of Significance to Tangata Whenua (a single resource or set of resources identified, described and contained in a mapped location);
- Landscapes of Significance to Tangata Whenua, (a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified).

# I.10 Water quality and quantity management units map

View the map online at [www.bit.ly/1YpUqWb](http://www.bit.ly/1YpUqWb)



*Clicking on the link will open a map that looks like this.*

This map shows:

- Outstanding freshwater bodies;
- Freshwater management units; and
- Coastal water quality management units.

Outstanding freshwater bodies are lakes and rivers that have outstanding values as defined in the National Policy Statement for Freshwater Management 2014.

Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes.

Similarly, coastal water quality management units are areas of coastal waters that have been determined by the regional council as the appropriate spatial scale for setting coastal water quality objectives and limits, and for management purposes.

# I.11 Highly erodible land map

View the map online at [www.bit.ly/28NpCeG](http://www.bit.ly/28NpCeG)



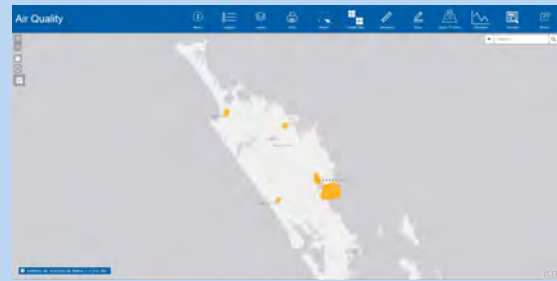
*Clicking on the link will open a map that looks like this.*

This map shows highly erodible land in Northland. The rules for some land disturbance activities are more restrictive in these areas. The maps are based on outputs from the SedNetNZ modelling of soil erosion in Northland.<sup>(3)</sup>

<sup>3</sup> See Mueller M. U., Dymond J. R., 2015. *SedNetNZ modelling of soil erosion in Northland. Prepared for Northland Regional Council by Landcare Research.*

## I.12 Air sheds map

View the map online at [www.bit.ly/29emaMt](http://www.bit.ly/29emaMt)



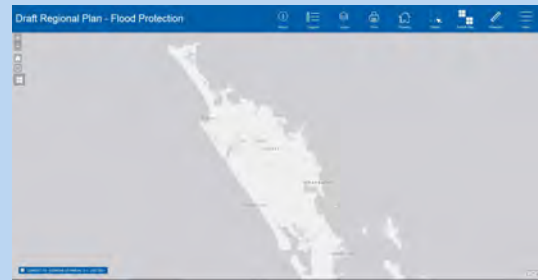
*Clicking on the link will open a map that looks like this.*

Northland has five airsheds gazetted under the National Environmental Standards 2004. Airsheds are gazetted when there is the potential for local ambient air quality to exceed national standards. Northland has the following gazetted airsheds:

- Whangārei – for PM<sub>10</sub>
- Marsden Point – for SO<sub>2</sub> and PM<sub>10</sub>
- Kerikeri – for PM<sub>10</sub>
- Dargaville – for PM<sub>10</sub>
- Kaitāia – for PM<sub>10</sub>

## I.13 Flood control schemes and drainage areas map

View the map online at [www.bit.ly/25WvknJ](http://www.bit.ly/25WvknJ).

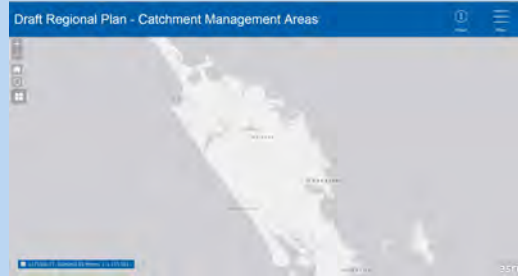


*Clicking on the link will open a map that looks like this.*

This map shows the regional council's flood control schemes and district council managed drainage areas. These are statutorily recognised areas that councils have rights and responsibilities for managing land drainage within. Land drainage activities include culverts, drains, flood gates and bunds, stop banks.

# I.14 Catchment management areas map

View the map online at [www.bit.ly/29NmEde](http://www.bit.ly/29NmEde)



*Clicking on the link will open a map that looks like this.*

This map shows the catchment management areas and features associated with the particular rules and policies for those catchments. The rules and policies for catchment management areas are in section E 'Catchments'.

The maps show:

- Catchment management area boundaries.
- An (additional) Outstanding Water Body on the western end of the Poutō peninsula.
- Swimming sites and upstream catchments on the Hātea and Raumanga rivers (Whangārei Harbour catchment).
- A forestry restriction area at the end of the Poutō peninsula. This represents the surface water catchments for the Poutō Outstanding Water Bodies (lakes) - but it does not include the surface water catchment for the additional Outstanding Water Body on the western end of the Poutō peninsula. At the time of releasing the draft Regional Plan the regional council had no information about the surface water catchment for the additional Outstanding Water Body.







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