

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2023] NZEnvC 089

IN THE MATTER OF appeals under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN CEP SERVICES MATAUWHI
LIMITED

(ENV-2019-AKL-000111)

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED

(ENV-2019-AKL-000127)

Appellants

AND NORTHLAND REGIONAL
COUNCIL

Respondent

Court: Judge J A Smith sitting alone under s 279 of the Act

Date of Order: 11 May 2023

Date of Issue: 11 May 2023

**CONSENT DETERMINATION AND REPORT UNDER
CLAUSE 15(3)(a) RMA**



- A: The s 293 process and associated directions previously approved by the Court are set aside.
- B: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that Northland Regional Council is to amend the Proposed Plan as shown in Annexure A to this order.
- C: Under clause 15(3)(a) of the First Schedule to the Act the Court reports to Northland Regional Council, CEP Services Matauwhi Limited, Royal Forest and Bird Protection Society Incorporated, and the Minister of Conservation that, with the consent of the parties, the s 293 process will be abandoned, the identification of ONLs in the CMA will be left to a future Schedule 1 process, and in the interim period (until mapping is completed) amendments will be made to provisions in the Proposed Northland Regional Plan.
- D: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This determination relates to appeals against Northland Regional Council's decision on the Proposed Regional Plan for Northland, in respect of Topic 17 – Outstanding Natural Landscapes.

[2] Appeals were lodged by:

- (a) Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**); and
- (b) CEP Services Matauwhi Limited (**CEP Services**).

[3] The appeals sought that:

- (a) land-based Outstanding Natural Landscapes (**ONLs**) from the Regional Policy Statement for Northland (**RPS**) be included in the Proposed Plan;¹ and
- (b) ONLs (including seascapes) in the Coastal Marine Area (**CMA**) be identified and mapped in the Proposed Plan.²

[4] The parties have reached agreement on the appeals. The agreement reached by the parties proposes to:

- (a) set aside the section 293 process and associated directions previously approved by the Environment Court;³ and
- (b) amend the Proposed Plan to implement an interim regime until ONLs are mapped in the CMA. This requires assessment of adverse effects on land-based ONLs when processing resource consent applications in the CMA. The interim regime is described in further detail below.

[5] The following people gave notice of their intention to become parties to one or more of the appeals under section 274 of the Act and have signed the memorandum of the parties dated 17 April 2023:

- (a) Aquaculture Industry Parties (Aquaculture New Zealand, The New Zealand Oyster Industry Association and Moana New Zealand Limited)
- (b) Mr C Mace
- (c) Mr D Farmer
- (d) Far North District Council
- (e) Federated Farmers of New Zealand

¹ Forest and Bird Notice of Appeal, Table 1, Row 93.

² CEP Services Notice of Appeal, [7.11(i) and (ii)].

³ *CEP Services Matawhiri Limited v Northland Regional Council* [2020] NZEnvC 202.

- (f) Minister of Conservation
- (g) Muriwhenua Developments Charitable Trust
- (h) Northport Limited
- (i) Waka Kotahi NZ Transport Agency
- (j) Channel Infrastructure New Zealand Limited
- (k) Patuharakeke Te Iwi Trust Board
- (l) Mr P Thornton
- (m) Mr M Jepson
- (n) Mr J Bayley
- (o) Mr M Wyborn
- (p) Explore Limited
- (q) Whangarei District Council
- (r) Yachting New Zealand Incorporated
- (s) New Zealand Sport and Fishing Council Incorporated.

Background

Submissions and appeals

[6] The Proposed Plan is a combined regional air, land, water and coastal plan. On land, ONLs are mapped in the Regional Policy Statement (**RPS**) but are not included in the Proposed Plan (it is the relevant territorial authority's function to

manage the effects on ONLs from the use of land).⁴ In the CMA, ONLs have not been mapped in either the Proposed Plan or the RPS.⁵

[7] A number of submitters sought that the Proposed Plan include mapped ONLs, including by inserting the RPS' land-based ONLs into the Proposed Plan and by identifying and mapping ONLs in the CMA.⁶

[8] The Hearings Panel recommended that the submissions be rejected and the Council accepted that recommendation in making its decision.

[9] Two parties have continued to pursue mapped ONLs in the CMA on appeal:

- (a) the appeal by Forest and Bird sought that the Proposed Plan include the land-based ONLs from the RPS;⁷
- (b) the appeal by CEP Services sought to include the land-based ONLs, but also sought that ONLs (including seascapes) in the CMA be identified and mapped in the Proposed Plan.⁸ CEP Services also sought an interim solution, whereby all parts of the CMA within one kilometre of a land-based ONL would be mapped as "Outstanding Natural Landscape Buffer" with consequential amendments to a range of coastal rules.⁹

[10] The appeals were mediated as part of Topic 11 – Biodiversity and outstanding natural features / landscapes on 22 October 2019, but were not resolved.

⁴ RMA, s 31.

⁵ The Proposed Regional Plan for Northland is not the only coastal plan that does not identify ONLs in the CMA. Other councils that have not mapped ONLs in the CMA include Otago Regional Council, Waikato Regional Council, Nelson City Council, Tasman District Council.

⁶ Submitters included Royal Forest and Bird Protection Society of New Zealand Inc, CEP Services Matauwhi Limited and Haititaimaranga Marae 229 Trust.

⁷ Forest and Bird Notice of Appeal, Table 1, Row 93.

⁸ CEP Services Notice of Appeal, [7.11(i) and (ii)]. Appeal points seeking land based ONLs are not being pursued. Note that CEP Services' appeal lacks specificity (it does not identify particular landscapes to be included). It does therefore not provide scope for ONLs to be mapped in the CMA.

⁹ CEP Services Notice of Appeal, [7.11(iii)].

Section 293 process

[11] As a result of further ongoing discussions with parties, agreement was reached to seek an order from the Court under s 293 of the RMA to direct that the Council:

- (a) prepare changes to the Proposed Plan that identify ONLs in the CMA (including seascapes) that could be included in the Proposed Plan's maps;
- (b) consult the parties to the appeals and other persons about the changes; and
- (c) submit the changes to the Court for confirmation.

[12] The Court received an interim update from the parties which was accepted. Subsequently the Environment Court made directions for the preparation of, and consultation on, drafting mapping of ONLs in the CMA pursuant to s 293 RMA.¹⁰

[13] The Court directions required milestone reporting by the Council. The Council completed the first two milestones in accordance with the directions. The third step was for the Council to undertake consultation with parties to the provisions, other community groups and tangata whenua (particularly in accordance with Policy 15(c)(viii) of the NZCPS).¹¹

[14] However, in light of the public controversy in Northland following Far North District Council's proposed Significant Natural Areas mapping and advice from hapū and iwi leaders, the Regional Council sought a suspension of the s 293 process.

[15] The purpose of the suspension was to enable the Council to engage with the Te Taitokerau Māori and Council Working Party (and other stakeholders) and reconsider whether the ONLs should be mapped through a s 293 process, or whether a variation or plan change would be more appropriate.

¹⁰ *CEP Services Matawhi Ltd v Northland Regional Council* [2020] NZEnvC 202, at [21].

¹¹ *CEP Services Matawhi Ltd v Northland Regional Council* [2020] NZEnvC 202, at [21(c)].

[16] The Court declined to suspend the s 293 process and instead granted an extension to the timetable.¹² By email directions dated 20 August 2021, the Court granted further amendments to the timetable to provide a four-month period for the Council to engage with tangata whenua, stakeholders and parties to co-design a process for the inclusion of ONLs in the Proposed Plan.

[17] The Council was directed to report to the Court on the engagement and outlining the proposed pathway forward and any amendments to the s 293 process by 22 December 2021. By Minute dated 17 January 2022, the Court approved the amended timetable proposed by the Council.¹³

Amended timetable

[18] The first step of the amended timetable was for the Council to engage a Māori Cultural Landscape facilitator to assist with the development of the mapping methodology and the mapping. It was proposed that at least three potential candidates be identified and asked to provide a proposal and cost estimate, which would be funded by the Council.

[19] The Council worked hard to engage a Māori cultural landscape facilitator. The estimate of costs that the Council received from suitable candidates was in the order of \$100,000 - \$450,000.

[20] This significantly exceeded the level of expenditure budgeted for the process. The Council did not anticipate the significant resources required to engage a Māori Cultural Landscape facilitator at the time that the amended timetable was proposed.

[21] The Council carefully considered the options for implementing the intent of the appeals on Topic 17, within its budgetary constraints, and engaged with the parties on alternative options. The Council contacted the parties on 3 June 2022 outlining the issue and seeking feedback on:

- (a) whether any party would be willing to contribute to the cost of the Māori Cultural Landscape facilitator; and

¹² Amended directions of the Environment Court dated 9 July 2021.

¹³ Minute of the Environment Court date 17 January 2022.

- (b) parties views on an appropriate alternative process, which could include:
 - (i) reverting back to a more focused mapping process (such as the original proposal); or
 - (ii) preparing and introducing ONL mapping through a future plan change or variation under Schedule 1 of the RMA, rather than under s 293.

[22] The Council received a number of responses from parties. The Council carefully considered the parties' feedback and circulated an alternative option for consideration on 7 September 2022. Discussions have been ongoing between the parties since then and details of the proposal have continued to evolve.

Interim solution

[23] The parties have reached agreement on an alternative option to mapping ONLs in the CMA using the s 293 process.

[24] The proposed solution is an interim regime: the parties propose to abandon the s 293 process and leave the identification of ONLs in the CMA to a future Schedule 1 process.

[25] In the interim period (until mapping is completed) the parties propose to amend the following provisions in the Proposed Plan:

- (a) policy D.2.19 Managing adverse effects on land-based values and infrastructure;
- (b) various coastal rules (Rules C.1.1.11, C.1.1.12, C.1.1.16, C.1.1.21, C.1.1.22, C.1.1.23, C.1.1.27, C.1.2.6, C.1.2.14, C.1.5.9, C.1.5.10, C.1.5.11, C.1.5.12, C.1.6.3, C.1.6.5 and C.1.8); and
- (c) the "Outstanding natural landscapes in the coastal marine area" map layer in Chapter I – Maps.

[26] This approach is consistent with the relief sought in the relevant appeals.

Policy D.2.19

[27] The parties propose to amend Policy D.2.19 as follows:

D.2.19 Managing adverse effects on land-based values and infrastructure

...

~~3) When considering a proposal that has adverse effects that may extend beyond the coastal marine area or the freshwater body,~~ decision-makers should have regard to:

~~3) any demonstrated functional need for the activity, and~~

~~a 4) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and~~

~~5) the proximity of mapped outstanding natural landscapes outside the coastal marine area and the potential for activities in the coastal marine area to have adverse effects on the identified natural values, characteristics and qualities of such outstanding natural landscapes, and~~

~~b 6) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.~~

[28] In summary:

- (a) the amendment to the sub-chapeau in the policy (previously clause (3)) requires decision-makers to specifically have regard to matters “when considering a proposal that has adverse effects that may extend beyond the coastal marine area or the freshwater body.”
- (b) the addition of new clause (3) requires decision-makers to have regard to any demonstrated functional need for the activity.
- (c) the amendment to clause (4) is consequential amendment which removes the requirement for decision-makers to have regard to the nature and scale of effects “when deciding whether or not to grant

consent for activities in the coastal marine area or on the beds of freshwater bodies.”

- (d) the addition of new clause (5) requires decision-makers to have regard to the proximity of land-based ONLs and the potential for activities in the CMA to have adverse effects on the values, characteristics and qualities of those ONLs.

[29] The parties consider that the amendments are appropriate because:

- (a) the amendments to the policy provide an interim regime whereby careful consideration must be given to land-based ONLs when processing resource consent applications in the CMA.
- (b) the parties consider that this is effective given the correlation between ONLs in the CMA and land-based ONLs in Northland. The Council’s expert landscape architect (Mr Mike Farrow of Littoralis Landscape Architecture) produced draft maps of ONLs in the CMA as part of the second milestone report for the first s 293 process.¹⁴ The draft ONLs in the CMA that he identified were closely correlated to the land-based ONLs. Due to the close connection between ONLs in the CMA and land-based ONLs, the amendments provide interim protection of the area of the CMA that is likely to contain ONLs.
- (c) the addition of the “functional need” test in clause (3) is appropriate in light of Policy 6 of the NZCPS, which requires decision-makers to recognise that there are activities that have a functional need to be located in the CMA and provide for those activities in appropriate places.¹⁵
- (d) the parties consider that the consequential changes to clause (4) are appropriate as they remove drafting that is now unnecessary.

¹⁴ See Memorandum of Counsel for Northland Regional Council Second Milestone Report for Topic 17 dated 30 April 2021.

¹⁵ NZCPS, Policy 6(2)(c). “Functional need” is defined in the Proposed Plan as “the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

Coastal rules - Rules C.1.1.11, C.1.1.12, C.1.1.16, C.1.1.21, C.1.1.22, C.1.1.23, C.1.1.27, C.1.2.6, C.1.2.14, C.1.5.9, C.1.5.10, C.1.5.11, C.1.5.12, C.1.6.3, C.1.6.5 and C.1.8

[30] Various coastal rules have been amended to refer to future mapped ONLs in the CMA.¹⁶

[31] The parties consider that the amendments are appropriate because:

- (a) the effect of the amendments is that they require adverse effects on mapped ONLs to be assessed as part of applications for activities that may affect ONLs. The amendments ensure that future mapped ONLs are protected when considering resource consent applications for activities in the CMA regulated by those rules; and
- (b) other rules in the Proposed Plan have been amended in the same way. By way of example, a number of rules approved by the Court in Topic 15 – Mangrove removal refer to ONLs.¹⁷ The purpose of the proposed amendments is to future proof the Proposed Plan to ensure that ONLs in the CMA are protected once they are identified.

Chapter I - Maps

[32] The parties propose to amend “Chapter I – Maps” of the Proposed Plan, which describes the Proposed Plan’s map layers, to clarify that ONLs in the CMA are not yet mapped.

Section 32AA analysis

[33] Section 32AA of the Act requires a further evaluation for any changes to a proposal since the evaluation report for the proposal was completed.

[34] The parties have provided a s 32AA evaluation as set out below:

¹⁶ NZCPS, Policy 6(2)(c). “Functional need” is defined in the Proposed Plan as “the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment”.

¹⁷ *Mangawhai Harbour Restoration Society Inc v Northland Regional Council* [2022] NZEnvC 114. For example, Rule C.1.4.3 Mangrove removal for specified purposes – controlled activity.

- (a) the proposed changes were discussed at length between the parties through an iterative process (at mediation and subsequent discussions);
- (b) having identified all other reasonably practicable options, the parties consider that the proposal is the best reasonably practicable option because it provides appropriate interim protection of the area of the CMA that is likely to contain ONLs, until a plan change is promulgated by the Council. It is not practicable for the Council to fund a full s 293 process at this time;
- (c) the interim solution protects ONLs in the CMA by referring to already mapped land-based ONLs identified in the RPS and in district plans. The benefit of this approach is that the interim regime can be in force much sooner than if the section 293 process is followed. The parties consider that the proposal is more efficient and effective, as it has the benefit of immediate protection, rather than protection at an undefined point in the future; and
- (d) for the reasons above, the parties consider that the proposed changes are the most appropriate way to achieve the objectives of the Proposed Plan in the interim period, until a plan change is promulgated by the Council to map ONLs in the CMA.

Evaluation

[35] The Court has read and considered the consent memorandum of the parties dated 17 April 2023.

[36] This determination does not represent the outcome of a full hearing by the Court, but rather an agreement reached between parties represented by experienced counsel.

[37] The Court has in mind the need to reach a conclusion on appeals regarding the Regional Plan so there is finality for the parties. The parties have demonstrated a commitment to progressing matters, including through the s 293 process. However, a significant amount of time has now passed since the plan process first began. The

process of this Court needs to be efficient and effective. The Court has been increasingly concerned at the delays in finalising this Plan which has been impacted by Covid and various Governmental changes which have led to delay and cost for the Council and parties. Given the impacts of these changes the cost of the s 293 process expanded significantly beyond that envisaged.

[38] The Court recognises the financial constraints on the Council and the many demands on the Council in other areas. These issues are covered in other decisions and determinations of this Court on this Proposed Plan. I consider the interim solution agreed by the parties provides a sensible way forward.

[39] In relation to Policy D.2.19(3) I agree that the amendments ensure careful consideration is given to land based ONLs when processing resource consent applications in the CMA. This recognises and protects the connection between relevant attributes and values in the CMA with the land-based ONLs. I accept that the functional need test in Policy D.2.19(3) is consistent with the NZCPS.

[40] As mapping of ONLs will take place in the future it is reasonable for coastal rules to refer to future mapped ONLs in the CMA. I agree this future-proofs the Plan.

[41] It is appropriate that the amendment to Chapter I – Maps makes it clear to Plan users that ONLs in the CMA are not yet mapped.

[42] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[43] I am satisfied that the agreement reached is one that represents a realistic approach to this issue in the absence of time or funding to complete full assessments. Given the benefits of having some management criteria in place the parties have taken a sensible approach. I conclude the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the Plan in the interim. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

Outcome

[44] Therefore, the Court orders, by consent, that:

- (a) the s 293 process and associated directions previously approved by the Court are set aside;
- (b) Northland Regional Council is to amend the Proposed Plan as shown in Annexure A to this order;
- (c) the determination resolves the appeals relating to Topic 17 – Outstanding natural landscapes. No appeals remain outstanding in Topic 17; and
- (d) there is no order as to costs.

[45] This determination is issued as a report to the Minister of Conservation, Northland Regional Council, CEP Services Matauwhi Limited, and Royal Forest and Bird Protection Society Incorporated under clause 15 of the First Schedule to the Act. Under clause 15(3)(a) of the First Schedule to the Act the Court reports that, with the consent of the parties, the s 293 process will be abandoned, the identification of ONLs in the CMA will be left to a future Schedule 1 process, and in the interim period (until mapping is completed) amendments will be made to provisions in the Proposed Northland Regional Plan.





J A Smith
Environment Judge

ANNEXURE A: AMENDMENTS TO THE PROPOSED PLAN

D.2 General

D.2.19 Managing adverse effects on land-based values and infrastructure

When considering an application for a resource consent for an activity in the coastal marine area or in, on or under the bed of a freshwater body, recognise that adverse effects may extend beyond the coastal marine area or the freshwater body to:

- 1) areas and values including:
 - a) Areas of outstanding and high natural character, and
 - b) Outstanding natural landscapes, and
 - c) Outstanding natural features, and
 - d) Historic heritage, and
 - e) Areas of significant indigenous biodiversity, and
 - f) Places of significance to tāngata whenua, and
- 2) land-based infrastructure including:
 - a) toilets, and
 - b) car parks, and
 - c) refuse facilities, and
 - d) boat ramps, and
 - e) boat and dinghy storage, and

3) When considering a proposal that has adverse effects that may extend beyond the coastal marine area or the freshwater body, decision-makers should have regard to:

3) any demonstrated functional need for the activity, and

a) 4) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and

5) the proximity of mapped outstanding natural landscapes outside the coastal marine area and the potential for activities in the coastal marine area to have adverse effects on the identified natural values, characteristics and qualities of such outstanding natural landscapes, and

b) 6) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.

C.1 Coastal activities

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

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

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

Matters of control:

- 1) Effects on coastal processes, including effects on shoreline stability in the vicinity.
- 2) Effects on public access to and along the coastal marine area.
- 3) Effects on aquatic ecosystem health.
- 4) Effects on public open space and visual amenity.
- 5) Height of the addition or alteration to the **structure**.
- 6) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.
- 7) Use of the addition or alteration to the **structure**.
- 8) Effects on Russell and Mangonui heritage precincts (as set out in the Far North District Plan).

9) Effects on Outstanding Natural Landscapes.

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

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

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

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

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

Matters of control:

- 1) Effects on public access to and along the coastal marine area.
- 2) Effects on coastal processes, including effects on shoreline stability in the vicinity.
- 3) Height of the [structure](#) above mean high water springs or the foreshore.
- 4) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Nationally Significant Surfbreaks.
 - b) Regionally Significant Surfbreaks.
 - c) Outstanding Natural Features.
 - d) Areas of Outstanding Natural Character.
 - e) Significant Ecological Areas.
 - f) Regionally Significant Anchorages.
 - g) Outstanding Natural Landscapes.**
- 5) Effects on the characteristics, qualities and values that contribute to a mapped (refer [I Maps | Ngā mahere matawhenua](#)) Historic Area or Site.
- 6) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.

Notification:

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

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

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

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

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

Matters of discretion:

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

6) Effects on mapped Outstanding Natural Landscapes.

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

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

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

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

- 1) it is not in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Nationally Significant Surfbreak, or
 - b) Regionally Significant Anchorage, or
 - c) Outstanding Natural Feature, or
 - d) Area of Outstanding Natural Character, or
 - e) Site or Area of Significance to tāngata whenua, or
 - f) **Outstanding Natural Landscape, or**
 - f) g) [Historic Heritage Area](#), and
- 2) there is no removal, demolition, [partial demolition](#) or replacement of a mapped [Historic Heritage Site](#) or part of a [Historic Heritage Site](#) (refer [I Maps | Ngā mahere matawhenua](#)), and

3) the **structure** has a functional need to be located in the coastal marine area.

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

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

C.1.1.22 Hard protection structures – discretionary activity

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

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

Note:

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

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

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

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

The use, erection or placement of a [hard protection structure](#) directly associated with

- 1) the protection of existing [regionally significant infrastructure](#), or
- 2) [core local infrastructure](#), or
- 3) a [reclamation](#) for [regionally significant infrastructure](#),

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

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

[7\) Outstanding Natural Landscape.](#)

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

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

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

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

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

[7\) Outstanding Natural Landscape.](#)

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

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

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

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

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

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or
- 3) Significant Ecological Area outside a Mooring Zone, or
- 4) Regionally Significant Anchorage, or
- 5) Site or Area of Significance to tāngata whenua, or
- 6) Marina Zone, or
- 7) [Historic Heritage Area](#) or [Historic Heritage Site](#), or
- 8) [Outstanding Natural Landscape](#).

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

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

C.1.2.14 New moorings in significant areas – non-complying activity

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

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or
- 3) Regionally Significant Anchorage, or
- 4) Areas of significance to tāngata whenua, or
- 5) [Historic Heritage Site](#), or

6) Outstanding Natural Landscape,

are non-complying activities.

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

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

C.1.5.9 Maintenance dredging – controlled activity

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

Matters of control:

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

Notification:

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

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

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

C.1.5.10 Beach scraping – restricted discretionary activity

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

Matters of discretion:

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

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

- Destruction, damage or disturbance of any foreshore or seabed and the deposition of material on the foreshore or seabed associated with [beach scraping](#), (s12(1)).

- Discharge of sediment into water incidental to the activity (s15(1)).

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

Deposition of material for beneficial purposes onto land (including the foreshore and seabed) is a restricted discretionary activity, provided that, within the coastal marine area, the deposited material is not waste or other matter (as listed in Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998) which is dumped from a ship, aircraft or offshore installation.

Matters of discretion:

- 1) Volume and location of material to be deposited.
- 2) Methods used to carry out the activity and timing of the activity.
- 3) Effects on coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects on the foreshore and seabed associated with the deposition activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystem health.
- 6) Effects on tāngata whenua and their **taonga**.
- 7) Effects on existing uses and activities undertaken in the area of deposition.
- 8) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Nationally Significant Surf Breaks.
 - b) Regionally Significant Surf Breaks.
 - c) Outstanding Natural Features.
 - d) Areas of Outstanding Natural Character.
 - e) Site or Area of Significance to tāngata whenua.
 - f) Significant Ecological Area.
 - g) **Significant Bird Area**.
 - h) Outstanding Natural Landscape.**
- 9) Effects on the characteristics, qualities and values that contribute to any mapped (refer [I Maps | Ngā mahere matawhenua](#)) **Historic Area or Site**.
- 10) The positive effects of the activity.

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

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

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

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

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

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

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

C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity

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

- 1) Significant Ecological Area, or
- 2) Outstanding Natural Feature, or
- 3) Area of Outstanding Natural Character, [or](#)
- 4) [Outstanding Natural Landscape](#).

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

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

C.1.6.5 Reclamation – discretionary activity

A [reclamation](#) in the coastal marine area, any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material onto the foreshore or seabed, and the use of the reclamation, that is not a:

- 1) discretionary activity under [C.1.6.2 Unlawful reclamation – discretionary activity](#), or
- 2) discretionary activity under [C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity](#),

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

- 3) Nationally Significant Surfbreak, or
- 4) Significant Ecological Area, or
- 5) Outstanding Natural Feature, or
- 6) Area of Outstanding Natural Character, or
- 7) [Historic Heritage Area](#) or Site, or
- 8) Site or Area of Significance to tāngata whenua, or
- 9) Regionally Significant Anchorage, or
- 10) [Outstanding Natural Landscape](#).

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

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

C.1.8 Coastal works general conditions

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

Structures and disturbance

Note:

Work affecting [archaeological sites](#) is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity could modify, damage or destroy any [archaeological site\(s\)](#), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.

- 1) Prior to undertaking activities on private land, including land owned by a territorial authority, written approval must be obtained from the landowner and provided to the Regional Council's Compliance Manager upon request.
- 2) [Structures](#) must at all times:

- a) be maintained in good order and repair, and
 - b) except for culverts, not impede fish passage between fresh water and coastal water. For culverts, there must be no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to coastal water, except that temporary restrictions of fish passage may occur to enable construction work to be carried out, and
 - c) not cause a hazard to navigation.
- 3) Maintenance, alteration or addition to a [structure](#) must not result in a weakening of the structural integrity or strength of the [structure](#).
- 4) Restrictions on public access along and through the coastal marine area beyond the footprint of the [structure](#), during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternative access route or controlled access is provided.
- 5) Disturbance, construction, alteration, addition, maintenance or removal activities must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays. The exceptions to this are:
- a) the requirement to undertake emergency remedial work such as if a structure is damaged by a natural hazard event, and
 - b) maintenance of [regionally significant infrastructure](#), where the maintenance is required to be undertaken outside these times to minimise disruption to the services provided by the [regionally significant infrastructure](#), and
 - c) the removal of nuisance marine plant debris under [Rule C.1.5.3](#).
- 6) Upon the completion of a new structure, the [structure](#) owner must [notify](#) in writing (including a scale plan of the completed works) the Regional Council's Compliance Manager.
- 7) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity. Additionally, vehicles and equipment must be in a good state of repair and free of any fuel or oil leaks. Refuelling must not be carried out in the coastal marine area and for the duration of the activity, no vehicle or equipment is to be left in a position where it could come into contact with coastal water.
- 8) There must be no damage to shellfish beds in mapped Significant Ecological Areas (refer [I Maps | Ngā mahere matawhenua](#)) and no damage to saltmarsh or seagrass meadows, except as necessary for the installation of an aid to navigation under [Rule C.1.1.4](#).
- 9) Any visible disturbance of the foreshore or seabed must be remedied or restored within 48 hours of completion of works in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
- a) Area of Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) Site or Area of Significance to tāngata whenua, or
 - d) Significant Ecological Area, [or](#)
 - e) [Outstanding Natural Landscape](#).

- 10) There must be no disturbance of indigenous or migratory bird nesting or roosting sites.
- 11) Outside outstanding natural character, outstanding natural feature or significant ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.
- 12) The **structure** or activity must not:
 - a) cause permanent scouring or erosion of banks, or
 - b) cause or exacerbate flooding of **other property**, or
 - c) materially reduce the ability of a river to convey flood flows into the coastal marine area (including as a result of debris accumulating against structures).
- 13) Any discharge must not:
 - a) occur for more than five consecutive days, and for more than 12 hours per day, or
 - b) cause any of the following effects in the receiving waters beyond the **zone of reasonable mixing**:
 - i. the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - ii. any conspicuous change in the colour or visual clarity, or
 - iii. an emission of objectionable odour.

Mangrove removal and pruning

- 14) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.
- 15) Mangrove removal must minimise the creation of protruding stumps, by cutting mangrove trunks close to the ground.
- 16) The activity must not disturb or damage areas of seagrass, saltmarsh, or other **natural wetland**.
- 17) There must be no refuelling on the foreshore or riverbed.
- 18) Chemical herbicides must not be used.
- 19) Access to removal and pruning areas must, where practicable, use existing open areas or paths where these exist and avoid disturbance of shellfish beds, soft sand and mud.
- 20) The Regional Council's Compliance Manager must be **notified** (in writing or by email) of the proposed time, location and extent of removal at least 10 working days prior to the work being undertaken, when:
 - a) more than 200m² of pruning or removal is proposed in any one year, or
 - b) the activity is located in a mapped Significant Bird Area, Significant Ecological Area, Area of Outstanding Natural Character, Outstanding Natural Landscape or Sites or Areas of Significance to Tāngata Whenua (refer [I Maps | Ngā mahere matawhenua](#)).

Lighting

21) All lighting (excluding navigation lighting) associated with activities in the coastal marine area must not, by reason of its direction, colour or intensity, create:

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

Noise

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

Table 4: Noise Limits

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

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

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

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

	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75
Sundays and public holidays	0630 to 0730	45	75	45	75	45	75
	0730 to 0800	55	85	55	85	55	85
	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75

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

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

- c) helicopter landing areas shall be managed in accordance with, and comply with, the recommended noise limits specified in *New Zealand Standard. Noise Management and Land Use Planning for Helicopter Landing Areas (NZS 6807:1994)*.
- 23) The *Table 4* and Condition 22(c) noise limits do not apply to the following:
- noise generated by navigational aids, safety signals, warning devices, and emergency pressure relief valves, and
 - noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to **property**, or minimise or prevent environmental damage, and
 - commercial firework displays.
- 24) The *Table 4* and Condition 22(c) noise limits do not apply to **temporary military training**. Noise generated by **temporary military training** must meet the following:
- for weapons firing and/or the use of explosives:
 - notice** must be provided to the Regional Council at least five working days prior to the commencement of the activity, and
 - the activity must comply with the following minimum separation distances to the notional boundary of any **noise sensitive activity**: 500 metres from 7:00am to 7:00pm, and 1250 metres from 7:00pm to 7:00am, and

- iii. where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any **noise sensitive activity**: 95dBC from 7:00am to 7:00pm, and 85dBC from 7:00pm to 7:00am, and
- b) mobile noise sources must comply with the noise limits set out in Tables 2 and 3 of *New Zealand Standard Acoustics – Construction Noise (NZS 6803:1999)*, with reference to ‘construction noise’ taken to refer to mobile noise sources¹⁹, and
- c) fixed (stationary) noise sources must comply with the noise limits set out in *Table 7* below when measured at the notional boundary of any **noise sensitive activity**.

Note:

Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

Table 7: Noise limits – Temporary military training

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

¹⁹ Note: mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, and earthmoving equipment.

I Maps | Ngā mahere matawhenua

Natural, historic, and cultural heritage – fresh and coastal waters

Map layer	Description
<u>Outstanding natural landscapes in the coastal marine area</u>	[Yet to be mapped]