

Appendix B

Proposed Regional Plan for Northland

Commissioners' Recommendations Version

COVER & CONTENTS PAGE TO BE ADDED

Purpose of this Document

This document is the Proposed Regional Plan for Northland with the recommended changes as a result of submissions. This document is to be read in conjunction with the Commissioner's Recommendation Report which makes recommendations on the submissions.

Guide to recommended changes

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

- A submitter that gives jurisdiction for the change, for example, "Department of Conservation". There may be other submissions that may also provide the jurisdiction but only one has been referenced.
- Consequential changes under Schedule 1 clause 10(2)(b) of the RMA.
- Alterations and corrections of minor effect made under Schedule 1 clause 16(2) of the RMA.

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

Karakia

He karakia ki ngā atua

Ko Rangi

Ko Papa

Ka puta

Ko Rongo

Ko Tāne Māhuta

Ko Tangaroa

Ko Tūmatauenga

Ko Haumietiketike

Ko Tāwhirimātea

Ko Rūamoko

Tokona te Rangi ki runga

Te Papa ki raro

Ka puta te Ira Tangata

Ki te Whai Ao

Ki te Ao Mārama

E rongo whakairia ake ki runga

Tūturu whakamaua kia tina! Tina! Haumi e,
hui e!

Tāiki e!

A prayer to Māori gods

There is Rangi

There is Papa

Then the birth

Of Rongo

Of Tāne Māhuta

Of Tangaroa

Of Tūmatauenga

Of Haumietiketike

Of Tāwhirimātea

Of Rūamoko

Separate the sky above

And the land below

Humanity is born

Into the physical world

The world of light

Let peace be raised back above

Bind us together

Let it be so.

Whakatauki

Toitū te marae a Tane mahuta

Toitū te marae a Tangaroa

Toitū te tangata

If the land is well

If the sea is well

The people will thrive

Mihi

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

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

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

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

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

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

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

Tēnā koutou, tēnā koutou, tēnā tatou katoa.

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

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

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

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

The Proposed Regional Plan for Northland (the Plan) was issued by Northland Regional Council in accordance with the Resource Management Act 1991 (the RMA). It is a combined regional air, land, water and coastal plan.

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

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

Greetings to you, greetings to us all.

A Introduction | Timatanga Kōrero

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

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

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

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

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

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

B Definitions | Whakamāramatanga

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

<i>Abrasive blasting</i>	The cleaning, smoothing, roughening, cutting or removing of part of the surface of any article using by the use of an abrasive jet of sand, metal shot, or grit or other material propelled by a blast of compressed air or steam or by a wheel.
<i>Ablative paint</i>	A paint designed to create a hull coating which ablates (wears off) slowly, exposing a fresh layer of paint.
<i><u>Adaptive management</u></i> ¹	<u>A means of managing activities whose effects are uncertain and the outcome of methods to avoid, remedy or mitigate those effects is also uncertain; primarily through the setting of consent conditions that enable activities to be managed in response to monitoring of the effects of the activity.</u>
<i><u>Addition (in relation to a Historic Heritage Site)</u></i> ²	<u>An extension or increase in floor area, number of stories, or height of a building or structure. It includes the construction of new floors, walls, ceilings, roofs and seismic upgrading. It does not include Historic Heritage Site repair or maintenance.</u>
<i>Aerial application</i>	The application of a substance taking place from any aircraft, including remotely controlled aircraft.
<i>Aids to navigation</i>	All marks and signs in aid of marine navigation, including navigation aids and ski access lane markers. A device, system or service, external to vessels , designed and operated to enhance safe and efficient navigation of individual vessels and/or vessel traffic. ³
<i>Agrichemical</i>	Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and or fauna, <u>including agricultural compounds</u> . This includes adjuvants (any substance designed to enhance the effectiveness, reduce drift or act as a synergist when added to any agrchemical application mixture) and animal remedies, but excludes <u>excluding fertilisers, vertebrate toxic agents and oral nutrition compounds.</u> ⁴
<i>Allocation limit</i>	A type of freshwater quantity limit. Allocation limits set in this plan are in Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers'.
<i><u>Alteration (in relation to a</u></i>	<u>Means any changes to the fabric or characteristics of a structure or building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally,</u>

<u>Historic Heritage Site</u>) ⁵	and includes any sign attached to the structure or building and seismic upgrading . It does not include Historic Heritage Site repair or maintenance .
<i>Ambient air quality</i>	The general quality of the surrounding air, reflecting the cumulative effect of all <u>existing</u> ⁶ activities, both anthropogenic and natural.
<i>Anchoring</i>	Temporarily securing a vessel , raft, aircraft or floating structure with any weight or article that is removed with the vessel when it leaves the site, which is placed in or on the foreshore, seabed, land or bed of any lake, river or stream. For the purposes of this plan, securing a vessel , raft, aircraft or floating structure with a mooring or other structure that is permanently in place, is not anchoring .
<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.
<u>Archaeological site</u> ⁷	<p><u>A place in New Zealand (including a building, structure or shipwreck) that was associated with pre-1900 human activity where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.</u></p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1) <u>Under the RMA definition of Historic Heritage, the term Archaeological Site is not limited to pre-1900 activity and may include evidence of archaeological significance such as sites of later activity of heritage interest (e.g. World War 2 army camps).</u> 2) <u>Installing signs on or into pre-1900 built heritage sites may require an authority from Heritage New Zealand.</u> <p><u>19th Century buildings and structures above and below ground are archaeological sites and may also require an authority depending upon the nature of the works proposed.</u></p>
<i>Artificial watercourse</i>	A man-made channel constructed in or over land for carrying water and includes an irrigation canal, roadside drains and water tables , ⁸ water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river, stream or natural wetland . ⁹
<u>Aupouri Aquifer management unit</u> ¹⁰	<p><u>A groundwater quantity management unit.</u></p> <p><u>Note: The management unit is depicted in I Maps / Ngā mahere matawhenua.</u></p>
<i>Authorised</i>	Expressly allowed by a: <ol style="list-style-type: none"> 1) national environmental standard or other regulations, or

	<p>2) a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or</p> <p>3) a resource consent.</p>
<i>Bank full edge</i> ¹¹	<u>The highest point at which a river can rise without overtopping the bank.</u>
<i>Beach scraping</i>	The transfer of material (generally sand) and other loose material, <u>such as stones and shells,</u> from the lower part of the foreshore (beach), usually by mechanical equipment, to re-distribute the sand to the upper beach/dune system, in order to repair or restore natural dune protection. ¹²
<i>Biofouling</i>	The accumulation of aquatic organisms such as micro-organisms, plants and animals on surfaces and structures immersed in or exposed to the aquatic environment.
<i>Biogenic habitat</i> ¹³	<u>Habitat on the seabed created by the physical structure of living or dead organisms, or by their interactions with the seabed.</u>
<i>Biosolid</i>	A sewage or sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived from industrial wastewater treatment plants.
<i>Bore</i>	A drilled hole that has been constructed to provide access to groundwater or for monitoring of underground conditions, but does not include the drilling of blast holes, seismic shot holes, or similar, where the hole will be destroyed upon construction.
<i>Catchment plan</i>	A collaboratively prepared plan adopted by Northland Regional Council which sets out approaches to managing resource or environmental issues identified in one or more catchments.
<i>Catchment-specific allocation limit</i> ¹⁴	<p>An allocation limit that has been set for a specific river or aquifer, and can be based on:</p> <p>1) the total allocation from the river or aquifer that exceeds a default allocation limit as determined under Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers', or</p> <p>2) waterbody-specific information.</p>
<i>Cleanfill material</i>	<p>Natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <p>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</p>

	<p>2) hazardous substances, and</p> <p>3) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, and</p> <p>4) materials that may present a risk to human health, and liquid waste, and</p> <p>5) materials containing asbestos.</p> <p><u>It does not include the placement of overburden material as part of any quarrying activity.</u>¹⁵</p>
<u>Coastal aquifer</u>	<p><u>A groundwater quantity management unit.</u></p> <p><u><i>Note: The management unit is depicted in 'I Maps Ngā mahere matawhenua'.</i></u></p>
<u>Coastal hazard riparian and foredune¹⁶ management area</u>	<p>Coastal hazard <u>riparian and foredune</u> management area is:</p> <ol style="list-style-type: none"> 1) any land within a horizontal distance of 10 metres landward from the coastal marine area, or 2) the land between the coastal marine area and the bottom of the landward side of the foredune, where the land adjacent to the coastal marine area is vegetated or unvegetated sand dunes.
<u>Coastal dune restoration</u>	<p>A programme designed to return or restore a coastal environment to a more natural state, with the aim of allowing the active beach and dune system to better function as a natural system, operating by natural coastal processes. The key purpose is to improve protection against coastal hazards. Coastal dune restoration can involve all or some of the following activities: removal of exotic flora and fauna; removal of fill/spoil, rock, rubble or other introduced materials; dune re-contouring to achieve a more natural substrate and/or shape; and/or the planting of appropriate native <u>indigenous</u> plant species. It does not include beach scraping (as defined in the plan) or works involving hard protection structures.</p>
<u>Coastal river</u>	<p>A river in the coastal river water quantity management unit.</p> <p><u><i>Note: The management unit is shown depicted in 'I Maps Ngā mahere matawhenua'.</i></u></p>
<u>Compost</u>	<p>Any combination of solid or semi-solid vegetable and animal waste that has fully decomposed and matured to a stabilised product. For the purposes of this Plan, compost does not contain human sewage, dead animals or animal parts, <u>other than as provided for in Rule C.6.3.3(7).</u>¹⁷</p>
<u>Composting operation</u>	<p>Any activity undertaken to produce compost.</p>

<p><i>Community Controlled Organisation</i></p>	<p>Includes but is not limited to: not-for-profit corporations, incorporated societies, charitable bodies, organised clubs, sports clubs, religious groups and education providers.</p>
<p><u>Conspicuous change in colour or visual clarity</u>¹⁸</p>	<p>Means more than a 40 percent reduction in the colour or visual clarity above background levels in rivers, artificial watercourses and wetlands; except for lakes and coastal waters where it means more than a 20 percent reduction in the colour or visual clarity.</p>
<p><i>Constructed wetland</i></p>	<p>A wetland developed deliberately by artificial means or constructed on a site where:</p> <ol style="list-style-type: none"> 1) a wetland has not occurred naturally previously, and or 2) the current wetland vegetation cover cannot be delineated as indigenous, or¹⁹ 3) a wetland has been previously constructed legally. <p>This does not include induced wetland, reverted wetland or wetland created for conservation purposes; for example, as a requirement of resource consent.²⁰ Examples of constructed wetlands includes wetlands created and subsequently maintained principally for or in connection with</p> <ol style="list-style-type: none"> 1) an effluent treatment and disposal system, or 2) stormwater management, or 3) an artificial water storage facility, detention dam, reservoir for firefighting, domestic and community water supply, or 4) other artificial wetland and water bodies including open drainage channels (that are authorised, such as those in drainage schemes) and engineered soil conservation structures. <p><u>Artificial water storage facilities; detention dams; reservoirs for firefighting, irrigation, domestic or community water supply; engineered soil conservation structures including sediment traps; and roadside drainage channels are also not constructed wetlands or natural wetlands.</u>²¹</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1) <u>A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and sedges.</u> 2) <u>Examples of wetlands created for conservation purposes include those created as a requirement of a resource consent, land management agreement registered under the Land Transfer Act 1952 (or 2017) or protected private land (under Reserves Act 1977, Queen Elizabeth the Second National Trust Act, or Conservation Act 1987).</u>²² <p><u>Note:</u></p>

	<p>3) 1) "<u>Constructed wetland</u>" is the same as "man made wetland" in the Regional Policy Statement.</p> <p>4) 2) The <u>Regional Council's wetland</u> mapping indicates the extents of known <u>wetlands</u> – these can be found on the <u>Regional Council's website</u>.</p> <p>5) <u>The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'</u>.²³</p>
<u>Contaminants of concern</u> ²⁴	<u>Contaminants that may be present in contaminated land, at concentrations that pose a potential human health risk or environmental risk, that have been identified through site investigations.</u>
<u>Contractor (in relation to agrichemical application)</u>	Any person or organisation who that, by agreement with the owner, occupier or manager of any land, applies or causes to be applied any <u>agrichemical</u> in an agricultural, horticultural or related situation for hire or reward. It does not include an employee of or an owner, occupier or manager (whether a person or company). ²⁵
<u>Core local infrastructure</u> ²⁶	<u>District parks and reserves, network infrastructure and public roads maintained by local authorities.</u>
<u>Cultivation</u> ²⁷	The disturbance of earth by machinery in preparation for planting or replanting pasture or crops, but does not include: <ol style="list-style-type: none"> 1) direct drilling and no-till practices, or 2) mechanical <u>land preparation</u> associated with plantation forestry.
<u>Dairy support cattle</u>	Dry cows and dairy replacement cattle.
<u>Dam</u>	A structure intended primarily to retain or control surface water flows to form a reservoir, including a weir, but excluding a stopbank.
<u>Dam crest</u>	The elevation of the uppermost surface of the <u>dam</u> excluding any curbs, parapet walls, railings or other structures that are not part of the water retaining structure.
<u>Dam height</u>	The vertical distance from the <u>dam crest</u> to: <ol style="list-style-type: none"> 1) in the case of a <u>dam</u> across a river, from the <u>natural bed level</u>²⁸ of the river at the lowest downstream outside limit of the <u>dam</u>, or 2) in the case of a <u>dam</u> not across a river, from the lowest elevation at the outside limit of the <u>dam</u>.
<u>Deep lake</u>	A lake with a maximum depth of greater than 10 metres.

<p><i>Deep soakage system</i></p>	<p>A hole excavated to utilise <u>use</u> permeable subsoil layers or weathered rock at depth under poorly draining soils for the purpose of disposing <u>effluent</u>. These holes may be backfilled with material such as scoria.</p>
<p><i>Default allocation limit²⁹</i></p>	<p>An allocation limit that applies to multiple rivers or aquifers.</p>
<p><i><u>Deposition of material for beneficial purposes³⁰</u></i></p>	<p><u>The placement of sand, shell, shingle or other natural material (taken from within the coastal marine area) in the coastal marine area or on land, where the intended design purpose is associated with one of more of the following beneficial end uses:</u></p> <ol style="list-style-type: none"> 1) <u>beach replenishment or renourishment, or</u> 2) <u>environmental or ecological enhancement, or</u> 3) <u>restoration or enhancement of natural coastal defences from coastal hazards.</u> <p><u>It excludes:</u></p> <ol style="list-style-type: none"> 1) <u>deposition of dredged material or solid matter for <u>reclamation purposes</u>, and</u> 2) <u>dumping (deliberate disposal) of waste or other matter, and</u> 3) <u>creation of <u>hard protection structures</u>.</u>
<p><i>Dewatering</i></p>	<p>The removal of groundwater from an excavation that has perforated below the groundwater table. in an aquifer.</p>
<p><i><u>Demolition (in relation to a Historic Heritage Site)³¹</u></i></p>	<p><u>To damage and demolish a building or structure resulting in complete or significant loss of heritage form and fabric.</u></p> <p><i><u>Note: The temporary dismantling of parts of a building or structure for the purposes of <u>seismic upgrading</u> does not constitute <u>demolition</u> or <u>partial demolition</u>.</u></i></p>
<p><i>Domestic type wastewater</i></p>	<p><u>Wastewater</u> originating from toilets, kitchens, bathrooms, showers, baths, basins, and laundries from residential dwellings, commercial, industrial or other premises. It does not include <u>industrial or trade wastewater</u> from an industrial or trade premises.³²</p>
<p><i><u>Dune lake with outstanding or high ecological value³³</u></i></p>	<p><u>The following dune lakes are classified as having outstanding or high ecological values:</u></p> <p><u>Aupōuri Peninsula</u></p> <ol style="list-style-type: none"> 1) <u>Te Werahi Lagoon</u> 2) <u>Te Paki dune</u> 3) <u>Te Kahika</u> 4) <u>Morehurehu</u>

	<p>5) <u>Wahakari</u></p> <p>6) <u>Waihopo</u></p> <p>7) <u>Waiparera</u></p> <p>8) <u>Ngakapua</u></p> <p>9) <u>Ngatu</u></p> <p>10) <u>Rotorua</u></p> <p><u>Karikari Peninsula</u></p> <p>11) <u>Waiporohita</u></p> <p><u>Kai Iwi lakes and north Dargaville</u></p> <p>12) <u>Waikare</u></p> <p>13) <u>Taharoa</u></p> <p>14) <u>Kai-Iwi</u></p> <p><u>Poutō Peninsula</u></p> <p>15) <u>Karaka</u></p> <p>16) <u>Humuhumu</u></p> <p>17) <u>Mokeno</u></p> <p>18) <u>Rotokawau</u></p> <p>19) <u>Kanono</u></p> <p>20) <u>Kahuparere</u></p> <p><i>Note: for information on the lakes and their rankings see Champion, P., and de Winton, M., 2012. Northland Lakes Strategy. Prepared for Northland Regional Council. NIWA Client Report No: HAM2012-121.</i></p>
<p><i>Dust-sensitive area</i></p>	<p>1) Residential buildings and associated garden areas, and</p> <p>2) school, hospital buildings and care facilities and grounds, and</p> <p>3) amenity areas where people congregate, including parks and reserves, and</p> <p>4) community buildings and grounds, including places of worship and marae, and</p> <p>5) orchards, sensitive-crops and commercial growing areas, and</p> <p>6) water bodies used for the supply of drinking water and for stock drinking, and</p> <p>7) apiaries, and</p> <p>8) natural wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional</p>

	<p><u>Policy Statement for Northland on land</u> indigenous habitat areas³⁴</p>
<i>Earth</i>	Any matter constituting the land, such as soil, clay, sand, or rock.
<i>Earthworks</i>	<p>The mechanical disturbance of the surface of the land <u>earth</u> by excavation, cutting and filling, blading, ripping, contouring, <u>quarrying</u>³⁵ or placing or replacing <u>earth</u> or <u>cleanfill material</u>, but does not include:</p> <ol style="list-style-type: none"> 1) earthworks associated with a plantation forestry activity, or 2) the placement of cleanfill material, or 3) cultivation <u>land preparation</u>³⁶, or 4) construction, <u>repair, alteration or maintenance</u>³⁷ of <u>bores</u>, or 5) the maintenance of walking and other recreational tracks <u>and farm tracks</u>³⁸, or 6) the placement of roading aggregates during road and track works, or 7) <u>directional drilling, boring or thrusting up to 250mm diameter</u>,³⁹ or 8) digging post holes, or 9) planting trees.
<i>Effectively excluded</i>	Effectively barred from access to the beds of lakes and rivers, drains, <u>natural wetlands</u> , and the coastal marine area either through a natural barrier (such as a cliff), a permanent fence (<u>including a single polymer wire fence</u>) ⁴⁰ , or new technologies such as a 'virtual' GPS fence. Temporary fencing may be used in flood-prone areas.
<i>Effluent</i> ⁴¹	<p><u>Liquid waste or liquid containing waste solids.</u></p> <p><i>Note: In this plan, the term is used interchangeably with <u>wastewater</u>.</i></p>
<i>Ephemeral river or stream</i> ⁴²	<u>Reaches with a natural bed level above the water table at all times, with water only flowing during and shortly after rain events, and which do not meet the definition of an <u>intermittently flowing river</u>.</u>
<i>Erosion control plan</i>	<p>Means a regional council approved⁴³ plan developed by a suitably qualified professional which specifically identifies areas of gully, landslide, and earthflow erosion and measures to mitigate sediment yield from these areas <u>and meets the requirements of Appendix H.4.</u></p> <p><u>For the purposes of preparing <u>Erosion Control Plans</u>, “suitably qualified professional” means a person who:</u></p> <ol style="list-style-type: none"> 1) <u>has at least five years’ experience in the management of pastoral, horticultural or arable farm systems, and</u>

	<p>2) <u>has completed advanced training or has tertiary qualifications in soil conservation, soil science or sediment management, or</u></p> <p>3) <u>is a Northland Regional Council Land Management Advisor.</u>⁴⁴</p>
<u>Erosion-prone land</u> ⁴⁵	<u>Land defined as Land Use Capability (LUC) units 6e17, 6e19, 7e1 - 7e10, 8e1 - 8e3, and 8s1. The LUC units are generally depicted in the New Zealand Land Resource Inventory (NZLRI) and are also shown in 'I Maps Ngā mahere matawhenua'.</u>
<i>Farm wastewater</i>	All wastewater from a farm dairy, dairy yard, feed pad, standoff area, stock yard, sale yard, wintering barn, loafing pad, calf rearing barn, piggery, poultry farm, or any other stock yard, adjacent entrance and exit races, farm transit races when used for standoff, stock underpass or similar. Farm wastewater includes animal effluent , washdown water, pit washings, sediment and other solid matter, milk, milk residue, supplementary feed, molasses, detergents, sterilising agents and other residues associated with routine farming practices. <u>It does not include horticultural wastewater.</u> ⁴⁶
<i>Farm wastewater storage facilities</i>	<u>Facilities, including include ponds and tanks, for storing or treating farm wastewater, but does not include including sumps, milk vats, feed storage bins, vats or silos, or storage vessels for cleaning products.</u> ⁴⁷
<u>Fertiliser</u> ⁴⁸	<p><u>A substance or biological compound or mix of substances or biological compounds that is suitable for sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of:</u></p> <ol style="list-style-type: none"> 1) <u>nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients,</u> 2) <u>manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients, or</u> 3) <u>fertiliser additives, and</u> 4) <u>includes non-nutrient attributes of the materials used in fertiliser.</u> <p><u>It does not include substances that are plant growth regulators that modify the physiological functions of plants.</u></p>
<i>Flood defence</i>	Means any structure or equipment, including any bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock or erosion protection structure or groyne, that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of floodwater , including floodwaters ⁴⁹ , in or out of a water body or artificial watercourse .
<i>Flood hazard area</i>	Land that has a one percent chance in any year of being inundated due to high river flows.

	<p><i>Note: In catchments where the spatial extent of these areas have <u>has</u> been mapped by the <u>Regional Council</u>, 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 <u>Regional Council's</u> website.</i></p>
<i>Fully allocated</i> ⁵⁰	<p>Where the total volume of fresh water permitted by a rule in this plan and consented to be taken is equal to a <u>catchment-specific allocation limit</u> or exceeds a <u>default allocation limit</u> for a river by more than 10 percent of the <u>seven-day mean annual low flow</u> or a <u>default allocation limit</u> for an aquifer by more than five percent of the annual average recharge. Catchment-specific allocation limits and <u>default allocation limits</u> are set in Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers'.</p>
<i>Functional need</i>	<p>When an activity or <u>network</u> (including structures) is dependent on a particular location to operate, or is required to traverse, locate or operate in a particular environment due to its technical or operational requirements, on having its location in the coastal marine area to operate. This excludes, but is not limited to, dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</p> <p><i>Note: This excludes dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</i>⁵¹</p>
<i>Geothermal surface feature</i> ⁵²	<p>A surface manifestation of geothermal processes or discharges, including geothermal springs, steam-fed features, geothermal mineral deposits and landforms that are remnants of geothermal processes or discharges, such as hydrothermal eruption craters.</p>
<i>Good management practice</i> ⁵³	<p>A set of tools or practical measures promoted by an industry sector or council to help minimise the effects of activities on the environment.</p>
<i>Greywater</i>	<p><u>Domestic type wastewater</u> from a kitchen, bath, shower, laundry, sink, other than toilet or urinal wastes. Also termed 'sullage'.</p>
<i>Ground-based spraying</i>	<p>Spraying taking place at ground level but does not include <u>hand-held spraying</u>. Any method of spray application using ground-based equipment, but excluding hand-held spraying equipment.⁵⁴</p>
<i>Grounding</i>	<p>The act of placing a <u>vessel</u> in contact with the land whether deliberately or unintentionally.</p>
<i>Hand-held spraying</i>	<p>Any spraying where the part of the spraying equipment that emits the <u>agrchemical</u> is held by the applicator and includes manual or motorised pumping methods. Such an application must be applied directly to the target species.</p>

<p><i>Hard protection structure</i></p>	<p>A seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure that has the primary purpose of protecting <u>property an activity</u>⁵⁵ from a coastal hazard, including erosion.</p>
<p><i>High-risk coastal hazard area</i></p>	<p>Locations <u>Land that has have been assessed (and mapped) as being at a relatively high-risk</u> from the effects of coastal hazards (erosion and inundation) over a planning horizon of 50 years. For coastal erosion, this likelihood corresponds to a <u>66% percent</u> chance that coastal erosion will reach the landward extent of the setback line by 2065. For coastal inundation, the <u>high-risk coastal hazard area zone</u> is based on a <u>2% two percent</u> annual exceedance probability event for the year 2065.</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1) These are <u>This land is commonly referred to as a 'Coastal Hazard 1 Zones' in district plans.</u> 2) <u>The extent of coastal hazard mapping by the Regional Council is limited to the areas covered by LIDAR survey. Mapped areas are available to view on the Regional Council's public website.</u>⁵⁶
<p><i>High-risk industrial and or trade premises</i></p>	<p>An industrial or trade premise used for any of the following purposes and <u>that stores, uses or generates hazardous substances contaminants in the industrial or trade process at the site which on-site that are exposed to rain or and can be entrained in stormwater,</u> including:</p> <ol style="list-style-type: none"> 1) <u>boat construction and maintenance, and</u> 2) <u>port activities including dry docks, and</u> 3) <u>commercial cement, concrete or lime manufacturing or storage, and</u> 4) <u>chemical manufacture, formulation or bulk storage, recovery, processing or recycling, but excluding bulk storage of chemicals for on-site use by manufacturing processes not specified in 1) to 9) of this definition, and</u>⁵⁷ 5) <u>fertiliser manufacture or bulk storage, and</u> 6) <u>storage of hazardous wastes including waste dumps or dam tailings associated with mining activities, and</u> 7) <u>petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, but excludes service stations, truck stops and refuelling facilities that comply with: Ministry for the Environment. 1998. Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand, and</u>⁵⁸

	<p>8) scrap yards including automotive dismantling, wrecking or scrap metal yards, and</p> <p>9) wood treatment or preservation (including the commercial use of anti-sapstain chemicals during milling), or bulk storage of treated timber.</p>
<i>High-risk flood hazard area</i>	<p>Land where there is at least a 10 percent chance of river flooding occurring annually.</p> <p><i>Note: Within catchments where the spatial extent of these areas have <u>has</u> been mapped by the <u>Regional Council</u>, they are referred to as <u>mapped 10-year flood hazard areas</u>. They are available to view on the <u>Regional Council's public website</u>.</i></p>
<i>High sediment yielding land</i>	<p>Land in the Doubtless Bay, Waitangi, Mangere and Whangārei Harbour catchments identified as having high sediment yield as shown in 'I Maps Ngā mahere matawhenua'. The thresholds for high sediment yielding land are is: land that has an estimated sediment annual average yield of 250 tonnes / km² / year or more in the Waitangi, Mangere and Whangārei Harbour catchments and 500 tonnes / km² / year or more in the Doubtless Bay catchment.</p>
<i>Highly erodible land</i> ⁵⁹	<p>Land defined as land use capability units VIe17, VIe19, VIIe1 – VIIe10, VIIIe1 – VIIIe3, and VIIIs1. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition, and also shown in Maps.</p>
<i>Historic Heritage Area</i>	<p>A historic heritage seascape that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in 'I Maps Ngā mahere matawhenua'.</p> <p><i>Note: <u>Historic heritage areas</u> may also be separately listed under the <u>Heritage New Zealand Pouhere Taonga Act 2014</u>.</i>⁶⁰</p>
<i>Historic Heritage Site</i>	<p>A historic heritage site that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in 'I Maps Ngā mahere matawhenua'.</p> <p><i>Note: <u>Historic heritage sites</u> may also be separately listed under the <u>Heritage New Zealand Pouhere Taonga Act 2014</u>.</i>⁶¹</p>
<i>Horticulture wastewater</i> ⁶²	<p>Wastewater from vegetable washing and greenhouses which may include sediment and residues from the activity, but does not include animal effluent or animal products.</p>
<i>Household waste</i>	<p>Composed of wastes from normal household activities, including bottles, cans, food packaging, food scraps, disposable items, clothing, paper and cardboard, and garden waste that originates from private homes or apartments.</p>

<p><i>Hull and niche areas</i>⁶³</p>	<p>The immersed surfaces of a vessel including areas⁶⁴ 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>
<p><i>Impervious area</i></p>	<p>An area with a surface that prevents or significantly retards the soakage of water into the ground, and includes:</p> <ol style="list-style-type: none"> 1) roofs, <u>and</u> 2) paved areas and sealed or compacted parking areas or patios, <u>and</u> 3) sealed or compacted metal roads and driveways, and 4) layers engineered to be impervious, such as compacted clay. <p>Impervious areas do not include:</p> <ol style="list-style-type: none"> 1) grass and bush areas, <u>and</u> 2) gardens and other vegetated areas, <u>and</u> 3) porous or permeable paving and living roofs, <u>and</u> 4) permeable artificial surfaces, fields or lawns, and 5) slatted decks.
<p><i>Incineration device</i></p>	<p>A device made from non-combustible materials designed to burn waste that:</p> <ol style="list-style-type: none"> 1) contains all embers and sparks, <u>and</u> 2) has a grate and lid or spark arrestor, <u>and</u> 3) <u>is not used to generate energy.</u>⁶⁵
<p><i>Indigenous vegetation</i>⁶⁶</p>	<p><u>Vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance.</u></p>
<p><i>Induced wetlands</i></p>	<p>Are Wetlands that have formed naturally on ecological sites where wetlands did not previously exist, as a result of human activities, such as construction of roads and railways bunds. While such wetlands have not been constructed for a specific purpose, they can be considered to be artificial in many cases given they arise through physical alteration of hydrology through mechanical modification. <u>Does not include a constructed wetland.</u>⁶⁷</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1) <i>Induced wetlands are a type of natural wetland.</i>

	2) <u>The relationship between the various types of wetlands is shown in: 'H.8 Wetland definitions relationships'⁶⁸</u>
<u>Industrial or trade wastewater</u> ⁶⁹	<u>Wastewater</u> containing contaminants from an industrial or trade process.
<u>In-stream</u>	Located in the bed of a <u>continually or intermittently flowing</u> or permanent , river or lake.
<u>In-water hull cleaning</u>	The cleaning of a <u>vessel</u> hull below the water level when the boat is afloat.
<u>Intermittently flowing river or stream</u>	A river that is naturally dry at certain times of the year and has two or more of the following characteristics: <ol style="list-style-type: none"> 1) it has natural pools, <u>and</u> 2) it has a well-defined channel, such that the bed and banks can be distinguished, <u>and</u> 3) it contains surface water more than 48 hours after a rain event which results in river flow, <u>and</u> 4) rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel, and 5) it appears as a blue line on topographical maps at 1:50,000 scale.
<u>Land drainage</u>	The activity of lowering the water level in the soil to achieve productive land use, and to facilitate the stability of land or structures.
<u>Land drainage scheme</u>	All drainage channels or <u>land drainage</u> works relating to a particular <u>land drainage</u> system vested in a council or a group of landowners who have assumed control of the scheme pursuant to Section 517Z of the Local Government Act 1974.
<u>Landfill</u>	Class 1, 2, 3 and 4 3 <u>landfills</u> as defined in <u>Waste Management Institute of New Zealand, 2018. <i>Technical guidelines for the disposal to land of residual waste and other material</i> (WasteMINZ, June 2013).</u> ⁷⁰
<u>Land preparation</u> ⁷¹	The disturbance of <u>earth</u> by machinery for planting, replanting, <u>tending or harvesting pasture or crops</u> . It includes <u>blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with the activity but does not include direct drilling</u> .
<u>Large river</u>	A river in the <u>large river</u> water quantity management unit. <u>Note: The management unit is shown depicted in '1 Maps Ngā mahere matawhenua'.</u>

<i>Leachate</i>	The liquid resulting from the percolation of matter through soil or the liquid resulting from the decomposition of material; for example, refuse (tip/landfill leachate) .
<i>Light fouling</i>	A slime layer , and any extent of barnacles and small patches (up to 100mm in diameter) of visible macrofouling totalling less than five 5 <u>percent</u> % of the normally wetted hull and niche areas .
<i>Livestock (where used in livestock exclusion provisions in this Plan)</i>	Dairy cows, dairy support cattle , beef cattle, pigs, and deer.
<i>Livestock crossing point</i>	A location where livestock cross a water body or artificial watercourse , a river, drain, or foreshore or seabed as part of normal farming operations. The entry and exit points are not more than 20 <u>five</u> ⁷² metres wide and are associated with an access track .
<i>Macrofouling</i>	Biofouling with large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms and fronds of algae.
<i>Mahinga kai</i>	Tangata whenua taonga (treasures and/or interests) in traditional food gathering areas and other natural resource gathering areas including the places where those resources are obtained. <i>Note: These are important for iwi and hapū identity and mana. Food gathering practices are an important aspect of the way Māori interact with the natural world. Māori use of these taonga of the natural world has always been tempered by the way Māori perceive their place in the natural world. Manaaki manuhiri is an important aspect of mahinga kai.</i>
<i>Maintenance (in relation to a Historic Heritage Site)⁷³</i>	Means the ongoing protective care of a place. It does not include seismic upgrading .
<i>Maintenance dredging</i>	Excavating material from the bed of the coastal marine area and removing the excavated material, where the excavation is for the purpose of removing accumulated sediment so that the seabed is returned to previously approved (consented) levels.
<i>Marae-based aquaculture</i>	Aquaculture with the following attributes: <ol style="list-style-type: none"> 1) the purpose of the aquaculture activities is to improve traditional customary kaimoana provision for marae, and 2) the farmed kaimoana is not for sale¹, <u>and</u>

	<p>3) the organisations entitled to hold coastal permits for marae-based aquaculture are:</p> <p>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</p> <p>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</p> <p>4) the area of occupation is no more than one hectare per marae, and</p> <p>5) the area of occupation is within the area traditionally harvested by the marae.</p> <p>¹ Sale includes:</p> <p>1) every method of disposition for valuable consideration, including barter, and</p> <p>2) the disposition to an agent for sale on consignment, and</p> <p>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</p> <p>4) disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003), and</p> <p>5) the use by a person of fish, aquatic life, or seaweed as bait in that person's commercial fishing operations, and</p> <p>6) any other use by a person of fish, aquatic life, or seaweed as part of that person's commercial activities.</p> <p><i>(Sourced from the Maori Commercial Aquaculture Claims Settlement Act 2004 definition of "sale".)</i></p> <p><u>Note:</u></p> <p><u>The organisations entitled to hold coastal permits for marae-based aquaculture are:</u></p> <p>1) <u>a marae committee of a Māori reservation gazetted for the purposes of a marae, in accordance with Te Ture Whenua Māori Act 1992, or</u></p> <p>2) <u>a marae committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Māori Fisheries Act 2004).</u></p>
<p><i>Marine pest</i></p>	<p>Any identified or suspected aquatic organism listed in the Northland Regional Pest Management Plan, in the Unwanted Organisms Register held by the Ministry for Primary Industries, or any aquatic organism which, if introduced, may adversely affect the environment or</p>

	<p>biological diversity, pose a threat to human health, or interfere with legitimate use or protection of natural and physical resources in the coastal environment.</p> <p><i>Note:</i></p> <p><i>Marine pests</i> are sometimes referred to as <i>invasive aquatic species</i> or <i>harmful aquatic organisms</i>.</p>
<i>Mataitai</i>	As defined in the Fisheries (Kaimoana Customary Fishing) Regulations <u>1998-Act 1996</u> .
<i>Mātauranga Māori</i>	<p>In the traditional context means The knowledge, comprehension or understanding of everything visible or invisible that exists across the universe.</p> <p><i>Note: This meaning is related to the In a modern context it can include as Māori research, science and technology principles and practices.</i></p> <p><i>(Sourced from: Mohi, C., 1993. Mātauranga Māori – A National Resource. A paper prepared for the Ministry of Research, Science and Technology, 1993, pp1-3.)</i></p>
<i>Materially damaged</i>	Means situations where damage has occurred to a habitable building from a natural hazard event to the extent that repair or replacement requires a building consent under the Building Act.
<i>Median flow</i> ⁷⁴	<u>The flow in a river that is equal to or exceeded half the time over the period of analysis.</u>
<i>Microfouling / slime layer</i>	Microscopic organisms including bacteria and diatoms and the slimy substances that they produce. Biofouling comprised of only microfouling is commonly referred to as a slime layer .
<i>Minimum flow</i> ⁷⁵	See ' <u>H.6 Environmental flows and levels</u> '. Minimum flows set in this in this plan are in Policy D.4.14 ' <u>Minimum flows for rivers</u> ' and Policy D.4.15 ' <u>Minimum levels for lakes and wetlands</u> '. ⁷⁶ .
<i>Minimum level</i>	See ' <u>H.6 Environmental flows and levels</u> '. Minimum levels set in this plan are in Policy D.4.15 ' <u>Minimum levels for lakes and wetlands</u> '. ⁷⁷ .
<i>Mooring</i>	<p>Any weight, pile or article placed in or on the foreshore or seabed, or bed of any lake, river or stream, to secure a vessel, raft, aircraft, or floating structure. Includes any float, wire, rope, or other device attached or connected to such a weight, pile or article. Excludes:</p> <ol style="list-style-type: none"> 1) an anchor normally removed with a vessel, raft, aircraft, or floating structure when it leaves a site or anchorage, and

	<p>2) the non-permanent laying and relaying of buoys.</p> <p>For the purposes of this plan, moorings only include swing moorings, pile moorings and trot moorings.</p>
<u>Native Indigenous dune vegetation</u>	<p>Indigenous plant species <u>vegetation</u> that grows naturally in a particular dune systems.</p> <p><i>Note: This varies around the region and within different parts of the dune system. On Northland foredunes, the key species are spinifex and pingao. Other species that might be found naturally on Northland's foredunes include: sand tussock; sand sedge and sand convovulus; In the more sheltered mid-dune area, there is generally a far wider range of species found naturally; there is also some overlap with the foredune area, with some species found across both zones. This includes, but is not limited to:</i>⁷⁸ pohuehue; sand coprosma; sand daphne; speckled sedge; <u>wiwi</u> – knobby club rush; <u>oioi</u> – jointed wire rush; flax; New Zealand spinach; sand wind grass; toetoe; and <u>tī kōuka</u> – cabbage tree.</p>
<u>Natural bed level</u> ⁷⁹	<u>The lowest vertical point on a river bed at a particular location.</u>
<u>Natural wetland</u>	<p>Any wetland including an induced wetland and a reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include:</p> <ol style="list-style-type: none"> 1) a constructed wetland, or 2) wet pasture, damp gully heads, or 3) <u>areas</u> where water temporarily ponds after rain, or 4) pasture containing patches of rushes. <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1) <i>The <u>Regional Council's wetland</u> mapping indicates the extents of known <u>wetlands</u> – these can be found on the <u>Regional Council's website</u>.</i> 2) <i>The relationship between the various types of <u>wetlands</u> is shown in: H.8 '<u>Wetland definitions relationships</u>'.⁸⁰</i>
<u>Noise sensitive activity</u> ⁸¹	<u>Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care facility, care centre, lecture theatre in a tertiary education facility, classroom in an education facility, and a healthcare facility with an overnight stay facility.</u>

<u>Non-consumptive take</u> ⁸²	<p>A take where:</p> <ol style="list-style-type: none"> 1) <u>water is used but not taken from a water body, or</u> 2) <u>water is taken from a water body and the same volume, minus any water lost by evaporation, is returned:</u> <ol style="list-style-type: none"> a) <u>to the same water body in the same sub-catchment as near as practicable to the point of abstraction or upstream of the point where the take occurs, and</u> b) <u>at the same time or within a timeframe as near as practicable to when the take is operating.</u>
<u>Obstructions</u>	Includes trees, plants, earth , stone, timber, and material of all kinds.
<u>Odour sensitive area</u>	<ol style="list-style-type: none"> 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and 4) community buildings and grounds, including places of worship and marae.
<u>Off-stream</u>	<p>Not located in:</p> <ol style="list-style-type: none"> 1) an intermittently flowing or permanent river, or 2) lake.
<u>Oil contaminants</u> ⁸³	<u>Petroleum-based contaminants which have the potential to contaminate water.</u>
<u>Operational need</u> ⁸⁴	<u>The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</u>
<u>Other aquifer</u>	<p>A groundwater quantity management unit.</p> <p><u>Note: The management unit is depicted in ‘I Maps Ngā mahere matawhenua’.</u></p>
<u>Other property</u>	<ol style="list-style-type: none"> 1) Means <u>Any</u> 2) any land or buildings, or part of any land or buildings, that are: <ol style="list-style-type: none"> a) not held under the same allotment, or b) not held under the same ownership <u>or management</u>⁸⁵, and 3) includes a road.

<i>Outdoor burning</i>	Burning that takes place outside of a building or fully enclosed indoor area but includes <u>including in an incineration device</u> .
<i>Outfall</i>	The end point of any pipe, conduit, or drain from which a discharge enters a receiving environment.
<i>Outstanding freshwater body</i>	Has the same meaning as in the National Policy Statement for Freshwater Management. <u>Note:</u> <i>Outstanding freshwater bodies in Northland are a shown <u>depicted in 'I Maps Ngā mahere matawhenua'</u>.</i>
<i>Outstanding lake</i>	Is a type of <u>outstanding freshwater body</u> .
<i>Outstanding river</i>	Is a type of <u>outstanding freshwater body</u> .
<i>Overland flow path</i>	The path taken by surface <u>stormwater</u> crossing a <u>property</u> comprising They are low points in the terrain (outside of streams not including rivers and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.
<i><u>Partial demolition (in relation to a Historic Heritage Site)</u></i> ⁸⁶	<u>Demolition of a substantial part of any building or structure. <u>Partial demolition</u> includes facade retention, which normally involves the demolition of the rear or a substantial part of a building or structure and the retention of the front or main facade, and the construction of a new building or structure behind the preserved facade.</u> <u>Note:</u> <i><u>The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute <u>demolition</u> or <u>partial demolition</u>.</u></i>
<i>Passive discharge</i>	The movement of contaminants <u>from contaminated land that are</u> ⁸⁷ entrained in soil or groundwater from the location of a discharge to another <u>property</u> ⁸⁸ through groundwater or surface water movement or the movement of soil gas vapour.
<i>Pastoral land use</i>	Means <u>effective grazing area and includes all contiguous land areas in herbaceous species including isolated trees. It excludes those <u>Land in pastoral cover including isolated trees, but excluding</u></u> ⁸⁹ forested areas which achieve 100-percent canopy closure or other woody vegetation which prevents pastoral growth.
<i><u>Permanently flowing river or drain</u></i> ⁹⁰	Rivers, streams and drains that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a <u>property</u> . Width and depth is measured when the river, stream or drain is at its annual fullest flow without overtopping its banks.

<i>Pest or Pest organism</i>	<p>These include:</p> <ol style="list-style-type: none"> 1) any unwanted living organism including microorganisms, pest agents, plants, animals and marine pests and any genetic structure that is capable of replicating itself (whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity) that may affect plants, animals, or raw primary produce, and 2) any organism listed in the Northland Regional Pest Management Plan, <u>and or</u> 3) any organism listed in the Unwanted Organisms Register held by the Ministry for Primary Industries, and 4) does not include any human being or living organism which affects only human beings; or any living organism declared not to be a pest for the purposes of the Biosecurity Act.
<i>Plantation forestry</i>	Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
<i>Plantation forestry activity</i>	Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
<i>Potentially contaminated land</i>	<p><u>Land on which either:</u></p> <ol style="list-style-type: none"> 1) <u>an activity or industry described in the current edition of the Hazardous Activities and Industries List, Wellington, Ministry for the Environment (HAIL) is being undertaken, or</u> 2) <u>an activity or industry described in the HAIL has been undertaken.</u> <p>The part of a site where an activity or industry described in the Ministry for the Environment's Hazardous Activities or Industries Listⁱ has been or is being undertaken but excludes any site where a detailed site investigationⁱⁱ has been completed and reported and which demonstrates that any contaminants in or on the site are at, or below, background concentrations.⁹¹</p>
<i>Poultry hatchery</i> ⁹²	<u>A commercial operation where eggs are incubated and hatched in a controlled environment.</u>
<i>Primary production</i> ⁹³	<p><u>Any agricultural, pastoral, horticultural, forestry or aquaculture activities undertaken for the purpose of commercial gain or exchange, and</u></p> <ol style="list-style-type: none"> 1) <u>includes any land and auxiliary buildings used for the production of the products that result from the listed activities, but</u>

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

ⁱⁱ-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.

	2) <u>does not include processing of those products.</u>
<i>Primary treatment</i>	The first stage of wastewater treatment involving the removal of a proportion of floatable and settleable solids and oils and grease.
<i>Property</i>	One or more allotments contained in a single certificate of title, and Also includes all adjacent <u>adjoining</u> ⁹⁴ land under that is in the same ownership or <u>management</u> ⁹⁵ but contained in separate certificates of title.
<i>Public amenity area</i>	Includes any park or reserve and area set aside freely for public use, <u>(including a track, walkway, lookout, play area, picnic area, lawn, carpark, camping area or reserve where the public has unrestricted access)</u> , but excludes a road or rail reserve <u>and any nature reserve, scientific reserve, or wildlife management area which require access permits.</u> ⁹⁶
<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><u>Quarrying</u></i> ⁹⁷	<u>A place where open surface extraction of rock material from the ground occurs, including the removal and placement of overlying earth, and the stacking, crushing, conveying, storing, depositing and treatment of the excavated material and the removal and placement of unwanted materials.</u>
<i>Reclamation</i>	The formation of permanent land located above mean high water springs that was formerly below the line of mean high water springs. Reclamation does not include: <ol style="list-style-type: none"> 1) land that has arisen above the line of mean high water springs as a result of natural processes, including accretion, or 2) any infilling where the purpose is to provide beach nourishment, or 3) structures such as breakwaters, moles, groynes or sea walls.
<i>Recognised navigational routes</i>	A safe sea passage and commonly used by vessels navigating within that area. The recognised navigational route may be one used by commercial vessels to and from ports, and may also include recreational vessel routes, which are normally used to navigate between popular destinations.
<i>Refuse</i>	Refuse means: <ol style="list-style-type: none"> 1) Anything disposed of or discarded, and

	<p>2) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste), and</p> <p>3) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.</p>
<i>Regionally significant infrastructure</i>	<i>Note: 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>
<u>Registered drinking water supply</u> ⁹⁸	<u>Has the same meaning as in the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.</u>
<u>Repair (in relation to a Historic Heritage Site)</u> ⁹⁹	Means the restoration to good or sound condition of any existing structure or building (or any part of an existing structure or building) for the purpose of its maintenance. It does not include seismic upgrading .
<i>Reservoir capacity</i>	The maximum volume of water that can be held by a dam using the dam crest level as the maximum height of the dam . <i>Note: For advice on reservoir capacity calculations, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD.</i> 100
<i>Reverted wetlands</i>	Where A wetland that has reverted back to its natural state 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. Does not include a constructed wetland . <i>Notes:</i> 1) <i>A reverted wetland has not been purposefully constructed by mechanical change to hydrological conditions. Reverted wetlands are a type of natural wetland.</i> 2) <i>The relationship between the various types of wetlands is shown in: H.8 ‘Wetland definitions relationships’.</i> ¹⁰¹
<u>Root stock survival water</u> ¹⁰²	<u>Water provided for the survival of root stock, including permanent horticultural crops (e.g. kiwifruit, avocado, stonefruit, pipfruit) and hydroponic glasshouse crops, but excluding annual crops.</u>
<u>Secondary containment system</u> ¹⁰³	<u>A system that is specifically designed and capable of containing deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site and preventing those contaminants from being entrained in stormwater discharges.</u>

<i>Secondary treatment</i>	The further treatment of primary treated wastewater involving anaerobic or aerobic biological or chemical or physical treatment to remove the bulk of organic contaminants.
<i>Sediment quality standard</i> ¹⁰⁴	See Policy D.4.4 'Coastal sediment quality standard'.
<i>Seismic upgrading</i> ¹⁰⁵	<u>Means structural works required to meet relevant earthquake prone buildings legislation and related Council policy.</u>
<i>Sensitive groundwater</i> ¹⁰⁶	Sensitive groundwater is groundwater which is: <ol style="list-style-type: none"> 1) not artesian, and 2) less than 10 metres below the source or suspected source of contamination (or greater depth below ground surface where the geology suggests contamination may readily migrate to greater depth; for example, clean sands or gravels, fractured basalts), and 3) currently used or is of a qualityⁱⁱⁱ appropriate for use and can yield water at a useful rate^{iv}, or 4) where the source of contamination is less than 100 metres from a sensitive surface water body (that is, a surface water body where limited dilution is available to mitigate the impact of contaminated groundwater discharging into the surface water body).
<i>Seven-day mean annual low flow (MALF)</i> ¹⁰⁷	<u>The mean of the lowest average flow for any consecutive seven-day period for each year of record.</u>
<i>Sewage holding tank</i>	A permanently fixed on-board sewage system which is: <ol style="list-style-type: none"> 1) constructed in impermeable materials, and 2) plumbed to a toilet, and 3) incorporates a sewage tank with a discharge outlet.
<i>Shallow lake</i>	A lake with a maximum depth of equal to or less than 10 metres.
<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 natural ¹⁰⁸ wetlands comprising indigenous vegetation exceeding any of the following area thresholds:

ⁱⁱⁱ As measured up-gradient or based on water quality before groundwater is impacted by hazardous substances

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

	<ol style="list-style-type: none"> 1) saltmarsh greater than 0.5 hectare in area, or 2) <u>lake margins and river beds with</u> shallow water (lake margins and rivers) less than two metres deep and greater than 0.5 hectare in area, or 3) swamp greater than 0.4 hectare in area, or 4) bog greater than 0.2 hectare in area, or 5) paikiki <u>wet heathland</u>¹⁰⁹ (including gumland and ironstone heathland) greater than 0.2 hectare in area, or 6) marsh, fen, ephemeral <u>wetlands</u> or seepage/flush greater than 0.05 hectares in area. <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1) <i>If there is any doubt over <u>wetland</u> extent use: <u>Clarkson, B. R., 2013. A vegetation tool for wetland delineation in New Zealand. Prepared by Landcare Research for Meridian Energy Limited. Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand.</u></i> 2) <i>The <u>Regional Council's wetland</u> mapping indicates the extents of known <u>wetlands</u> – these can be found on the <u>Regional Council's website</u>. The purpose of this mapping is to help locate and identify different <u>wetland</u> types. The maps do not form part of <u>this Plan. regional plan.</u></i> 3) <i>The relationship between the various types of <u>wetlands</u> is shown in: <u>H.8 Wetland definitions relationships.</u></i>¹¹⁰
<i>Slime layer</i>	See <u>microfouling</u> .
<i>Small river</i>	A river in the <u>small river</u> water quantity management unit. <i>Note: The management unit is shown depicted in '<u>1 Maps Ngā mahere matawhenua</u>'.</i>
<i>Smoke-sensitive area</i>	<ol style="list-style-type: none"> 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and 4) community buildings and grounds, including places of worship and marae.
<i>Spray-sensitive area</i>	<ol style="list-style-type: none"> 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and

	<p>4) community buildings and grounds, including places of worship and marae, and</p> <p>5) certified organic farms, and</p> <p>6) orchards, sensitive crops and commercial growing areas, and</p> <p>7) water bodies used for the supply of drinking water and for stock drinking, and</p> <p>8) <u>wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional Policy Statement for Northland indigenous habitat areas,</u>¹¹¹ and</p> <p>9) apiaries.</p>
<u>Suitably qualified and experienced practitioner (SQEP) (in rules relating to contaminated land)</u> ¹¹²	<u>A senior or principal scientist or engineer, with a relevant tertiary qualification and at least 10 years of contaminated land experience or holding a current Site Contamination Specialist certification under the Certified Environmental Practitioner Scheme.</u>
<u>Stabilised earth (in rules for earthworks)</u>	Soil or <u>earth</u> that is protected or reinforced by measures such as vegetative or structural practices so that it is resistant to erosion, or that is naturally stable, for example, rock faces.
<u>Stormwater</u> ¹¹³	<u>Runoff that has been intercepted, channeled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure as a result of precipitation and includes any entrained contaminants.</u>
<u>Stormwater collection system</u>	Any system designed to capture rainfall and to reticulate it within or beyond a site. This includes both open and channelled drainage systems. This includes <u>stormwater pipes, open channels, devices and associated ancillary structures used for conveying, diverting, storing, treating, or discharging stormwater.</u> It does not include <u>land drainage (as defined in this Plan).</u> ¹¹⁴
<u>Stormwater interceptor</u> ¹¹⁵	A system that is specifically designed and capable of: <ol style="list-style-type: none"> 1) containing deliberate or accidental releases (spills) of <u>hazardous substances</u> or other contaminants used on the site from <u>stormwater</u> discharges, and 2) in the event of <u>stormwater</u> contamination by a <u>hazardous substance</u> or other contaminant, reduce concentrations of such substances in the <u>stormwater</u> prior to discharge, to levels that will not result in contamination of either water or sediments that is likely to result in adverse effects on aquatic life or to affect the suitability of the waters for specific defined purposes.

<u>Stormwater treatment system</u> ¹¹⁶	<u>A system that is specifically designed to reduce concentrations of contaminants in stormwater, prior to its discharge.</u>
<u>Structure (in rules relating to for activities in the coastal marine area)</u>	A building, equipment, device, pipeline or other facility which is fixed to land. It includes a structure which is fixed to another structure, which is fixed to land.
<u>Supplementary allocation</u> ¹¹⁷	Fresh water available for taking and use at times when the river is above the median flow. This water is not part of an catchment-specific allocation limit or default allocation limit set in this plan.
<u>Surface water</u>	All water, flowing or not, above the ground. It includes water in a continually permanently or intermittently flowing river , an artificial watercourse , an overland flow path , and a lake and or wetland ; water impounded by a structure such as a dam ; and water that inundates land during flood events. It does not include water in any form while in a pipe, tank or cistern.
<u>Swing mooring</u>	A mooring that allows the secured vessel to swing 360 degrees around the mooring under the influence of wind and tide.
<u>Tāiapure</u>	As defined in the Fisheries Act 1996.
<u>Taonga</u>	Treasure or property that taonga are prized and protected as sacred possessions of iwi , hapū or whanau a tribe . <i>Note: The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Included, for example, are te reo Māori (Māori language), wāhi tapu, waterways, fishing grounds and mountains.</i>
<u>Temporary military training</u> ¹¹⁸	<u>A temporary training activity undertaken for defence purposes.</u> <i>Note: Defence purposes are those carried out in accordance with the Defence Act 1990.</i>
<u>Tertiary treatment treated wastewater</u>	Further treatment of secondary treated wastewater to further remove contaminants such as nutrients, organic matter, and micro-organisms. <i>Note: Tertiary treatment can involve it involves processes such as adsorption, absorption, filtration, and disinfection.</i>
<u>Tikanga Māori</u>	<u>Defined in the RMA as “Māori customary values and practices”.</u> <i>Note: Tikanga can be described as lore, custom, or practices or common-sense thoughts that are based on the Māori belief system. The application of tikanga is diverse and can vary depending upon</i>

	<p>when and where an event takes place. <i>Tikanga</i> provides a framework for rules that govern harvesting, the care and respect for customary resources and the environment.</p>
Urban area	<p>means An area identified in a district plan or proposed district plan as being primarily zoned for residential, industrial, or commercial activities, together with adjoining special-purpose and open-space zones, however described, but does not include an area zoned primarily for rural or rural-residential activities, however described.</p>
Vegetation clearance	<p>The cutting, burning, crushing, <u>removal</u> or destruction of native woody vegetation or native dune vegetation¹¹⁹, but does not include clearing:</p> <ol style="list-style-type: none"> 1) plantation forestry, or 2) vegetation that is part of an understory of a plantation forest or immediately adjacent to a plantation forest, or 3) hedges and amenity plants, or 4) vegetation along fences and around <u>dams</u> and ponds, or 5) vegetation around public <u>network utilities networks</u>¹²⁰, or 6) vegetation that impedes or is likely to impede flood flows, or 7) vegetation alongside for the maintenance of roads and tracks, or 8) <u>vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u>¹²¹
Vertebrate toxic agent	<p>Any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including possums, rats and mustelids. Includes vertebrate pest control products as identified (but not defined) in NZS 8409:2004 Management of Agrichemicals.</p> <p><u>Trade name products used to kill, control, or limit the viability of vertebrate pests such as rabbits and possums. Includes products that have a negative effect on reproduction, but it does not include attractant or repellent substances that are not toxic.</u>¹²²</p>
Vessel	<p>Means <u>Every description of boat or craft, regardless of whether or not it has any means of propulsion, and includes but is not limited to:</u></p> <ol style="list-style-type: none"> 1) a barge, lighter, raft, or other like <u>vessel</u>, and 2) personal watercraft (jet ski) or paddle craft, and 3) a sea plane, <u>or</u> 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, and¹²³

	4) a submarine or other submersible.
<i>Vessel hull anti-fouling maintenance</i>	The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore when the vessel is not afloat.
<i>Wāhi tapu</i>	<u>A sacred site.</u> <i>Note:</i> These are defined locally by the hapū and iwi which are kaitiaki for the wāhi tapu . Typically includes burial grounds and sites of historical importance to the tribe. In order to protect particular sites from interference and desecration, some tribes will refuse to disclose the exact location to outsiders.
<i>Wastewater</i>	Liquid waste (and liquids containing waste solids.), and includes (but is not limited to) industrial and trade wastewater , farm wastewater , domestic type wastewater , and greywater.
<i>Wastewater network</i>	A system of pipes and associated structures (including pump stations) to convey, divert, store, treat, or discharge wastewater , but does not include a wastewater treatment plant.
<i>Waste Transfer Station</i>	Collection and temporary storage point for refuse municipal solid waste prior to disposal at a landfill .
<i>Water quality standard</i> ¹²⁴	See Policy D.4.1, 'Water quality standards for rivers', Policy D.4.2 'Water quality standards for lakes', and Policy D.4.3 'Coastal water quality standard'.
<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- <u>and where</u> <u>water</u> is injected into the air stream forming what is effectively a slurry of the abrasive.
<i>Wetland</i>	Includes permanently or intermittently wet areas, shallow water, or <u>and</u> land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions. <u>Notes:</u> <u>1) See also: Constructed wetland, Induced wetland, Natural wetland, Reverted wetland, and Significant wetland.</u> ¹²⁵ <u>2) Pakihī Wet heathlands</u> ¹²⁶ (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. <u>3) The relationship between the various types of wetlands is shown in: H.8 'Wetland definitions relationships'.</u> ¹²⁷

<p><i>Wetland enhancement</i></p>	<p>Action likely to increase the area or function of a natural wetland where there is either:</p> <ol style="list-style-type: none"> 1) a net gain of ecological values, or 2) no net loss in ecological values and benefits to either water quality or hydrological flows.
<p><u><i>Zone of reasonable mixing</i></u>¹²⁸</p>	<p><u>For the purpose of a discharge of a contaminant permitted by a rule in this Plan:</u></p> <ol style="list-style-type: none"> 1) <u>in relation to flowing surface water bodies, a distance downstream of the point of discharge that is the lesser of:</u> <ol style="list-style-type: none"> a) <u>200 metres if the bed width of the surface water body is greater than 30 metres at the point of discharge, or</u> b) <u>a distance equal to seven times the bed width of the surface water body, but which must not be less than 50 metres from the point of discharge, or</u> 2) <u>in relation to a lake, wetland or coastal water, a distance 20 metres from the point of discharge.</u> <p><u>For the purpose of a discharge of a tracer permitted by rule C.6.9.2 'Discharge of tracers – permitted activity', the zone of reasonable mixing is the extent of the waters for which the tracer is used to define.</u></p> <p><u>For the purpose of activities that require resource consent, the zone of reasonable mixing will be determined consistent with 1) or 2) above unless the nature or scale of the discharge requires that a case-by-case basis determination is more appropriate, in which case the extent of departure from the zone defined under 1) or 2) above will be determined in accordance with policy D.4.8 'Zone of reasonable mixing'.</u></p>

C Rules | Ngā ture

Legal effect of rules

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

Interpretation of rules

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

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

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

Rules in section [E Catchments | Ngā whaitua](#) take precedence over other rules (regardless of whether they are more or less restrictive).

To make it easier to apply for resource consents and to reduce the number of separate resource consents required to undertake ~~any particular~~ activity, this Plan ~~has was~~, where practicable, ~~adopted~~ written to provide for the concept of 'rule bundling'. Rule bundling is used in this Plan to combine several permissions, which may be required under Section 9 and Sections 13 to 15 of the RMA, into one rule. One application ~~for resource consent~~¹²⁹ can therefore be made under the bundled rule. However, an application under a bundled rule would still result in separate consents being granted for each Section 9 and Sections 12 to 15 (RMA) permission required. For example, a land use consent (Section 9) for earthworks and a discharge permit (Section 15) for associated discharges.¹³⁰

The rules are drafted as follows:

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

- All activities (primary, associated and incidental) are listed in each section “For the avoidance of doubt this rule covers the following RMA activities”. If an activity is not listed then the rule does not cover that activity (whether a primary, associated or incidental activity).

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

Controlled and restricted discretionary activities

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

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

Definitions

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

National Environmental Standards¹³¹

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

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

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

<u>National Environmental Standard</u>	<u>Details on which rules are more lenient or stringent than the NES</u>
<u>Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ)</u>	<u>A rule in this Plan prevails over a standard in the NES-AQ if it is more stringent than a standard.</u>
<u>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ETA)</u>	<u>No rules in this Plan prevail over a standard in the NES-ETA.</u>
<u>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF)</u>	<u>A rule in this Plan prevails over a standard in the NES-PF if it is more stringent than a standard in limited circumstances. In this Plan the rules that are more stringent are:</u>

	<ul style="list-style-type: none"> • <u>Rules regulating ‘afforestation’ in the Poutō Forestry Restriction Area (Rule E.3.2.2), and</u> • <u>Rules regulating ‘afforestation’ within 20m of outstanding Poutō Lakes (Rule E.3.2.3).</u>
<p><u><i>Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-SHDW)</i></u></p>	<p><u>A rule in this Plan prevails over a standard in the NES-SHDW if it is more stringent than a standard.</u></p>
<p><u><i>Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF)</i></u></p>	<p><u>A rule in this Plan prevails over a standard in the NES-TF if it is more stringent than a standard in limited circumstances. In this Plan the rules that are more stringent are:</u></p> <ul style="list-style-type: none"> • <u>Rules regulating specific telecommunication facilities in, on or over rivers and lakes (Rules: C.2.1.4, C.2.1.9, C.2.1.10, C.2.1.12, C.2.1.13, C.2.1.15, C.2.2.2, C.2.2.4 and C.2.2.5), and</u> • <u>Rules regulating earthworks associated with specific telecommunication facilities (Rules: C.8.3.1, C.8.3.2 and C.8.3.3).</u>

C.1 Coastal activities

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

C.1.1 General structures

Rule	Page
C.1.1.1 Existing structures – permitted activity	
C.1.1.2 Minor structures in a Commercial Coastal <u>Commercial Zone, Marsden Point Port Zone</u> and the Whangārei City Centre Marine Zone – permitted activity	
C.1.1.3 Temporary coastal 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 Reconstruction, <u>replacement</u> , maintenance or repair of a structure – permitted activity	
C.1.1.8 Maintenance, repair or removal of hard protection structures – permitted activity	
C.1.1.9 Additions and <u>or</u> alterations to structures – permitted activity	
C.1.1.10 <u>Removal or demolition</u> removal of structures - permitted activity	
<u>C.1.1.10A Additions or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone - controlled activity</u>	
C.1.1.11 Structures for scientific, research, monitoring or education purposes – controlled activity	
C.1.1.12 Structures in the Whangārei City Centre Marine Zone –controlled activity	
C.1.1.13 Existing <u>authorised</u> structures in a Commercial Coastal <u>Commercial Zone, Marsden Point Port Zone</u> or Marina Zone – controlled activity	
<u>C.1.1.13A Works to a Historic Heritage Site within the scope of a historic heritage management plan – restricted discretionary activity</u>	
<u>C.1.1.13B Structures in the Marsden Point Port Zone - restricted discretionary activity</u>	
<u>C.1.1.13C Existing hard protection structures - discretionary activity</u>	
C.1.1.14 Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity	

C.1.1.14A	<u>Laying cables - discretionary activity</u>	
C.1.1.15	Existing structures (other) – discretionary activity	
C.1.1.16	Structures outside marine significant areas in <u>Mooring and General Marine Zones</u> – discretionary activity	
C.1.1.17	Hard protection structures – discretionary activity	
C.1.1.18	Hard protection structures for reclamations associated with regionally significant <u>or core local</u> infrastructure – discretionary activity	
C.1.1.19	Hard protection structures in areas with significant values significant areas– non-complying activity	
C.1.1.20	Removal, <u>alteration, extension, demolition, partial demolition</u> or replacement of a Historic Heritage Site – non-complying activity	
C.1.1.21	Structures with no functional or operational need – non-complying	
C.1.1.22	Structures within a significant marine area – non-complying activity	

C.1.2 Moorings and anchorage

Rule	Page	
C.1.2.1	Vessels not underway – permitted activity	
C.1.2.2	Vessels – sewage management – permitted activity	
C.1.2.3	<u>Placement of New</u> swing moorings in a Mooring Zone – permitted activity	
C.1.2.4	Existing mooring in a Mooring Zone –permitted activity	
C.1.2.5	Existing swing mooring outside <u>a</u> Mooring Zone – permitted activity	
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C.1.1 General Structures

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

C.1.1.1 Existing structures – permitted activity

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

- 1) existed at 30 June 2004, or
 - 2) were previously [authorised](#), or
- are permitted activities:
- 3) [stormwater](#) outlet pipes, and¹³²
 - 4) road and railway culverts, and
 - 5) bridges, and
 - 6) ~~aerial and submarine telephone cables, and~~¹³³
 - 7) aerial and submarine electricity line and telecommunications line [structures](#), including any support [structures](#) power cables, and¹³⁴
 - 8) suspended and submarine pipelines, and
 - 9) jetties up to 10 square metres in area, and
 - 10) [hard protection structures](#) in the coastal marine areas within enclosed waters ([I Maps | Ngā mahere matawhenua](#)), and
 - 11) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and
 - 12) dinghy skids used solely for private boat launching and retrieval, and
 - 13) steps, and
 - 14) wharves, ~~and jetties, boat ramps, concrete spillways and [mooring](#) dolphins~~ in the Coastal Commercial Zone and Marsden Point Port Zone, and¹³⁵
 - 15) non-habitable buildings and [structures](#) on and attached to wharves and jetties in the Coastal Commercial Zone and Marsden Point Port Zone¹³⁶
- provided:
- 16) the [structure](#) complies with all relevant conditions of [C.1.8 Coastal works general conditions](#), and
 - 17) the [structure](#) is not within a Marina Zone, and
 - 18) the [structure](#) owner can provide, if requested by the Regional Council:
 - a) clear written or photographic evidence the [structure](#) existed at 30 June 2004, or

- b) a copy of the necessary authorisation(s) approval(s) for the authorisation of the structure.

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

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

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

The erection, placement, alteration or extension of a structure in a Commercial Coastal Commercial Zone, Marsden Point Port Zone¹³⁷ or the Whangārei City Centre Marine Zone, and any occupation of the common marine and coastal area by the structure, are ~~is a~~ permitted activities activity, provided the structure ~~it~~:

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

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

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

C.1.1.3 Temporary coastal structure – permitted activity

The erection, placement, alteration or extension of a temporary coastal structure in the coastal marine area and any occupation of the common marine and coastal area by the structure are ~~is a~~ permitted activities activity, provided:

- 1) the temporary coastal structure ~~it~~ is not ~~an~~ for aquaculture activity activities, and
- 2) the Regional Council's compliance manager and the Regional Council's harbourmaster are given at least 10 working days' notice (in writing or by email) of the start date of construction or placement of the structure, and

- 3) other than for activities involving the repair or maintenance of [regionally significant infrastructure](#), the [temporary coastal structure](#)¹³⁸ it does not exceed an area of 10 square metres (excluding any anchor(s) and anchor line(s) and any [structure](#) being used for construction, repair or maintenance purposes), and
- 4) the [temporary coastal structure](#) it does not exceed a two metre vertical projection above ~~mean high water springs~~ ~~the surface of the water~~ or the foreshore (excluding any [structure](#) being used for construction or maintenance purposes), and¹³⁹
- 5) the [temporary coastal structure](#) it does not include advertising or marketing signage, and
- 6) other than for temporary scaffolding, weather protection wrap or fencing associated with the repair or maintenance of [regionally significant infrastructure](#),¹⁴⁰ the [temporary coastal structure](#) it is not in the coastal marine area for a period exceeding a total of 30 days or part days during a 12 month period, inclusive of the placement and removal, and
- 7) the [temporary coastal structure](#) it is removed within seven days of the completion of the event or use, and
- 8) the [temporary coastal structure](#) it does not prevent existing public access to and along the foreshore, and
- 9) the [temporary coastal structure](#) it is not in a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)), and
- 10) it complies with all relevant conditions of [C.1.8 Coastal works general conditions](#) are complied with.

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

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

C.1.1.4 Aids to navigation – permitted activity

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

- 1) is owned and operated by:
 - a) the [Regional Council](#) or its agents, or
 - b) Northport, or
 - c) Refining NZ, or
 - d) Maritime New Zealand or its agents, and
- 2) is not in a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)), and

- 3) the Regional Council's harbourmaster is given at least 10 working days' notice (in writing or by email) of the start date of construction or placement of the [structure](#), and
- 4) complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

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

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

C.1.1.5 Signs – permitted activity

The erection, placement, alteration or extension of a sign (including cable markers on the seafloor)¹⁴¹ in the coastal marine area and any occupation of the common marine and coastal area by the sign, placed:

- 1) by a ~~statutory authority~~ central or local government agency (or their agent)¹⁴² directly relating to information or safety matters concerning the coastal marine area, or
- 2) to fulfil a regulatory or legislative requirement, or
- 3) by the operator of a port facility displaying information and safety material relating to the safe and efficient operation of the port facility in the Coastal Commercial Zone, Marsden Point Port Zone or a Marina in the Marina Zone, displaying information and safety material relating to the safe and efficient operation of the facility, or¹⁴³
- 4) on the exterior of an [authorised structure](#) and the sign relates directly to goods, services or facilities operated at or on the [structure](#),

are is a permitted activities activity, provided:

- 5) it complies the activities comply with all relevant conditions of [C.1.8 Coastal works general conditions](#), and
- 6) if the sign is on the exterior of an [authorised structure](#) and the sign relates directly to goods, services or facilities operated at or on the [structure](#), then:
 - a) the total area of signs per enterprise or activity must not exceed 1.25 square metres, and
 - b) except for road signage installed by a road controlling authority,¹⁴⁴ the sign (or any part of the sign) must not be reflective, flashing or neon, and
 - c) the bottom of the sign must not be more than four metres above deck level, and
 - d) the bottom of the sign must be at least 2.4 metres above walkways, and
 - e) the total combined area of all signs (under this rule) on the [structure](#) must not exceed five square metres.

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

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

C.1.1.6 Monitoring and sampling equipment – permitted activity

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

- 1) it is not ~~for an aquaculture activity activities~~, and
 - 1A) it is not located in a mapped (refer [I Maps | Ngā mahere matawhenua](#)) Regionally Significant Anchorage, and¹⁴⁵
- 2) ~~the monitoring or sampling equipment~~ does not exceed a two metre vertical projection above mean high water springs ~~the surface of the water~~ or the foreshore, and
- 3) ~~the monitoring or sampling equipment~~ does not exceed (excluding any anchor(s) and anchor line(s)):
 - a) three square metres, or
 - b) 10 square metres and is not in place for a period exceeding a total of 365 days or part days during a two year period, inclusive of the placement and removal, and
- 4) ~~the monitoring or sampling equipment~~ does not obstruct access ~~by over water to, or the use of,~~ any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and¹⁴⁶
- 5) ~~the monitoring or sampling equipment~~ does not prevent public access to and along the foreshore, and
- 6) any surface buoys are clearly labelled with the owner's name ~~and a 24-hour free-phone contact number~~, and¹⁴⁷
- 7) equipment and associated mooring and anchorage systems are marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System, and
- 8) ~~it complies with all relevant conditions of~~ [C.1.8 Coastal works general conditions](#), ~~and are complied with, and~~
- 9) the Regional Council's compliance manager and the Regional Council's harbourmaster are given at least 10 working days' notice (in writing or by email) of each deployment of the monitoring or sampling equipment and ~~the notice must~~ 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: For the avoidance of doubt this rule covers the following RMA activities:

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

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

The reconstruction, replacement,¹⁴⁸ maintenance or repair of a structure, or part of a structure, in the coastal marine area is a permitted activity, provided:

- 1) the structure is authorised, and
- 2) there is no increase in the authorised structure's footprint, length, width, and height other than that resulting from routine maintenance or repair activities, and¹⁴⁹
- 3) there is no change to the authorised location and form¹⁵⁰ of the structure, and
- 4) it is not a reconstruction of a Historic Heritage Site (refer [I Maps | Ngā mahere matawhenua](#)), and
- 5) in the case of maintenance and repair of a Historic Heritage Site (refer [I Maps | Ngā mahere matawhenua](#)), work must be within scope of what is defined in this Plan as Historic Heritage Site Repair and Historic Heritage Site Maintenance and must not result in any of the following: the materials used for maintenance and repair of the structure must match the existing structure in form and appearance, and
 - a) changes to the existing surface treatment of fabric,^v painting of any previously unpainted surface, or the rendering of any previously unrendered^{vi} surface, or
 - b) the use of abrasive or high-pressure cleaning methods, such as sand or water blasting, or
 - c) the affixing of scaffolding to the building or structure, or
 - d) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure, or
 - e) the use of materials in the fabric other than those that are the same as the original or their closest equivalent, or
 - f) disturbance of the foreshore or seabed where there is a registered archaeological site and no archaeological authority has been granted, and¹⁵¹

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

^{vi} Rendering generally refers to the application of plastering material.

- 6) the reconstruction, replacement, maintenance or repair complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

- Reconstruction, replacement, maintenance or repair of structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b) and s12(3)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

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

The maintenance, ~~and repair or removal~~ of an authorised hard protection structure ~~or removal of a hard protection structure~~ is a permitted activity, provided:¹⁵²

- 1) the Regional Council's compliance manager is given at least 10 working days' prior notice (in writing or by email) of the start date of activities involving either the use of vehicles on the foreshore or seabed, or the removal of hard protection structures, work starting and¹⁵³
- 2) ~~where the activity is within the coastal marine area,~~ the maintenance ~~or repair or removal~~ complies with all relevant conditions of C.1.8 'Coastal works general conditions', and
- 3) ~~the maintenance or repair is contained within the form of the existing authorised structure~~ and there is no increase in length, width, or height of the structure, other than to provide for the settlement of earthen stopbanks, and¹⁵⁴
- 4) the hard protection structure is authorised (unless the hard protection structure is being removed).

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

- ~~Restrictions on the use of land~~ Maintenance, repair or removal of hard protection structures on land (s9(2)).
- ~~Erection, placement, replacement, or alteration~~ Maintenance, repair or removal of hard protection structures in the coastal marine area, in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b) and s12(3)).
- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.9 Additions ~~and~~ or alterations to structures – permitted activity

An addition to, or alteration of, to the following structures in the coastal marine area and the occupation of the common marine and coastal area by the addition or alteration, are ~~is a~~ permitted ~~activities~~ activity:

- 1) aerial and submarine telecommunications cables or aerial or electricity transmission lines provided, and:¹⁵⁵
 - a) the additions or alterations will not require additional support structures as a result ~~in~~ of any increase in the design voltage, and¹⁵⁶
 - b) the new or altered ~~cables or aerial~~ lines will not be lower in height above the foreshore or seabed, and
- 2) insulators, circuits, **earth** wires, **earth** peaks and lightning rods, and
- 3) bridge footpaths, bridge side rails, bridge road seal, bridge road signs, bridge road lighting, and cables or pipes attached to bridges,

provided:

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

Note: *clause 1 of Rule [C.1.1.9](#) relating to an increase in the design voltage does not apply to an existing (as at 14 January 2010) National Grid line as that activity is covered by Regulation 10 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).*¹⁵⁷

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

- Addition (a form of extension) or alteration of a **structure** in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b) and s12(3)).
- Occupation of ~~space in~~ the common marine and coastal area with the addition or alteration to a **structure** (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.10 Removal or demolition ~~removal~~ of structures – permitted activity

The removal or demolition ~~removal~~ of a **structure** (excluding a **hard protection structure**) in the coastal marine area is a permitted activity, provided:¹⁵⁸

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

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

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

C.1.1.10A Additions or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone – controlled activity¹⁵⁹

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 Additions and or alterations to structures – permitted activity](#), 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](#).

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.1.1.11 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 [C.1.1.6 Monitoring and sampling equipment – permitted activity](#), is are controlled activities activity, provided it:

- 1) ~~#~~ the [structure](#) does not exceed an area of 10 square metres (excluding any anchors and anchor lines), and

- 2) ~~It~~ the [structure](#) is not in a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)), ~~and~~
- 3) ~~complies with C.1.8 'Coastal works general conditions'.~~¹⁶⁰

Matters of control:

- 1) Effects on public access to and along the coastal marine area.
- 2) Effects on ~~natural~~ coastal processes, including effects on shoreline stability in the vicinity.
- 3) Height of the [structure](#) above mean high water springs or the foreshore.
- 4) Effects on 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) ~~Historic Heritage areas.~~
 - g) Regionally Significant Anchorages.
- 4A) Effects on the characteristics, qualities and values that contribute to a mapped (refer [I Maps | Ngā mahere matawhenua](#)) Historic Area or Site.
- 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: For the avoidance of doubt this rule covers the following RMA activities:

- Erection, ~~or~~ placement, alteration or extension of structures 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)(b)).
- Occupation of ~~space in~~ the common marine and coastal area with a [structure](#) for scientific, research, monitoring or education purposes (s12(2)(a)).
- Use of a [structure](#) in the coastal marine area (s12(3)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.12 Structures in the Whangārei City Centre Marine Zone – controlled activity

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

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

~~is~~ are controlled ~~activities~~ activity, provided:

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

Matters of control:

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

Notification:

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

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

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

C.1.1.13 Existing authorised structures in a ~~Commercial Coastal Commercial Zone, Marsden Point Port Zone~~ or Marina Zone – controlled activity

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

- 1) ~~The [structure](#) complies with C.1.8 ‘Coastal works general conditions’, and~~

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

Matters of control:

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

Notification:

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

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

- ~~• Erection, placement, replacement or alteration of structures, (s12(1)(b)).~~
- Occupation of ~~space in~~ the common marine and coastal area with an existing [authorised structure](#) (s12(2)(a)).
- Use of a [structure](#) in the coastal marine area (s12(3)).
- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.13A Works to a Historic Heritage Site within the scope of a historic heritage management plan – restricted discretionary activity¹⁶¹

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

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

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

Matters of discretion:

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

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

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

- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.13B Structures in the Marsden Point Port Zone – restricted discretionary activity¹⁶²

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

Matters of discretion:

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

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

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

C.1.1.13C Existing hard protection structures – discretionary activity¹⁶³

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

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

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

- 3) there has been no increase in the length, width or height of the [hard protection structure](#) since it was [authorised](#) or to what existed at 30 June 2004.

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

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

C.1.1.14 Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity

The use, erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a [structure](#) in the coastal marine area a:

- 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, Coastal Commercial Zone or the Whangārei City Centre Marine Zone and any occupation of the common marine and coastal area by the [structure](#) that is not a permitted, controlled, or non-complying activity in Section C.1.1 of this Plan:

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

are is a discretionary ~~activities~~ activity.

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

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

C.1.1.14A Laying cables – discretionary activity¹⁶⁴

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

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

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

C.1.1.15 Existing structures (other) – discretionary activity

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

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

~~are~~ is a discretionary activities activity.

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

- ~~Erection, placement, replacement or alteration of structures (s12(1)(b)).~~
- Occupation of space in the common marine and coastal area with a structure (s12(2)(a)).
- Use of a structure in the coastal marine area (s12(3)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.16 ~~Structures outside marine significant areas in~~ Mooring and General Marine Zones – discretionary activity¹⁶⁵

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a structure in a Mooring Zone or the General Coastal Marine Zone any structure 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 :

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

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

~~are~~ is a discretionary activities activity, provided:

- 11) it is not in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Nationally Significant Surfbreak, or
 - b) Regionally Significant Anchorage, or
 - c) Outstanding Natural Feature, or
 - d) Area of Outstanding Natural Character, or
 - e) Site or Area of Significance to Tangata Whenua, or
 - f) [Historic Heritage Area](#), and
- 12) there is no removal, demolition, [partial demolition](#) or replacement of a mapped [Historic Heritage Site](#) or part of a [Historic Heritage Site](#) (refer [I Maps | Ngā mahere matawhenua](#)), and¹⁶⁶
- 13) the [structure](#) has a functional ~~or operational~~ need to be located in the coastal marine area.¹⁶⁷

~~The RMA activities this rule covers:~~ **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)(b) and s12(3)).
- Occupation of the common marine and coastal area with a cable (s12(2)(a)).
- Use of a [structure](#) in the coastal marine area (s12(3)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.17 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](#)

Any:

- 1) ~~New [hard protection structure](#), or~~
- 2) ~~existing unauthorised [hard protection structure](#), or~~
- 3) ~~or extension or addition to a [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~~ ~~is~~ a discretionary ~~activities~~ activity, provided it is not in a mapped (refer [| Maps | Ngā mahere matawhenua](#)):

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

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

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

- ~~Restrictions on the use of land~~ The erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a [hard protection structure](#) (s9(2)).
- Erection, placement, replacement, ~~or~~ alteration, extension, maintenance, repair, removal or demolition of a [hard protection structures](#) in, on, under or over any foreshore or seabed ~~in~~ the coastal marine area and any incidental disturbance of the foreshore or seabed (s12(1)(~~b~~) and s12(3)).
- Occupation of space in the common marine and coastal area with a [hard protection structure](#) (s12(2)(~~a~~)).
- Use of a [structure](#) in the coastal marine area (s12(3)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.1.18 Hard protection structures ~~for reclamations~~ associated with regionally significant or core local infrastructure – discretionary activity

The use, erection or placement of a [hard protection structure](#) ~~that~~ is 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 ~~is a discretionary activities activity~~ provided it is not located within a mapped (refer [I Maps | Ngā mahere matawhenua](#)).¹⁶⁸

- 4) Outstanding Natural Feature in the coastal marine area, or
- 5) Area of Outstanding Natural Character in the coastal marine area, or¹⁶⁹
- 6) Nationally Significant Surfbreak.

The RMA activities this rule covers: 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, replacement or alteration of structures a [hard protection structure](#) in the coastal marine area in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a [hard protection structure](#) (s12(2)(a) and s12(3)).
- Use of a [structure](#) in the coastal marine area (s12(3)).

C.1.1.19 ~~Hard protection structures in areas with significant values~~ significant areas – non-complying activity

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

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

are is a non-complying activities activity.

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

- Restrictions on the use of land—The erection, placement, alteration, extension, maintenance, repair, removal or demolition of [hard protection structures](#) (s9(2)).
- Erection, placement, replacement, or alteration, extension, maintenance, repair, removal or demolition of a [hard protection structures](#) in, on, under or over any foreshore or seabed in the coastal marine area and any incidental disturbance of the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a [hard protection structure](#) (s12(2)(a)).
- Use of a [structure](#) in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

C.1.1.20 Removal, alteration, extension, demolition, partial demolition or replacement of a Historic Heritage Site – non-complying activity

The replacement, alteration, extension, removal (including relocation) or demolition (including partial demolition) of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer Maps | Ngā mahere matawhenua), and any occupation of the common marine and coastal area by the structure, ~~are~~ is a non-complying activities activity.¹⁷⁰

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

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

C.1.1.21 Structures with no functional ~~or operational~~ need – non-complying¹⁷¹

The use, erection or placement of a structure ~~Any:~~

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

with no functional need or operational need¹⁷² to occupy the common marine and coastal area, be located in the coastal marine area and any occupation of the common marine and coastal area by the structure,

is are non-complying activities activity.

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

- ~~Erection, or placement, replacement or alteration of a structures~~ in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a structure (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Use of a structure in the coastal marine area (s12(3)).

C.1.1.22 Structures within a significant ~~marine~~ 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](#)

In the coastal marine area, any:

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

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

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

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

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

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

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

C.1.2 Moorings and anchorage

Note: the rules in [C.1.1](#) do not apply to [moorings](#).

C.1.2.1 Vessels not underway – permitted activity

- 1) Securing a [vessel](#) to land (seabed, foreshore or shore), or
- 2) securing a [vessel](#) to a [structure](#), or
- 3) placing a [vessel](#) in contact with the foreshore or seabed ~~and~~ (deliberately or unintentionally), ~~are~~ is a permitted activity, provided:
- 4) the [vessel](#) is not:
 - a) in an enclosed water (refer [I Maps | Ngā mahere matawhenua](#)) for more than 14 consecutive days or part days. At the conclusion of this period the [vessel](#) must leave the enclosed water and cannot ~~does not~~ return to that enclosed water within three calendar days or part days, or
 - b) in the outer Bay of Islands and outer Whangaroa Harbour (refer [I Maps | Ngā mahere matawhenua](#)) between ~~the~~ 1 November and 31 March, and
 - i) the [vessel](#) is not secured or placed in one location for longer than 14 consecutive days or part days, and
 - ii) and if it leaves that location the [vessel](#) does not return to that location within three calendar days or part days, and
- 5) any [vessel](#) secured to a [structure](#) is [authorised](#) to be secured to the [structure](#) by the [structure](#) owner or manager, and
- 6) the [vessel](#) (including its anchor) is not within 75 metres of an [authorised](#) marine farm [structure](#).

Exclusions:

- 7) Clauses 4(a) and 4(b) and clause 6 do not apply to a [vessel](#) secured to an [authorised mooring](#) or marina berth, and
- 8) Clauses 4(a) and 4(b) ~~above~~ do not apply where a longer period is made necessary due to bad weather^{vii}, accident, or emergency.

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

- ~~• Activities contrary to a rule in a regional coastal plan (s12(3)).~~
- Securing a [vessel](#) located in the coastal marine area to land or a [structure](#) on land (s9(2)).
- Placing a [vessel](#) in contact with the foreshore or seabed, or securing a [vessel](#) to the foreshore, seabed or a [structure](#) in the coastal marine area (s12(3)).

^{vii} For the purpose of this rule bad weather means: wind conditions at the seaward boundary of the [enclosed water](#) exceed 25 knots and sea swells exceed three metres.

- Disturbance of the foreshore or seabed incidental to securing a vessel to land or to a structure s12(1).¹⁷³

C.1.2.2 Vessels – sewage management – permitted activity

Staying overnight on a vessel within a ~~vessel sewage restriction area~~ marine pollution limit (refer [I Maps | Ngā mahere matawhenua](#)) is a permitted activity provided:

- 1) the vessel is equipped with:
 - a) a sewage treatment system which is specified in Schedule 5 ~~and~~ or 7, or is compliant with Schedule 6, of the Resource Management (Marine Pollution) Regulations 1998 and which is installed, maintained and operated in accordance with the manufacturer's instructions, or
 - b) a sewage holding tank, ~~and~~ or
 - c) a portable toilet, or¹⁷⁴
 - d) a composting toilet, and
- 2) no person stays overnight on the vessel with a sewage holding tank or composting toilet if one or more people have already stayed overnight on board the vessel for more than 10 preceding nights (consecutive or not), and within the 10 preceding nights the vessel has not:
 - a) pumped out all of the sewage from the vessel's sewage holding tank at a sewage pump-out facility, or
 - b) navigated into waters seaward of the marine pollution limit (refer [I Maps | Ngā mahere matawhenua](#)) and disposed of all its sewage into those waters, and
- 2A) no person stays overnight on the vessel with a portable toilet, if one or more people have already stayed overnight on board the vessel for more than 10 preceding nights (consecutive or not), and within the 10 preceding nights have not legally disposed of the sewage on land, and¹⁷⁵
- 3) upon request of the Regional Council, the skipper and/or owner of the vessel, keeps and provides the Regional Council with:
 - a) photographic evidence of the method of sewage containment, or
 - b) a copy of written evidence from a boat builder or marine engineer detailing the method of sewage containment, and
 - c) ~~written or electronic records detailing the location(s) of and method of sewage disposal, and~~¹⁷⁶
- 4) the vessel is not aground or secured to land or secured to a structure overnight within 500 metres from an authorised marine farm, except for:
 - a) vessels associated with the operation of the marine farm, and
 - b) a vessel attached to an authorised moorings, and
 - c) the following marine farms, where anchoring up to 200 metres from the marine farm is permitted:

- i) in the Waikare Inlet, any marine farm west of a line from 1703263mE 6092240mN to 1703691mE 6092173mN (all coordinates in New Zealand Transverse Mercator 2000), and
- ii) adjacent to Stephenson Island.

Notes:

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

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

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

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

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

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

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

Table 1A: Mooring Zones (New Swing Moorings)

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

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

- ~~Erection or Placement of a [swing mooring](#) structures in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1))-(s12(1)(b)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

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

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

- 1A) the mooring is in a Mooring Zone, and
- 1B) the [mooring](#) existed at 6 September 2017 or the erection or placement of the [mooring](#) was authorised, and
 - 1) the activity complies with all relevant conditions of the [C.1.8 Coastal works general conditions](#), and
 - 2) the owner of the [mooring](#) holds a current [mooring](#) licence^{viii} for the [mooring](#) has been obtained from the regional council's Harbourmaster, and
 - 3) the [mooring](#) is not located in a designated channel or fairway, and
 - 4) there is only one [vessel](#) attached to a [swing mooring](#) at any one time (except for dinghies), and ~~moorings~~ in the following areas were ~~authorised~~ at 1 September 2017

Location	Mooring Zone
Mangonui Harbour	All mooring zones
Whangaroa Harbour	Totara North
Kerikeri Inlet	Opito Bay
Ōpua	English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River
Russell	Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All mooring zones
Mangawhai Harbour	Mangawhai ¹⁷⁷

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

^{viii} A license issued by Northland Regional Council under the relevant bylaw for moorings.

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

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

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

- 1A) the mooring is not in a Mooring Zone, and
- 1B) the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and
 - 1) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions, and
 - 2) the owner of the mooring holds a current a mooring licence^{ix} for the mooring has been obtained from the regional council's Harbourmaster, and
 - 3) the mooring is: the only mooring associated with a property, and¹⁷⁸
 - a) ~~the only mooring associated with a property, and¹⁷⁹~~
 - b) ~~the mooring is located within a two kilometres of the property, and¹⁸⁰~~
 - 4) ~~on request from the regional council, the mooring owner provides evidence demonstrating how clause 3 is being complied with, and¹⁸¹~~
 - 5) there is no change in size of the existing mooring block, and
 - 6) no part of the mooring or moored vessel is within the following mapped areas (I Maps | Ngā mahere matawhenua):¹⁸²
 - a) Regionally Significant Anchorage, or
 - b) Site or Area of Significance to Tangata Whenua, or
 - c) Marina Zone.
 - 7) ~~no part of the mooring or moored vessel is within a Marina Zone (refer I 'Maps')¹⁸³~~

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

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

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

^{ix}A license issued by Northland Regional Council under the relevant bylaw for moorings.

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
- 2A) Significant Ecological Area outside a Mooring Zone, or¹⁸⁴
- 3) Regionally Significant Anchorage, or
- 4) Site or Area of Significance to Tangata Whenua, or
- 5) Marina Zone, or
- 6) Historic Heritage Area or Historic Heritage Site.¹⁸⁵

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

- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~
- Erection or placement Relocation of a [mooring](#) structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).~~(s12(1)(b)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.2.7 ~~Maintenance and~~ or repair of a moorings – permitted activity

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

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

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

- ~~Reconstruction or alteration~~ The maintenance or repair of a [mooring](#) in, on, under or over the foreshore or seabed structures and any incidental disturbance of the foreshore or seabed (s12(1)(b) and s12(3)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.2.7A Removal or demolition of a mooring

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

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

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

C.1.2.8 New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity

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

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

Table 1B: Mooring Zones (limited shore base facilities)

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

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

Matters of discretion:

- 1) Effects on land-based facilities associated with a [mooring](#), including parking, toilet facilities, [refuse](#) disposal and dinghy storage.¹⁸⁶
- 2) The availability of space within the [mooring](#) area.
- 3) The location of the [mooring](#).
- 4) The type, size and construction of the [mooring](#).
- 5) Noise and lighting.
- 6) The positive effects of the activity.

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

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

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~

C.1.2.8A Mooring in a Coastal Commercial Zone or the Marsden Point Port Zone - restricted discretionary activity¹⁸⁷

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

Matters of discretion

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

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

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

C.1.2.9 Placement or relocation of a mooring and the occupation of space – discretionary activity

The erection, placement, relocation, removal or demolition of a [mooring](#), and any occupation of the common marine and coastal area by the [mooring](#) and a [vessel](#) using the [mooring](#), that is not a permitted, restricted discretionary or non-complying activity in section C.1.2 of this Plan

- 1) ~~permitted activity under rule C.1.2.3 'New swing [moorings](#) in a [Mooring Zone](#) – permitted activity', or~~
- 2) ~~permitted activity under rule C.1.2.4 'Existing [mooring](#) in a [Mooring Zone](#) – permitted activity', or~~
- 3) ~~permitted activity under rule C.1.2.5 'Existing swing [mooring](#) outside [Mooring Zone](#) – permitted activity', or~~
- 4) ~~permitted activity under rule C.1.2.6 'Relocation of a [mooring](#) by the – permitted activity'~~
- 5) ~~permitted activity under rule C.1.2.7 'Maintennace and repair of [moorings](#) – permitted activity', or~~
- 6) ~~restricted discretionary under rule C.1.2.8 'New [mooring](#) in a [Mooring Zone](#) with limited shore-based facilities – restricted discretionary activity', or~~

~~7) non-complying under rule C.1.2.11 'Mooring in significant areas – non-complying activity' are a discretionary activities activity.~~

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

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

C.1.2.10 Vessels not underway and sewage management – discretionary activity

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

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

that is not: a permitted activity in section C.1.2 of this Plan

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

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

- ~~Occupation of space in the common marine and coastal area by a vessel (s12(2)(a)).~~
- ~~Activities contrary to a rule in a regional coastal plan (s12(3)).~~
- Securing a vessel located in the coastal marine area to land or a structure on land (s9(2)).
- Staying overnight on a vessel in the coastal marine area, placing a vessel in contact with the foreshore or seabed, or securing a vessel to the foreshore, seabed or a structure in the coastal marine area (s12(3)).
- Disturbance of the foreshore or seabed incidental to the activity ((s12(1)).

C.1.2.11 New moorings in significant areas – non-complying activity

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

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or
- 3) Regionally Significant Anchorage, or
- 4) Areas of significance to Tangata Whenua, or¹⁸⁸
- 5) Historic Heritage Site,¹⁸⁹

~~are is a non-complying activities activity.~~

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

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

C.1.3 Aquaculture

Note: the rules in section C.1.1 General structures do not apply to aquaculture activities, with the exception of rules C.1.1.7 and C.1.1.10.

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

An application for a new coastal permit for the occupation of the common marine and coastal area for the purposes of an aquaculture activity to replace a coastal permit is a controlled activity, provided:

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

Matters of ~~control~~ discretion:¹⁹⁰

- 1) ~~Effects on marine mammals, birds and benthic habitat.~~ Measures to minimise adverse effects on reefs and [biogenic habitats](#).¹⁹¹
- 2) ~~Effects on food (plankton) availability in the water.~~ Management practices to minimise marine mammal and seabird interactions with the marine farm, including entanglement.¹⁹²
- 3) The risk of introducing or spreading [marine pests](#).
- 4) ~~Lighting.~~¹⁹³
- 5) Noise.
- 6) Integrity of the [structure](#).
- 7) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.¹⁹⁴
- 8) The need to upgrade, replace or remove any derelict or disused [structures](#).
- 9) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 10) Effects associated with the operation of the marine farm on public facilities and infrastructure.¹⁹⁵

Notification:

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

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

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

C.1.3.2 Re-consenting aquaculture (not finfish) in a significant ~~or outstanding~~ area – restricted discretionary activity

From 1 January 2020, an application for a new coastal permit for the occupation of the common marine and coastal area for the purposes of an aquaculture activity to replace a coastal permit in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

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

is a restricted discretionary activity, provided:

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

Matters of discretion:

- 1) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant: ~~outstanding natural character outstanding natural features and significant marine ecology~~¹⁹⁶
 - a) Areas of Outstanding Natural Character.
 - b) Outstanding Natural Features.
 - c) Significant Ecological Areas.
 - d) Sites and Areas of Significance to Tangata Whenua.

- 2) ~~Effects on marine mammals, birds and benthic habitat.~~ Effects on reefs and biogenic habitat.¹⁹⁷
- 3) ~~Effects on food (plankton) availability in the water.~~ Marine mammal and seabird interactions with the marine farm, including entanglement.¹⁹⁸
- 4) The risk of introducing or spreading marine pests.
- 5) ~~Lighting.~~¹⁹⁹
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.²⁰⁰
- 9) The need to upgrade, replace or remove any derelict or disused structures.
- 10) ~~Effects on Sites and Areas of Significance to Tangata Whenua.~~
- 11) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 12) Effects associated with the operation of the marine farm on public facilities and infrastructure.²⁰¹
- 13) The positive effects of the aquaculture.
- 14) The value of the investment in the existing aquaculture activity.²⁰²

Notification:

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

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

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

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

C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity

The realignment of ~~the an~~ area occupied by an authorised aquaculture activity ~~is authorised to occupy~~ in the common marine and coastal area, the associated erection or placement of a

~~structure, and any associated discharge, is a~~ are restricted discretionary activities activity, provided:

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

Matters of discretion:

- 1) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant: ~~outstanding natural character outstanding natural features and significant marine ecology~~²⁰³
 - a) Areas of Outstanding Natural Character.
 - b) Outstanding Natural Features.
 - c) Significant Ecological Areas.
 - d) Sites and Areas of Significance to Tangata Whenua.
 - e) Regionally Significant Anchorages.
- ~~2) Effects on Sites and Areas of Significance to Tangata Whenua.~~
- 3) ~~Effects on marine mammals, birds and benthic habitat.~~ Effects on reefs and **biogenic habitat**.²⁰⁴
- 4) ~~Effects on food (plankton) availability in the water.~~ Marine mammal and seabird interactions with the marine farm, including entanglement.²⁰⁵
- 5) The risk of introducing or spreading **marine pests**.
- ~~6) Lighting.~~²⁰⁶
- 7) Noise.
- 8) Integrity of the structure.
- 9) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.²⁰⁷
- ~~9A) Effects on existing recreational activities.~~²⁰⁸
- 10) The need to upgrade, replace or remove any derelict or disused structures.
- 11) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 12) Effects on historic heritage in the coastal marine area.²⁰⁹
- 13) Effects associated with the realignment and operation of the marine farm on public facilities and infrastructure.²¹⁰

14) The positive effects of the activity.

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

Note:

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

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

- Erection or placement of the realigned structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)).²¹¹
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Occupation of space in the common marine and coastal area by the aquaculture activity (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Discharges of a contaminants (including feed) or water into water (s15(1)(a)).

C.1.3.4 Extensions to authorised aquaculture – restricted discretionary activity

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

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

Matters of discretion:

- 1) Effects on the characteristics, qualities and values that contribute to make any of the following adjacent mapped (refer [I Maps | Ngā mahere matawhenua](#)) places outstanding or significant: ~~outstanding natural character outstanding natural features and significant marine ecology~~
 - a) Areas of Outstanding Natural Character.
 - b) Outstanding Natural Features.
 - c) Significant Ecological Areas.
 - d) Sites and Areas of Significance to Tangata Whenua.
 - e) Regionally Significant Anchorages.
- 1A) Effects on the characteristics, qualities and values that contribute to any mapped (refer [I Maps | Ngā mahere matawhenua](#)) [Historic Heritage Area](#).
- 2) ~~Effects on marine mammals, birds and benthic habitat.~~ Effects on reefs and [biogenic habitat](#).²¹²
- 3) Effects on food (plankton) availability in the water.
- 4) The risk of introducing or spreading [marine pests](#).
- 5) ~~Lighting.~~ Marine mammal and seabird interactions with the marine farm, including entanglement.²¹³
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.²¹⁴
- 8A) Effects on existing recreational activities.
- 9) The need to upgrade, replace or remove any derelict or disused structures.
- 10) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.
- 11) Effects associated with the extension and operation of the marine farm on public facilities and infrastructure.²¹⁵
- 12) The positive effects of the activity.
- 13) The value of the investment in the existing aquaculture activity.²¹⁶

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

- Erection or placement of the extended structure in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)).²¹⁷
- Deposition onto the foreshore or seabed (s12(1)).
- Occupation of ~~space~~ in the common marine and coastal area with aquaculture activities (s12(2)(a)).

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Discharges of contaminants (including feed) or water into water (s15(1)(a)).

C.1.3.5 Re-consenting finfish aquaculture – discretionary activity

An application for a new coastal permit to replace a coastal permit for the occupation of the common marine and coastal area for the purposes of a finfish aquaculture activity, and any associated discharge, to replace a coastal permit is a are discretionary activities 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:~~ **For the avoidance of doubt this rule covers the following RMA activities:**

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

C.1.3.6 ~~New~~ Aquaculture outside areas with significant values areas and development zones – discretionary activity

The erection or placement of structures in the coastal marine area, any occupation of the common marine and coastal area for the purposes of New aquaculture activities, and any associated discharges, that is are not a controlled or restricted discretionary activities in section C.1.3 of this Plan:

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

is a are discretionary activities activity, provided the area of occupation is not in a mapped (refer [! Maps | Ngā mahere matawhenua](#)),

- 3) Aquaculture Exclusion Area, or
- 4) Significant Ecological Area, or
- 5) Outstanding Natural Feature, or
- 6) Area of Outstanding Natural Character, or

- 7) [Historic Heritage Area](#), or
- 8) Regionally Significant Anchorage, or
- 9) [Mooring Zone](#), or
- 10) Coastal Commercial Zone, or
- 11) Site or Area of Significance to Tangata Whenua.

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

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

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

New aquaculture activities in an area ~~authorised~~ for aquaculture activities are [authorised](#) to occupy in the common marine and coastal area, including a change of species or farming method, the erection or placement of structures and any associated discharge of contaminants, ~~is a~~ are discretionary activities-activity.

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

- Erection or placement of structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Occupation of space in the common marine and coastal area with aquaculture activities (s12(2)(a)).
- A change of species or farming method in an area aquaculture activities are [authorised](#) to occupy in the common marine and coastal area (12(3)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

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

The erection or placement of structures in the coastal marine area, any occupation of the common marine and coastal area for the purposes of ~~New~~ aquaculture activities in a Maori oyster reserve^x in the Kaipara Harbour, and any associated discharges, that ~~are~~ is not a controlled or restricted discretionary activities in section C.1.3 of this Plan:

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

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

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

- Erection or placement of structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Occupation of space in the common marine and coastal area with aquaculture activities (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.3.9 Extensions to existing aquaculture in ~~areas with significant values~~ areas and development zones - discretionary activity

An extension to an area of authorised aquaculture activities are authorised to occupy in the common marine and coastal area, the associated erection or placement structures, and any associated discharges, in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) Aquaculture Exclusion Area, or
- 2) Significant Ecological Area, or
- 3) Outstanding Natural Feature, or
- 4) Area of Outstanding Natural Character, or
- 5) [Historic Heritage Area](#), or

^xRefer Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9.

- 6) Regionally Significant Anchorage, or
- 7) [Mooring Zone](#), or
- 8) Coastal Commercial Zone, or
- 9) Site or Area of Significance to Tangata Whenua,

is a ~~are~~ discretionary ~~activities~~ activity, provided:

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

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

- Erection or placement of the extended structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Occupation of space in the common marine and coastal area with aquaculture activities (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Discharges of contaminants (including feed) or water into water associated with the aquaculture activities (s15(1)(a)).

C.1.3.10 ~~Marae-based aquaculture in areas with significant~~ areas values and development zones – discretionary activity

The erection or placement of structures in the coastal marine area, any occupation of the common marine and coastal area for the purposes of New marae-based aquaculture, and any associated discharges in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

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

is a ~~are~~ discretionary ~~activities~~ activity.

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

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

C.1.3.11 Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – ~~non-complying~~ discretionary²¹⁸ activity

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

- 1) restricted discretionary activity under rule [C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity](#),

is a ~~are non-complying discretionary activities~~ activity²¹⁹, provided:

- 2) the proposed area to be occupied is no greater than the existing **authorised** area, and
- 3) in the Waikare Inlet, the current space approved for occupation and the proposed space to be occupied is east of a line from 1703263mE 6092240mN to 1703003mE 6091467mN (all coordinates in New Zealand Transverse Mercator 2000).

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

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

C.1.3.12 Small scale and short duration aquaculture in ~~areas~~ with significant areas values and development zones – non-complying activity

The erection or placement of a structure in the coastal marine area, any occupation of the common marine and coastal area for the purposes of New aquaculture activities, and any associated discharge, in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

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

that ~~are~~ is not a:

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

~~is a~~ are non-complying ~~activities~~ activity, provided:

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

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

- Erection or placement of a structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)(b)).
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Occupation of ~~space in~~ the common marine and coastal area by the aquaculture activity (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Discharge of a contaminants (including feed) or water into water associated with the aquaculture activity (s15(1)(a)).

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

The erection or placement of structures in the coastal marine area, any occupation of the common marine and coastal area for the purposes of New aquaculture activities, and any associated discharge, in a mapped Significant Ecological Area in the Kaipara Harbour (refer [I Maps | Ngā mahere matawhenua](#)) that is not a:

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

is a ~~are non-complying activities activity~~, provided:

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

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

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

C.1.3.14 ~~Aquaculture in areas with significant areas values~~ and development zones – prohibited activity

The erection or placement of a structure in the coastal marine area, any occupation of the common marine and coastal area for the purposes of New aquaculture activities, and any associated discharge, in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

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

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

- ~~10) restricted discretionary activity under rule C.1.3.2 'Re-consenting aquaculture (not finfish) in a significant or outstanding area – restricted discretionary activity', or~~
- ~~11) restricted discretionary activity under rule C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity', or~~
- ~~12) discretionary activity under rule C.1.3.5 'Re-consenting finfish aquaculture – discretionary activity', or~~
- ~~13) discretionary activity under rule C.1.3.7 'New aquaculture in an [authorised](#) area – discretionary activity', or~~
- ~~14) discretionary activity under rule C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity', or~~
- ~~15) discretionary activity under rule C.1.3.9 'Extensions to existing aquaculture in areas with significant values areas and development zones – discretionary activity', or~~
- ~~16) discretionary activity under rule C.1.3.10 '[Marae-based aquaculture](#) in areas with significant areas values and development zones – discretionary activity', or~~
- ~~17) non-complying activity under rule C.1.3.11 'Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying activity', or~~
- ~~18) non-complying activity under rule C.1.3.12 'Small scale and short duration aquaculture in areas with significant values – non-complying activity', or~~
- ~~19) non-complying activity under rule C.1.3.13 'New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity',~~

is a are prohibited activities activity.

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

- Erection or placement of the structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Occupation of ~~space in~~ the common marine and coastal area with aquaculture activities (s12(2)(a)).
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

C.1.4 Mangrove removal

C.1.4.1 Mangrove seedling removal – permitted activity

~~The pulling, or cutting or removing of mangroves in the coastal marine area or in the bed of a river and any associated damage or disturbance to the foreshore, seabed or bed of a river, and the use of motorised machinery to transport people, tools or removed mangrove vegetation,²²⁰ is a~~ are permitted activities-activity provided:

- 1) ~~the mangroves are unbranched and~~ less than 60 centimetres tall, and²²¹
- 2) ~~the mangroves are not under the canopy area among the pneumatophores²²² of any other existing mature mangrove, and²²³~~
- 3) ~~the removal is by hand or using hand-held tools (including motorised), and~~
- 4) ~~the any removal by motorised hand-held tools²²⁴ is not undertaken~~ between 1 August and 31 March (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and
- 5) ~~the activity complies~~ activities comply with all relevant conditions of C.1.8 Coastal works general conditions.

Note: use of vehicles and motorised machinery on the foreshore to transport people, tools or removed mangrove vegetation is a permitted activity if the conditions of rule C.1.5.1 are met.²²⁵

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

- ~~• Mangrove removal and disposal activities outside the coastal marine area (s9(2)).~~
- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~• Damage or disturbance of any foreshore or seabed associated with pulling, cutting or removing mangroves (s12(1)).~~
- 1. Pulling, cutting or removing ~~Remove any natural material mangroves in the coastal marine area from the foreshore or seabed and any associated damage or disturbance of the foreshore or seabed (s12(3)).~~
- ~~• Disturbance of the bed of any river, associated with pulling, cutting or removing mangroves (s13(1)).~~
- ~~• Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).~~
- ~~• Mangrove removal activities in a water body (s13(1)(b), and (s13(2A)(a-d)).~~
- ~~• Discharge of sediment into water incidental to pulling, cutting or removing mangroves resulting from mangrove removal (s15(1)(a)).~~

C.1.4.2 Minor mangrove removal – permitted activity

The removal ~~or and~~ pruning of mangroves in the coastal marine area or in the bed of a river necessary for the continuation of authorised activities in Table 1 ‘Maximum allowable area of mangrove removal’ and any associated damage or disturbance to the foreshore, seabed or bed of a river, is a ~~are permitted activities-activity~~, provided:

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

Table 1: Maximum allowable area of mangrove removal

Authorised activity	Maximum allowable area of mangrove removal
Boat ramps and jetties	Restricted to <u>within</u> : <ol style="list-style-type: none"> 2. the footprint of the structure, and 3. five metres <u>10 metres around</u> of the footprint of the structure, and²²⁶ 4. a five-metre wide access channel between the structure and the nearest permanently navigable <u>coastal</u> waters.²²⁷
Wharves, and marina berths	Restricted to: <ol style="list-style-type: none"> 1. the footprint of the structure, and 2. 10 metres of <u>within 10 metres around</u>²²⁸ the footprint of the structure, and 3. a five-metre <u>wide</u> access channel between the structure and the nearest permanently navigable <u>coastal</u> waters.
Stormwater Authorised pipe outlets ²²⁹ Also refer to: C.1.5.6 Clearing of stormwater pipe outlets – permitted activity.	Restricted to: <ol style="list-style-type: none"> 1. five metres <u>either side</u> of the stormwater authorised pipe outlet, and 2. the <u>lineal</u> extent of the clearance is limited to that required²³⁰ to create a free-draining path from the stormwater authorised pipe outlet to <u>coastal water</u> the sea.
Artificial watercourses and rivers Also refer to: C.1.5.7 Clearing artificial water courses – permitted activity , ‘C.1.5.8 Clearing tidal stream mouths – permitted activity , and C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity .	Restricted to: <ol style="list-style-type: none"> 1. the active channel or drain area, and 2. five metres from each <u>either side</u> of the artificial watercourse, and 3. the extent of the clearance is limited to that required to create a free-draining flow path to <u>coastal water</u>, and 4. sites where the adjacent <u>or upstream</u> land or infrastructure is likely to become unsafe, flooded or damaged if the mangroves are not removed, <u>and</u> 5. <u>not exceeding an area of 200 m² within a mapped</u> (refer I Maps Ngā mahere matawhenua) <u>Significant Ecological Area or Outstanding Natural Character Area</u>.²³¹
Roads, railway lines and bridges	Restricted to:

	<ol style="list-style-type: none"> 1. five metres from either side of the edge of the formed road, railway line or bridge, or one metre from the base of the batter slope (whichever is the greater), or 2. removal or pruning of mangroves to achieve maintenance of sight clearance lines for road safety at all road intersections, roundabouts and horizontal curves must be <u>is</u> undertaken in accordance with <i>Guide to Road Design Part 3: Geometric Design, Edition 3.2 (Austroads, 2016)</i>.
<u>Electricity transmission structures</u>	Restricted to <u>within four metres of the footprint of the structure.</u> ²³²
<u>Electricity transmission lines and cables</u>	Restricted to <u>within two metres either side of the vertical projection of the line on the ground and not exceeding an area of 200 m².</u> ²³³
<u>Suspended telecommunication and power-lines</u>	Restricted to <u>within four metres either side of the vertical projection of the cable on the ground.</u>
All other structures and farm fencing	Restricted to <u>within one metre of the footprint of the structure.</u>

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

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

- ~~Mangrove removal and disposal activities outside the coastal marine area (s9(2)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)).
- Removing or pruning Remove any natural material mangroves in the coastal marine area from the foreshore or seabed (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- ~~Mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and (s13(2A)(a-d)).~~
- Discharge of sediment into water incidental to the activity to the coastal marine area resulting from mangrove removal (s15(1)(a)).

C.1.4.3 Mangrove removal – controlled activity

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

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

and any associated damage or disturbance to the foreshore, seabed or bed of a river; that is not a permitted activity in section C.1.4 of this Plan, or:

- ~~4) a permitted activity under rule C.1.4.1 'Mangrove seedling removal – permitted activity', or~~
- ~~5) a permitted activity under rule C.1.4.2 'Minor mangrove removal – permitted activity',~~
- 6) is an application for a new resource consent to remove or prune mangroves that will replace an existing resource consent, provided the application is made before the expiry of the existing resource consent and there is no change to the activities authorised by the existing resource consent,²³⁴

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

- 7) 200 square metres if the activity is located within a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Significant Ecological Area, or
 - b) Outstanding Natural Character Area, and²³⁵
- 8) 500 square metres in all other areas²³⁶, other than where clause 6) above applies.²³⁷

Matters of control:

- 1) Method, timing and extent of activities.
- 2) ~~Effects on natural systems and indigenous biodiversity~~ aquatic ecosystem health.
- 3) Navigation and safety.
- 4) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [I Maps | Ngā mahere matawhenua](#)) places significant any mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Historic Area or Site.
 - b) Site or Area of Significance to Tangata Whenua.
 - ~~c) Area of Outstanding Natural Character.~~
 - d) Significant Ecological Area.
 - e) Significant Bird Area.
 - ~~f) Outstanding Natural Feature.~~
 - ~~g) Outstanding Natural Landscape.~~
- 5) Effects on the characteristics, qualities and values of mapped (refer [I Maps | Ngā mahere matawhenua](#)) areas of Outstanding Natural Character or Outstanding Natural Features that make the area or feature outstanding.
- 6) Effects on tangata whenua cultural values.²³⁸

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

- ~~Mangrove removal and disposal activities outside the coastal marine area (s9(2)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)(e)).
- Removing or pruning Remove any natural material mangroves in the coastal marine area from the foreshore or seabed (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- ~~Mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and s13(2A)(a-d)).~~
- Discharge of sediment to the coastal marine area into water incidental to the activity resulting from mangrove removal (s15(1)(a)).

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

The removal or and pruning of mangroves in the Whangārei City Centre Marine Zone or Coastal Commercial Zone,²³⁹ and any associated damage or disturbance to the foreshore or seabed, that is not a permitted or controlled activity in section C.1.4 of this Plan:

- 1) ~~a permitted activity under rule C.1.4.1 ‘Mangrove seedling removal – permitted activity’, or~~
 - 2) ~~a permitted activity under rule C.1.4.2 ‘Minor mangrove removal – permitted activity’, or~~
 - 3) ~~a controlled activity under rule C.1.4.3 ‘Mangrove removal – controlled activity’~~
- is a are restricted discretionary activities activity.

Matters of discretion:

- 1) Effects on natural systems and indigenous biodiversity in the coastal marine area or the bed of a river, including where it affects the ability of tangata whenua to carry out cultural and traditional activities.
- 2) Effects on navigation and safety.
- 3) Effects on visual amenity values.
- 4) ~~Effects on indigenous biodiversity where it affects the ability of tangata whenua to carry out cultural and traditional activities.~~²⁴⁰
- 5) Effects on historic heritage in the coastal marine area.²⁴¹
- 6) The positive effects of the activity.

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

- ~~Mangrove removal and disposal activities outside the coastal marine area (s9(2)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)).
- Removing or pruning Remove any natural material mangroves in the coastal marine area from the foreshore or seabed (s12(3)).
- ~~Mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and (s13(2A)(a-d)).~~
- Discharge of sediment to the coastal marine area into water incidental to the activity resulting from mangrove removal (s15(1)(a)).

C.1.4.5 Mangrove removal – discretionary activity

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

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

is a are discretionary activities activity.

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

- ~~Mangrove removal and disposal activities outside the coastal marine area (s9(2)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)(e)).
- Removing or pruning Remove any natural material mangroves in the coastal marine area from the foreshore or seabed (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- ~~Mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and (s13(2A)(a-d)).~~

- Discharge of sediment to the coastal marine area into water incidental to the activity resulting from mangrove removal (s15(1)(a)).²⁴²

C.1.5 Dredging, disturbance and disposal

C.1.5.1 ~~Activities on foreshore areas and~~ Use of vehicles on beaches and other activities that disturb the foreshore and seabed – permitted activity

The use of a vehicle on the foreshore or seabed and any associated disturbance of the foreshore and seabed, or the disturbance of the foreshore and seabed by any recreational activity not the subject of any other rule in this Plan, on the foreshore as well as the disturbance of the foreshore or seabed by the use of vehicles is a permitted activities activity, provided:²⁴³

- 1) apart from emergency services vehicles providing an emergency response, there is no disturbance of, or damage to, seagrass meadows within mapped Significant Ecological Areas (refer [I Maps | Ngā mahere matawhenua](#)) and outside these areas,²⁴⁴ there is no destruction of shellfish beds or indigenous vegetation, and
- 2) the activityies does not involve the exclusive occupation of space in the coastal marine area, and
- 3) vehicles must ensure minimal disturbance of the foreshore and seabed, and
- 4) apart from emergency services vehicles providing an emergency response, there is no disturbance of or damage to indigenous or migratory bird nesting or roosting sites, and²⁴⁵
- 5) there is no disturbance of, or damage to, a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)), and
- 6) there is no disturbance of, or damage to, a mapped [Historic Heritage area](#) (refer [I Maps | Ngā mahere matawhenua](#)), and²⁴⁶
- 7) apart from emergency services vehicles providing an emergency response,²⁴⁷ vehicle access to the foreshore is only via authorised access points, and
- 8) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#), are complied with, and
- 9) apart from emergency services vehicles providing an emergency response, vehicles do not drive over pipi or cockle beds.²⁴⁸

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

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

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed by a vehicle or an activity not the subject of any other rule in this Plan (s12(1)).
- The use of vehicles on the foreshore or seabed (s12(3)).

C.1.5.2 ~~Small-scale~~ Sampling and scientific investigation – permitted activity

~~Small-scale~~ The disturbance of the foreshore or seabed and any removal of sand, shingle, shell or other natural material for the purposes of sampling and scientific investigation in the coastal marine area, including any removal of sand, shingle, shell or other natural material, is a permitted activity provided:

- 1) in a mapped Site or Area of Significance to Tangata Whenua or a mapped [Historic Heritage Area](#) (refer '[I Maps | Ngā mahere matawhenua](#)')²⁴⁹ no more than 0.2 cubic metres of sand, shingle, shell or other natural material is removed in any 24-hour period, and
- 2) in all other areas, no more than one cubic metre of sand, shingle, shell or other natural material is removed in any 24-hour period, and²⁵⁰
- 3) the head size of any drilling equipment used does not exceed 250 millimetres in diameter, and
- 4) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~• Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~• Discharge of contaminants (s15(1)(a)).~~
- Disturbance of any foreshore or seabed by sampling and scientific investigation (s12(1)).
- Removal of sand, shingle, shell or other natural material from the coastal marine area for the purposes of sampling and scientific investigation (s12(2)).

~~C.1.5.3~~ Sampling and scientific investigation – permitted activity²⁵¹

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

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

The RMA activities this rule covers:

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

C.1.5.4 Removal of nuisance marine plant debris – permitted activity

The removal of nuisance marine plant debris washed onto a beach in the coastal marine area, including any associated disturbance of the foreshore or seabed, where it restricts safe and legally established public walking access to or along a beach, or the safe use of ~~is significantly adversely affecting amenity or access to and use of the~~ a beach, is a ~~are~~ permitted ~~activities~~ activity, provided.²⁵²

- 1) the Regional Council's compliance manager is notified (in writing or by email) at least 24 hours before the start of any removal, and
 - 1A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer I Maps | Ngā mahere matawhenua), the relevant tangata whenua are notified at least 24 hours before the start of any removal, and²⁵³
- 2) if the activity occurs within a Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between the months of 1 September and 28 February, a person with expertise in bird ecology ~~needs to be~~ is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity shall ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and²⁵⁴
- ~~3) there is no disturbance of indigenous or migratory bird nesting sites, and~~²⁵⁵
- 4) removed marine plant debris is disposed of outside ~~of~~ the coastal marine area and at a location authorised to take such material, and
- 5) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~• Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~• Discharge of contaminants (s15(1)(a)).~~
- Disturbance of any foreshore or seabed associated with the removal of nuisance marine plant debris (s12(1)).
- Removal of nuisance plant material washed onto a beach in the coastal marine area (s12(3)).

C.1.5.5 Removal or recovery of wrecked vessels – permitted activity

The removal or recovery of a wrecked vessel in the coastal marine area, including any associated disturbance of the foreshore or seabed, ~~is a~~ are permitted ~~activities~~ activity provided:

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

- 1A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer '[I Maps | Ngā mahere matawhenua](#)'), the relevant tangata whenua are notified at least 24 hours before the start of any removal, and²⁵⁶
- 2) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

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

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Disturbance of any foreshore or seabed associated with the removal of wrecked [vessels](#) (s12(1)).
- The removal or recovery of a wrecked [vessel](#) in the coastal marine area (s12(3)).

C.1.5.6 ~~Clearing of stormwater~~ pipe outlets – permitted activity²⁵⁷

The clearing of material (excluding mangroves) from a ~~stormwater~~ pipe outlet in the coastal marine area, including any associated disturbance of the foreshore or seabed and the deposition of material excavated from the pipe outlet, is a permitted activity, provided:²⁵⁸

- 1A) any removal of mangroves complies with the requirements of rule [C.1.4.1 Mangrove seedling removal – permitted activity](#), and
- 1) the extent of the clearance is limited to that required to create a free-draining path from the ~~stormwater~~ outlet to coastal water ~~the sea~~ at mean low water springs, and²⁵⁹
- 2) if the activity occurs in a mapped Significant [Bird Area](#) (refer [I Maps | Ngā mahere matawhenua](#)) ~~between the months of 1 September to and 28 February~~, a person with expertise in bird ecology ~~needs to be~~ is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and
- 3) ~~there is no disturbance of indigenous or migratory bird nesting sites, and~~²⁶⁰
- 4) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 5) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and²⁶¹
- 6) the Regional Council's compliance manager is notified (in writing or by email) at least three working days prior to work being undertaken, and
- 6A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer '[I Maps | Ngā mahere matawhenua](#)'), the relevant tangata whenua are notified at least three working days prior to work being undertaken, and²⁶²
- 7) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).~~
- Disturbance of any foreshore or seabed and the deposition of material cleared from a pipe outlet onto the foreshore or seabed associated with the clearing of material from a pipe outlet (s12(1)).
- Clearing material from a pipe outlet in the coastal marine area (s12(3)).
- ~~• Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.7 Clearing artificial water courses – permitted activity

The clearing of material (excluding mangroves) from an artificial water course in the coastal marine area, including any associated disturbance of the foreshore or seabed and deposition of sediment on the foreshore or seabed, is a permitted activity provided:

- 1) the original profile (width and depth) of the artificial water course is not exceeded, and
- 2) all material (except sediment) is removed from the coastal marine area, and
- 3) the Regional Council's compliance manager is notified (in writing or by email) at least three working days prior to work being undertaken, and
- 3A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer [Maps | Ngā mahere matawhenua](#)), the relevant tangata whenua are notified at least three working days prior to work being undertaken, and²⁶³
- 4) sediment disposed of in the coastal marine area:
 - a) is deposited no more than 10 metres either side of the artificial water course, and
 - b) is not placed in individual sediment piles do not exceeding 25 square metres in area or 300 millimetres in height, and
 - c) does not **dam** tidal water or **stormwater** outlets, and
- 5) the activity complies with all relevant conditions of [C.1.8 Coastal works general conditions](#).

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).~~
- Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from an artificial water course and the deposition of material cleared (excluding mangroves) from the artificial water course onto the foreshore or seabed (s12(1)).
- Clearing material (excluding mangroves) from an artificial water course in the coastal marine area (s12(3)).
- ~~• Deposition onto the foreshore or seabed (s12(1)(d)).~~
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.8 Clearing tidal stream mouths – permitted activity

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

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stream to coastal water ~~the sea~~ at mean low water springs, and
- 2) the clearance is for the purpose of avoiding flooding of adjacent land, or for releasing impounded water which is stagnant or poses a contact recreation health risk, and
- 3) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 4) if the activity occurs in a Significant Bird Area (refer [I Maps | Ngā mahere matawhenua](#)) between ~~the months of~~ 1 September to and 28 February, a person with expertise in bird ecology ~~needs to be~~ is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and
- 5) ~~there is no disturbance of indigenous or migratory bird nesting sites,~~²⁶⁴
- 6) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and²⁶⁵
- 7) the Regional Council's compliance manager:
 - a) ~~is satisfied the clearance meets the purpose of Condition 2 and has provided written confirmation accordingly, or~~
 - b) is provided a written statement from a chartered professional engineer or the Northland District Health Board outlining the need for the clearance in accordance with Condition 2, at least two working days before the start of work, and
- 7A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)), the relevant tangata whenua are notified at least two working days before the start of work, and
- 8) the activity complies with all relevant conditions of the coastal marine area general conditions [C.1.8 Coastal works general conditions](#).

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).~~
- Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from a tidal stream mouth and the deposition of material cleared (excluding mangroves) from the tidal stream mouth onto the foreshore or seabed (s12(1)).
- Clearing material (excluding mangroves) from a tidal stream mouth in the coastal marine area (s12(3)).
- ~~• Deposition onto the foreshore or seabed (s12(1)(d))~~
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.9 Burial of dead animals – permitted activity

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

- 1) the activity complies with all relevant conditions of the coastal marine area general conditions [C.1.8 Coastal works general conditions](#), and
- 2) where practicable, burial does not occur within 100 metres of a tidal stream mouth, and
- 3) where practicable, adverse effects on indigenous vegetation are minimised.²⁶⁶

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

- ~~Restrictions on the use of land~~ The burial of a dead animal (including a marine mammal) washed up on the foreshore (s9(2)).
- Disturbance of any foreshore or seabed associated with the burial of a dead animal (including a marine mammal) washed up on the foreshore and the deposition of material onto the foreshore or seabed resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)).
- Burying a dead animal (including marine mammals) washed up on the foreshore (s12(3)).
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~

C.1.5.10 Maintenance dredging – controlled activity

Maintenance dredging (excluding disposal of dredge spoil), including the destruction, damage or disturbance of the foreshore or seabed and discharge of sediment associated with the dredging, is a controlled activities activity.

Matters of control:

- 1) The method used to carry out the activity.
- 2) The timing of the activity in relation to tides, seasons or other activities occurring in the area to be dredged.
- 3) Effects on ~~natural~~ coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) ~~Effects of~~ The destruction, damage or disturbance of the foreshore or seabed, deposition and discharge associated with the dredging activity, ~~and~~²⁶⁷
- 5) Effects on indigenous biodiversity and aquatic ecosystems health in the coastal marine area, ~~and~~
- 6) Navigation and safety (including requiring notification to the Regional Council's Harbourmaster and Maritime New Zealand, ~~and~~
- 7) Effects on the identified values of any mapped (refer [I Maps | Ngā mahere matawhenua I](#)):

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

7A) Effects on the characteristics, qualities and values of mapped (refer [I Maps | Ngā mahere matawhenua](#)) areas of Outstanding Natural Character or Outstanding Natural Features that make the area or feature outstanding.

8) Effects on tangata whenua and their [taonga](#).²⁶⁸

Notification:

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

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- 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.1.5.11 Beach scraping – restricted discretionary activity

~~The disturbance of the foreshore or seabed for [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, is a restricted discretionary activities activity.~~

Matters of discretion:

- 1) Volume and depth of material removed and deposited.
- 2) Methods used to carry out the activity.
- 3) Effects on ~~natural~~ coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of the disturbance and, deposition and associated with the activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystems health.
- 5A) Effects on tangata whenua and their [taonga](#).²⁶⁹
- 6) Effects on the characteristics, qualities and values that contribute to make any of the following any 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) [Historic Heritage Area or Site](#).~~
 - e) Site or Area of Significance to Tangata Whenua.
 - f) Significant Ecological Area.
 - g) Significant Bird Area.
- 7) Effects on the characteristics, qualities and values that contribute to any mapped (refer to [Maps | Ngā mahere matawhenua](#)) [Historic Heritage Area or Site](#).
- 8) The positive effects of the activity.

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- 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.1.5.11A Deposition of material for beneficial purposes – restricted discretionary activity²⁷⁰

[Deposition of material for beneficial purposes](#) onto land (including the foreshore and seabed) is a restricted discretionary activity, provided:

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

Matters of discretion:

- 1) Volume and location of material to be deposited.
- 2) Methods used to carry out the activity and timing of the activity.
- 3) Effects on coastal processes, including effects on the stability of the seabed and nearby shorelines.
- 4) Effects on the foreshore and seabed associated with the deposition activity.
- 5) Effects on indigenous biodiversity and aquatic ecosystem health.
- 6) Effects on tangata whenua and their [taonga](#).
- 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 to [Maps | Ngā mahere matawhenua](#)) places outstanding or significant:
 - a) Nationally Significant Surf Breaks.

- b) Regionally Significant Surf Breaks.
 - c) Outstanding Natural Features.
 - d) Areas of Outstanding Natural Character.
 - e) Site or Area of Significance to Tangata Whenua.
 - f) Significant Ecological Area.
 - g) Significant Bird Area.
- 9) Effects on the characteristics, qualities and values that contribute to any mapped (refer [I Maps | Ngā mahere matawhenua](#)) Historic Area or Site.
- 10) The positive effects of the activity.

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

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

C.1.5.12 Dredging, deposition and disturbance activities – discretionary 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

- 1) ~~permitted activity under rule C.1.5.2 ‘Small-scale Sampling and scientific investigation – permitted activity’, or~~
 - 2) ~~permitted activity under rule C.1.5.4 ‘Removal of nuisance plant debris – permitted activity’, or~~
 - 3) ~~permitted activity under rule C.1.5.5 ‘Removal or recovery of wrecked vessels – permitted activity’, or~~
 - 4) ~~permitted activity under rule C.1.5.6 ‘Clearing of stormwater pipe outlets – permitted activity’, or~~
 - 5) ~~permitted activity under rule C.1.5.7 ‘Clearing of artificial water courses – permitted activity’, or~~
 - 6) ~~permitted activity under rule C.1.5.8 ‘Clearing tidal stream mouths – permitted activity’, or~~
 - 7) ~~permitted activity under rule C.1.5.9 ‘Burial of dead animals – permitted activity’, or~~
 - 8) ~~controlled activity under rule C.1.5.10 ‘Maintenance dredging – controlled activity’, or~~
- is ~~a~~ are discretionary activities activity, provided they are ~~it is not~~ in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 9) Nationally Significant Surfbreak, or
- 10) Outstanding Natural Feature, or
- 11) Area of Outstanding Natural Character, or

- 12) [Historic Heritage Area or Site](#), or²⁷¹
- 13) Significant Ecological Area, or
- 14) Site or Area of Significance to Tangata Whenua.

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

- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- 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.1.5.13 ~~Disposal~~ Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity

The ~~disposal~~ dumping (deliberate disposal)²⁷² of the following waste from a ship, aircraft or offshore installation in the coastal marine area is a discretionary activity:

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

Notes:

- 1) *This rule repeats the requirements of Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998, which specifies that these activities must be treated as a discretionary activity in a regional coastal plan. It therefore is included for convenience and information purposes.*
- 2) Applications to dump (deliberately dispose) material in the coastal marine area must include an assessment undertaken in accordance with Schedule 3 to the Resource Management (Marine Pollution) Regulations 1998.

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

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

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

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material in, on or under the foreshore or seabed, that is not a:

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

is ~~a~~ are non-complying ~~activities~~ activity.

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

- ~~• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~• Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~• Discharge of contaminants s15(1)(a)).~~
- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.6 Reclamations

C.1.6.1 Unlawful public road reclamation – controlled activity

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

Matters of control:

- 1) ~~The method used to carry out the activity~~ The effects of any remedial works necessary to mitigate adverse effects.²⁷³
- 2) Effects on coastal ~~natural~~ processes, including effects on shoreline stability in the vicinity of the site.
- 3) Effects on tangata whenua and their [taonga](#).

Notification:

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

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

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

C.1.6.2 Unlawful reclamation – discretionary activity

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

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

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

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

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

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 rule [C.1.6.2 Unlawful reclamation – discretionary activity](#), ~~is a~~ are discretionary activities ~~activity~~, 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.²⁷⁴

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

- Reclamation ~~ing or draining 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)(a)).~~
- Use of a reclamation in the coastal marine area (s12(3)).
- ~~Erection or placement of structures (s12(1)(b)).~~
- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to the activity (s15(2A)).

C.1.6.4 Reclamation – discretionary 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 rule [C.1.6.2 Unlawful reclamation – discretionary activity](#), or
- 2) discretionary activity under rule [C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity](#),

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

- 1) 3) Nationally Significant Surf Break, or
- 2) 4) Significant Ecological Area, or
- 3) 5) Outstanding Natural Feature, or
- 4) 6) Area of Outstanding Natural Character, or
- 5) 7) Historic Heritage Area or Site, or²⁷⁵
- 6) 8) Site or Area of Significance to Tangata Whenua, or
- 7) 9) Regionally Significant Anchorage.

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

- Reclamation ~~ing or draining 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)(a)).~~

- Use of a reclamation in the coastal marine area (s12(3)).
- ~~Erection or placement of structures (s12(1)(b)).~~
- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to reclaiming the foreshore or seabed foreshore (s15(2A)).

C.1.6.5 Reclamation in ~~areas with significant value~~ areas – non-complying activity

A reclamation, any associated destruction, damage or disturbance of the foreshore or seabed, any deposition of material on to the foreshore or seabed, and use of the reclamation, that is not a:

- 1) discretionary activity under rule [C.1.6.4 Reclamation – discretionary activity](#), or
- 2) discretionary activity under rule [C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity](#),

is a are non-complying activities activity.

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

- Reclamation ~~ing or draining 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)(a)).~~
- Use of a reclamation in the coastal marine area (s12(3))
- ~~Erection or placement of structures (s12(1)(b)).~~
- ~~Occupation of space in the common marine and coastal area (s12(2)(a)).~~
- ~~Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).~~
- ~~Deposition onto the foreshore or seabed (s12(1)(d)).~~
- ~~Discharge of contaminants (s15(1)(a)).~~
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to the activity (s15(2A)).

C.1.7 Marine pests

~~C.1.7.1 Hull biofouling – permitted activity~~

~~Biofouling on the hull and niche areas of a vessel, is a permitted activity, provided:~~

- ~~1) The biofouling is not known or likely to contain, any marine pest, and~~
- ~~2) The biofouling on the hull and niche areas on any vessel does not exceed light fouling when it enters:
 - ~~a) a Marine Pathways Place (refer I 'Maps') except if the vessel is entering the same Marine Pathways Place the vessel was last in, and~~
 - ~~b) Northland, except if the vessel is entering Northland within the Kaipara Harbour and the biofouling on the hull and niche areas of the vessel did not exceed light fouling the last time the vessel entered the Kaipara Harbour.~~~~

Note:

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

The RMA activities this rule covers:

- No person may do an activity that contravenes a regional rule (s12(3) and 13(2))²⁷⁶

C.1.7.2 In-water cleaning of vessel hull and niche areas or structures cleaning (development zones) – permitted activity

The discharge of contaminants from In-water cleaning of vessel hull and niche areas or structures in the coastal marine area or a river in-water cleaning, is a permitted activity, provided:²⁷⁷

- 1) The vessel or structure has not been in foreign territorial waters, unless since arrival in New Zealand the vessel it²⁷⁸ has been removed from the water and hull cleaned, and
- 2) there is only light fouling on the vessel hull and/or hull niche areas, and
- 3) the discharge is in a Commercial Coastal Zone, Marina Zone, within 50 metres of a Mooring Zone or from a consented grid, and
- 4) the cleaning discharge is not undertaken located within 50 metres of a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua), and
- 5) the vessel is not longer than 25 metres with ablative biocidal anti-fouling or²⁷⁹ a barge, and
- 5A) there is only light fouling or barnacles on the vessel hull, hull niche areas, or structure, and²⁸⁰
- 5B) the in-water cleaning of the vessel or structure is undertaken in a Coastal Commercial Zone, a Marina Zone, a Mooring Zone, a consented grid (inter-tidal poles), or within 50 metres of a Mooring Zone, and²⁸¹

- 6) ~~the non-abrasive cleaning methods does not compromise are used so that existing anti-fouling is not damaged,~~ and ²⁸²
- 7) if any **marine pest** is found then:
 - a) all cleaning must cease, and
 - b) the Regional Council's biosecurity manager and the Ministry for Primary Industries must be notified immediately, and
 - c) ~~cleaning may~~ must not resume continue until notified to do so until notification to do so is obtained from the ~~by~~ Regional Council's biosecurity manager and the Ministry for Primary Industries.

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

- ~~• Discharge of contaminants to water (s15B(1)(a)).~~
- ~~• No person may do an activity that contravenes a regional rule (s12(3) and s13(2)).~~
- Deposition of material on the foreshore or seabed incidental to the activity (s12(1)).
- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3)).
- Deposition of material in or on the bed of a river incidental to the activity (s13(1)).
- Discharge of contaminants into water incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s15B(1)).

C.1.7.3 In-water cleaning of vessel hull and niche areas, structures and cleaning of local barges and large vessels – controlled activity

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

- 1) the vessel, structure or barge has not been in foreign territorial waters, unless since arrival in New Zealand ~~it the vessel~~ has been removed from the water and hull cleaned, and
- 2) the cleaning is undertaken activity is located in a Commercial-Coastal Commercial Zone, a Marina Zone, or within 50 metres of a Mooring Zone (refer | Maps | Ngā mahere matawhenua), or from in a consented grid, and
- 3) the cleaning is not undertaken discharge is not located within 50 metres of a Significant Ecological Area (refer | Maps | Ngā mahere matawhenua).²⁸³

Matters of control:

- 1) Measures to avoid introduction or spread of **marine pests**.
- 2) The method used to carry out the activity.
- 3) Effects on ~~natural~~ coastal processes in the vicinity of the site.

- 4) The timing of the activity in relation to tides, seasons or other activities.
- 5) Effects of disturbance, deposition and discharge associated with the activity.
- 6) Effects on indigenous biodiversity and aquatic ecosystems health.
- 7) Navigation and safety (including notification to the Regional Council's Harbourmaster and Maritime New Zealand).
- 8) Capture and removal of fouling and anti-fouling debris.²⁸⁴

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

- ~~• Discharge of contaminants to water (s15B(1)(a)).~~
- ~~• No person may do an activity that contravenes a regional rule (s12(3) and s13(2)).~~
- Deposition of material on the foreshore or seabed incidental to the activity (s12(1)).
- In-water cleaning of vessel hull and niche areas structures or barges in the coastal marine area (s12(3)).
- Deposition of material in or on the bed of a river incidental to the activity (s13(1)).
- Discharge of contaminants into water incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s15B(1)).

C.1.7.4 ~~Vessel anti-fouling hull~~ maintenance on the foreshore – discretionary activity

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

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

- ~~• No person may do an activity that contravenes a regional rule (s12(3)).~~
- ~~• Discharge of contaminants to water (s15(1)(a) and s15B(1)(a)).~~
- Deposition on the foreshore or seabed incidental to the activity (s12(1)).
- Cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore (s12(3)).
- Discharge of contaminants onto or into land incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship onto or into land (s15B(1)).

C.1.7.5 In-water cleaning of vessel hull and niche areas, cleaning structures and barges – discretionary activity

The deposition and/or discharge of contaminants from in-water cleaning of vessel hull and niche areas, structures²⁸⁵ or barges in-water cleaning that is not a permitted or controlled activity in section C.1.7 of this Plan

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

is a discretionary activity.

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

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

~~C.1.7.6 — Passive release of biofouling from vessels — discretionary activity~~

The ~~discharge of contaminants through passive release of biofouling from a vessel hull niche areas,~~ is a discretionary activity, unless it is:

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

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

The RMA activities this rule covers:

- ~~• No person may do an activity that contravenes a regional rule (s12(3) and 13(2))²⁸⁶~~

C.1.7.7 Marine pests and biofouling ~~Introduction of marine pests~~ – non-complying activity

The:

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

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

~~Introducing any [marine pest](#) into coastal waters is a non-complying activity unless controlled in this plan by passive [biofouling](#) discharge rules.~~

Note: *the Northland Regional Pest and Marine Pathway Management Plan for Northland 2017 – 2027 has rules requiring [vessels](#) entering Northland or moving between designated ‘places’ not to have [biofouling](#) exceeding [light fouling](#), unless authorised by an exemption under the Biosecurity Act 1993.²⁸⁷*

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

- ~~• Discharge of contaminants to water 15(1)(a) and 15B(1)(a)).~~
- Deposit any substance in, on and under a [marine pest](#), in, on, or under any foreshore or seabed, or introduce any [marine pest](#) in, or under the foreshore or seabed, incidental to the activity (s12(1)).
- ~~• Introduce or plant any marine pest in, on and under any foreshore or seabed 12(1)(f) and 12(3)(a).~~
- The activities listed in clauses 1) to 4) of rule C.1.7.7 (s12(3)).
- Discharge of a [marine pest](#) into water (s15(1)).

C.1.8 Coastal works general conditions

General conditions apply for to activities, when referred to in the rules of Section C.1.1 in the coastal marine area that apply when specified in a permitted or controlled activity rule.

Structures and disturbance

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

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

- 1) ~~The activity must not alter, damage or destroy a Historic Heritage Site.~~²⁸⁸
- 1A) Prior to undertaking activities on private land, including land owned by a territorial authority, written approval must be obtained from the landowner and provided to the Regional Council's monitoring manager upon request.²⁸⁹
- 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, and²⁹⁰
 - 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 activities, construction, alteration, or addition, maintenance or removal activities of [structures](#)~~ must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays. The exceptions to this are:
 - a) ~~(this excludes the requirement to undertake emergency remedial work such as if a structure is damaged by a natural hazard event),~~ and
 - b) maintenance of [regionally significant infrastructure](#), where the maintenance is required to be undertaken outside these times to minimise disruption to the services provided by the [regionally significant infrastructure](#), and²⁹¹
 - c) the removal of nuisance marine plant debris under rule [C.1.5.4](#).²⁹²

- 6) Upon the completion of a new structure, the [structure](#) owner must notify in writing (including a scale plan of the completed works) the Regional Council's monitoring manager.
- 7) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity. Additionally, vehicles and equipment must be in a good state of repair and free of any fuel or oil leaks. 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.²⁹³
- 8) There must be no damage to shellfish beds ~~and no disturbance or damage to seagrass meadows~~ in mapped Significant Ecological Areas (refer [I Maps | Ngā mahere matawhenua](#)) and no damage to saltmarsh²⁹⁴ or seagrass meadows, except as necessary for the installation of an aid to navigation under rule C.1.1.4.
- 9) Any visible disturbance of the foreshore or seabed must be remedied or restored within 48 hours of completion of works in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Area of Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) Site or Area of Significance to Tangata Whenua, or
 - d) Significant Ecological Area.
- 9A) There must be no disturbance of indigenous or migratory bird nesting or roosting sites.²⁹⁵
- 10) ~~Outside of~~ outstanding natural character, outstanding natural feature or significant ~~signification~~ ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.
- 11) The [structure](#) or activity must not:
 - a) cause permanent scouring or erosion ~~or scour~~ of banks, or
 - b) cause or exacerbate flooding of ~~any neighbouring~~ 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)²⁹⁶.
- 12) ~~Discharges must not result in a coastal water quality standard in D.4.3 'Coastal water quality standards' to be exceeded or further exceeded.~~²⁹⁷
- 13) ~~Any discharges of sediment to water from any activity~~ must not:
 - a) occur for more than five consecutive days, and for more than 12 hours per day, or
 - b) ~~cause any conspicuous change in the colour of water in the receiving water or any change in horizontal visibility greater than 30% (after reasonable mixing) for more than 24 hours after the completion of the activity.~~ cause any of the following effects in the receiving waters beyond the [zone of reasonable mixing](#):
 - i) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - ii) any conspicuous change in the colour or visual clarity, or
 - iii) an emission of objectionable odour.

Mangrove removal and pruning

- 14) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.
- 15) ~~Mangrove vegetation removal must avoid creating protruding stumps~~ must be avoided, by cutting mangrove trunks close to the ground-the bed or foreshore.²⁹⁸
- 16) The activity must not disturb or damage areas of seagrass, saltmarsh, or ~~other~~²⁹⁹ [natural wetland](#).
- 17) ~~There must be no disturbance of indigenous or migratory bird nesting sites.~~³⁰⁰
- 18) There must be no ~~equipment-refuelling on the foreshore or river bed. unless undertaken in a contained area.~~³⁰¹
- 19) Chemical herbicides must not be used.
- 20) Access to removal and pruning areas must use existing open areas or paths where these exist and, where practicable, avoid disturbance of shellfish beds, soft sand and mud.
- 21) The Regional Council's compliance manager must be notified (in writing or by email) of the proposed time, location and extent of removal at least 10 working days prior to the work being undertaken, when:
 - a) more than 200 square metres of pruning or removal is proposed in any one year, or
 - b) the activity is located in a mapped Significant Bird Area, Significant Ecological Area or Area of Outstanding Natural Character (refer [I Maps | Ngā mahere matawhenua](#)).

Lighting

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

Noise

- 23) ~~Noise from non-port and wharf related activities within the coastal commercial zone~~³⁰² or from any activity located outside the Coastal Commercial Zone but within the coastal marine area (except for construction noise and noise from helicopters) must comply with the Table 2 following noise standards at the notional boundary of any noise sensitive activity:
 - a) ~~the activity must not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area, and~~
 - b) ~~between the hours of 7.00am and 11.00pm, the noise level (LAeq) measured within the notional boundary of any dwelling must not exceed 55dB, and~~
 - c) ~~between the hours of 11.00pm and 7.00am, the noise level (LAeq) measured within the notional boundary of any dwelling must not exceed 45dB and the, and~~

Table 2: Noise Limits

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

- d) 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
- e) construction activities shall be managed in accordance with, and meet the noise limits set out within Tables 2A and 2B below *NZS 6803:1999 Acoustics – Construction Noise*, and

Table 2A: 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)	
		Leq	Lmax	Leq	Lmax	Leq	Lmax
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

	<u>1800 to 2000</u>	<u>45</u> <u>75</u>	<u>45</u> <u>75</u>	<u>45</u> <u>75</u>
	<u>2000 to 0630</u>	<u>45</u> <u>75</u>	<u>45</u> <u>75</u>	<u>45</u> <u>75</u>

Table 2B: 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)

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

- f) helicopter landing areas shall be managed in accordance with, and comply with, the recommended noise limits specified in NZS 6807:1994 Noise management and land use planning for helicopter landing areas New Zealand Standard. Noise Management and Land Use Planning for Helicopter Landing Areas (NZS 6807:1994).
- 24) ~~Conditions 23(a) to (c) above~~ The Table 2 and Condition 23(f) 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.
- 25) ~~Condition 23(a) above~~ The Table 2 and Condition 23(f) noise limits does not apply to **temporary military training** activities. Noise generated by emission as a result of temporary military training must meet the following:
- for weapons firing and/or the use of explosives:
 - notice must be provided to the Regional Council at least five working days prior to the commencement of the activity, and
 - the activity must comply with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity: 500 metres from 7:00am to 7:00pm, and 1250 metres from 7:00pm to 7:00am, and
 - where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity: 95dBC from 7:00am to 7:00pm, and 85dBC from 7:00pm to 7:00am, and
 - mobile noise sources must comply with the noise limits set out in Tables 2 and 3 of New Zealand Standard Acoustics – Construction Noise (NZS 6803:1999), with reference

to 'construction noise' taken to refer to mobile noise sources^{xi}. ~~Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment, and~~

- c) fixed (stationary) noise sources must comply with the noise limits set out in ~~the~~ Table 2C below when measured at the notional boundary of any ~~building housing a~~ noise sensitive activity. *Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.*

Table 2C: Noise limits – Temporary military training

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

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

- ~~a) the activity must not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area, and~~
- ~~b) noise must be measured in accordance with the requirements of NZS 6801:2008 – Acoustics – Measurement of environmental sound and NZS 6809:1999 – port noise management and land use planning.³⁰³~~

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

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

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

*Note: the Department of Conservation must be notified of the intention to erect or place any structure likely to impede fish passage. This includes, culverts, fords, [dam](#) or diversion structures (Part VI of the Freshwater Fisheries Regulations 1983).*³⁰⁴

C.2.1 Activities in the beds of lakes and rivers

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C.2.2 Activities affecting wetlands

Rule	Page
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C.2.1 Activities in the beds of lakes and rivers

C.2.1.1 Introduction or planting of plants in rivers and lakes – permitted activity

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

- 1) the activity does not involve ~~deliberate~~ the introduction or planting of:
 - a) a pest organism, or
 - b) an exotic aquatic plant except watercress (*Rorippa nasturtium-aquaticum*), or
 - ba) black alder (*Alnus glutinosa*), or
 - bb) the following willow species or hybrids involving:
 - ~~e i)~~ crack willow (*Salix fragilis*), or
 - ~~e ii)~~ grey willow (*Salix caprea*), or
 - ~~e iii)~~ weeping willow (*Salix babylonica*), ~~or~~ and
 - ~~f) black alder (*Alnus glutinosa*), and~~³⁰⁵
- 2) ~~the existing vegetation and~~ the bed of the water body is not disturbed to a depth or extent greater than that required to undertake the activity, and
- 2A any indigenous vegetation damage, destruction, disturbance or removal is limited to the minimum extent necessary, and
- 3) the planted species are managed by the land owner or occupier to ensure that they do not create an obstruction to the free flow of water or spread to other properties, and
- 4) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream ~~erosion of the bed or banks of the river or lake~~³⁰⁶ as a result of the planting, and
- 5) the activity must not dam or divert water in a way that causes flooding or ponding on any other property ~~does not cause adverse flooding effects on upstream, downstream or adjacent properties~~³⁰⁷, and
- 6) the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, and
- 7) the activity does not involve planting exotic trees in a mapped Outstanding Natural Character Area (refer [I Maps | Ngā mahere matawhenua](#)), and
- 8) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)).³⁰⁸

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

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

- Diversion of water incidental to the activity (s14(2)).

C.2.1.2 Excavation ~~Extraction~~ of material from rivers – permitted activity

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

- 1) the total volume ~~excavated extracted~~ from a river does not exceed 100 cubic metres in any 12 month period, and
- 2) the Regional Council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 3) there is no refuelling of equipment on any area of the river bed, and
- 4) on completion of the activity, the river bed is graded to natural contours (generally avoiding dips, humps and hollows)³⁰⁹ so that there are no barriers to water movement in the channel, and
- 5) the material is ~~excavated extracted~~ from an area of the river bed not covered by water at the time of the extraction, and
- 5A) there is no stockpiling of excavated gravel on the river bed, and³¹⁰
- 6) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream erosion of the banks of the river³¹¹ as a result of the activity, and
- 7) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)), and
- 7A) the activity does not impede existing legal public access to the river, and³¹²
- 8) the activity does not take place in an outstanding freshwater body.

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

- ~~Restrictions on certain uses of beds of lakes and rivers (s13(1)(b)).~~
- Excavating the bed of a river (s13(1)).
- Discharging water or sediment into water incidental to the activity (s15(1)).

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

~~Maintaining the free flow of water in a river or mitigating bank erosion, including minor channel realignments (within the bed of a river), temporary diversion of river flow around the activity site and clearance of debris blockages, is a permitted activity.~~ The disturbance of the bed of a river for the purpose of maintaining the free flow of water or mitigating bank erosion, and any associated diversion of water, are permitted activities, provided:

- 1) the Regional Council's monitoring manager is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and
- 2) the ~~activity does~~ activities do not exacerbate flood hazard risk on any other property, and

- 3) ~~any vegetation clearance is limited to that required to maintain the free flow of water in the water body, and~~
- 3A) the activities do not impede existing legal public access to the river, and³¹³
- 4) any removal of material or vegetation is limited to that required to maintain the free flow of water or mitigate bank erosion, and
- 5) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and
- 6) ~~the activity does~~ activities do not result in deepening or widening of the channel by more than 20 percent, and
- 7) any diversion of water, or realignment of the bed of the river is restricted to within the bank full edge of the river bed, and
- 8) there is no damage to, or restriction of the use of, authorised structures as a result of the activity, and
- 9) ~~the activity must use good practice erosion and sediment control measures~~ good management practice erosion and sediment control measures, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented, including where practicable temporary diversion of normal channel flow around the activity site, to minimise any discharge of sediment, and³¹⁴
- 10) no material or vegetation removed from the bed is allowed to re-enter, or is placed in a position where it could re-enter, a water body., ~~and~~
- 11) ~~the activity does not alter, damage or destroy a mapped~~ Historic Heritage Site (refer to 'Maps')

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

- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1) and s13(2)).~~
- ~~Restrictions relating to water (s14(3)).~~
- ~~Discharges of contaminants into environment, (s15(1)).~~
- Disturbing the bed of a river to maintain the free flow of water in a river or to mitigate bank erosion, and any incidental deposition of a substance in, on, or under the bed (s13(1)).
- Diversion of water around the activity site and any incidental damming or taking of water (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.4 Existing ~~authorised~~ structures – permitted activity

The use, ³¹⁵ repair, replacement, ³¹⁶ maintenance and or reconstruction of a structure in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, is a are permitted activities activity, provided:

- 1) Either:³¹⁷
 - a) the use of the structure is was authorised before 1 September 2017, or

- b) the erection, reconstruction, placement, or any alteration or extension of the structure, was authorised under a rule in section C.2.1 of the Plan, or
 - c) the structure was one of the following and existed at 1 September 2017:
 - i) a boat ramp or concrete slipway that is less than 15 metres in length and three metres in width, or
 - ii) a structure for the launching, retrieval or mooring of vessels in, on, under or over the bed of a river or lake is no greater than 10 square metres in area, and
- 1A) the use of the structure is not the subject of any other rule in the Plan, and
- 1B) if the structure existed before 1 September 2017 and was not authorised, the structure owner can provide clear and convincing evidence that the structure existed at 1 September 2017 if requested by the Regional Council, and³¹⁸
- 2) the activities comply with all relevant conditions of C.2.3 General conditions, and
- 3) upon completion of the activities there is no increase to the structure's footprint, length, width, and height other than that resulting from routine maintenance or repair activities, and³¹⁹
- 4) ~~it is not a reconstruction of a mapped Historic Heritage Site (refer I 'Maps'), and~~
- 5) ~~in the case of maintenance and repair of a mapped Historic Heritage Site (refer I 'Maps'), the materials used for maintenance and repair of the structure must match the existing structure in form and appearance.~~

Note: rule C.2.1.4 relating to structure dimensions, does not apply to an existing (as at 14 January 2010) National Grid line support structure. Those activities are covered by Regulation 14 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).³²⁰

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

- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a), (b) and (d)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- Use, reconstruction, maintenance or repair (forms of alteration), or replacement of a structure in, on, under, or over the bed of a lake or river, and any associated bed disturbance or incidental deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion water around the activity site during the repair, maintenance or reconstruction of a structure and any incidental ongoing damming or diversion of water around the structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

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

~~Notwithstanding any other rule in C.2.1, The maintenance and or repair of an authorised flood defence, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed including any associated earthworks or diversion and discharge of water, are is a permitted activities activity, provided:~~³²¹

- 1) ~~the maintenance and or repair does not alter the form of the existing flood defence and there is no increase in length, width, or height of the existing flood defence, other than as required to provide for the settlement of earthen stopbanks, and~~³²²
- 2) ~~the Regional Council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and~~
- 3) ~~the activity complies~~ activities comply with all relevant conditions of C.2.3 General conditions.

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

- ~~• Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).~~
- ~~• Restrictions relating to water (s14(3)).~~
- ~~• Discharge of contaminants to water (s15(1)).~~
- ~~• Maintenance or repair of an authorised flood defence (s9(2)).~~
- ~~• Maintenance or repair (forms of alteration) of a flood defence structure in, on, under, or over the bed of a lake or river, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).~~
- ~~• Damming, taking or diversion of water around the activity site during the repair, maintenance or reconstruction of a structure (14(2)).~~
- ~~• Discharge of sediment or water into water incidental to the activity (s15(1)).~~

~~C.2.1.6 Existing vessel launching and retrieval structures – permitted activity~~³²³

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

~~**The RMA activities this rule covers:** Use of the beds of lakes and rivers (s13(1)(a)).~~

- ~~• Use of the beds of lakes and rivers (s13(1)(a)).~~
- ~~• Damming and diversion (s14(1)).~~
- ~~• Discharge of contaminants to water (s15(1)).~~

~~C.2.1.7 Existing mooring structures – permitted activity~~³²⁴

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

1) ~~existed at 1 September 2017, or~~

2) ~~was authorised,~~

is a permitted activity provided:

1) ~~the activity complies~~ activities comply with [C.2.3 General conditions](#), and

2) ~~the structure is no greater than 10 square metres, and~~

3) ~~the structure owner can provide, if requested by the regional council:~~

a) ~~clear and convincing evidence that the structure existed at 1 September 2017, or~~

b) ~~a copy of the necessary approval(s) for the authorisation of the structure.~~

~~The RMA activities this rule covers:~~

• ~~Use of the beds of lakes and rivers (s13(1)(a)).~~

• ~~Damming and diversion (s14(1)).~~

• ~~Discharge of contaminants to water (s15(1)).~~

C.2.1.8 Fish passage structures – permitted activity

The ~~erection, reconstruction, placement, alteration, or extension, use and repair~~ of a fish passage structure (including the placement of rocks)³²⁵ in, on, under or over the bed of a lake or river, ~~any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are~~ is a permitted ~~activities~~ activity, provided:

1) ~~the sole purpose of the structure is to provide fish passage, and~~

2A) ~~before the start of works, the person doing the activities obtains written advice from the Regional Council or the Department of Conservation that there are no known populations of indigenous fish upstream that would be vulnerable if fish passage is provided, and³²⁶~~

2) ~~the activity complies~~ activities comply with all relevant conditions of [C.2.3 General conditions](#).

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

• ~~Deposit a substance on, use or disturb the beds of lakes and rivers (s13(1)(a, b and d)).~~

• ~~Damming and diversion (s14(1)).~~

• ~~Discharge of contaminants to water (s15(1)).~~

• Erection, reconstruction, placement, alteration or extension of a fish passage structure in, on, under, or over the bed of a lake or river (s13(1)).

• Disturbance of the bed of a lake or river or deposition of a substance in, on, or under the bed (s13(1)).

• Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of the fish passage structure (14(2)).

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

C.2.1.9 Demolition ~~and~~ or removal of existing structures – permitted activity

The ~~demolition or removal or demolition of an existing structures in, on, under, or over the bed of a lake or river, and any associated bed disturbance, are~~ is a permitted activities activity, provided:

- 1) the bed is restored to a profile that does not inhibit water flow or prevent the upstream and downstream passage of fish, and
- 2) remaining parts of the structure are not a hazard to public access, navigation or health and safety, and
- 3) ~~the structure is not a mapped [Historic Heritage Site](#) (refer), and~~⁽³⁵²⁾
- 4) prior to demolition, ~~a) impounded sediment is removed from behind the structure, as far as is reasonably practicable, and~~
 - a) ~~removed sediment is placed in a position where it cannot re-enter the water body,~~
and
- 5) ~~the activity complies~~ activities comply with all relevant conditions of [C.2.3 General conditions](#), and
- 6) where the activities will result in improved fish passage, before the start of works, the person doing the activity obtains written advice from the Regional Council or the Department of Conservation that there are no known populations of indigenous fish upstream, that would be vulnerable if the obstacle to fish passage is removed.³²⁷

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

- ~~• Structure demolition and disturbance of the beds of lakes and rivers (s13(1)(a), (b) and (d)).~~
- ~~• Damming and diversion (s14(1)).~~
- ~~• Discharge of contaminants to water (s15(1)).~~
- Removal or demolition of a structure in, on, under, or over the bed of a lake or river, and any associated bed disturbance (s13(1)).
- Damming, taking or diversion of water incidental to the activity (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.10 Construction and installation of structures – permitted activity

The ~~construction or installation-erection, reconstruction, placement, alteration, or extension of a structure in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site,~~³²⁸ and any associated bed disturbance or deposition of a substance in, on, or under the bed, are ~~is a permitted activities activity~~, provided:

- 1) ~~the activity activities,~~ including any temporary damming and diversions around work sites,³²⁹ ~~complies~~ comply with all relevant conditions of [C.2.3 General conditions](#), and

- 2) ~~the activity is~~ activities are not associated with the launching, retrieval, [mooring](#), maintenance or repair of [vessels](#), and
- 3) for **culvert crossings**:
 - a) the contributing catchment is less than 300 hectares, and
 - b) the culvert length under the crossing parallel to river flow ~~does~~ must not exceed 25 metres when necessary for a road, otherwise it must not exceed 10 metres, and
 - c) the culvert is designed such that flow velocity will not impede fish passage during normal flow conditions, and
 - d) culvert approaches and fill placed on the river or lake bed must be free of organic matter, and
 - e) the total height of the crossing crest must be:
 - i) no more than 3.5 metres above the invert level of the culvert inlet, and
 - ii) within the manufacturer's maximum height specifications for the culvert, and
 - iii) below the river bank level unless it is necessary for a road or railway line, and³³⁰
 - f) ~~at installation, the culvert invert must be located so that it is at least 100 millimetres below the bed level~~ the culvert must be either open bottomed or installed so that the base is set a minimum of 25 percent and a maximum of 50 percent of the culvert diameter below the stream bed, and³³¹
 - g) on request by the Regional Council, records of structure design and flow calculations must be made available within ~~20-10~~³³² working days of the request, and
 - h) the culvert is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) [Historic Heritage Area](#), or
 - iv) Site or Area of Significance to Tangata Whenua, and
- 4) For **single span bridges**:
 - a) piles are not located in, on or under the bed of a water body, and
 - b) the bridge, its abutments and foundations, ~~are~~ is-located so as to not decrease the bed width by more than 10 percent, and
 - c) the bridge abutments ~~or~~ and foundations are constructed parallel to ~~the channel~~ the river³³³ alignment, and
 - d) on request by the Regional Council, records of structure design and flow calculations must be provided within ~~20-10~~³³⁴ working days of the request, and
 - e) the bridge is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or

- iii) ~~Historic Heritage Area, or~~
 - iv) Site or Area of Significance to Tangata Whenua, and
- 5) For **ford crossings**:
- a) the width of the ford crossing parallel to river flow does not exceed 10 metres, and
 - b) the ~~construction activity~~ must not result in a ~~vertical drop or~~ discontinuity in the flow of water under any flow conditions, and
 - c) the ford is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) ~~Historic Heritage Area, or~~
 - iv) Site or Area of Significance to Tangata Whenua, and
- 6) For **maimai / game bird shooting shelter** structures:
- a) the structure does not exceed ~~five~~ 10 square metres, and³³⁵
- 7) for **~~cables, power electricity and telecommunication~~³³⁶ lines and pipelines**:
- a) the cable, ~~power line or pipeline, including site related structures that enable the cable, line or pipeline to function, it~~³³⁷ does not cause diversion or blockage of any river, and
 - b) the ~~installation activities do~~ does not disturb a [significant wetland](#), an [outstanding freshwater body](#), or the bed of a [continually or intermittently flowing river](#) or lake in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i) Outstanding Natural Character Area, or
 - ii) Outstanding Natural Feature, or
 - iii) ~~Historic Heritage Area, or~~
 - iv) Site or Area of Significance to Tangata Whenua, and
 - c) for any [wastewater](#) pipeline to be erected or placed ~~installed~~ on, in, over, or under the bed of a [continually or intermittently flowing river](#) or lake, the person doing the ~~activity activities~~ must notify the Regional Council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body. The notification must include:
 - i) the name, address, and phone number of the person responsible for the works, and
 - ii) the location of the structure, and
 - iii) the waste products to be piped.

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

- ~~Disturbance and deposition on to the beds of lakes and rivers (s13(1)(a), (b) and (d)).~~
- ~~Incidental damming and diversion (s14(1)).~~

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

C.2.1.11 Minor river bank protection works – permitted activity

The:

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

are ~~is a~~ permitted activities activity, provided:

- 4) the ~~activity~~ activities comply with all relevant conditions of [C.2.3 General conditions](#), and
- 5) the Regional Council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 6) the ~~activity~~ activities do not take place in an [outstanding freshwater body](#), and
- 7) the structure, or the material deposited, does not extend beyond the natural alignment of the river bank, and
- 8) concrete rubble, tyres and vehicles, or erodible material are not used for the purposes of bank protection or reinstatement, and
- 9) the person doing the activity ~~activities~~ uses good practice erosion and sediment control measures, including where practicable temporary diversion of normal channel water flow around the activity site, to minimise any discharge of sediment, and
- 10) diversion of water is restricted to within the [bank full edge of the river](#), and³³⁸
- 11) the length of the bank protection works is not more than 50 metres in length cumulatively over any 200 metre stretch of the river bank, and
- 12) the works are not in a mapped Site or Area of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)).

Note: rule [C.2.1.11](#) solely applies to river bank protection works (such as to protect the bank against scour and erosion). Any maintenance or repair of [authorised flood defences](#) is covered by rule [C.2.1.5](#).

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

- ~~• Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).~~
- ~~• Restrictions relating to water (s14(3)).~~
- ~~• Discharges of contaminants into environment, (s15(1)(a)).~~
- Placement or alteration (including repair or maintenance) of a river bank protection structure in, on, under or over the bed of a river and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the placement, or alteration (including repair or maintenance) of a structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.12 Freshwater structures – controlled activity

~~The construction or installation, erection, reconstruction, placement, alteration, or extension of a structure in, on, under, or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, that is not a permitted activity under by rule C.2.1.10 Construction and installation of structures – permitted activity, are is a controlled activities activity, provided:~~

- 1) ~~the activity is activities are~~ not in a [significant wetland](#), an [outstanding freshwater body](#) or a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - e) [Historic Heritage Area](#), ~~or~~
 - d) Site or Area of Significance to Tangata Whenua, and
- 2) the length of a culvert does not exceed 25 metres unless it passes under a local authority road, and³³⁹
- 3) the structure does not prevent indigenous fish passage, and³⁴⁰
- 4) the activities do not impede existing legal public access to the river.³⁴¹

Matters of control:

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

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

- ~~The construction or installation of a structure on to the beds of lakes and rivers (s13(1)(a, b and d)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- Erection, reconstruction, placement, alteration, or extension of a structure in, on, under, or over the bed of a lake or river and any associated bed disturbance or deposition of a substance in, on or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.13 Activities in the beds of lakes and rivers – discretionary activity

In relation to the bed of a lake or river, The following activities that are not the subject of any other rule in this Plan are discretionary activities:

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

that are not a:

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

- 10) ~~controlled activity under rule C.2.1.12 'Freshwater structures—controlled activity', or~~
11) ~~non-complying activity under rule C.2.1.15 'Structures in a significant area—non-complying activity'~~

is a discretionary activity.

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

- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1)).~~
- ~~Damming and diversion (s14(1)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- Use, erection, reconstruction, placement, alteration, or extension of a structure in, on, under, or over the bed of a lake or river, or introduce or plant any plant or any part of a plant in, on, or under the bed, or reclaim or drain the bed, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a structure and any incidental ongoing damming or diversion of water around the structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.14 New flood defence – discretionary activity

A-The:

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

are is a discretionary activities activity, provided they are it is not in an outstanding freshwater body or mapped (refer [I Maps | Ngā mahere matawhenua](#)):

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

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

- ~~Restrictions on the use of land, (s9(2)).~~
- ~~Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).~~
- ~~Restrictions relating to water (s14(2)).~~

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

C.2.1.15 Structures in a significant area – non-complying activity

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

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

~~that and is not the subject of any other rule in this Plan, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, a:~~

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

are is a non-complying activities activity.

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

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

~~C.2.1.16 Removal, demolition or replacement of a Historic Heritage Site or part of a Historic Heritage Site – non-complying activity~~

In the beds of lakes and rivers, the:

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

The RMA activities this rule covers:

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

C.2.1.17 New flood defence in significant areas – non-complying activity

A new flood defence or an addition to an existing flood defence,

The:

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

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

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

~~are is a non-complying activities activity.~~

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

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

C.2.2 Activities affecting wetlands

C.2.2.1 Wetland ~~management~~ maintenance and enhancement – permitted activity³⁴²

The ~~damage, destruction, disturbance, or removal of vegetation in a wetland~~ or deliberate introduction of a plant in a wetland ~~for the purpose of~~ wetland maintenance or wetland enhancement³⁴³ ~~in a wetland~~ are ~~is a permitted activities activity~~, provided:

- 1) the ~~damage, destruction, disturbance, or removal or control~~ is limited to exotic plants or pest species, and³⁴⁴
- 2) ~~the introduction of any introduced plant does is~~ not include a pest species, and
- 3) ~~the activity complies~~ activities comply with all relevant conditions of the C.2.3 General conditions, and
- 4) if the ~~activity is~~ activities are located in a significant wetland:
 - a) planting must be limited to indigenous species that are endemic to the area, and³⁴⁵
 - b) the Regional Council's compliance manager must be notified (in writing or by email) at least 10 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible.

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

- ~~• Restrictions on the use of land (s9(2)).~~
- ~~• Restriction on use of beds of lakes and rivers (s13(1)(b), (c) and (d)).~~
- ~~• Discharge of contaminants to water (s15(1)(a), (b) or (d))~~
- Damage, destruction or disturbance of a wetland that is not part of a bed of a lake or river or in the coastal marine area, removal of a plant in a wetland that is not part of a bed of a lake or river or in the coastal marine area, and introduction of a plant in a wetland outside of the bed of a lake or river or in the coastal marine area (s9(2)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of a bed of a lake or river, and introduction of a plant in a wetland that is part of the bed of a lake or river (s13(2)).
- Disturbance of the bed of a lake or river incidental to the activity (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.2 Structures in wetlands – permitted activity

In a wetland:

- 1) the use, ~~construction, erection, reconstruction, placement, alteration, extension, demolition~~ maintenance, use and or removal of any fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter,³⁴⁶ ~~or boardwalk structure in a wetland, and~~

2) the use and maintenance (a form of alteration) of a structure forming part of [regionally significant infrastructure](#) or [core local infrastructure](#),³⁴⁷

are is a permitted activities activity, provided:

1)3) in a [significant wetland](#):

a) any bird-watching hides, maimai, or game bird shooting structures do not exceed ~~are~~ no greater than 10 square metres in area,³⁴⁸ and³⁴⁹

b) boardwalk structures are no wider than 1.8 metres and cumulatively are no longer than 40 metres per [wetland](#), and³⁵⁰

ba) any damage, destruction, disturbance or removal of a plant or any part of a plant necessary for the use and maintenance of [core local](#) or [regionally significant infrastructure](#) is limited to an area less than 200m², and³⁵¹

c) all ~~any~~ other structure s ~~does not exceed~~ are no greater than five square metres in area, and

d) the Regional Council's compliance manager is notified (in writing or by email) at least 10 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and

2) the regional council's compliance manager is notified (in writing or by email) at least 20 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and³⁵²

3)4) the activity ~~complies~~ activities comply with all relevant conditions of the [C.2.3 General conditions](#).

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

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restriction on use of beds of lakes and rivers (s13(1)(b), (c) and (d)).~~
- ~~Discharge of contaminants to water (s15(1)(a), (b) or (d)).~~
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure in a wetland that is not part of the bed of a lake or river or in the coastal marine area (s9(2)).
- Use or maintenance (a form of alteration) of a structure forming part of regionally significant infrastructure or [core local infrastructure](#) in a wetland that is not part of the bed of a lake or river or in the coastal marine area (s9(2)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure in a wetland that is part of the bed of a lake or river or in the coastal marine area, and any incidental disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
- Use or maintenance (a form of alteration) of a structure forming part of regionally significant infrastructure or [core local infrastructure](#) in a wetland that is part of the bed of a lake or river, and any incidental disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).

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

C.2.2.3 Constructed wetland alteration – permitted activity

~~Any~~ The disturbance or alteration of the bed of a [constructed wetland](#), and construction or installation of a structure in a [constructed wetland](#), and the use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure in a [constructed wetland](#) or to form a [constructed wetland](#), are ~~is a permitted activities~~ activity provided:

- 1) ~~the activity complies~~ activities comply with all relevant conditions of the [C.2.3 General conditions](#), and
- 2) ~~the activity is not in a [significant wetland](#), and~~³⁵³
- 3) ~~it does do~~ not cause flooding or ponding on any [other property](#), and
- 4) if the [wetland](#) is reduced in size by more than 500 square metres, the Regional Council's compliance manager is notified (in writing or by email) at least 10 working days before the start of works with the timing, location and extent of the activities.

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

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

C.2.2.4 Activities in wetlands – discretionary activity

Any:

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

Any construction, alteration, disturbance or extension of a [wetland](#), that is not the subject of any other rule in this Plan:

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

are a discretionary activities activity, provided it is the activities are not undertaken in a significant wetland.

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

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

Activities relating to plants:

- Damage, destruction, disturbance, or removal of a plant in a wetland that is not part of a bed of a lake, and introduction of a plant in a wetland outside the bed of a lake or river (s9(2)).
- The introduction of any exotic or introduced plant to a wetland that is part of the coastal marine area s(12)(1)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of the coastal marine area (s12(3)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of a bed of a lake or river, and introduction of a plant in a wetland that is part of the bed of a lake or river (s13(2)).

Activities relating to structures:

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

Use of a structure in a wetland in the coastal marine area (s12(3)).

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

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

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

The construction, alteration, disturbance or extension of a [wetland](#) that is not a discretionary activity under rule C.2.2.4 'Activities in [wetland](#)—discretionary activity', is a non-complying activity.

The:

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

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

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

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

Activities relating to plants:

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

Activities relating to structures:

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

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

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

C.2.3 General conditions

General conditions apply ~~for to~~ activities when referred to in the rules of Section C.2.1, C.2.2 or C.3.1 in rivers, lakes and wetlands that apply when specified in a permitted or controlled activity rule.

River, lake or wetland disturbance

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

Sediment discharges

- 1) Discharge of contaminants must comply with the following conditions:
 - a) ~~the activity~~ activities must release no contaminants into water, other than sediment or organic matter, and
 - b) bed disturbance must not occur for more than five consecutive days, and
 - c) ~~elevated sediment discharge levels must not occur for longer than 12 hours per day, and~~
 - d) ~~after beyond~~ the zone of reasonable mixing, the discharge must not give rise to any conspicuous change in the colour or visual clarity, ~~and or significant adverse effects on aquatic life, after whichever of the following mixing zones is the least:~~
 - i) ~~a distance 200 metres downstream of the point of discharge if the bed width of the surface water body is greater than 30 metres at the point of discharge, or~~
 - ii) ~~a distance equal to seven times the bed width of the surface water body, but which shall not be less than 50 metres, or~~
 - iii) ~~the distance downstream at which mixing of contaminants has occurred across the full width of the surface water body, but which must not be less than 50 metres, or~~
 - iv) ~~in relation to lakes, a distance 20 metres from the point of discharge.~~³⁵⁴
 - e) any conspicuous change in the colour or visual clarity within the zone of reasonable mixing must not occur for longer than 12 hours per day.

Excavated material

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

Vehicles, vessels and equipment in water bodies

- 3) All vehicles, vessels and equipment must be kept out of flowing or standing water bodies, except where it is necessary for the purpose of the activity, and then:
 - a) machinery must be clean and leak free, and
 - b) the extent and duration of any disturbance is minimised, ~~and~~
- 4) All equipment and excess materials must be removed from the bed of the water body ~~within five working days of the on~~ completion of the activity.³⁵⁵

Avoiding pest introduction

- 5) ~~Cleaning of and/or other procedures must be used to prevent the spread or introduction of any pest.~~ All plant, machinery, equipment or material operating or used in a water body, must be free of plant contaminants, seeds or vegetative material, which is capable of germinating or reproducing pest species.³⁵⁶

River alignment and flooding effects

- 6) The ~~activity~~ activities must not:
- a) ~~alter the natural gradient of the river or physical characteristics of the bed or the alignment beyond the bed of the river, or~~
 - b) cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream, or
 - c) compromise the structural integrity or use of any other **authorised** structure or activity in the bed of the river or lake, or
 - d) **dam** or divert water in a way that causes flooding or ponding on any **other property**,
and
- 6A) Any dammed water must not raise sub-surface or **surface water** levels to the extent that drainage of **other property** is adversely impeded.

Natural wetlands³⁵⁷

- 7) The ~~activity~~ activities must not cause change to the seasonal or annual range in water level of any **natural wetland**³⁵⁸ to an extent that may adversely affect the **wetland's** natural ecosystem,
and
- 8) The vegetation and the bed of any **natural wetland** ~~are~~ is not disturbed to a depth or an extent greater than that required to give effect to the permitted ~~activity~~ activities.

Indigenous vegetation disturbance or removal

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

Fuel storage and refuelling

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

Fresh water structures

Erosion and sediment discharges associated with a structure

- 12) The presence of the structure must not cause ~~or induce scour erosion of the bed, or erosion or instability of the banks, of the water body, or create associated sedimentation, and~~ more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream.

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

Structure durability, maintenance and off-site effect avoidance

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

*Note: for good design practice and advice on dams, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD.*³⁵⁹

~~Waste water pipes~~

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

Fish passage

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

in continually or [intermittently flowing rivers](#) must be provided for and be effective under a wide range of flow conditions and, excluding soft bottom rivers, river bed material must be maintained throughout the full length of any culvert, ford and bridge structures, except:

- a) where the statutory fisheries manager provides written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or
- b) during permitted temporary activities such as works to enable structure repair and replacement, or
- c) when otherwise provided for by an existing design and authorisation.³⁶⁰

Note: advice on the potential [pest](#) fish populations located downstream of the structure can be obtained from Regional Council, the Department of Conservation, or the Northland Fish and Game Council.³⁶¹

Construction activity controls

- 23) Construction material and ancillary structures must be removed from the bed following completion of the ~~activity~~ activities, or earlier if reasonably practicable,³⁶² ~~and~~
- 24) The contact of wet concrete or concrete ingredients with flowing or standing water must be avoided.

Notifying the Regional Council

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

Temporary flow diversion around work sites

- 26) The temporary damming, ~~and diverting or pumping~~ of river flow around work sites in the bed of a water body must:
 - a) only be undertaken ~~constructed and in place~~ during a period of low flow when there is a low risk of flooding, and
 - b) not cause more than minor impediment to flood flows, and

- c) ~~when damming, have a [dam height](#) be no greater than 600 millimetres above the bed of the water body, and~~
- ca) when pumping, use a fish screen with the intake screen mesh spacing not greater than three millimetres, and³⁶³
- d) be removed or discontinued as soon as practicable and the bed of the water body returned to its original condition no later than 14 days from commencement of the activity.

Historic Heritage

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

C.3 Damming and diverting water

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

Notes:

- (i) *The Department of Conservation must be notified of the intention to erect or place any structure likely to impede fish passage. This includes, culverts, fords, [dam](#) or diversion structures (Part VI of the Freshwater Fisheries Regulations 1983).*³⁶⁴
- (ii) *For good design practice and advice on [dams](#), reference should be made to the New Zealand [Dam Safety Guidelines, 2015 – NZSOLD.](#)*³⁶⁵
- (iii) *The rules in this section do not apply to damming and diversion provided for in the rules in [C.2.1 Activities in the beds of lakes and rivers](#), [C.2.2 Activities affecting wetlands](#) and [C.4.1 Land drainage and flood control](#)*

C.3.1 Damming and diverting water

Rule	Page
C.3.1.1 Off-stream damming and diversion – permitted activity	
C.3.1.2 Small dam - permitted activity	
C.3.1.3 Existing in-stream dam – permitted activity	
C.3.1.4 Dam maintenance - permitted activity	
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C.3.1.9 Damming or diversion of water in a significant wetland or significant area – non-complying activity	

C.3.1 Damming and diverting water

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

~~The damming and or³⁶⁶ diversion of rainfall runoff, including in sediment ponds and [stormwater detention structures](#),³⁶⁷ or [water in an artificial watercourse](#)³⁶⁸ are is a permitted activities activity, provided:~~

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

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

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

C.3.1.2 Small dam – permitted activity

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

- 1) ~~the activity activities are~~ is necessary for:
 - a) the creation or enhancement of a [wetland](#), or
 - b) hydrological monitoring, or
 - c) stock drinking where [livestock](#) are excluded from entering the lake, continually or intermittently flowing river or [wetland](#), and
- 2) ~~the activity is activities are~~ not in a [significant wetland](#) or an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - e) [Historic Heritage Area](#), or
 - d) Site or Area of Significance to Tangata Whenua, and
- 3) the width of ~~the a~~ continually or intermittently flowing river bed where the [dam](#) is located does not exceed three metres, and
- 4) the [dam height](#) does not exceed 600 millimetres above the [natural bed level](#)³⁶⁹ of the water body, and
- 5) a hydrological monitoring [dam](#), must not be in place longer than 14 days in any two-month period, and
- 6) ~~the dammed water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and~~
- 7) ~~the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and~~
- 8) the level of a lake or downstream flow in a continually or intermittently flowing river is not reduced below a [minimum flow](#) or [minimum level](#) as a result of the [dam](#), and
- 9) the person undertaking the ~~activity activities~~ must notify the Regional Council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, with:
 - a) timing, location and extent of the activities, and
 - b) a description of measures to avoid erosion, structure failure and obstruction of fish passage, and
 - c) for [wetland enhancement](#), details identifying the values being enhanced, and³⁷⁰
- 10) ~~the activity complies activities comply with~~ all relevant conditions of [C.2.3 General conditions](#).

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

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

C.3.1.3 Existing in-stream dam – permitted activity

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

- 1) the damming or diversion ~~is was~~ authorised, and
- 2) the reservoir capacity is:
 - a) less than 20,000 cubic metres, and the dam height is less than four metres,³⁷¹ or
 - b) is necessary for maintaining the wetland's natural ecosystem and not associated with any consented water take, and
- 3) ~~the dam height is less than four metres, and~~³⁷²
- 4) ~~the dammed water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and~~
- 5) ~~the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and~~
- 6) the level of a lake or downstream flow in a continually or intermittently flowing river is not reduced below a minimum flow or minimum level as a result of the dam, and
- 7) the dam structure complies with all relevant conditions of C.2.3 General conditions.

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

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

- Discharge of sediment or water into water incidental to the use of a dam (s15(1)).

C.3.1.4 Dam maintenance – permitted activity

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

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

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

- ~~Restriction on use of beds of lakes and rivers (s13(1)).~~
- ~~Restrictions relating to damming or diverting water (s14(2)).~~
- ~~Discharge of contaminants to water (s15(1)).~~
- The maintenance or repair (forms of alteration) of a [dam](#) in, on, under, or over the bed of a lake or river and any associated disturbance of the bed of a river or lake and deposition of any substance in, on, or under the bed of a river or lake (s13(1)).
- Damming and diversion of water associated with the maintenance or repair of a [dam](#) (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the maintenance or repair of a [dam](#), or disturbance of the bed or any deposition of a substance on the bed (s15(1)).
- Discharge sediment or water onto land incidental to the maintenance or repair of a [dam](#), or disturbance of the bed or any deposition of a substance on the bed (s15(2A)).

C.3.1.5 Existing in-stream large dams – controlled activity³⁷³

The use of an existing [dam](#) in a lake, river or [natural wetland](#) and the associated damming and diversion of water that ~~is~~ are not a permitted ~~activities-activity~~ activity under [C.3.1.3 Existing in-stream dam – permitted activity](#), ~~are~~ is a controlled ~~activities-activity~~ activity provided:

- 1) ~~if~~ the dam is [authorised](#), and
- 2) ~~the dammed water does not raise sub-surface or~~ surface water levels to the extent that drainage of [other property](#) is adversely impeded, and

- 3) ~~the activity does not change the natural seasonal water levels of any [natural wetland](#) that would result in the net loss or degradation of indigenous [wetland](#) vegetation, and~~
- 4) ~~the level of a lake or downstream flow in a [continually or intermittently flowing river](#) is not reduced below a [minimum flow](#) or [minimum level](#) as a result of the [dam](#), and~~
- 5) ~~the activity complies~~ activities comply with all relevant conditions of [C.2.3 General conditions](#).

Matters of control:

- 1) Minimum and flushing flows.
- 2) Provision for fish passage.
- 3) Effects on water quality.
- 4) Effects on a site or area of significance to Tangata Whenua.
- 5) ~~The adequacy~~ structural integrity of the [dam](#) structure and any upgrade works or maintenance required, ~~and~~
- 6) Effects on aquatic ecosystem health³⁷⁴.

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

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

C.3.1.6 River channel³⁷⁵ diversion – discretionary activity

The diversion of the bed of water in a river and any associated disturbance of the bed or deposition of material on the bed, that is not the subject of any other rule in this Plan:

- 1) ~~permitted activity under C.2.1.3 ‘Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity’, or~~
- 2) ~~permitted activity under C.2.1.10 ‘Construction and installation of structures – permitted activity’, or~~
- 3) ~~permitted activity under C.2.1.11 ‘Minor river bank protection works – permitted activity’, or~~
- 4) ~~permitted activity under C.2.1.12 ‘Freshwater structures – controlled activity’,~~
are is a discretionary activities activity, provided it is not in a [significant wetland](#), an [outstanding freshwater body](#), or a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
- 5) [Historic Heritage Area](#), or
- 6) Outstanding Natural Character Area, or

- 7) Outstanding Natural Feature, or
- 8) Site or Area of Significance to Tangata Whenua.

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

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

C.3.1.7 Damming or diverting water – discretionary activity

The use, erection, reconstruction, placement, alteration or extension of a dam in the bed of any river, lake or natural wetland, any associated disturbance of the bed of a river or lake and deposition of material on the bed, and the associated damming and diversion of water that is not the subject of any other rule in this Plan:

- 1) ~~permitted activity under rule C.3.2 ‘Small dam – permitted activity’, or~~
- 2) ~~permitted activity under rule C.3.4 ‘Dam maintenance – permitted activity’, or~~
- 3) ~~permitted activity under rule C.3.5 ‘Existing in-stream large dams – controlled activity, or~~
- 4) ~~non-complying activity under rule C.3.9 ‘Damming or diversion of water in a significant wetland or significant area – non-complying activity’~~

are is a discretionary activities activity.

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

- ~~Restrictions relating to the damming or diversion of water (s14(2)).~~
- ~~Discharges of contaminants into environment, (s15(1)(a)).~~
- Use, erection, reconstruction, placement, alteration or extension of a dam in a natural wetland that is not part of the bed of a lake or river (s9(2)).
- Use, erection, reconstruction, placement, alteration or extension of a dam in, on, under or over the bed of a lake or river, and any associated disturbance of the bed of a river or lake and deposition of any substance in, on, or under the bed of a river or lake (s13(1)).
- Damming and diversion of water associated with the dam (s14(2)).

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

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

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

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

- ~~Restrictions on the use of land, (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharges of contaminants into environment, (s15(1)(a)).~~
- Placement of an [obstruction](#) (including a [structure](#)) in a [flood hazard area](#) (including a [high-risk flood hazard area](#)), an [overland flow path](#), or an [artificial watercourse](#) that will, or is likely to, divert water onto [other property](#) (s9(2)).
- Placement of an [obstruction](#) (including a [structure](#)) or deposition of an obstruction in, on, or under the bed of a [river](#) that will, or is likely to, divert water onto [other property](#) (s13(1)).
- Damming and diversion of water within a [flood hazard area](#) (including a [high-risk flood hazard area](#)), an [overland flow path](#), a [river](#), or an [artificial watercourse](#) (s14(2)).

C.3.1.9 Damming or diversion of water in a significant wetland or significant³⁷⁶ area – non-complying activity

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

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

that is not a permitted activity in section [C.3.1](#) of this Plan:

- 5) ~~permitted activity under rule C.3.1 ‘[Off-stream damming and diversion – permitted activity](#)’, or~~
- 6) ~~permitted activity under rule C.3.2 ‘[Small dam – permitted activity](#)’, or~~

- 7) ~~permitted activity under rule C.3.4 'Dam maintenance — permitted activity', or~~
8) ~~permitted activity under rule C.3.5 'Existing in-stream large dams — controlled activity, or~~
is a non-complying activity.

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

- ~~Restrictions relating to water (s14(2)).~~
- Use, erection, reconstruction, placement, alteration or extension of a dam in, on, under, or over the bed of a natural wetland that is not part of the bed of a lake or river, and any associated disturbance of the bed or deposition of any substance in, on, or under the bed (s9(2)).
- Use, erection, reconstruction, placement, alteration or extension of a dam in, on, under, or over the bed of a lake or river, and any associated disturbance of the bed or deposition of any substance in, on, or under the bed (s13(1)).
- Damming and diversion of water associated with the dam (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the use, erection, reconstruction, placement, alteration or extension of a dam, the damming and diversion of water, or the disturbance of the bed or deposition of material on the bed (s15(1)).
- Discharge sediment or water onto land incidental to the use, erection, reconstruction, placement, alteration or extension of a dam, the damming and diversion of water, or disturbance of the bed or deposition of material on the bed (s15(2A)).

C.4 Land drainage and flood control

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

C.4.1 Land drainage and flood control

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C.4.1.3 Repair and maintenance of a stopbank; <u>or</u> floodgate or drain – permitted activity	
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C.4.1.4 Re-consenting flood control schemes – controlled activity	
C.4.1.5 Land <u>Existing land</u> drainage schemes– controlled activity	
C.4.1.6 Other land drainage and flood control activities – discretionary activity	
C.4.1.7 Activities affecting flood control schemes - discretionary activity	
C.4.1.8 Land drainage and flood control general conditions	

C.4.1 Land drainage and flood control

C.4.1.1 Land drainage – permitted activity

~~A drain and the associated discharge of drainage water are~~ The damming, diversion and discharge of water associated with land drainage ~~is a permitted activities activity,~~ provided:

- 1) the activity complies with ~~the all~~ relevant conditions of C.4.1.8 Land drainage and flood control general conditions, and
- 2) any resulting land subsidence or slumping does not cause adverse effects on structures or infrastructure on other property, and
- 3) the discharge is ~~to in or from~~ in or from the same catchment ~~as that to which~~ in which the water would naturally flow, and
- 4) ~~a new drains are~~ is not constructed within 15 metres of an existing wastewater disposal area.

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

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

C.4.1.2 Existing authorised stopbanks – permitted activity

The damming and diversion of water by a stopbank, and the use of a stopbank in the bed of a lake or river where the stopbank was authorised before the notification date of this Plan ~~are~~ is a permitted ~~activities~~ activity, provided:

- 1) the activity complies with ~~the all~~ relevant conditions of C.4.1.8 Land drainage and flood control general conditions, and
- 2) The owner or person responsible for the stopbank ~~owner~~ can provide, if requested by the Regional Council, a copy of the approval(s) for the authorisation of the stopbank.

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

- ~~• Restriction on use of beds of lakes and rivers (s13(1)).~~
- ~~• Restrictions relating to damming or diverting water (s14(2)(a)).~~
- ~~• Discharge of contaminants to water (s15(1)).~~

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

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

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

- 1) the activity complies with ~~the~~ all relevant conditions [C.4.1.8 Land drainage and flood control general conditions](#), and
- 2) there is no increase to the length, width or height of the original stopbank, or floodgate or drain, other than as required to provide for the settlement of earthen stopbanks, and³⁷⁷
- 3) the Regional Council's compliance manager is given at least 10 working days' notice (in writing or by email), ~~outlining~~ of the details of the proposed works.

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

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

C.4.1.3A Repair, maintenance and clearance of a drain – permitted activity³⁷⁸

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

- 1) the activity complies with all relevant conditions of [C.4.1.8 Land drainage and flood control general conditions](#), and
- 2) there is no increase to the length or width of the original drain, and
- 3) drain clearance activities are undertaken in an upstream to downstream direction.³⁷⁹

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

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

C.4.1.4 Re-consenting flood control schemes – controlled activity

~~The re-consenting of a~~ An application for a resource consent that will replace a resource consent that authorises the use of a flood control scheme involving an activity described in sections 13, 14 and 15 of the Act is a controlled activity, provided:

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

Matters of control:

- 1) The management of flooding effects.
- 2) Effects on tangata whenua and their [taonga](#).
- 3) Fish passage.
- 4) The [zone of reasonable mixing](#) for any [discharge](#).
- 5) Effects on in-stream habitat and freshwater fish (excluding [pest](#) species).³⁸⁰

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

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

C.4.1.5 ~~Land~~ Existing land drainage schemes – controlled activity

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

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

~~which is that are~~ not a:

- 4) permitted activity under rule [C.4.1.2 Existing authorised stopbanks – permitted activity](#), or
- 5) permitted activity under rule [C.4.1.3 Repair and maintenance of a stopbank, or floodgate or drain – permitted activity](#), or
- 5A) permitted activity under rule [C.4.1.3A Repair, maintenance and clearance of a drain - permitted activity](#),

~~is~~ are controlled ~~activities~~ activity provided:

- 6) the work is carried out by a local authority or group of land owners who have assumed control of the scheme pursuant to Sections 517A to 517ZM of the Local Government Act 1974.
- 7) ~~the activity complies with the land drainage and flood control general conditions C.4.8 'Land drainage and flood control general conditions'~~.

Matters of control:

- 1) The management of drainage and flooding effects.
- 2) The adequacy of proposed measures to prevent land subsidence, land slumping and erosion of land and the beds and or banks of water bodies.
- 3) Effects on the water quality as a result of the drainage water discharge and the size and zone of reasonable mixing for any discharge.
- 4) Any necessary staging of works.
- 5) Effects on tangata whenua and their taonga.
- 6) Fish passage.³⁸¹
- 7) Effects on any natural wetlands.
- 8) Effects on ~~indigenous~~ freshwater fish (excluding pest species) and in particular eels.³⁸²

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

- ~~• Restrictions on the use of land (s9(2)).~~
- ~~• Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).~~
- ~~• Restrictions relating to water (s14(2)(a)).~~

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

C.4.1.6 Other land drainage and flood control activities – discretionary activity

Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes), including:

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

that ~~are is~~ not a permitted activity, controlled activity or a discretionary activity in section C.4.1 of this Plan:

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

are is a discretionary activities activity.

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

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).~~
- ~~Restrictions relating to water (s14(2)(a)).~~FF
- ~~Discharge of contaminants into water (s15)(1)(a)).~~
- Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes) (s9(2)).

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

C.4.1.7 Activities affecting flood control schemes – discretionary activity

The following activities within a Regional Council flood control scheme (refer [I Maps | Ngā mahere matawhenua](#)), which that are not a permitted activity under rule [C.2.1.11 Minor river bank protection works – permitted activity](#), are is a discretionary activities-activity:

- 1) the erection of a structure in, on, or under the bed of any continually or [intermittently flowing river](#), or within 10 metres of the bed, and
- 2) excavation, drilling, tunnelling or other disturbance activity within the bed of a continually or [intermittently flowing river](#), or within 10 metres from a flood defence that is likely to impact on the functional integrity of a flood defence, and
- 3) land disturbance activity within 10 metres of a flood defence that impedes access required for maintenance of a flood control scheme.

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

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

C.4.1.8 Land drainage and flood control general conditions

General conditions apply for to [land drainage](#) and flood control activities, that apply when specified in a permitted or controlled activity rule: when referred to in the rules of Section [C.4.1](#).

Note: work affecting [archaeological sites](#) is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with a project could modify, damage or destroy any [archaeological site\(s\)](#), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully.³⁸³

- 1) ~~€~~There is no adverse flooding, erosion or over-drainage effects on other property, and

- 2) ~~£~~The activity does not alter the course or bed of a lake or continually or intermittently flowing river,³⁸⁴ and
- 3) ~~the activity does not alter, damage or destroy a Historic Heritage Site, and~~
- 4) ~~£~~New land drainage does not occur within 50 metres of any natural wetland,³⁸⁴ and
- 5) ~~£~~Drainage does not cause any change to the seasonal or annual range in water level of a natural wetland to an extent that may adversely affect the wetland's natural ecosystem,³⁸⁴ and
- 6) ~~£~~No vegetation, soil or other debris generated from the activity is placed in a position where it may be carried into a river or natural wetland, lake or the coastal marine area,³⁸⁴ and
- 7) ~~£~~There is no damage to a flood defence or any other authorised structure,³⁸⁴ and
- 8) ~~indigenous~~ Fish passage is maintained, unless an existing authorisation provides otherwise, or ~~except for during~~ temporary works to enable repair and replacement works ~~is~~ are being ~~to be~~ carried out,³⁸⁴ and
- 9) ~~£~~Eels, and other indigenous fish (other than pest fish), kōura (freshwater crayfish) and kākahi (freshwater mussels) unintentionally removed during mechanical clearing of drainage channels are returned to the drainage channel as soon as practicable, but no later than one hour after their removal,³⁸⁵ and
- 10) ~~£~~Refuelling of machinery does not take place in the bed of a river or lake,³⁸⁴ and
- 11) ~~any discharge of drainage water does not contain concentrations of contaminants which have or are likely to have significant adverse effects on aquatic life in any river, wetland, or the coastal marine area, and~~³⁸⁶
- 12) ~~£~~Where a discharge from land drainage enters an outstanding freshwater body or the coastal water marine area, at or beyond the zone of reasonable mixing, a 10-metre radius from the discharge point, the discharge does not:
 - a) result in any conspicuous oil or grease films, scums or foams, or floatable or suspended material except where caused by natural events in the receiving water, and
 - b) cause the pH of the receiving water to fall outside the range of 6.5 to 9.0 (except where caused by natural events, or when natural background levels fall outside that range), and
 - c) cause any emission of objectionable odour in the receiving water, and
 - d) cause any conspicuous change in colour, or ~~reduction in~~ visual clarity of the receiving water, and
 - e) cause the natural temperature of the receiving water body to be changed by more than three degrees Celsius,³⁸⁴ and
- 13) ~~£~~Any discharge of sediment associated with repair and maintenance activities does not occur for more than five consecutive days, ~~or~~ and must not occur for more than 12 hours on any one day ~~within those five days, and there is no:~~
 - a) ~~conspicuous change in colour, or~~
 - b) ~~reduction in visual clarity after reasonable mixing at any time from 24 hours after completion of the activity.~~³⁸⁷

C.5 Taking and use of ~~using~~ water

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

C.5.1 Taking and use of ~~freshwater~~

Rule	Page
C.5.1.1 Minor takes – permitted activity	
C.5.1.1A Taking and use of coastal water - permitted activity	
C.5.1.2 Temporary take for road construction or maintenance - permitted activity	
C.5.1.3 Water take from an off-stream dam – permitted activity	
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C.5.1.7 Takes existing at the notification date of the plan - controlled activity	
C.5.1.8 Supplementary High flow allocation - restricted discretionary activity	
C.5.1.9 Takes existing at the notification date of this <u>Plan</u> - discretionary activity	
C.5.1.10 Other water takes – discretionary activity	
C.5.1.11 Water take below a minimum flow or water level - non-complying activity	
C.5.1.12 Water take that will exceed an allocation limit - non-complying activity	
C.5.1.13 Water takes that will exceed an allocation limit – prohibited activity	

C.5.1 Taking and use of freshwater

Note:

~~Section 14(3)(b) of the Resource Management Act 1991 allows fresh water to be taken or used for a person's reasonable domestic needs or the reasonable needs of a person's animals for drinking water without a resource consent provided the taking or use does not, or is not likely to, have an adverse effect on the environment.~~

Section 14(3) of the RMA states that a person is not prohibited from taking, using damming or diverting any water, heat, or energy if:

- in the case of fresh water, the water, heat or energy is required to be taken and used for a person's reasonable domestic needs or the reasonable needs of a person's animals for drinking water, provided the taking or use does not, or is not likely to, have an adverse effect on the environment (RMA s14(3)(b)), or
- in the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Māori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment (RMA s14(3)(c)), or
- in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment (RMA s14(3)(d)), or
- the water is required to be taken or used for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017 (RMA s14(3)(e)).³⁸⁸

The following rules do not apply to the taking and use of water that is done in accordance with sections 14(3)(b) - (e) of the RMA:

- Catchment specific rule [E.3.1.2 Water takes from Lake Waiporohita - discretionary activity](#) applies to Section 14(3)(b) takes and prevails over the more permissive rules in this section.
- Catchment specific rule [E.3.2.1 Water takes from a lake in the Poutō catchment - permitted activity](#) applies to the taking and use of water and prevails over Rule [C.5.1.11 Water take below a minimum flow or water level - non-complying activity](#).

C.5.1.1 Minor takes – permitted activity

The taking and use of water, and in the case of geothermal water any associated heat and energy,³⁸⁹ from a river, lake or aquifer is a permitted activity, provided:

- 1) the take is not from a [coastal aquifer](#),³⁹⁰ or [outstanding freshwater body](#)³⁹¹ fully allocated river or aquifer,³⁹² unless the take and use was authorised at 1 September 2017, and
- 2) the total daily take per property from all sources does not exceed:
 - a) one cubic metre from a [coastal aquifer](#), or
 - b) from other water bodies:
 - a) 10 cubic metres, or
 - b) 30 cubic metres for the purposes of dairy shed wash down and milk cooling water, and³⁹³

- ii) ~~200 litres per hectare, up to a maximum of 20 cubic metres, and~~³⁹⁴
- 3) ~~the water is not taken when:~~
- a) ~~the flow in a river is below a minimum flow,~~
 - b) ~~or water level in a lake is below a minimum level, and~~³⁹⁵
- 4) ~~the take does not exceed an allocation limit, and~~³⁹⁶
- 3) the rate of take from a river does not exceed 30 percent of the instantaneous flow at the point and time of the take, and³⁹⁷
- 4) the maximum rate of geothermal heat take (without taking water) does not exceed 7500 megajoules per day, and³⁹⁸
- 5) the take does not cause any change to the seasonal or annual level of any natural wetland, and
- 6) the take does not adversely affect the reliability of any existing authorised take, and
- 7) for a surface water takes, the water intake structure is designed, constructed, operated and maintained so that:
- a) the maximum water velocity into the entry point of the intake structure is not greater than 0.3-0.12³⁹⁹ metres per second, and
 - b) ~~for if the takes is from a coastal rivers or, outstanding rivers or lake, the intake structure has a fish screen with the intake screen mesh spacing is not greater than 1.5 millimetres, or~~
 - c) ~~for if the takes is from a small rivers or large rivers, the intake structure screen has a fish screen with~~ mesh spacing is not greater than three millimetres, and
- 8) ~~the any~~ reticulation system and its components are maintained to minimise leakage and wastage, and
- 9) at the written request of the Regional Council, the water user provides the Regional Council with the following information:
- a) the location of the water take, and
 - b) the daily volume of the water taken and the maximum daily rate of take, and
 - c) the purpose for which the water is used or is proposed to be used, and
- 10) at the written request of the Regional Council, a water meter(s) is installed at the location(s) specified in the request and water use records are provided to the Regional Council in a format and at the frequency specified in the request.

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

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

C.5.1.1A Taking and use of coastal water – permitted activity

The taking and use of coastal water other than open coastal water is a permitted activity.⁴⁰⁰

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

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

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

C.5.1.2 Temporary take for road construction or maintenance – permitted activity

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

- 1) the take is not from an **outstanding freshwater body** or a dune lake, and
- 2) the total daily take does not exceed 150 cubic metres per day or 450 cubic metres over any consecutive five-day period, and
- 3) the take does not adversely affect the reliability of any **authorised** take, and
- 4) the instantaneous rate of taking does not reduce the flow in the river by more than 20 percent of its flow at the time the water is being taken, and
- 5) ~~water is not taken when the flow in a river or water level in a lake is below a **minimum flow** or **minimum level**, and~~
- 6) the water intake structure is designed, constructed, operated and maintained so that:
 - a) the maximum water velocity into the entry point of the intake structure is not greater than ~~0.3~~ **0.12**⁴⁰¹ metres per second, and
 - b) ~~for a takes from a **coastal rivers**, or **outstanding rivers** or lake, the intake screen has a fish screen with mesh spacing is not greater than 1.5 millimetres, or~~
 - c) ~~for a takes from a **small rivers** or **large rivers**, the intake screen has a fish screen with mesh spacing is not greater than three millimetres, and~~
- 7) the Regional Council's compliance manager is given notice (in writing or by email) of the location, time and duration of the take at least 24 hours before the activity commences.

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

- ~~Restrictions relating to water (s14(2)).~~
- Taking and use of water from a river or lake for road construction, road dust suppression or road maintenance purposes (s14(2)).

C.5.1.3 Water take from an off-stream dam – permitted activity

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

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

- ~~• Restrictions relating to water (s14(2)).~~
- Taking and use of fresh water from an [off-stream dam](#) (s14(2)).

C.5.1.4 Water take from an artificial watercourse – permitted activity

The taking and use of water from an [artificial watercourse](#) is a permitted activity, provided:

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

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

- ~~• Restrictions relating to water (s14(2)).~~
- Taking and use of fresh water from an [artificial watercourse](#) (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 is a permitted activity, provided:

- 1) ~~if~~ if the take is from a [coastal aquifer](#):
 - a) the site of the [bore](#) or ground [dewatering](#) does not occur within 200 metres of mean high water springs, and
 - b) the daily volume of the water taken does not exceed 100 cubic metres per day, and
 - c) the activity is completed within seven days of its commencement, or
- 1A) if the take is from the [Aupōuri aquifer management unit](#):
 - a) the activity is completed within seven days of its commencement for takes up to 1000 cubic metres per day, or
 - b) the activity is completed within three days of its commencement for takes up to 2500 cubic metres per day, or⁴⁰²

- 2) ~~in other areas, if the take is in another area,~~ the activity is completed within seven days of its commencement and the average rate of take does not exceed 1000 cubic metres per day, ~~and or~~
- 2A) if the activity is [dewatering](#) for construction, installation or maintenance of underground equipment or foundations where the sides of the excavation are sheet piled or boxed to stem the lateral flow, the activity is completed within 10 days of its commencement, and⁴⁰³
- 3) the activity does not adversely affect the reliability of water supply of an [authorised](#) water take, and
- 4) the activity is not in a [natural wetland](#) or does not cause any permanent change to water levels in any [natural wetland](#), and
- 5) any resulting ground settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

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

- ~~Restrictions relating to water (s14(2)).~~
- Taking and use of groundwater associated with [bore](#) development, [bore](#) testing, or [dewatering](#) by pumping (s14(2)).

Note: any discharge associated with the take and use of groundwater for [bore](#) development, [bore](#) testing or [dewatering](#) by pumping may be permitted by Rule [C.6.9.5](#).

C.5.1.5A Water takes associated with existing quarry and mine site dewatering – controlled activity⁴⁰⁴

The taking of water by [dewatering](#) an existing quarry or mine site, including ground [dewatering](#) by way of existing drainage sumps, which does not draw water from a [coastal aquifer](#) is a controlled activity.⁴⁰⁵

Matters of control

- 1) The timing, rate and volume of the take.
- 2) The location and design of [dewatering](#) wells.
- 3) Extent of [dewatering](#).
- 4) Mitigation measures.

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

- Taking, diversion and use of fresh water from an existing quarry or mine site which does not draw water from a [coastal aquifer](#) (s14(2)).

Note: any discharge associated with the take may be permitted by Rule [C.6.9.5](#).

C.5.1.6 Replacement water permits for registered drinking water supplies – controlled activity

An application for a ~~new~~ resource consent to take and use water from a river, lake or aquifer that will replace an existing resource consent for a [registered drinking water supply](#) for the health needs of people is a controlled activity, provided:

- 1) the existing water take and use is [authorised](#) at the time of the resource consent application, and
- 2) there is no increase in the rate or volume of the take.

Matters of control:

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

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

- ~~• Restrictions relating to water (s14(2)).~~
- Taking and use of fresh water for a [registered drinking water supply](#) from a river, lake or aquifer (s14(2)).

C.5.1.7 Takes existing at the notification date of the plan – controlled activity

The taking and use of water from a river, lake or aquifer that existed ~~but was not authorised~~⁴⁰⁶ at the notification date of this Plan, and the total daily volume per [property](#) taken from all sources exceeds a volume in Condition 2 of [C.5.1.1 Minor takes – permitted activity](#), is a controlled activity, provided:

- 1) the total daily volume from all sources does not exceed 50 cubic metres per [property](#) per day, and
- 2) the take does not cause any change to the seasonal or annual level of any [natural wetland](#), and
- 3) ~~for [surface water](#) takes, the water intake structure is designed, constructed, operated and maintained so that:~~

- a) ~~the maximum water velocity into the entry point of the intake structure is not greater than 0.3 metres per second, and~~
- b) ~~the intake screen mesh spacing is not greater than 1.5 millimetres, and~~
- 4) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and
- 5) the application contains evidence that the take existed at the notification date of the Plan.

Matters of control:

- 1) The timing, rate and volume of the take, including restrictions on abstraction required to give effect to the [minimum flows](#) set in 'H.6 Environmental flows and levels'.⁴⁰⁷
- 2) The design, location and maintenance of the intake structure to minimise adverse effects on fish species. Measures to avoid, remedy or mitigate effects on:⁴⁰⁸
 - a) ~~aquatic ecosystems and species, and~~
 - b) ~~[mahinga kai](#) and access to [mahinga kai](#), and~~
 - c) ~~indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and~~
 - d) ~~[wāhi tapu](#), and~~⁴⁰⁹
 - e) ~~mapped Sites and Areas of Significance to Tangata Whenua (refer to 'Maps | Ngā mahere matawhenua')~~.
- 3) Measures to ensure the reasonable and efficient use of water, including ensuring consistency with industry good practice.⁴¹⁰
- 4) Effects on the identified values of mapped Sites and Areas of Significance to Tangata Whenua (refer to [Maps | Ngā mahere matawhenua](#)).

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

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

C.5.1.8 ~~Supplementary~~ High flow allocation⁴¹¹ – restricted discretionary activity

The taking and use of water from a river ~~at flows when the flow in the river is above the [median flow](#) that exceeds 10 cubic metres per [property](#), per day or 200 litres per hectare, up to a maximum of 20 cubic metres, per [property](#) per day that is not a permitted or controlled activity under C.5.1 of this Plan~~ is a restricted discretionary activity., ~~provided:~~

- 1) ~~the frequency of flushing flows that exceed three times the [median flow](#) of the river is not changed, and~~
- 2) ~~50% of the river flow above the [median flow](#) remains in the river.~~⁴¹²

Matters of discretion:

- 1) The timing, rate and volume of the take to avoid or mitigate effects on existing **authorised** takes and aquatic ecosystem health.⁴¹³
- ~~2) Preventing fish from entering the water intake.~~⁴¹⁴
- 3) Measures to ensure the reasonable and efficient use of water.
- 4) The positive effects of the activity.

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

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

C.5.1.9 Takes existing at the notification date of this Plan – discretionary activity

The taking and use of water from a river, lake or aquifer that existed at the notification date of this Plan but was not ~~lawfully established~~ **authorised**⁴¹⁵ and that exceeds 50 cubic metres per day per **property** from all sources, is a discretionary activity, provided:

- 1) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and
- 2) the application contains evidence that the take existed at the notification date of ~~the~~ this Plan.

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

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

C.5.1.10 Other water takes – discretionary activity

The taking and use of ~~fresh water, or the taking and use of heat or energy from water~~⁴¹⁶ or heat or energy from the material surrounding geothermal water, that is not: the subject of any other rule in this Plan,

- ~~1) a permitted activity under C.5.1.1 ‘Minor takes – permitted activity’, or~~
- ~~2) a permitted activity under C.5.1.2 ‘Temporary take for road construction or maintenance– permitted activity’, or~~
- ~~3) a permitted activity under C.5.1.3 ‘Water take from an **artificial watercourse** – permitted activity’, or~~
- ~~4) a permitted activity under C.5.1.4 ‘Water take associated with **bore** development, **bore** testing or **dewatering** – permitted activity’, or~~
- ~~5) a permitted activity under C.5.1.5 ‘Takes existing at the notification date of this plan– discretionary activity’, or~~
- ~~6) a controlled activity under C.5.1.6 ‘Water take below a **minimum flow** or water level– non-complying activity’, or~~

- ~~7) a controlled activity under C.5.1.7 'Water takes that will exceed an allocation limit – prohibited activity', or~~
- ~~8) a restricted discretionary activity under C.5.1.8 'Supplementary allocation restricted discretionary activity', or~~
- ~~9) a discretionary activity under C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity', or~~
- ~~10) a non-complying activity under C.5.1.11 'Water take below a [minimum flow](#) or water level – non-complying activity', or~~
- ~~11) a non-complying activity under C.5.1.12 'Water takes that will exceed an allocation limit – non-complying activity', or~~
- ~~12) a prohibited activity under C.5.1.13 'Water takes that will exceed an allocation limit – prohibited activity'.~~

is a discretionary activity.

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

- ~~• Restrictions relating to water (s14(2)).~~
- ~~• Taking and use of water from a river, lake or aquifer, and taking heat or energy from geothermal water or material surrounding geothermal water (s14(2)).~~

C.5.1.11 Water take below a minimum flow or water level – non-complying activity

The taking of fresh water from a river, lake or [natural wetland](#) when the flow in the river or water level in the [natural wetland](#) or lake is below a [minimum flow](#) or [minimum level](#) set in [H.6 Environmental flows and levels](#), and that is not permitted by a rule in this Plan, is a non-complying activity.

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

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

C.5.1.12 Water take that will exceed an allocation limit – non-complying activity

The taking and use of fresh water that would cause an [default](#) allocation limit set in [H.6 Environmental flows and levels](#) for a river or aquifer to be exceeded, and that is not permitted by a rule in this Plan, ~~is a non-complying activity,~~ provided the take does not exceed:

- ~~1) A [default allocation limit](#) for the river by more than 10 percent of the seven-day mean annual low flow, or~~
- ~~2) A [default allocation limit](#) for the aquifer by more than five percent of the annual average recharge.⁴¹⁷~~

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

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

~~C.5.1.13 Water takes that will exceed an allocation limit— prohibited activity~~

~~The taking and use of water that would cause~~

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

~~is a prohibited activity.⁴¹⁸~~

~~The RMA activities this rule covers:~~

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

C.6 Discharges to land and water

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

C.6.1 On-site domestic wastewater discharges

Rule	Page
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C.6.1.2 Pit toilet – permitted activity	
C.6.1.3 Other on-site treated domestic wastewater discharge – permitted activity	
C.6.1.4 Replacement discharge permits - controlled activity	
C.6.1.5 Other domestic wastewater discharges – discretionary activity	
C.6.1.6 Discharge of untreated domestic type wastewater <u>into</u> water - prohibited activity	

C.6.2 Wastewater network and treatment plant discharges

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

C.6.3 ~~Agricultural waste discharges~~ Production land discharges

Rule	Page
C.6.3.1 Farm wastewater discharges to land – permitted activity	
<u>C.6.3.1A Horticulture wastewater discharges to land - permitted activity</u>	
C.6.3.2 Discharges associated with the making or storage of silage - permitted activity	
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C.6.3.4 Emergency discharge of milk to land - permitted activity	

C.6.3.5	Agricultural <u>Other Wastewater discharges to land</u> – discretionary activity	
C.6.3.6	Farm wastewater and <u>Horticulture wastewater discharges to water</u> – discretionary activity	
C.6.3.6A	<u>Farm wastewater discharges to water - non-complying activity</u>	
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C.6.4 Stormwater discharges

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C.6.5 Agrichemicals and vertebrate toxic agents

Rule		Page
C.6.5.1	Application of agrichemicals – permitted activity	
C.6.5.2	Application of agrichemicals into water – permitted activity	
C.6.5.3	<u>Ground based application of vertebrate toxic agents</u> (ground-based application) – permitted activity	
C.6.5.4	<u>Aerial application of vertebrate toxic agents</u> (aerial application) – controlled activity	
C.6.5.5	Application of agrichemicals and vertebrate toxic agents – discretionary activity	

C.6.6 Industrial and trade wastewater discharges

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C.6.6.1A	<u>Discharge of contaminants from a water treatment plant - permitted activity</u>	

C.6.6.2	Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water certain types of industrial or trade wastewater - permitted activity	
C.6.6.3	Industrial or trade discharges - discretionary activity	

C.6.7 Solid waste

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C.6.7.6 Discharges from waste transfer stations – controlled activity	
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C.6.8 Contaminated land

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C.6.9 Other discharges of contaminants

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C.6.9.6	Other discharges – discretionary activity	
C.6.9.7	Discharges of untreated sewage from a ship or offshore installation – prohibited activity	

C.6.1 On-site domestic wastewater discharges

C.6.1.1 Existing on-site domestic type wastewater discharge – permitted activity

The discharge of **domestic type wastewater** into or onto land from an on-site system that was a permitted activity at the notification date of this Plan, and the associated discharge of any odour into air from the on-site system, is a are permitted activities, activity provided:

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

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

- ~~• Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of **domestic type wastewater** into or onto land from an on-site system, and the associated discharge of any odour into air from the on-site system and the discharge into or onto land (s15(1) and s15(2A)).

C.6.1.2 Pit toilet – permitted activity

The discharge of ~~contaminants~~ **human effluent** from a pit toilet into land and the associated discharge of odour into air from the pit toilet is a are permitted activities, activity provided:

- ~~1) no sewer connection is available, and~~
- 2) there is no discharge from a domestic **wastewater** system into the pit toilet, and
- 3) the pit toilet is situated outside ~~of the relevant~~ exclusion areas and setback distances in Table 3 'Horizontal and vertical Exclusion areas and setback distances for pit toilets', and

- 4) the pit toilet is constructed in soil with an infiltration (percolation) rate not exceeding 150 millimetres per hour, and
- 5) the pit toilet is constructed to prevent rainfall and [surface water](#) runoff from entering it, and
- 6) the discharge does not contaminate any [groundwater](#) water supply or [surface water](#), and
- 7) there is no surface runoff or ponding of [wastewater](#), and
- 8) there is no offensive or objectionable odour beyond the [property](#) boundary.

Table 3: ~~Horizontal and vertical~~ Exclusion areas and setback distances for pit toilets

Feature	Pit toilet
<i>Exclusion areas</i>	
Dedicated secondary overland flows paths for constructed stormwater systems	1% annual exceedance probability
Floodplain	1 percent Annual Exceedance Probability
<i>Horizontal setback distances</i>	
Identified stormwater flow path, (including a formed road with curb kerb and channel), that is not up-slope down-slope of the disposal area	5 metres
Water-table drain, off-stream dam or pond that is not up-slope down-slope of the disposal area	10 metres
River, lake, stream, or natural wetland	10-20 metres ⁴¹⁹
Coastal marine area	10-20 metres ⁴²⁰
Existing water supply bore	20 metres
Property boundary that is not up-slope of the disposal area. ⁴²¹	1.5 metres
<i>Vertical setback distances</i>	
Winter groundwater table	1.2 metres

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

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of human [effluent](#) into or onto land and the associated discharge of odour into air from a pit toilet (s15(1) and s15(2A)).

C.6.1.3 Other on-site treated domestic wastewater discharge – permitted activity

The discharge of **domestic type wastewater** into or onto land from an on-site system ~~and the associated discharge of odour into air from the on-site system is a~~ are permitted activities, activity provided:

- 1) the on-site system is designed and constructed in accordance with the *Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012)*, and
- 2) the volume of **wastewater** discharged does not exceed two cubic metres per day, and
- 3) the discharge is not via a spray irrigation system or **deep soakage system**, and
- 4) the slope of the disposal area is not greater than 25 degrees, and
- 5) the discharge of ~~secondary treated or tertiary treated wastewater~~ has received secondary or tertiary treatment, and is discharged is via a trench or bed in soil categories 3 to 5 that is designed in accordance with Appendix L of Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012); or is⁴²² via an irrigation line system that is:
 - a) dose loaded, and
 - b) covered ~~at all times~~ by a minimum of 50 millimetres of topsoil, mulch, or bark, and
- 6) for the discharge of **wastewater** onto the surface of slopes greater than 10 degrees:
 - a) the **wastewater**, excluding **greywater**, has received at least **secondary treatment**, and
 - b) the irrigation lines are firmly attached to the ~~surface of the~~ disposal area, and
 - c) where there is an up-slope catchment that generates **stormwater** runoff, a diversion system is ~~must be~~ installed and maintained to divert **surface water** runoff from the up-slope catchment away from the disposal area, and
 - d) a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and
 - e) the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or
 - f) the irrigation lines are covered ~~at all times~~ by a minimum of 100 millimetres of topsoil, mulch, or bark, and
- 7) the disposal area ~~and reserve disposal area are~~ is⁴²³ situated outside of the relevant exclusion areas and setbacks in Table 4 'Horizontal and vertical Exclusion areas and setback distances for on-site domestic wastewater systems', and
- 8) for septic tank treatment systems, a filter that retains solids greater than 3.5 millimetres in size is fitted on the outlet, and
- 9) the following reserve disposal areas are available at all times:
 - a) 100 percent of the existing **effluent** disposal area where the **wastewater** has received **primary treatment** or is only comprised of **greywater**, or
 - b) 30 percent of the existing **effluent** disposal area where the **wastewater** has received **secondary treatment** or **tertiary treatment**, and
- 10) the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken ~~is done, at a minimum,~~ in accordance with the manufacturer's specifications ~~for maintenance~~, and

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

Table 4: ~~Horizontal and vertical~~ Exclusion areas and setback distances for on-site domestic wastewater systems

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
<i>Exclusion areas</i> ⁴²⁴			
Dedicated secondary overland flows paths for constructed <u>stormwater</u> systems	1% annual exceedance probability	1% annual exceedance probability	1% annual exceedance probability
Floodplain	5 1 -percent annual exceedance probability	5 percent annual exceedance probability	5 percent annual exceedance probability
<i>Horizontal setback distances</i> ⁴²⁵			
Identified <u>stormwater</u> flow path, (including a formed road with curb kerb and channel, and water-table drain), <u>off-stream dam</u> or pond that is not up-slope down-slope ⁴²⁶ of the disposal area	5 metres	5 metres	5 metres
River, lake, stream, pond, <u>dam</u> ⁴²⁷ or <u>natural wetland</u>	20 metres	15 metres	15 metres
Coastal marine area	20 metres	15 metres	15 metres
Existing water supply <u>bore</u>	20 metres	20 metres	20 metres
<u>Property</u> boundary that is not up-slope of the disposal area	1.5 metres	1.5 metres	1.5 metres
<i>Vertical setback distances</i> ⁴²⁸			
Winter groundwater table	1.2 metres	0.6 metres	0.6 metres

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of domestic type wastewater into or onto land and the associated discharge of odour into air from an on-site system or the discharge into or onto land (s15(1) and s15(2A)).

C.6.1.4 Replacement discharge permits – controlled activity

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

Matters of control:

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

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

- ~~• Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- Discharge of domestic type wastewater into or onto land, the discharge of treated domestic type wastewater into water, and the associated discharge of odour into air from an on-site system (s15(1)).
- Discharge of domestic type wastewater into or onto land and the associated discharge of odour into air from an on-site system or the discharge into or onto land (s15(2A)).

C.6.1.5 Other domestic wastewater discharges – discretionary activity

The discharge of treated on-site domestic type wastewater into or onto land or into water, or the discharge of human effluent from a pit toilet into land, and any associated discharge of odour into air, that is are not: a permitted, controlled, or prohibited activity under any other rules in section C.6.1 of this Plan:

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

~~is a~~ are discretionary activities activity.

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

- ~~• Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- Discharge of treated on-site domestic type wastewater or human effluent from a pit toilet into water or into or onto land where it may enter water and any associated discharge of odour into air from the on-site system or pit toilet (s15(1)).

- Discharge of treated on-site [domestic type wastewater](#) or human [effluent](#) from a pit toilet into or onto land and any associated discharge of odour into air from the on-site system or pit toilet s15(2A)).

C.6.1.6 Discharge of untreated domestic type wastewater into water – prohibited activity

The discharge of untreated [domestic type wastewater](#) into [surface water](#) or directly into groundwater is a prohibited activity.

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

- ~~Discharge of contaminants into environment (s15(1)(a)).~~
- Discharge of untreated [domestic type wastewater](#) into water (s15(1)).

C.6.2 Wastewater network and treatment plant discharges

~~C.6.2.1 Wastewater discharge from a pump station or pipe network – controlled activity~~

The discharge of [wastewater](#) from a [wastewater](#) pump station or pipe network into water or onto land is a controlled activity, provided:

- ~~1) an application for resource consent is received by the regional council within two years of this rule becoming operative, and~~
- ~~2) the resource consent application includes a [wastewater network](#) management plan for the network, which is prepared in accordance with appendix H.1, and~~
- ~~3) the [wastewater](#) pump station has:~~
 - ~~a) an automatic control and alarm system that provides:~~
 - ~~i) immediate notification of pump failure, and~~
 - ~~ii) automatic switching to a standby pump, and~~
 - ~~iii) power supply backup for the alarm system, and~~
 - ~~b) at least one dedicated standby or duty assist pump that will activate in the event of failure of the duty pump, and~~
 - ~~c) a minimum of four hours' storage capacity (based on the average dry weather flow) unless the pump station has a permanently installed electricity generator, and~~
- ~~4) any constructed overflow structure is designed to prevent floatable or suspended materials entering water and scouring and erosion at the point of discharge.⁴²⁹~~

Matters of control:

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

Notification:

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

The RMA activities this rule covers:

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

C.6.2.2 Discharge from a pump station or pipe network – discretionary activity

The discharge of [wastewater](#) from a [wastewater network](#) pump station or pipe network into water or onto or into land, and any associated discharge of odour to air resulting from the

~~discharge, that is not a controlled activity under rule C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity' is are a discretionary activities activity.~~

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

- ~~• Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- ~~• Discharge of wastewater from a wastewater network into water or onto or into land where it may enter water and the associated discharge of odour into air (s15(1))~~
- ~~• Discharge of wastewater from a wastewater network onto or into land and the associated discharge of odour into air (s15(2)(A)).~~

C.6.2.3 Wastewater treatment plant discharge – discretionary activity

The discharge of treated wastewater from a wastewater treatment plant into water or onto or into land, and any associated discharge of odour into air resulting from the discharge, ~~is a~~ are discretionary activities activity.

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

- ~~• Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- ~~• Discharge of treated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water and any associated discharge of odour into air (s15(1)).~~
- ~~• Discharge of treated wastewater from a wastewater treatment plant onto or into land and any associated discharge of odour into air (s15(2)(A)).~~

C.6.2.4 Wastewater discharge – prohibited activity

The discharge of untreated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water and that is not:

- ~~1) a permitted activity under C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity; or~~
- ~~2) a controlled activity under C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity', or~~
- ~~3) a discretionary activity under C.6.2.2 'Discharge from a pump station or pipe network – discretionary activity', or~~
- ~~4) a discretionary activity under C.6.2.3 'Wastewater treatment plant discharge – discretionary activity',~~

is a prohibited activity.

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

- ~~• Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- ~~• Discharge of untreated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water (s15(1)).~~

C.6.3 ~~Agricultural waste discharges~~ Production land discharges

C.6.3.1 Farm wastewater discharges to land – permitted activity

The discharge of [farm wastewater](#) onto or into land, and any associated discharge of odour to air ~~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 onto or into land or overland flow within:
 - a) 20 metres of ~~any stream, continually or~~ [intermittently flowing river](#), lake, [natural wetland](#), or the coastal marine area, or
 - ba) 50m of the water body for a distance of 2000 metres upstream of a public water supply intake servicing more than 25 people, and⁴³⁰
 - b) 20 metres of any [artificial watercourse](#) ~~when containing water~~⁴³¹, or
 - c) 20 metres of a neighbouring [property](#) owned or occupied by another person, or
 - d) 20 metres of ~~any~~ public road or public space, or
 - e) 20 metres of the head of any drinking water supply [bore](#), or
 - f) 50 metres of ~~any~~ dwelling owned or occupied by another person, and
- 3) it is discharged in a manner that:
 - a) evenly distributes the [farm wastewater](#), and
 - ~~b) does not exceed the soil's ability to absorb the wastewater, and~~
 - c) does not result in ponding on the land for longer than three hours after the discharge, and
 - d) minimises overland flow, and
 - e) does not cause an offensive or objectionable odour beyond the [property](#) boundary, and
- 4) roof water from sheds and other buildings is permanently diverted away from [farm wastewater storage facilities](#), unless [farm wastewater storage facilities](#) are sized to accommodate [stormwater](#), and⁴³² ~~Roof water can be retained in a holding tank and used for wash-down purposes provided the overflow from the tank is permanently diverted away from the [farm wastewater storage facilities](#).~~, and
- 5) a [stormwater](#) diversion system is maintained and operated to prevent [stormwater](#) from a yard at a dairy shed from entering the [farm wastewater storage facilities](#) when the yard is

clean and not being used to hold animals, unless farm wastewater storage facilities are sized to accommodate stormwater, and

- 6) catchment stormwater is prevented from entering farm wastewater storage facilities, and
- 7) farm wastewater storage facilities are used for ensuring compliance with conditions 1), 2) and 3) of this rule, and from 1 March 2021:
 - a) ~~have sufficient contingency storage so that farm wastewater generated between 1 May and 30 September can be retained in the facilities, unless a resource consent is held that specifies a different contingency storage volume for dairy farms, they are designed, constructed and used in accordance with the Dairy Effluent Storage Calculator (DESC),⁴³³ and~~
 - b) for dairy farms, they have at least 75 percent-90%⁴³⁴ working storage volume available at between 1 March and⁴³⁵ 1 May each year, and wastewater should be discharged to land after that date when there is sufficient soil moisture deficit, and
 - c) ~~storage facilities are sealed or lined so that seepage is minimised, and~~
 - d) upon written request by the Regional Council, the person undertaking the activity provides a written statement or certification from a person with a qualification in farm dairy effluent system design Chartered Professional Engineer to the Regional Council that shows compliance with the design requirements in a) and c)⁴³⁶, and

7A) farm wastewater storage facilities are sealed or lined so that seepage is minimised, and

- 8) there are contingency measures in place to ensure compliance with conditions 1), 2) and 3) of this rule in the event of power outage or the failure of a pump, pipe, irrigator or other equipment, and
- 9) upon the written request by the Regional Council, the person doing the activity keeps a written record of the following information and provides it to the Regional Council's compliance manager in the form and the frequency specified in the request:
 - a) dates and time of discharge, and
 - b) ~~discharge rates, and~~
 - c) land application area, and
 - d) application rates and depths, and
 - e) maximum number of cows being milked and milking regime, and
 - f) maintenance records.

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

- ~~• Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of farm wastewater onto or into land where it may enter water (s15(1)).
- Discharge of farm wastewater onto or into land and any associated discharge of odour into air (s15(2A)).

C.6.3.1A Horticulture wastewater discharges to land – permitted activity

The discharge of [horticulture wastewater](#) onto or into land is a permitted activity, provided:

- 1) there is no discharge onto or into land within:
 - a) 20 metres of a stream, continually or [intermittently flowing river](#), [artificial watercourse](#), lake, [natural wetland](#), or the coastal marine area, or
 - b) 20 metres of a neighbouring [property](#) owned or occupied by another person, or
 - c) 50 metres of any dwelling owned or occupied by another person, or
 - d) 20 metres of the head of any drinking water supply [bore](#), and
- 2) the discharge does not result in ponding on the land for longer than three hours, and
- 3) the discharge of vegetable washwater is undertaken in accordance with Section 2 of Horticulture New Zealand's *Vegetable Washwater Discharge Code of Practice 2017*, and
- 4) the discharge of greenhouse nutrient solution is undertaken in accordance with the *Code of Practice for the Management of Greenhouse Nutrient Discharges 2007*, and
- 5) upon written request by the Regional Council, the person doing the activity keeps a written record of the following information and provides it to the Regional Council's compliance manager in the form and frequency specified in the request:
 - a) dates and time of the discharge, and
 - b) land application area, and
 - c) application rates.⁴³⁷

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

- Discharge of [horticulture wastewater](#) onto or into land (s15(1) and s15(2A)).

C.6.3.2 Discharges associated with the making or storage of silage – permitted activity

The discharge of ~~a~~ contaminants onto or into land ~~in association with the~~ resulting from the making or storage of silage, ~~and any associated discharge of odour to air, is a~~ are permitted activities ~~activity~~, provided:

- 1) there is no discharge ~~onto into~~ [surface water](#) ~~or to~~ land within a setback distance in condition 2), and
- 2) the storage site is not located within:
 - a) 50 metres of [surface water](#), a continually or [intermittently flowing river](#), [artificial watercourse](#), lake, [natural wetland](#) or the coastal marine area, or
 - b) 50 metres of the head of any water supply [bore](#), or
 - c) 50 metres of a dwelling owned or occupied by another person, or
 - d) 20 metres of a public road or space, and

- 3) the discharge does not contaminate any groundwater supply or [surface water](#), and
- 4) ~~catchment runoff~~-water is prevented from entering the storage site, and
- 5) the discharge does not cause an offensive or objectionable odour beyond the [property](#) boundary.

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of a contaminant onto or into land where it may enter water resulting from the making or storage of silage (s15(1)).
- Discharge of a contaminant onto or into land resulting from the making or storage of silage and any associated discharge of odour into air (s15(2A)).

C.6.3.3 Discharges associated with the disposal of dead animals or offal – permitted activity

The discharge of ~~a~~ contaminants onto or into land ~~in association with~~ resulting from the disposal of dead animals or offal, and any associated discharge of odour to air, are ~~is a~~ permitted activities activity, provided:

- 1) ~~there is no discharge into~~ [surface water](#), and
- 2) the disposal site is not located within:
 - a) 50 metres of [surface water](#), a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or
 - b) 50 metres of the head of any water supply [bore](#), or
 - c) 50 metres of a dwelling owned or occupied by another person, or
 - d) 20 metres of a public road or space, and
- 3) the discharge does not contaminate any groundwater supply or [surface water](#), and
- 4) ~~water~~ catchment runoff is prevented from entering the disposal site, and
- 5) the disposal site is covered or otherwise contained,⁴³⁸ and
- 6) the discharge does not cause an offensive or objectionable odour beyond the [property](#) boundary, and
- 7) where a composting process is used, only dead animals or animal parts from the production land activity within the [property](#) are to be composted, and industry guidelines specific to the type of dead animal being composted are complied with.⁴³⁹

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of a contaminant into water or onto or into land where it may enter water resulting from the disposal of dead animals or offal (s15(1)).

- Discharge of a contaminant onto or into land resulting from the disposal of dead animals or offal and any associated discharge of odour into air (s15(2A)).

C.6.3.4 Emergency discharge of milk to land – permitted activity

The emergency discharge of milk onto or into land, and any associated discharge of odour to air, is a permitted activity, provided:

- 1) there is no discharge ~~into surface water or onto or into~~ land within:
 - a) 50 metres of surface water or the coastal marine area, or
 - b) 50 metres of the head of any water supply bore, or
 - c) 50 metres of a dwelling owned or occupied by another person, or
 - d) 20 metres of a public road or space, and
- 2) the milk does not pond on the land for longer than three hours after the discharge, and
- 3) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of milk onto or into land where it may enter water (s15(1)).
- Discharge of milk onto or into land and any associated discharge of odour into air (s15(2A)).

C.6.3.5 ~~Agricultural Other Wastewater~~ discharges to land – discretionary activity

The discharge, onto or into land, of farm wastewater, horticulture wastewater, contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk, and any associated discharge of odour to air, that ~~is~~ are not permitted, restricted discretionary, non-complying activity, or prohibited activities in section C.6.3 of this Plan, are discretionary activities.

- 1) ~~a permitted activity under C.6.3.1C.6.3.1, or~~
- 2) ~~a permitted activity under C.6.3.2 'Discharges associated with the making or storage of silage – permitted activity', or~~
- 3) ~~a permitted activity under C.6.3.3 'Discharges associated with the disposal of dead animals or offal – permitted activity', or~~
- 4) ~~a permitted activity under C.6.3.4 'Emergency discharge of milk to land – permitted activity', or~~
- 5) ~~a discretionary activity under C.6.3.6 'Farm wastewater discharges to water – permitted activity' or~~
- 6) ~~a prohibited activity under C.6.3.7 'Farm wastewater discharges to water – prohibited activity'.~~

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of farm wastewater, [horticulture wastewater](#), contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land where it may enter water (s15(1)).
- Discharge of farm wastewater, [horticulture wastewater](#), contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land, and any associated discharge of odour to air (s15(2A)).

C.6.3.6 ~~Farm wastewater and Horticulture wastewater~~ discharges to water – discretionary activity

The discharge of treated [farm wastewater](#)⁴⁴⁰ [horticulture wastewater](#)⁴⁴¹ into water is a discretionary activity, provided the discharge is not into a dune lake, [surface water](#) flowing into any dune lake, an [outstanding freshwater body](#) or a [significant wetland](#).

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of treated [horticulture wastewater](#) into water (s15(1)).

C.6.3.6A Farm wastewater discharges to water – non-complying activity

The discharge of treated [farm wastewater](#) into water is a non-complying activity, provided the discharge is not into a dune lake, [surface water](#) flowing into any dune lake, an [outstanding freshwater body](#) or a [significant wetland](#).

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

- Discharge of treated [farm wastewater](#) into water (s15(1)).⁴⁴²

C.6.3.7 Farm wastewater discharges into water – prohibited activity

The discharge of:

- 1) untreated [farm wastewater](#) to [surface water](#) or directly to groundwater, or
- 2) treated [farm wastewater](#) into:
 - a) a dune lake, or
 - b) [surface water](#) flowing into any dune lake, or
 - c) an [outstanding freshwater body](#), or
 - d) a [significant wetland](#),

is a prohibited activity.

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of [farm wastewater](#) into water (s15(1)).

C.6.4 Stormwater discharges

C.6.4.1 Stormwater discharges from a public stormwater network – permitted activity

The diversion and discharge of [stormwater](#) from a [public stormwater network](#) into water or onto or into land where it may enter water is a permitted activity, provided:

- 1A) the discharge is not from a [public stormwater network](#) servicing an [urban area](#) listed in Table 5 'Urban areas',⁴⁴³ and
 - 1) the diversion and discharge does not cause [permanent scouring or erosion of the bed of a water body](#) at the point of discharge or [downstream](#)⁴⁴⁴, and
- 2A) the discharge is not within 100 metres of a [geothermal surface feature](#), and⁴⁴⁵
 - 2) the diversion and discharge does not cause or increase flooding of land outside the area serviced by the [stormwater](#) network up to the 10 percent annual exceedance probability or flooding of buildings outside the area serviced by the network up to the one percent annual exceedance probability, and⁴⁴⁶
 - 3) the discharge does not contain [contaminants used, stored or generated in any wastes or cooling water from a](#)⁴⁴⁷ trade or industrial premises, and
 - 4) the discharge does not contain more than:
 - a) 15 milligrams per litre of total petroleum hydrocarbons, and or
 - b) 100 milligrams per litre of suspended solids, and⁴⁴⁸
 - 5) the discharge does not cause any of the following effects in the receiving waters beyond [the zone of reasonable mixing](#): a 20-metre radius from the point of discharge:
 - a) an exceedance of a [water quality standard](#) or a [sediment quality standard](#), or
 - b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - c) a conspicuous change in the colour or visual clarity, or
 - d) an emission of objectionable odour, or
 - e) the rendering of fresh water unsuitable for consumption by farm animals, or
 - f) a significant adverse effect on aquatic life, and
 - 6) within two years of the operative date of this rule, a [stormwater](#) management plan for the networks listed in Table 5 is provided to the council, and
 - 7) the [stormwater](#) management plan is consistent with the requirements in Appendix H.2 and is regularly updated to reflect any physical or planned changes that exceed the most recent design horizon of the plan and is provided to the council, and
 - 8) the [stormwater](#) network is operated in accordance with the [stormwater](#) management plan.⁴⁴⁹

Table 5: ~~Priority public stormwater networks~~ Urban areas

Far North district	Whangārei district	Kaipara district
Kaitiāia	One Tree Point-Marsden Cove	Dargaville
Kaikohe	Ruakaka	Mangawhai-Mangawhai Heads
Kerikeri	Waipū	
Paihia	Whangārei <u>City</u>	
Waipapa-Haruru		

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

- ~~• Restrictions relating to water (s14(2)).~~
- ~~• Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- Diversion of [stormwater](#) (s14(2)).
- Discharge of [stormwater](#) from a [public stormwater network](#) into water or onto or into land where it may enter water (s15(1)).

C.6.4.2 Other stormwater discharges – permitted activity

The diversion and discharge of [stormwater](#) into water or onto or into land where it may enter water⁴⁵⁰ from an [impervious area](#), ~~recontoured land~~, or by way of a [stormwater collection system](#), is a permitted activity, provided:

- 1) the discharge or diversion is not from:
 - a) a [public stormwater network](#), or
 - b) a [high-risk industrial or trade premises](#), and
- 2) ~~the discharge or diversion does not cause or increase nuisance or damage to [other property](#)~~ the diversion and discharge does not cause or increase flooding of land on another [property](#) in a storm event of up to and including a 10 percent annual exceedance probability, or flooding of buildings on another [property](#) in a storm event of up to and including a one percent annual exceedance probability, and⁴⁵¹
- 3) where the [stormwater](#) diversion or discharge is from a [hazardous substance](#) storage or handling area:
 - a) the [stormwater collection system](#) is designed and operated to prevent [hazardous substances](#) stored or used on the site from entering the [stormwater](#)⁴⁵² system, or
 - b) there is an ~~stormwater interceptor~~ [secondary containment system](#)⁴⁵³ in place to collect [stormwater](#) that may contain intercept any spillage of [hazardous substances](#) and either discharges or divert that spillage to a trade waste system or stores it for removal and treatment, unless or⁴⁵⁴
 - ba) if the [stormwater](#) contains no [hazardous substances](#) except oil or grease [oil contaminants](#), and the [stormwater](#) is passed through a [an oil interceptor](#) [stormwater](#)

treatment⁴⁵⁵ system designed in accordance with the *Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998)* prior to discharge, and

- 4) where the stormwater diversion or 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 and operated to prevent any other⁽⁵¹⁸⁾ contaminants stored or used on the site, other than those already controlled by condition 3) above,⁴⁵⁶ from entering stormwater unless the stormwater is discharged through a stormwater treatment system ~~interceptor⁴⁵⁷~~, and
 - b) any process water or liquid waste stream on the site is banded, or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100 percent of the quantity of any process water or liquid waste that has the potential to spill into a stormwater collection system, in order to prevent trade waste entering the stormwater collection system, and
- 5) ~~where the stormwater diversion or discharge is from contaminated land:~~⁴⁵⁸ the diversion or discharge is not into potentially contaminated land, or onto potentially contaminated land that is not covered by an impervious area, and
 - a) ~~a site investigation report prepared by a suitably qualified and experienced practitioner demonstrates that the stormwater discharge does not contain more than;~~
 - i) ~~15 milligrams per litre of total petroleum hydrocarbons, and~~
 - ii) ~~0.13 micrograms per litre of perfluorooctane sulfonate acid and perfluorohexane sulfonate, and~~
 - iii) ~~632 micrograms per litre of perfluorooctanoic acid, and~~
 - iv) ~~the concentrations listed in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000), at the 95% species protection level, and⁴⁵⁹~~
 - b) ~~the discharge is not via deep soakage or rapid infiltration systems, and⁴⁶⁰~~
- 6) ~~the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge erode the bed or banks of a lake or river, or the foreshore⁴⁶¹, and~~
- 7) ~~the discharge does not contain more than:~~
 - a) ~~15 milligrams per litre of total petroleum hydrocarbons, and~~
 - b) ~~100 milligrams per litre of suspended solids⁴⁶²~~
- 8) ~~the discharge does not cause any of the following effects in the receiving waters beyond a 20 metre radius from the point of discharge the zone of reasonable mixing:⁴⁶³~~
 - a) ~~an exceedance of a water quality standard or a sediment quality standard, or~~
 - b) ~~the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or~~
 - c) ~~a conspicuous change in the colour or visual clarity, or~~
 - d) ~~an emission of objectionable odour, or~~

- e) the rendering of fresh water unsuitable for consumption by farm animals, or
- f) a significant adverse effect on aquatic life.

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

- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)(a), (b), and (d)).~~
- Diversion of [stormwater](#) (s14(2)).
- Discharge of [stormwater](#) into water or onto or into land where it may enter water from an [impervious area](#) or by way of a [stormwater collection system](#) (s15(1)).

C.6.4.3 Stormwater discharges – controlled activity

The diversion and discharge of [stormwater](#) into water or onto or into land where it may enter water that is not a permitted activity or discretionary activity in section C.6.4 of this Plan:

1. ~~a permitted activity under C.6.4.1 ‘[Stormwater](#) discharges from a [public stormwater network](#) – permitted activity’, or~~
2. ~~a permitted activity under C.6.4.2 ‘Other [stormwater](#) discharges – permitted activity’, or~~
3. ~~a discretionary activity under C.6.4.4 ‘[Stormwater](#) discharge contaminated land and high risk industrial or trade premises – discretionary activity’~~

is a controlled activity, ~~provided the discharge is not from a [high risk industrial or trade premise](#) or contaminated land.~~

Matters of control

- 1) The maximum concentration or load of contaminants in the discharge.
- 2) The size of the [zone of reasonable mixing](#).
- 3) The adequacy of measures to minimise erosion.
- 4) The adequacy of measures to minimise flooding ~~in areas affected~~ caused⁴⁶⁴ by the [stormwater](#) network.
- 5) The design and operation of the [stormwater](#) system and any staging of works.

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

- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)(a), (b), and (d)).~~
- Diversion of [stormwater](#) (s14(2)).
- Discharge [stormwater](#) into water or onto or into land where it may enter water (s15(1)).

C.6.4.4 Stormwater discharges onto or into ~~from~~ contaminated land ~~and~~ or from high-risk industrial or trade premises – discretionary activity

The diversion and discharge of [stormwater](#):

- 1) into water or onto land where it may enter water from a [high-risk industrial or trade premises](#), or
- 2) into contaminated land, or
- 3) onto contaminated land that is not covered by an [impervious area](#)⁴⁶⁵

is a discretionary activity.

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

- ~~• Restrictions relating to water (s14(2)).~~
- ~~• Discharge of contaminants into environment (s15(1)(a), (b), and (d)).~~
- Diversion of [stormwater](#) (s14(2)).
- Discharge of [stormwater](#) into water or onto or into land where it may enter water (s15(1)).
- Discharge of [stormwater](#) onto or into land (s15(2A)).

C.6.5 Agrichemicals and vertebrate toxic agents

C.6.5.1 Application of agrichemicals – permitted activity

The discharge of an agrichemicals into air, ~~or onto or into land or onto land where it may enter water~~ is a permitted activity, provided:

- 1) for all methods (including⁴⁶⁶ hand-held spraying, ground-based spraying and aerial application):
 - a) the discharge does not result in:
 - i) ~~the discharge does not result in any~~ noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, or and⁴⁶⁷
 - ii) damage to any spray-sensitive areas beyond the boundary of the subject property or in the coastal marine area, and
 - b) there is no direct discharge into or onto water, and⁴⁶⁸
 - c) other than for spraying in plantation forestry where notification must be given at least 20 and no more than 60 working days before spraying commences,⁴⁶⁹ neighbouring properties receive notification no less than 24 hours and no more than ~~two~~ three⁴⁷⁰ weeks before the spraying activity is to take place, as set out in Table 6 'Spraying notification requirements', and
 - ~~d) some or all of the notification requirements can be amended or omitted with the agreement of affected neighbours, and~~
 - e) in addition, for spraying agrichemical application by any method in public amenity areas, prominent signs are placed within the immediate vicinity, ~~if agrichemicals are applied within 100 metres of a public amenity area, prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete. for any required stand-down period afterwards.~~⁴⁷¹ The signs must include the contact details of the property owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, any notable adverse effects indication of any specific hazards⁴⁷² and the application method. A record of the notification undertaken must be kept and made available to the Regional Council on request, and
 - f) ~~in addition,~~ for spraying by any method in public road corridors and rail corridors:⁴⁷³
 - i) ~~prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying at least seven days and not one month before spraying is to take place and remain in place for any required stand-down period afterwards, and~~⁴⁷⁴
 - ii) other than for backpack spraying of roadside boundary fence lines adjacent to private land, a public notice must be placed in a newspaper, or a letter drop is made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed, at least 7-seven days and not one month before spraying is to take place, and
 - iii) the signs, public notice and letter drop ~~all of the above~~ must include the contact details of the property owner or applicator, details ~~on~~ of the chemical to be

sprayed, the time period during which the spraying is likely to take place, ~~any notable adverse effects~~ and the application method, and

- iv) vehicles used for spraying ~~to spray~~ must display prominent signs (front and back) advising that spraying is in progress, and
- v) a record of the notification undertaken must be kept and made available to the Regional Council on request, ~~and~~

Table 6: Spraying notification requirements

Spraying method	Properties to be notified	Notification requirements
Hand-held spraying	Nil (unless a <u>public amenity area</u> or <u>public</u> ⁴⁷⁵ <u>road corridor</u> or <u>and-rail corridor</u> under the specific requirements above).	Nil (unless a <u>public amenity area</u> or <u>public</u> ⁴⁷⁶ <u>road corridor</u> or <u>and-rail corridor</u> under the specific requirements above).
Ground-based spraying	Any <u>property</u> with a <u>spray-sensitive area</u> within 30-50 <u>30-50</u> metres of the spraying, including when spraying is taking place in <u>public amenity areas</u> but excluding when the spraying is taking place in a <u>public</u> ⁴⁷⁷ <u>road corridor</u> or rail corridor.	Notification: a) is <u>to be</u> undertaken by the owner or occupier of the <u>property to be sprayed where agrichemicals will be applied</u> ⁴⁷⁸ unless delegated to the applicator, <u>management company, forest manager, or pack house operator</u> , ⁴⁷⁹ and b) is <u>to be</u> in writing (which can include email or other electronic means), <u>or by telephone</u> , ⁴⁸⁰ and c) includes: i) the days and times during which the <u>spraying agrichemical application</u> is likely to take place, including alternative days and times if the weather is unsuitable, and ii) the <u>contact details of the owner or occupier of the property, or applicator, or management company forest manager, or packhouse operator</u> , ⁴⁸¹ and iii) the <u>details of agrichemicals being applied</u> , and iv) <u>indication of any specific hazards (including toxicity to bees)</u> , and v) the <u>application method</u> . ⁴⁸²
Aerial application	Any <u>property</u> with a <u>spray-sensitive area</u> within 200 metres of the spraying, including when spraying is taking place in <u>public amenity areas</u> , but excluding when the spraying is taking place in a <u>public</u> ⁴⁸³ <u>road corridor</u> or rail corridor.	
Granules, gels and <u>agrichemical baits</u>	Any <u>property</u> with a <u>spray-sensitive area</u> within 30 metres of the <u>agrichemical application</u> , including when <u>agrichemical application</u> is taking place in <u>public amenity areas</u> , but excluding when the <u>agrichemical application</u> is taking place in a <u>public road corridor</u> or <u>rail corridor</u> .	

2A) for [ground-based spraying](#) and [aerial spraying](#):

- a) the activity is undertaken in accordance with the following sections of the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)* as it relates to the management of the discharge of [agrichemicals](#):
 - i) Use – Part 5.3, and
 - ii) Storage – Appendix L4, and
 - iii) Disposal – Appendix S, and
 - iv) Records – Appendix C9, and
- b) a Spray Plan must be prepared annually for the area where the [agrichemical](#) is to be applied, and
- c) where the activity is undertaken within 100 metres of a spray sensitive area:
 - i) a risk assessment must be carried out prior to the application of an [agrichemical](#) and measures must be taken to minimise adverse effects on [spray-sensitive areas](#). The risk assessment must include reference to Table G1 of the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)*, and
 - ii) [agrichemicals](#) must only be applied when the wind direction is away from the [spray-sensitive area](#), and
 - iii) the application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment of the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)*.⁴⁸⁴

2) for [ground-based spraying](#):

- a) an applicator who is a contractor holds a current GROWSAFE Registered Chemical Applicators Certificate (or their its equivalent), and
- b) an applicator who is not a [contractor](#) holds a current GROWSAFE ~~Introductory Standard~~ Certificate (or its equivalent) or is under direct supervision of a person with a GROWSAFE Registered Chemical Applicators Certificate or GROWSAFE Advanced Certificate (or their equivalent), and
- ~~c) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of [agrichemicals](#), and⁴⁸⁵~~

3) for [aerial application](#):

- a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or their equivalent), and⁴⁸⁶
- ~~b) the activity is undertaken in accordance with *Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of [agrichemicals](#), and~~
- ~~c) there is no [aerial application](#) in [urban areas](#).~~

4A) for [agrichemicals](#) containing 2,4-D:

- a) the [agrichemical](#) is non-volatile or is slightly low volatile^{xii}, or
- b) application is by [hand-held spraying](#), or
- c) application by [ground-based spraying](#) or [aerial spraying](#) only occurs between 1 May and 31 August.⁴⁸⁷

Notes:

In addition to the requirements of Rule [C.6.5.1](#) above, the substance the [agrichemical](#) must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

In relation to a non-aerial application, the applicator must hold an [Agrichemical Certified Handler certificate \(Worksafe New Zealand\)](#) where required by any Environmental Protection Authority approval for the [agrichemical](#) under the Hazardous Substances and New Organisms Act 1996, or equivalent as recognised and required by the Environmental Protection Authority or Ministry for Business Innovation and Employment, and be able to demonstrate competency using [agrichemicals](#) to avoid adverse impacts.

In relation to [aerial application](#), the applicator and ground crew must hold qualifications and competencies as required by Environmental Protection Authority and Worksafe New Zealand.⁴⁸⁸

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

- ~~Discharge contaminants to land which may enter water (s15(1)(b)).~~
- ~~Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of an [agrichemical](#) onto or into land or into air (s15(1) and s15(2A)).

C.6.5.2 Application of agrichemicals into water – permitted activity

The discharge of an [agrichemicals](#) into air where it can directly enter water is a permitted activity provided:

- 1) other than for the control of plant [pest](#) species listed in the Regional [Pest](#) Management Plan or the National [Pest](#) Plant Accord,⁴⁸⁹ there is no discharge into coastal water in the coastal marine area, and
- 2) the discharge does not cause, beyond the [zone of reasonable mixing](#) 20 metres in the receiving waters from the point of discharge:⁴⁹⁰
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) an increase in the temperature by more than three degrees Celsius, or
 - c) a [water quality standard](#) to be exceeded, or

^{xii} Vapour pressure less than 1 x 10⁻⁴mmHg.

- d) ~~cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than one pH unit, or~~
 - e) ~~cause the dissolved oxygen to be less than five milligrams per litre, or~~
 - f) any conspicuous change in the colour or visual clarity, or
 - g) the rendering of fresh water unsuitable for consumption by farm animals if the water is used for stock drinking water, and~~or~~
 - h) ~~any significant adverse effects on aquatic life (excluding pest species), and~~
- 3) an applicator holds a recognised application qualification (GROWSAFE or its equivalent with an aquatic component), and⁴⁹¹
- 4) the activity is undertaken in accordance with the following sections of the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)* as it relates to the management of the discharge of [agrichemicals](#):
- a) Use – Part 5.3, and
 - b) Storage – Appendix L4, and
 - c) Disposal – Appendix S, and
 - d) Records – Appendix C9, and⁴⁹²
- 4A) where the activity is undertaken within 100 metres of a [spray-sensitive area](#):
- a) a risk assessment must be carried out prior to the application of an [agrichemical](#) and measures must be taken to minimise adverse effects on spray sensitive areas. The risk assessment must include reference to Table G1 the Drift Hazard guidance chart in the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)*, and
 - b) [agrichemicals](#) must only be applied when the wind direction is away from the [spray-sensitive area](#), and
 - c) the application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment in the *New Zealand Standard. Management of Agrichemicals (NZS 8409:2004)*,⁴⁹³and
- 5) the following notification takes place:
- a) other than for spraying in plantation forestry where notification must be given at least 20 and no more than 60 working days before spraying commences,⁴⁹⁴ every person taking water for potable supply within one kilometre downstream of the proposed discharge is notified no less than 24 hours and no more than two weeks prior to the proposed commencement of any spraying, and
 - b) every holder of a resource consent for the taking of water for water supply purposes downstream of the proposed discharge is notified at least seven days before the discharge, and
 - c) notification must be undertaken by the owner or occupier of the [property](#) to be sprayed, unless delegated to the applicator, management company, forest manager or packhouse operator, and must be in writing (which can include email or other electronic means) or by telephone, and⁴⁹⁵
 - d) notification must include:

- i) the days and times during which the spraying is likely to take place, including alternative days and times if the weather is unsuitable, and
 - ii) the contact details of the property owner or applicator, and
 - iii) the details of agrichemicals being sprayed, and
 - iv) ~~any notable adverse effects~~ an indication of any specific hazards (including toxicity to bees), and⁴⁹⁶
 - v) the application method, and
 - e) ~~some or all of the above notification requirements can be amended or omitted with the agreement of affected parties, and~~⁴⁹⁷
- 6) in addition, for aerial application into water:
- a) an applicator holds a current GROWSAFE Pilot AgricChemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or ~~their~~ its equivalent, and⁴⁹⁸
 - b) there is no aerial application in urban areas, and
- 7) ~~in addition, for spraying by any method in public amenity areas, prominent signs are placed within the immediate vicinity if agrichemicals are applied within 100 metres of a public amenity area, prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete for any required stand-down period afterwards. The signs must include the contact details of the property owner or applicator, details ~~on~~ of the chemical to be sprayed, the time period during which the spraying is likely to take place, ~~any notable adverse effects~~ an indication of any specific hazards (including toxicity to bees), and the application method. A record of the notification undertaken must be kept and made available to the Regional Council on request, and~~⁴⁹⁹
- 8) in addition, for spraying by any method in public road corridors or ~~and~~ rail corridors:
- a) prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying, ~~at least seven days and not one month~~ and remain in place ~~for any required stand-down period afterwards~~ until spraying is complete, and⁵⁰⁰
 - b) a public notice must be placed in a newspaper or a letter drop ~~is made~~ to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed at least ~~7~~ seven days and not one month before spraying is to take place, and
 - c) ~~the signs, public notice and letter drop~~ all of the above must include the contact details of the property owner or applicator, details on the agrichemical to be sprayed, the time period during which the spraying is likely to take place, ~~an~~ any notable adverse effects indication of any specific hazards (including toxicity to bees), and the application method, and⁵⁰¹
 - d) vehicles used ~~for spraying to spray~~ must display prominent signs (front and back) advising that spraying is in progress, and
 - e) a record of the notification undertaken must be kept and made available to the Regional Council on request.

Notes:

In addition to the requirements of Rule C.6.5.2, above, the substance the agrichemical must be approved for its intended use by the Environmental Protection Authority under the Hazardous

Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

In relation to a non-aerial application, the applicator must hold an Agrichemical Certified Handler certificate (Worksafe New Zealand) where required by any Environmental Protection Authority approval for the agrichemical under the Hazardous Substances and New Organisms Act 1996, or equivalent (as recognised and required by Environmental Protection Authority or Ministry for Business Innovation and Employment) and be able to demonstrate competency using agrichemicals to avoid adverse impacts.

In relation to an aerial application, the applicator and ground crew must hold qualifications and competencies as required by the Environmental Protection Authority and Worksafe New Zealand.⁵⁰²

- ~~The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:~~
- ~~Discharge contaminants into water (s15(1)(a)).~~
- ~~Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of an agrichemical into water (s15(1)).

C.6.5.3 Ground-based application of vertebrate toxic agents ~~(ground-based application)~~ – permitted activity

The ground-based application of vertebrate toxic agents onto or into land, ~~that are not exempt from Section 15 by other than those complying with the Resource Management (Exemption) Regulations 2017 – Pest Control,~~ is a permitted activity, provided:

- 1) ~~the substance is used as approved or its intended use~~⁵⁰³ by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, ~~and~~
- 2) ~~the discharge is more than 20 metres from a structure used to collect human or animal drinking water.~~⁵⁰⁴

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be imported into or manufactured in New Zealand, and places controls ~~of~~ on each phase of the substances' life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

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

- ~~Discharge of contaminants onto or into land where they may enter water (s15(1)(b)).~~
- Discharge of a vertebrate toxic agent onto or into land (s15(2A)).

C.6.5.4 Aerial application of vertebrate toxic agents (aerial application) – controlled activity

The aerial application of a vertebrate toxic agents onto or into land and any incidental discharge into water or incidental discharge of dust to air, that are not exempt from Section 15 by other than those complying with⁵⁰⁵ the *Resource Management (Exemption) Regulations 2017 – Pest Control*, is a controlled activity provided that:

- 1) the substance is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*.

Matters of control:

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

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be imported into or manufactured in New Zealand, and places controls ~~of~~ on each phase of the substances' life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

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

- ~~Discharge of contaminants into or onto land where they may enter water (s15(1)(b)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a vertebrate toxic agent onto or into land where they may enter water and any incidental discharge of a vertebrate toxic agent into water (s15(1)).
- Discharge of a vertebrate toxic agent onto or into land and any incidental discharge of a vertebrate toxic agent into air (S15(2A)).

C.6.5.5 Application of agrichemicals and vertebrate toxic agents – discretionary activity

The discharge of an agrichemicals or vertebrate toxic agents that is not a permitted or controlled activity in section C.6.5 of this Plan:

- 1) ~~permitted activity under rule C.6.5.1 'Application of agrichemicals – permitted activity', or~~
- 2) ~~permitted activity under rule C.6.5.2 'Application of agrichemicals into water – permitted activity', or~~
- 3) ~~permitted activity under rule C.6.5.3 'Vertebrate toxic agents (ground-based application) – permitted activity', or~~
- 4) ~~controlled activity under rule C.6.5.4 'Vertebrate toxic agents (aerial application) – controlled activity', or~~

is a discretionary activity.

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

- ~~Discharge contaminants into water (s15(1)(a)).~~
- ~~Discharge contaminants to land which may enter water (s15(1)(b)).~~
- ~~Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of an [agricultural chemical](#) or [vertebrate toxic agent](#) into water, onto or into land where it may enter water, or into air (s15(1)).
- Discharge of an [agricultural chemical](#) or [vertebrate toxic agent](#) into air or onto or into land (S15(2A)).

C.6.6 Industrial and trade wastewater discharges

C.6.6.1 Discharge of cooling water – permitted activity

The discharge of cooling water into water is a permitted activity, provided:

- 1) the discharge is free of any [hazardous substance](#), and
 - 1A) the discharge is not within 100 metres of a [geothermal surface feature](#), and⁵⁰⁶
- 2) the discharge does not cause any of the following effects in the receiving waters beyond the [zone of reasonable mixing](#) ~~a 20 metre radius from the point of discharge⁵⁰⁷~~:
 - a) an increase in temperature of more than three degrees Celsius, or
 - b) the pH to fall outside a range of 6.5 to 8.5, or
 - c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - d) a conspicuous change in the colour, or visual clarity, ~~and or~~
 - e) ~~a significant adverse effect on aquatic life, and~~
- 3) the discharge does not cause any permanent scouring or erosion of the bed of a water body at the point of discharge.

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

- ~~• Discharge of contaminants into environment (s15(1)(a)).~~
- Discharge of cooling water into water (s15(1)).

C.6.6.1A Discharge of contaminants from a water treatment plant – permitted activity⁵⁰⁸

The discharge of untreated or primary treated water containing contaminants into water, or onto or into land where it may enter water, from a water treatment plant for potable water supply is a permitted activity, provided:

- 1) the discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and
- 2) the discharge only occurs during times of high total suspended solids concentrations in the treatment plant's source water, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond the [zone of reasonable mixing](#):
 - a) an increase in water temperature by more than three degrees Celsius, or
 - b) the pH to fall outside a range of 6.5 to 8.5, or
 - c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - d) a conspicuous change in the colour, or visual clarity.

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

- Discharge of untreated or primary treated water containing contaminants from a water treatment plant for potable water supply, into water or onto or into land where it may enter water (s15(1)).
- Discharge of untreated or primary treated water containing contaminants from a water treatment plant for potable water supply, onto or into land (s15(2A)).

C.6.6.2 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water—~~certain types of industrial or trade wastewater—~~permitted activity

The discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land is a permitted activity, provided:

- 1) the volume discharged does not exceed:
 - a) three cubic metres per day, averaged over the month of greatest discharge, and
 - b) six cubic metres during any 24-hour period, and
- 2) the discharge is not via a [deep soakage system](#) or rapid infiltration systems, and
- 3) the lowest point of the disposal system is not less than 0.9 metres above the winter groundwater table, and
- 4) the discharge is not into or onto [contaminated land](#), and
- 5) the pH of the [wastewater](#) is between five and nine, and
- 6) the sodium absorption ratio of the [wastewater](#) is less than 10, and
- ~~7) the concentrations of contaminants in the [wastewater](#) do not exceed:~~
 - ~~a) 5 milligrams per litre of aluminium, or~~
 - ~~b) 0.1 milligrams per litre of arsenic, or~~
 - ~~c) 0.1 milligrams per litre of beryllium, or~~
 - ~~d) 0.5 milligrams per litre of boron, or~~
 - ~~e) 0.01 milligrams per litre of cadmium, or~~
 - ~~f) 0.1 milligrams per litre of chromium, or~~
 - ~~g) 0.05 milligrams per litre of cobalt, or~~
 - ~~h) 0.2 milligrams per litre of copper, or~~
 - ~~i) 0.2 milligrams per litre of iron, or~~
 - ~~j) 2 milligrams per litre of lead, or~~
 - ~~k) 0.2 milligrams per litre of manganese, or~~
 - ~~l) 0.002 milligrams per litre of mercury, or~~

- m) 0.01 milligrams per litre of molybdenum, or
 - n) 0.2 milligrams per litre of nickel, or
 - o) 2 milligrams per litre of zinc, or
 - p) 15 milligrams per litre of total petroleum hydrocarbons, and⁵⁰⁹
- 8) there is no discharge:
- a) directly into water, or
 - b) into [surface water](#) via overland flow, or
 - c) into [surface water](#) via any tile, mole or other subsurface drain, and
- 9) there is no discharge to land or overland flow within:
- a) 20 metres of any river, lake, [natural wetland](#), or the coastal marine area, or
 - b) 20 metres of any [artificial watercourse](#) when containing water, or
 - c) 20 metres of a neighbouring [property](#) owned or occupied by another person, or
 - d) 50 metres of the head of a [bore](#) for any water supply, or
 - e) 50 metres of any dwelling owned or occupied by another person, and
- 10) The [wastewater](#) ~~is discharged~~ discharge occurs in a manner that:
- a) ~~does not exceed the soil's ability to absorb the~~ [wastewater](#), and
 - b) does not result in ponding on the land for more than three hours after the discharge, and
 - c) evenly distributes ~~it the~~ [wastewater](#) over ~~the~~ entire infiltration surface of the disposal system, and
- 11) there is a reserve area equivalent to 100 percent of the disposal area, and
- 12) there is no clogging of the disposal system or soils.

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

- ~~Discharge of contaminants into environment (s15(1)(d)).~~
- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land (s15(2A)).

C.6.6.3 Industrial or trade discharges – discretionary activity

The discharge of a contaminants (except for a contaminant entrained in [stormwater](#))⁵¹⁰ from an industrial or trade premises into water, or onto or into land, ~~or into water~~ that is not the subject of any other rule in this Plan:

- 1) ~~a permitted activity under~~ [C.6.1.1 Existing on-site domestic type wastewater discharge – permitted activity](#), or

- 2) ~~a permitted activity under [C.6.6.2 Discharge of cooling water, filter backwash water, vehicle wash water and rock aggregate wash water certain types of industrial or trade wastewater permitted activity](#)~~
- 3) ~~or any other rule relating to discharges of contaminants from industrial or trade premises,~~⁵¹¹
is a discretionary activity.

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

- ~~Discharge of contaminants into environment (s15(1)(a) and (d)).~~
- Discharge of a contaminant (except for a contaminant entrained in [stormwater](#)) from an industrial or trade premises into water or onto or into land (s15(1)).

Note: for rules relating to the discharge of contaminants entrained in [stormwater](#) from an industrial or trade premises see Rules in [C.6.4](#) of this Plan.

C.6.7 Solid waste

~~C.6.7.1 Cleanfill – permitted activity~~

The placement of [cleanfill material](#) onto or into land is a permitted activity, provided:

- ~~1) all conditions in rule C.8.3.1 ‘[Earthworks – permitted activity](#)’ are complied with, and~~
- ~~2) the following details are recorded and made available to the regional council on request
 - ~~a) the source and composition of the [cleanfill material](#), and~~
 - ~~b) Global Positioning System co-ordinates of the [cleanfill material](#) in the disposal site, and~~~~
- ~~3) the [cleanfill material](#) is located to avoid being undermined or eroded by natural processes or being inundated by coastal or river flooding, and~~
- ~~4) there is no offensive or objectionable dust beyond the boundary of the subject [property](#).~~

The RMA activities this rule covers:

- ~~• Restrictions on the use of land (s9(2)).~~
- ~~• Discharge of contaminants onto or into land where it may enter water (s15(1)(b)).~~⁵¹²

C.6.7.2 Discharges to land from closed landfills – permitted activity

The discharge of a contaminants from a closed [landfill](#) onto or into land ~~from a closed [landfill](#)~~ is a permitted activity, provided:

- 1) a risk assessment of the closed [landfill](#) is certified by a [suitably qualified and experienced practitioner](#) and is carried out in accordance with the risk screening system developed by the Ministry for the Environment which demonstrates that the environmental risk is low, and
- 2) a copy of the risk assessment is lodged with the Regional Council.

Note: *the current risk screening system for closed [refuse](#) disposal facilities <15,000 cubic metres MSW is contained in the document [Small Landfill Closure Criteria – Risk Assessment for Small Closed Landfills](#) (MfE, 2002) and for closed [refuse](#) disposal facilities >15,000 cubic metres MSW in the procedures set out in the document [A Guide to the Management of Closing and Closed Landfills in New Zealand](#) (MfE, 2001).*⁵¹³

- ~~1) [refuse](#) in the [landfill](#) is capped with a minimum of:
 - ~~a) 150 millimetres topsoil layer for vegetation, and~~
 - ~~b) 600 millimetres compacted barrier layer (silt, silty clay, clay), with permeability not greater than nine millimetres per day, and~~
 - ~~c) 300 millimetres compacted subgrade or foundation layer, and~~~~
- ~~2) the site is protected from salt water, groundwater and freshwater intrusion or inundation by the use of stop banks or impermeable seals, and~~
- ~~3) the surface of the [landfill](#) is sloped to prevent ponding of [surface water](#), and~~

- 4) ~~the final capping layer is planted using vegetation that will maintain ground cover and whose roots will not intrude through the capping layer into the [refuse](#) in the [landfill](#), and~~
- 5) ~~catchment run-off is prevented from entering the [landfill](#), and~~
- 6) ~~the discharge does not cause beyond a 20-metre radius in the receiving waters from the point of discharge:

 - d) ~~an exceedance of a [water quality standard](#) or a [sediment quality standard](#), or ⁶⁹⁷~~
 - e) ~~the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or~~
 - f) ~~a conspicuous change in the colour or visual clarity, or~~
 - g) ~~the rendering of fresh water unsuitable for consumption by farm animals, or~~
 - h) ~~a significant adverse effect on aquatic life.⁵¹⁴~~~~

Note: the discharge to air from a closed landfill is covered by rule C.7.2.3.

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

- ~~Discharge of contaminants onto or into land where it may enter water (s15(1)(b)).~~
- ~~Discharge of contaminants to land from any trade or industrial premises (s15(1)(d)).~~
- Discharge of a contaminant from a closed landfill onto or into land (s15(2A)).

C.6.7.3 On-site refuse disposal – permitted activity

The discharge of ~~a contaminant waste from [primary production](#) or [household waste](#), except dead animals and offal,⁵¹⁵ from [primary production](#) or [household waste](#),~~ onto or into land, is a permitted activity, provided:

- 1) the waste is not from an industrial or trade premises, and
- 2) the waste comprises domestic waste or waste from [primary production](#) activities but does not include ~~offal, dead stock,⁵¹⁶~~ [agricultural](#) containers or hazardous substances, and
- 3) the waste is generated on the [property](#) where the ~~disposal-discharge~~ site is located, and
 - 3A) the [property](#) is not located within 20 kilometres by road of a territorial authority [waste transfer station](#) that accepts bulk [refuse](#), and
 - 3B) the [property](#) is more than four hectares in area, and⁵¹⁷
- 4) the volume of waste discharged does not exceed 50 cubic metres per [property](#) 12 cubic metres per [property](#) per calendar year,⁵¹⁸ and⁵¹⁹
- 5) the discharge of [refuse](#) is not located within:
 - a) 50 metres of the coastal marine area, a stream, river, lake or [natural wetland](#), or
 - b) 50 metres from the [bore](#) head of any water supply [bore](#), or
 - c) 50 metres of a [geothermal surface feature](#), or
 - d) 50 metres of any neighbouring [property](#) owned or occupied by another person, or

- e) a one-in-100-year flood hazard area, and
- 6) **stormwater** is prevented from entering the waste ~~disposal~~discharge site, and
- 7) the waste discharge site is not subject to groundwater or salt water intrusion or inundation, and
- 8) the waste is covered to prevent wind-blown **refuse**, and
- 9) the surface of the disposal-discharge site is re-vegetated when no longer in use to avoid erosion and sediment runoff, and
- ~~10) the location of the disposal site is recorded and provided to the regional council on request, and⁵²⁰~~
- 11) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject **property**.

Note: the disposal of dead stock and offal is covered by Rule C.6.3.3 Discharges associated with the disposal of dead animals or offal - permitted activity.⁵²¹

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

- ~~• Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant from **primary production** or household waste, except dead animals and offal, onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant from **primary production** or household waste, except dead animals and offal, onto or into land and any incidental discharge of odour and dust (s15(2A)).

C.6.7.4 Discharges from composting operations less than 10 cubic metres – permitted activity

The discharge of a contaminants onto or into land from a **composting operation**, and the associated discharge of dust and odour into air ~~is a~~are permitted activities, ~~activity~~ provided:

- 1) the total volume of material composted at any time does not exceed 10 cubic metres, and
- 2) the **compost** does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
- 3) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject **property**, and
- 4) leachate from the **composting operation** is not discharged to **surface water** via overland flow or via any tile, mole or other subsurface drain.

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

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

- Discharge of a contaminant onto or into land from a [composting operation](#) and the associated discharge of dust and odour into air (s15(1) and s15(2A)).

C.6.7.5 Discharges from composting operations greater than 10 cubic metres – permitted activity

The discharge of a contaminants onto or into land from a [composting operation](#), and the associated discharge of dust and odour into air in circumstances where contaminants may enter water where the total volume of material composted at any time exceeds 10 cubic metres is a permitted activities activity, provided:

- 1) the [compost](#) does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
- 2) [leachate](#) from the [composting site](#) is not discharged to surface water ~~body~~ via overland flow or via any tile, mole or other subsurface drain, and
- 3) there is no surface ponding of [leachate](#) or overland flow of [leachate](#) from the composting site, and
- 4) catchment run-off is diverted away from the [composting site](#) ~~pile~~, and
- 5) the activity is not located within:
 - a) 50 metres of any water supply [bore](#), stream, river, lake or [natural wetland](#), or
 - b) 50 metres of a [geothermal surface feature](#), or
 - c) 50 metres of the coastal marine area, or
 - d) a [high-risk flood hazard zone](#) hazard area, and
- 6) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject [property](#).

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

- ~~Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).~~
- ~~Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant onto or into land from a [composting operation](#) and the associated discharge of dust and odour into air (s15(1) and s15(2A)).

C.6.7.6 Discharges from waste transfer stations – controlled activity

The ~~D~~ discharge of a contaminants from a [waste transfer station](#) into or onto onto or into land, and the associated discharge of a contaminant into air is a controlled activities activity provided:

- 1) ~~the concentrations of contaminants in water at or beyond the [property](#) boundary do not exceed the following:~~⁵²²

- a) ~~in [surface water](#) and coastal water, the concentrations listed in Table 3.4.1 of the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000)* for the protection of 95% of species, and~~
 - b) ~~in groundwater, the limits for groundwater set out in the *Drinking Water Standards New Zealand 2005 (revised 2008)* also apply, and~~⁵²³
- 2) ~~the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject [property](#), and~~⁵²⁴

Matters of control:

- 1) Measures in place to ~~limit prevent~~ contaminants entering [surface water](#), groundwater and the coastal marine area.
- 2) Measures to manage any noxious, dangerous, offensive or objectionable odour, smoke, dust or any noxious or dangerous levels of airborne contaminants.

Notification:

Resource consent applications under this rule are precluded from public notification.⁵²⁵

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

- ~~Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant from a [waste transfer station](#) onto or into land and the associated discharge of a contaminant into air (s15(1) and s15(2A)).

C.6.7.6A Discharges from closed landfills⁵²⁶

The discharge of a contaminant from a closed [landfill](#) onto or into land is a controlled activity.

Matters of control:

- 1) The provision of a Closed Landfill Aftercare Management Plan and its format, contents and implementation.
- 2) Adequacy of protection from saltwater and fresh water intrusion including:
 - a) the permeability of the compacted capping layer, and
 - b) [stormwater](#) management onto and from the site, and
 - c) adequacy of the [landfill](#) surfaces to prevent ponding.
- 3) Adequacy of vegetation cover.
- 4) Mitigation of effects on water quality.

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

- Discharge of a contaminant onto or into land from a closed [landfill](#) (s15(1) and s15(2A)).

Note: discharges to air from closed landfills is covered in [C.7.2.3](#).

C.6.7.7 Other solid waste discharges – discretionary activity

A solid waste discharge onto or into land that is not a permitted activity or a controlled activity under any other rules in section C.6.7 of this Plan ~~is~~:

- 1) ~~permitted activity under rule C.6.7.1 'Cleanfill – permitted activity', or~~
- 2) ~~permitted activity under rule C.6.7.2 'Discharges to land from closed landfills – permitted activity', or~~
- 3) ~~permitted activity under rule C.6.7.4 'Composting operations less than 10 cubic metres – permitted activity', or~~
- 4) ~~permitted activity under rule C.6.7.5 'Composting operations greater than 10 cubic metres – permitted activity', or~~
- 5) ~~permitted activity under rule C.6.7.3 'On site refuse disposal – permitted activity', or~~
- 6) ~~controlled activity under rule C.6.7.6 'Waste transfer stations – controlled activity',~~

is a discretionary activity.

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

- ~~Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).~~
- ~~Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).~~
- Discharge of solid waste onto or into land and any incidental discharge of a contaminant into air (s15(1) and s15(2A)).

C.6.8 Contaminated land

Note: in addition to the rules contained in the following section, activities on contaminated land may also be subject to regulation(s) in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Contact the relevant district council for further information.

C.6.8.1 Investigating potentially contaminated land – permitted activity

A-The disturbance of land for a site investigation to assess the concentration of hazardous substances in soil, water or air is a permitted activity, provided:

- 1) the site investigation is ~~undertaken supervised and certified by~~⁵²⁷ a **suitably qualified and experienced practitioner**, and
- 2) the person or organisation initiating the site investigation ~~must~~ provides a copy of the site investigation report to the Regional Council within three months of the completion of the investigation, and
- 3) site investigations undertaken to assess the concentrations of contaminants in soil are undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, 2011)*, ~~and~~
- 4) ~~site investigations undertaken to assess the concentrations of contaminants in~~ **surface water**, ground water, soil gas or soil vapour are undertaken in accordance with *Section 2 Principles of site investigation, Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, 2011)*.⁵²⁸

Note:

The construction of a **bore** in contaminated land is a controlled activity (refer [C.8.5.3 Construction or alteration of a bore – controlled activity](#)).

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

- ~~• Discharge of contaminants into or onto land where it may enter water (s15(1)(b))~~
- ~~• discharge of contaminants into land from any trade or industrial premises (s15(1)(d)), and~~
- ~~• discharge of contaminants into the air from any other place or source (s15(2A)), and~~
- ~~• restrictions on the use of land (s9(2)).~~
- Disturbance of land for a site inspection to assess the concentration of a hazardous substance in soil or water (s9(2)).
- Discharge of a contaminant onto or into land, or onto or into land where it may enter water, or into air incidental to the activity (s15(1)).
- Discharge of a contaminant onto or into land and into air incidental to the activity (s15(2A)).

C.6.8.2 Discharges from contaminated land – permitted activity

The passive discharge of a contaminants from contaminated land into water, or onto or into land where it may enter water, is a permitted activity, provided:

- 1) a site investigation has been ~~undertaken~~ supervised and certified by a suitably qualified and experienced practitioner, and⁵²⁹
- 2) the site investigation report demonstrates that the passive discharge of the contaminants of concern is equal to or less than the relevant contaminant concentrations set out in clauses 2A to 5 below:⁵³⁰

2A a) contaminants in sensitive groundwater, the concentration of a contaminant at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed:

- a) the relevant contaminant concentrations in the *Drinking Water Standards for New Zealand 2005 (revised 2008)*, and
- b) the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1 (ANZECC 2000)* at the level of 80 percent protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (95 percent protection of species), and⁵³¹
 - i) ~~0.07 µg/L perfluorooctane sulfonate acid (PFOS) + perflurohexane sulfonate (PFHxS), and~~
 - ii) ~~0.56 µg/L of perfluorooctanoic acid (PFOA), and~~
 - iii) ~~the contaminant concentrations in the *Drinking Water Standards for New Zealand 2005 (revised 2008)*, and~~
 - iv) ~~contaminant concentrations in *Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000)* for fresh and marine water at the level of 80% protection of species, and~~
 - v) ~~where there is a difference in contaminant concentrations in 2)a)iii) and iv), the most restrictive concentration applies, and~~⁵³²

b) contaminants in non-sensitive groundwater, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed:

- i) ~~2 µg/L of perfluorooctane sulfonate acid (PFOS) + perflurohexane sulfonate (PFHxS), and~~
- ii) ~~632 µg/L of Perfluorooctanoic acid (PFOA), and~~
- iii) ~~the concentrations for benzene listed in *Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000)* for fresh and marine water at the level 95% protection of species, and~~
- iv) ~~for other contaminants, the concentrations of contaminants listed in *table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand*~~

~~Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level of 80% protection of species, and~~⁵³³

- 2C) in surface water, the concentration of a contaminant, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), or immediately adjacent to any surface water or coastal water, does not exceed the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1 (ANZECC 2000) at the level of 95 percent protection of species, and⁵³⁴
- 2D e) concentrations of chlorinated solvents concentrations in soil gas do not exceed the land use specific Interim Health Investigation Levels for soil gas at one metre depth given in Table 1A(2) of Schedule B1 (Guideline on Investigation Levels for Soil and Groundwater) of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (updated 2013); at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and
- 2E d) concentrations of petroleum hydrocarbons concentrations in soil gas do not exceed the land use specific target soil air concentrations at one metre depth given in Appendix 4J of the Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (Ministry for the Environment, 2011); at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and
- e) landfill gas at the property boundary does not exceed:
- i) one percent methane by volume, or
 - ii) 0.5 percent carbon dioxide by volume, and
- 3) light non-aqueous phase liquids (LNAPLs)^{xiii} must not have a LNAPL transmissivity of less than 0.001-0.07 square metres per day, or a suitably qualified and experienced practitioner must certify that the LNAPL is unlikely to be mobile using a lines of evidence approach, and⁵³⁵
- 4) for dense non-aqueous phase liquids (DNAPL)^{xiv} a suitably qualified and experienced practitioner must certify that the DNAPL is unlikely to be are not mobile and in free phase form using a lines of evidence approach, and⁵³⁶
- 5) non-aqueous phase liquids do not extend across the property boundary.

Note: Rules C.6.8.1 and C.6.8.2 reference several standards which list a range of contaminants. It is expected that compliance with these Rules will focus on contaminants that may be present at concentrations that could pose a potential human health and/ or environmental risk. These are known as contaminants of concern. Dischargers are not expected to test for, or otherwise demonstrate compliance for, contaminants that are not relevant to the site's history. The Rules also require dischargers to "demonstrate" compliance. This can be achieved, depending on site-specific circumstances, through a lines of evidence approach using one or more or a combination of expert knowledge of contamination mechanisms and the physical and chemical properties of the contaminants that may be present, testing or sampling, chemical fate and transport assessment or modelling, or similar techniques.⁵³⁷

^{xiii}Light non-aqueous phase liquids are liquids that have a specific gravity of less than one.

^{xiv}Dense non-aqueous phase liquids are liquids that have a specific gravity of greater than one.

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

- ~~• discharge of contaminants onto or into land which may enter water (15(1)(b)), and~~
- ~~• discharge of contaminants onto or into land from any trade or industrial premises (15(1)(d)), and~~
- ~~• discharge of contaminants into the air from any other place or source (s15(2A)), and~~
- ~~• restrictions on the use of land (s9(2)).~~
- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant onto or into land (s15(2A)).

~~C.6.8.3 Contaminated land remediation – discretionary activity~~⁵³⁸

~~Remediation of contaminated land is a discretionary activity, except:~~

- ~~1) earthworks that are a permitted activity under rule C.8.3.1 'Earthworks – permitted activity'~~

~~The RMA activities this rule covers:~~

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

C.6.8.3A Contaminated land remediation – controlled activity⁵³⁹

The remediation of contaminated land is a controlled activity.

Matters of control:

- 1) The content, adequacy and implementation of the detailed site investigation report including:
 - a) site sampling, and
 - b) laboratory analysis, and
 - c) risk assessment.
- 2) The need for, content, adequacy and implementation of a remedial action plan, site management plan, validation report and an ongoing site management plan, prepared by a suitably qualified and experienced practitioner, in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011).

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

- Remediation of contaminated land (s9(2)).

- Discharge of a contaminant onto or into land where it may enter water or onto or into land or into air incidental to the activity (s15(1)).
- Discharge of a contaminant into air or into or onto land incidental to activity (s15(2A)).

C.6.8.3B Re-consenting passive discharges from contaminated land – controlled activity⁵⁴⁰

An application for a new resource consent to replace an existing resource consent for a passive discharge of a contaminant into water, or onto or into land where it may enter water, is a controlled activity.

Matters of control:

- 1) The content, adequacy and implementation of a detailed site investigation (contaminated land), including:
 - a) site sampling, and
 - b) laboratory analysis, and
 - c) risk assessment.
- 2) The need for, contents, adequacy and implementation of a remedial action plan, site management plan, validation report and an ongoing site management plan, prepared by a suitably qualified and experienced practitioner, in accordance with Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011).
- 3) The need for a financial bond.

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

- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).

C.6.8.4 Contaminated land – discretionary activity

The:

1A) disturbance of land for a site investigations to assess the concentration of a hazardous substances that may be present in soil or water, or

2A) discharges of a contaminant from contaminated land,

that is not a permitted or controlled activity in section C.6.8 of this Plan ÷

- 1) ~~permitted activity under rule C.6.8.1 'Investigating contaminated land – permitted activity'~~
~~or, or~~
- 2) ~~permitted activity under rule C.6.8.2 'Discharges from contaminated land – permitted activity'~~,

is a discretionary activity.

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

- ~~restrictions on the use of land (s9(2)), and~~
- ~~discharge of contaminants to land which may enter water (15(1)(b)), and~~
- ~~discharge of contaminants into land from any trade or industrial premises (15(1)(d)).~~
- Disturbance of land for a site investigation to assess the concentration of hazardous substances in soil or water (s9(2)).
- Discharge of a contaminant into water, or onto or into land where it may enter water, or onto or into land, or into air incidental to the activity (s15(1)).
- Discharge of contaminants into air or into or onto land (s15(2A)).

C.6.9 Other discharges of contaminants

C.6.9.1 Discharge of dust suppressants – permitted activity

The discharge of a dust suppressant onto or into land is a permitted activity, provided:

- 1) ~~the discharge is not directly to water, and~~
- 2) the dust suppressant:
 - a) 1) is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, or
 - b) 2) has been determined by the Environmental Protection Authority ~~to~~ not to be a hazardous substance.

Note: *the Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be used, imported into or manufactured in New Zealand, and places controls of each phase of a substance's life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.*

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of a dust suppressant onto or into land where it may enter water (s15(1)).
- Discharge of a dust suppressant onto or into land (s15(2A)).

C.6.9.2 Discharge of tracers – permitted activity

The discharge of a tracer into water or onto or into land where it may enter water is a permitted activity, provided:

- 1) the discharge is not upstream of any abstraction point for a [registered drinking water supply](#), unless approved by the water supplier, and
- 2) the tracer is of a type designed for use in water and is used in accordance with the manufacturer's recommendations and any recognised standards and practices, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge ~~the [zone of reasonable mixing](#)~~.⁵⁴¹
 - a) a conspicuous change in the colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, ~~and~~ or
 - c) ~~a significant adverse effect on aquatic life, and~~
- 4) the Regional Council's compliance manager is given at least 24 hours' notice (in writing or by email) prior to the discharge.

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

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

- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).

C.6.9.3 Discharge of fertiliser – permitted activity

The discharge of **fertiliser**, other than **farm wastewater**, onto or into land where it may enter water is a permitted activity, provided the activity is done in accordance with Sections 5.2 and 5.3 of the *Code of Practice for Nutrient Management – With Emphasis on Fertiliser Use (Fertiliser Association, 2013)*.

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

- ~~Discharge of contaminants into environment (s15(1)(b)).~~
- Discharge of a **fertiliser** onto or into land where it may enter water (s15(1)).

C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir – permitted activity

The discharge of sluicing water or water from a public or community water supply network or reservoir⁵⁴² into water, or onto land where it may enter water, is a permitted activity, provided:

- 1) ~~the activity is associated with the sluicing of public or community water supply mains or the testing, repair or maintenance of pipelines, and~~
- 2) the discharge does not cause any permanent scouring or erosion of the channel or banks of the receiving water body at the point of discharge, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20-metre radius from the point of discharge⁵⁴³:
 - a) an increase in the temperature of the water by more than three degrees Celsius, or
 - b) a conspicuous change in the colour or visual clarity, or
 - c) an emission of objectionable odour, or
 - d) the rendering of fresh water unsuitable for consumption by farm animals, ~~or~~
 - e) ~~a significant adverse effect on aquatic life.~~

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

- ~~Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- Discharge of sluicing water or water from a public or community water supply network, or reservoir to water or onto or into land where it may enter water (s15(1)).

C.6.9.4A Discharges from shellfish harvesting, washing and sorting – permitted activity⁵⁴⁴

The discharge of water or biodegradable organic matter to coastal water or the foreshore and seabed as a result of harvesting, washing or sorting farmed shellfish is a permitted activity, provided:

- 1) the discharge occurs in an area where aquaculture is authorised to occupy, and
- 2) the discharge does not cause an accumulation of shell and other debris on the foreshore or seabed, and
- 3) the discharge does not cause any of the following effects 20 metres beyond the area where aquaculture is authorised to occupy:
 - a) a conspicuous change in the colour or visual clarity, or
 - b) an increase in the temperature of the water by more than three degrees Celsius, or
 - c) the pH of fresh water to be outside the range of 6.5-8.5, or
 - d) the dissolved oxygen in water to be less than five milligrams per litre, or
 - e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - f) an emission of objectionable odour.

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

- Discharge of water or biodegradable organic matter to water or onto or into land where it may enter water (s15(1)).
- Deposition of biodegradable organic matter on the foreshore or seabed incidental to the activity (s12(1)).

C.6.9.5 Discharges to land or water not provided for by other rules – permitted activity

The discharge of water or a contaminants into water, or onto or into land where it may enter water, that is not regulated by the subject of any other rule in this Plan is a permitted activity, provided:

- ~~1) the discharge does not contain any exotic organisms, and~~
- 2) the discharge does not contain a hazardous substance, except where dewatering occurs in conjunction with the installation, maintenance or replacement of an underground petroleum storage system and where the discharge does not contain more than 15 mg/L of hydrocarbons, and⁵⁴⁵
- 3) the discharge does not contain biosolids, and
- 4) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing ~~a 20 metre radius from the point of discharge:~~⁵⁴⁶
 - ~~a) an exceedance of a water quality standard or a sediment quality standard, or~~⁵⁴⁷
 - b) an increase in the temperature of the water by more than three degrees Celsius, or
 - c) the pH of fresh water to be outside of the range of 6.5-8.5, or
 - d) the dissolved oxygen in fresh water to be less than five milligrams per litre, or

- e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - f) a conspicuous change in the colour or visual clarity, or
 - g) an emission of objectionable odour, or
 - h) the rendering of fresh water unsuitable for consumption by farm animals, ~~and~~ or
 - i) ~~a significant adverse effect on aquatic life, and~~
- 5) the discharge does not cause permanent scouring or erosion of scour or erode the bed of any water body or the coastal marine area at the point of discharge.

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

- ~~Discharge of contaminants into environment (s15(1)(a), (b) and (d)).~~
- Discharge of a contaminant or water to water or onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant onto or into land (s15(2A)).

C.6.9.6 Other discharges – discretionary activity

~~The discharge of a contaminant into water or onto or into land where it may enter water that is not a permitted, controlled, restricted discretionary, non-complying, or a prohibited activity in this plan is a discretionary activity.~~

The following discharges are discretionary activities:

- 1) the discharge of dust suppressant to land that is not permitted activity under [C.6.9.1 Discharge of dust suppressants – permitted activity](#), and
- 2) the discharge of a tracer into water that is not permitted activity under [C.6.9.2 Discharge of tracers – permitted activity](#), and
- 3) the discharge of [fertiliser](#), other than farm [wastewater](#), onto or into land where it may enter water that is not permitted activity under [C.6.9.3 Discharge of fertiliser – permitted activity](#), and
- 4) the discharge of sluicing water, or water from a public or community water supply network or reservoir, into water or onto land where it may enter water that is not permitted activity under [C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir - permitted activity](#), and
- 5) the discharge of water, and biodegradable and organic matter, to coastal waters and the foreshore as a result of harvesting, washing and/or sorting farmed shellfish that is not a permitted activity under [C.6.9.4A Discharges from shellfish harvesting, washing and sorting - permitted activity](#).

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

- ~~Discharge of contaminants into environment (s15(1)(a), (b) and (d)).~~
- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).

- Discharge of a contaminant onto or into land (s15(2A)).

C.6.9.7 Discharges of untreated sewage from a ship or offshore installation – prohibited activity

The discharge of untreated sewage from a [vessel](#) or offshore installation is prohibited within:

- 1) any location landward of the Marine pollution limits (refer [I Maps | Ngā mahere matawhenua](#)), and
- 2) the 'Marine pollution limits – Bay of Islands large [vessel](#) limits' (refer [I Maps | Ngā mahere matawhenua](#)) for [vessels](#) for that have a certificate of survey to carry more than 49 passengers and crew.

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

- ~~Restrictions on dumping and incineration of waste or other matter in the coastal marine area (s15B).~~
- Discharge of untreated sewage from a [vessel](#) or offshore installation into the coastal marine area (s15B).

C.7 Discharges to air

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

C.7.1 Burning

Rule	Page
C.7.1.1 Outdoor burning <u>outside the Whangārei airshed</u> – permitted activity	
C.7.1.2 Outdoor burning in the Whangārei and Kerikeri airsheds - permitted activity	
C.7.1.3 Outdoor <u>Burning for fire training purposes</u> – permitted activity	
C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity	
<u>C.7.1.4A Flaring natural gas</u> – permitted activity	
C.7.1.5 Burning for energy (electricity <u>or and</u> heat) generation less than 40kW – permitted activity	
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C.7.1 Burning

C.7.1.1 Outdoor burning outside the Whangārei airshed – permitted activity⁵⁴⁸

The discharge of a contaminant into air from outdoor burning outside the Whangārei airshed (refer '[I Maps | Ngā mahere matawhenua](#)')⁵⁴⁹ is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, ~~spray or~~ dust, or any noxious or dangerous levels of airborne contaminants ~~including those that adversely affect traffic or aircraft safety~~, beyond the boundary of the subject property or in the coastal marine area, and⁵⁵⁰
- 2) ~~it is not in the Whangārei airsheds (refer I 'Maps'), and~~⁵⁵¹
- 3) the only materials burnt are:
 - a) untreated wood, paper, cardboard, and vegetative matter, and
 - b) ~~(including animal carcasses and offal on production land) are burnt, and~~
- 4) it does not take place on an industrial or trade premises, unless burning is in an incineration device and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, and
- 5) where any outdoor burning is likely to last for more than 24 hours and it is within 100 metres of a smoke-sensitive area on another property:
 - a) the neighbouring property with the smoke-sensitive area must receive notification no less than 24 hours and no more than two weeks before the outdoor burning activity is to take place, and
 - b) notification must:
 - i) be in writing (which can include email or other electronic means), and
 - ii) include:
 - 1) a contact name and number for the person supervising the burn, and
 - 2) details of materials to be burnt, and
 - 3) general time the burning will commence, and
 - 4) approximate length of time the burn will take, ~~and~~
 - c) ~~some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.~~

Note: *prior to the lighting of any fire in open air, the fire season in the location should be checked and any necessary permit(s) obtained from Fire and Emergency New Zealand.*⁵⁵²

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

- ~~• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from outdoor burning (15(1) and s15(2A)).

C.7.1.2 Outdoor burning in the Whangārei and Kerikeri airsheds – permitted activity⁵⁵³

The discharge of a contaminant into air from [outdoor burning](#) in the Whangārei and Kerikeri airsheds (refer '[I Maps | Ngā mahere matawhenua](#)') is a permitted activity, provided:⁵⁵⁴

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject [property](#) or in the coastal marine area, and⁵⁵⁵
- 2) only untreated wood, paper, cardboard and vegetative matter are burnt, and
- 3) it is located on a [property](#) greater than one hectare in area more than 100 metres upwind, and 50 metres in any other direction, of any [smoke sensitive activity](#) that is not located on the [property](#) where the burning occurs, and⁵⁵⁶
- 4) ~~in the Whangārei airshed, no burning is to take place during June, July or August, and~~⁵⁵⁷
- 5) ~~that despite clauses 2, 3 and 4 above do not apply, burning is permitted provided where the burning is:~~
 - a) ~~on an industrial and trade premise, in an [incineration device](#) and only untreated wood, paper, cardboard and vegetative matter material generated on-site are is burnt, or~~
 - b) ~~an umu (provided it is being used for its designated purpose and with its intended fuel), or~~
 - c) ~~a hangi (provided it is being used for its designated purpose and with its intended fuel), or~~
 - d) ~~a barbeque (provided it is being used for its designated purpose and with its intended fuel), or~~
 - e) ~~an outdoor fire for food cooking purposes (provided it is being used for its designated purpose and with its intended fuel), or~~
 - f) ~~in a wood-fired kiln (provided it is being used for its designated purpose and with its intended fuel), or~~
 - g) ~~a bonfire containing only wood, paper, cardboard and vegetative matter, organised by a [community-controlled organisation](#) and the Regional Council and Fire and Emergency New Zealand are is-notified five working days in advance, and~~⁵⁵⁸
- 5A) if the burning is an outdoor fire used for cooking food or in an appliance designed for cooking food outdoors, then clauses 3 and 4 above do not apply, and gas, liquid fuel or charcoal may also be burnt in addition to the materials listed in clause 2 above, and
- 6) where any [outdoor burning](#) is likely to last for more than 24 hours and it is within 100 metres of a [smoke-sensitive area](#) on another [property](#):
 - a) the neighbouring [property](#) with the [smoke-sensitive area](#) must receive notification no less than 24 hours and no more than two weeks before the [outdoor burning](#) activity is to take place, and
 - b) notification must:
 - i) be in writing (which can include email or other electronic means),₂ and

- ii) include:
 - 1) a contact name and number for the person supervising the burn, and
 - 2) details of materials to be burnt, and
 - 3) general time the burning will commence, and
 - 4) approximate length of time the burn will take, ~~and~~

e) ~~some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.~~

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

- ~~• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from [outdoor burning](#) premises (15(1)).
- Discharge of a contaminant into air from [outdoor burning](#) (s15(2A)).

C.7.1.3 ~~Outdoor~~ Burning for fire training purposes – permitted activity

The discharge of a contaminant into air from [Outdoor](#) burning⁵⁵⁹ of any material for the purpose of fire training or reducing fire risk (including a controlled fuel reduction burn) is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject [property](#) or in the coastal marine area, and
- 2) the fire is under the control of a nationally recognised body [authorised](#) to undertake fire research, ~~or fire training, or fire response~~ activities, and⁵⁶⁰
- 3) the relevant territorial authority and the Regional Council's compliance manager are notified in writing (which can include email or other electronic means) at least five working days before the fire begins and notification must include:
 - a) a contact name and number for the person supervising the burn, and
 - b) details of materials to be burnt, and
 - c) location and proximity to [smoke-sensitive areas](#), and
 - d) approximate length of time the burn will take, and
- 4) burning does not occur more than once in any 3 month period at the same [property](#).⁵⁶¹

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

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

- Discharge of a contaminant into air from burning (15(1) and s15(2A)).

C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity

The discharge of a contaminant into air from outdoor burning of any material for the purpose of meeting a requirement of the Biosecurity Act 1993 is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.⁵⁶²

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

- ~~Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from outdoor burning (15(1)).
- Discharge of a contaminant into air from outdoor burning (s15(2A)).

C.7.1.4A Flaring natural gas – permitted activity⁵⁶³

The discharge of natural gas into air by way of flaring as a consequence of natural gas transmission and distribution activities is a permitted activity, provided:

- 1) the total heat release does not exceed 6MW, and
- 2) the discharge does not occur for more than two hours in any 24-hour period, and
- 3) the discharge does not result in any noxious, offensive or objectionable odour or smoke beyond the boundary of the subject property or in the coastal marine area, and
- 4) when the discharge is greater than 2,000kPa it must occur via a chimney stack or chimney at least 4.5 metres above ground level, or at least three metres above the ridge line of the roof, building or other structure (whichever is the highest) within a radius of 50 metres of the chimney stack or chimney, and
- 5) when the discharge is below 2,000kPa the discharge shall occur via a flaring apparatus, and
- 6) the discharge shall be directed vertically into air or on an angle greater than 45 degrees and shall not be impeded by any obstruction including rain excluders, and
- 7) the gas flaring burning equipment must be maintained by a suitably qualified person at least once every 12 months, with a copy of the maintenance report held by the operator and provided to the Regional Council upon request.

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

- Discharge of natural gas into air (s15(1) and s15(2A)).

C.7.1.5 Burning for energy (electricity or ~~and~~ heat) generation less than 40kW – permitted activity

The discharge of a contaminants into air from the burning of coal, oil (but not waste oil),⁵⁶⁴ natural gas, biogas, liquid petroleum gas or untreated wood in a burning device for energy (electricity or ~~and~~ heat) generation is a permitted activity, provided:

- 1) the heat capacity of the device does not exceed 40KW, and
- 2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, ~~spray~~ or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.⁵⁶⁵

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

- ~~• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood s15(1) and s15(2A)).

C.7.1.6 Burning for energy (electricity or ~~and~~ heat) generation more than 40KW – permitted activity

The discharge of a contaminants into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a burning device of more than 40KW for energy (electricity or heat) generation is a permitted activity, provided:

- 1) the burning device has a rate of heat release less than the following:
 - a) coal and oil (but not waste oil) – does not exceed five 5MW, and
 - b) natural gas, biogas and liquid petroleum gas– does not exceed 10MW, and
 - c) untreated wood burning – does not exceed 2.5MW, and
- 2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, ~~spray~~ or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁵⁶⁶
- 3) the discharge of particulates is less than 250mg/m³ of non-toxic particulates, corrected to 0°C, 12% CO₂, 1 Atmosphere, and a dry gas basis, and

3A) Either:

- a) the stack height is calculated in accordance with the chimney height requirements in [H.3 Stack Chimney height requirements](#), and the stack vertical efflux velocity is not less than 10m/s, or
- b) the discharge was [authorised](#) at the operative date of this Plan and there is no increase in the scale of, or change to the type of, discharge, and⁵⁶⁷

- 4) ~~the stack height is calculated in accordance with the chimney height requirements in H.3 'Chimney height requirements', and~~
- 5) ~~the stack vertical efflux velocity is not less than 5m/s, and~~⁵⁶⁸
- 6) the opacity of the discharge to air when measured visually in accordance with the *Australian Standard. Use of standard Ringelmann and Australian Standard miniature smoke charts (AS3543:2014)* is not as dark as or darker than Ringelmann Shade No. 1 for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing, providing that the opacity of the discharge is reduced as far as practicable, and
- 7) the opacity of the discharge to air when measured by photoelectric means in accordance with the *Australian Standard. Use of standard Ringelmann and Australian Standard miniature smoke charts (AS3543:2014)* does not equal or exceed 52% for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing providing that the opacity of the discharge is reduced as far as practicable.

Note: *this rule does not apply to the discharge of contaminants to air as a result of using the energy from the burning device (for example, the drying of wood in a kiln, foundry furnaces where metal is smelted, incinerators or other fuel burning equipment associated with industrial processes) – this type of discharge is a discretionary activity under Rule C.7.2.7. Additionally, where there is more than one burning device on one property, the total generating capacity of the site must be less than the specifications for the relevant fuel.*

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

- ~~• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (15(1) and s15(2A)).

C.7.1.7 Existing authorised burning for energy generation – restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for the discharge of a contaminant into air from burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy (electricity or heat) generation is a restricted discretionary activity, provided:

- 1) the existing air discharge is **authorised** by an existing resource consent at the time of the resource consent application, and
- 2) there is no increase in the scale or change to the type⁵⁶⁹ of the discharge as **authorised** by the existing resource consent.

Notification:

Applications processed under this rule are precluded from public notification.

Matters of discretion:

- 1) Best practicable option measures to avoid, remedy or mitigate the adverse effects on smoke sensitive areas⁵⁷⁰ and neighbouring dwelling places or properties, ~~and~~⁵⁷¹
- 1A) The location of the discharge in relation to sensitive areas.⁵⁷²
- 2) The method of discharge, including stack height, design and exit velocity, ~~and~~
- 3) Emission control equipment, its effectiveness, operation and maintenance, ~~and~~
- 4) Combustion rate, efficiency, equipment operation and maintenance, ~~and~~
- 5) Fuel use, quality (including sulphur content), storage and handling, ~~and~~
- 6) Requirement for, and contents of, a management plan, ~~and~~
- 7) Emission limits (concentrations and/or rates) on the discharge, ~~and~~⁵⁷³
- ~~8) Monitoring and requirements for sampling points, and~~
- 9) Local air quality, ~~and~~ compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004, and ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the *Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, June 2008)*.⁵⁷⁴

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).⁵⁷⁵

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

- ~~• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood (s15(1) and s15(2A)).

C.7.1.8 Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity

The discharge of a contaminants into air from ~~any~~ burning a substance that is not a permitted, restricted discretionary or non-complying activity in section C.7.1 of this Plan:

- ~~1) permitted activity under rule C.7.1.1 'Outdoor burning – permitted activity', or~~
- ~~2) permitted activity under rule C.7.1.2 'Outdoor burning in the Whangarei and Kerikeri airsheds – permitted activity', or~~
- ~~3) permitted activity under rule C.7.1.3 'Outdoor burning for fire training purposes – permitted activity', or~~
- ~~4) permitted activity under rule C.7.1.4 'Outdoor burning for biosecurity purposes – permitted activity', or~~

- ~~5) permitted activity under rule C.7.1.5 'Burning for energy (electricity and heat) generation less than 40kW – permitted activity', or~~
- ~~6) permitted activity under rule C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity', or~~
- ~~7) restricted discretionary activity under rule C.7.1.7 'Existing authorised burning for energy generation – restricted discretionary activity', or~~
- ~~8) non-complying activity under rule C.7.1.9 'Outdoor burning – non-complying activity',~~
is a discretionary activity.

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

- ~~• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from burning a substance (15(1) and s15(2A)).

C.7.1.9 Outdoor burning – non-complying activity

The discharge of a contaminant into air from the outdoor burning of:

- 1) wood that is painted, oiled or stained, other than a minor and incidental amount, including but not limited to lead based painted wood, and
- 2) wood treated with Copper Chrome Arsenic (CCA) or other chemicals, and
- 3) timber treated with preservatives or impregnated with chemicals, for example, medium density fibreboard (MDF) and chipboard, and
- 4) construction or demolition waste, and
- 5) plastics, and
- 6) paint and other surface coating materials, and
- 7) tar, and
- 8) rubber, and
- 9) materials containing asbestos, and
- 10) synthetic material including but not limited to foams, fibreglass, batteries, chemicals, paint and other surface coating materials, and
- 11) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and
- 12) pathological, clinical veterinary or quarantine wastes or animal waste, but excluding animal carcasses or offal, other than minor or incidental amounts that are not the principle waste, and
- 13) sludge from industrial processes, and
- 14) municipal, commercial, institutional, domestic, or industrial waste, and
- 15) any container that has been used for the purpose of storing hazardous substances,

that is not:

- 16) a permitted activity under rule [C.7.1.3 Outdoor Burning for fire training purposes – permitted activity](#), or
- 17) a permitted activity under rule [C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity](#)

is a non-complying activity.

Note: the National Environmental Standards for Air Quality generally prohibits the burning of bitumen on a road, coated wire, tyres, oil, waste and gas at [landfills](#).

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

- ~~Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from [outdoor burning](#) (s15(1) and s15(2A)).

C.7.2 Other air discharges

C.7.2.1 Wet abrasive blasting – permitted activity

The discharge of a contaminant from [wet abrasive blasting](#) (including water blasting) onto or into land or into air is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject [property](#) or in the coastal marine area, and⁵⁷⁶
- 2) all working and surrounding areas are kept free of substantial accumulations of used [abrasive blasting](#) mediums and other debris after each blasting session, and such material must be removed by the end of each working day, and
- 3) used [abrasive blasting](#) mediums and other debris must be contained to the extent that no hazardous substances are discharged into water, and
- 4) the [abrasive blasting](#) medium is not greater than 5 percent by dry weight free silica, and
- 5) any discharge into water does not cause beyond a 20 metre radius in the receiving waters from the point of discharge the discharge does not cause any of the following effects in the receiving waters beyond the [zone of reasonable mixing](#):
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) ~~a [water quality standard](#) to be exceeded, or~~
 - c) increase the temperature by more than three degrees Celsius, or
 - d) cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than 1 pH unit, or
 - e) cause the dissolved oxygen to be less than 5mg/L, or
 - f) any conspicuous change in the colour or visual clarity, or
 - g) the rendering of fresh water unsuitable for consumption by farm animals, ~~or~~
 - h) ~~any significant adverse effects on aquatic life.~~

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

- ~~• Discharge contaminants into water (s15(1)(a)).~~
- ~~• Discharge contaminants onto land where it may enter water (s15(1)(b)).~~
- ~~• Discharge contaminants into land and air from industrial and trade premises (s15(1)(c)(d)).~~
- ~~• Discharge contaminants into land and air from any other place or source (s15(2A)).~~
- Discharge of a contaminant from [wet abrasive blasting](#) onto or into land or into air (s15(1) and s15(2A)).

C.7.2.2 Dry abrasive blasting within an enclosed booth – permitted activity

The discharge of a contaminant into air from dry abrasive blasting within a purpose-built enclosed blasting booth is a permitted activity, provided:

- 1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁵⁷⁷
- 2) the enclosed booth is fitted with an air extraction system that discharges all contaminants and exhaust air into a vent or emissions stack, and
- 3) the air extraction system is maintained at all times to remove at least 95% percent of particulate matter from the discharge, and
- 4) items being blasted are completely contained within the abrasive blasting booth, and
- 5) all doors, windows and other openings to the abrasive blasting booth are closed when blasting, and
- 6) the discharge from the air extraction system is at least 50 metres from any dust-sensitive area on another property.

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

- ~~Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant from dry abrasive blasting into air (s15(1) and s15(2A)).

C.7.2.2A Venting natural gas – permitted activity

The discharge of natural gas into air by way of venting as a consequence of natural gas transmission and distribution activities is a permitted activity, provided:

- 1) the discharge does not cause noxious, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and
- 2) the total amount of natural gas vented does not exceed 150 cubic metres (at standard conditions temperature and pressure conditions) per hour, and
- 3) venting does occur for more than one hour in any 24-hour period, and
- 4) the point of discharge is at least 2 metres away from any potential ignition source.⁵⁷⁸

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

- Discharge of natural gas into air (s15(1) and s15(2A)).

C.7.2.3 Discharges to air from a closed landfill – permitted activity

The discharges of a contaminant into air from any closed landfill is a permitted activity, provided:

- 1) the landfill was closed before the 1 September 2017, and
- 2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁵⁷⁹
- 3) there are no significant health and safety exposure risks from landfill gas on the subject site where public access is allowed, and
- 4) landfill gas at the property boundary does not exceed the following in-ground concentrations:
 - a) one percent methane by volume, or
 - b) 0.5 percent carbon dioxide by volume, and⁵⁸⁰
- 5) in circumstances where the closed landfill is authorised by ~~in receipt of~~ an existing resource consent to discharge to air, prior to the expiry of the consent it ~~can be~~ is demonstrated to the Regional Council, ~~that conditions (2) and (3) of this rule are met by a risk assessment prepared by a suitably qualified and experienced practitioner, that conditions (2) and (3) of this rule are met.~~⁵⁸¹

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

- ~~• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).~~
- ~~• Discharge contaminants into the air from any other place or source (s15(2A)).~~
- Discharge of a contaminant into air from a closed landfill (s15(1) and s15(2A)).

C.7.2.4 Discharges to air from industrial ~~and~~ or trade activities-premises - permitted activity

The discharge of a contaminants into air from the following industrial ~~and~~ or trade activities premises is a permitted activity:

- 1) premises for the manufacture or preparation or cooking of food or beverages for human consumption but excluding:
 - a) the extraction, distillation, or purification of animal or vegetable oil or fat 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 in quantities not exceeding 30 litres per day, and⁵⁸²
- 5) the operation of air conditioning systems and ventilation systems, and

- 6) the operation of industrial and commercial refrigeration systems, and
- 7) moving or stationary engine exhaust systems, and
- ~~8) indoor combustion of fuels for fire fighting training or emergency fire fighting purposes, and~~
- 9) premises used as or associated with funeral parlours, chapels, or stonemasons, but excluding crematoria, and
- 10) premises used for the application of surface coatings, including printing or manufacture of packaging materials and the printing of paper, but excluding spray coating activities in quantities exceeding 30 litres per day, 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 export or⁵⁸³ quarantine purposes, and
- 17) the construction, repair, maintenance and demolition of buildings, and
- 18) the refilling, storage and dispensing of tallow, and
- 19) the construction, use and maintenance of roads (including unsealed roads) and railways on industrial and trade premises, and
- 20) the loading and unloading and on-site movement of materials ~~having a dust-producing capacity~~, and
- 21) ~~a transfer station or recycling depot~~, and
- 22) premises used for the bulk storage, mixing and distribution of fertiliser, and⁵⁸⁴
- 23) quarrying operations, earthworks and clean fill operations, and
- 24) rotational plastic moulding, and⁵⁸⁵
- 25) a poultry hatchery or poultry feed mill,⁵⁸⁶

provided:

- ~~24) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.~~⁵⁸⁷

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

- Discharge of a contaminant into air (s15(1)).

C.7.2.5 Discharges to air from the use of public roads by motor vehicles – permitted activity

The discharge of dust into air from the use of a public roads by a motor vehicles, is a permitted activity, provided the relevant road controlling authority:

- 1) provides on its website, the current edition of the New Zealand Transport Agency capital funding criteria applicable to the mitigation of dust generation, and
- 2) provides on its website, an up to date list of roads in the district that have been assessed by the road controlling authority against the current New Zealand Transport Agency criteria and indicate the sites where funding has been sought from the New Zealand Transport Agency.⁵⁸⁸
- 1) ~~the relevant road controlling authority has a current programme in place that sets out the priority sites in the district for mitigating the effects of dust on dust sensitive areas.~~

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

- Discharge of a contaminants into the air from the use of public roads by motor vehicles ~~any other place or source~~ (s15(2A)).

C.7.2.6 Discharges to air not ~~specifically~~ regulated in the Plan – permitted activity

The discharge of a contaminants into air that is not ~~specifically a permitted, controlled, restricted discretionary, non-complying or prohibited activity under the subject of any other another rule in C.7.2~~ this Plan is a permitted activity, provided:

- 1) the discharge is not from an industrial or trade premises and, other than for discharges from motor vehicles, aircraft, trains, or vessels, the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, ~~spray~~ or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and⁵⁸⁹
- 2) the discharge is not from dry abrasive blasting, except as provided for by rule C.7.2.6B Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity.⁵⁹⁰

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

- Discharge of a contaminants into the air from any other place or source (s15(2A)).

C.7.2.6A Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance – permitted activity⁵⁹¹

The spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance into air or onto or into land is a permitted activity, provided:

- 1) there are no [spray sensitive activities](#) within 30m of the activity, and
- 2) there is an exclusion zone that prevents public access within 15m of the activity, and
- 3) the quantity of paint containing diisocyanates or organic plasticisers applied in a continuous application at a single location does not exceed 18 litres per day, and
- 4) there is no any discharge of surface coating material to water or to land in circumstances which may result in the surface coating material entering water.

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

- Discharge of a contaminant from spray application of surface coatings onto or into land or into air (s15(1) and s15(2A)).

C.7.2.6B Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity⁵⁹²

The discharge of a contaminant into air or onto or into land from dry [abrasive blasting](#) of infrastructure outside of an enclosed booth is a controlled activity, provided:

- 1) it is not undertaken over a water body or in the coastal marine area, and
- 2) it is not undertaken within 100 metres of an occupied building on another [property](#), and
- 3) it is only undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an [abrasive blasting](#) booth, and
- 4) abrasive material used in [abrasive blasting](#) must contain no more than five percent free silica by dry weight, and
- 5) waste and debris from [abrasive blasting](#) must be removed from the site to the extent practicable.

Matters of control:

- 1) The effects on water quality and aquatic ecosystem health.
- 2) Effects on occupied buildings.
- 3) The risk of contaminating land.
- 4) Effects on human health.
- 5) Timing, location and duration of the activity.
- 6) The use of covers, tarpaulins or cladding over area of the structure to be worked on.⁵⁹³

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

- Discharge of a contaminant from dry [abrasive blasting](#) onto or into land or into air (s15(1) and s15(2A)).

C.7.2.6C Existing authorised air discharges from industrial or trade premises – restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for a discharge to air associated with an industrial or trade premises that is not the subject of any another rule in this Plan, is a restricted discretionary activity, provided:

- 1) the existing air discharge is authorised by an existing resource consent at the time of the resource consent application, and
- 2) there is no increase in the scale of or change to the type of the discharge as authorised by the existing resource consent.

Notification:

Applications processed under this rule are precluded from public notification.

Matters of discretion:

- 1) Effects on dust, odour, smoke and spray-sensitive areas.
- 2) The location of the discharge in relation to dust, odour, smoke and spray-sensitive areas.
- 3) The method of discharge.
- 4) Emission control equipment, its operation and maintenance.
- 5) Requirement for a management plan.
- 6) Emission limits (concentrations and/or rates) on the discharge.
- 7) Local air quality, compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004, and ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the *Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, June 2008)*.

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

- Discharge of a contaminant into air and any incidental discharge of a contaminant onto or into land (s15(1) and s15(2A)).⁵⁹⁴

C.7.2.7 Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity

The discharge of a contaminants into air that is are⁵⁹⁵ not specifically a permitted (including through [C.7.2.6 Discharges to air not regulated in the Plan - permitted activity](#)), controlled, restricted discretionary, non-complying or prohibited activity under another rule in this Plan, is a discretionary activity.

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

- Discharge of a contaminant into air and any incidental discharge of a contaminant onto or into land (s15(1) and s15(2A)).

C.8 Land use and disturbance activities

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

C.8.1 Livestock exclusion

Rule	Page
C.8.1.1A Access of livestock to the bed of an ephemeral or intermittently flowing river – permitted activity	
C.8.1.1 Access of livestock to the bed of a water body or continually permanently flowing <u>artificial</u> watercourse – permitted activity	
C.8.1.2 Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity	
C.8.1.3 Access of livestock to a significant wetland, an outstanding freshwater body, and <u>or</u> the coastal marine area – non-complying activity	

C.8.2 ~~Cultivation~~ Land preparation

Rule	Page
C.8.2.1 Land preparation Cultivation – permitted activity	
C.8.2.2 Land preparation Cultivation – controlled activity	

C.8.3 Earthworks

Rule	Page
C.8.3.1 Earthworks – permitted activity	
C.8.3.2 Earthworks - controlled activity	
C.8.3.2A <u>Earthworks in a flood hazard area - controlled activity</u>	
C.8.3.3 Earthworks – discretionary activity	

C.8.4 Vegetation clearance in riparian areas and foredune management area

Rule	Page
C.8.4.1 Vegetation clearance and coastal dune restoration within the coastal hazard <u>riparian and foredune</u> management area – permitted activity	
C.8.4.2 Clearance of native woody Vegetation clearance in riparian areas – permitted activity	
C.8.4.3 Vegetation clearance - discretionary activity	

C.8.5 Bores

Rule	Page
C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity	
C.8.5.2 Alteration or decommissioning of a bore – permitted activity	
C.8.5.3 Construction or alteration of a bore – controlled activity	
C.8.5.4 Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity	

C.8.6 Re-building

Rule	Page
C.8.6.1 Re-building of materially damaged or destroyed buildings – restricted discretionary activity	
C.8.6.2 Re-building of materially damaged or destroyed buildings – non-complying activity	

C.8.1 Livestock exclusion

Note: catchment-specific rules [E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity](#) and [E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity](#) apply and take precedence over rule [C.8.1.1 Access of livestock to the bed of a water body or continually permanently flowing artificial watercourse – permitted activity](#).

C.8.1.1A Access of livestock to the bed of an ephemeral or intermittently flowing river – permitted activity

The access of [livestock](#) to an [ephemeral river](#) or an [intermittently flowing river](#) is a permitted activity.

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

- Allow [livestock](#) to enter or pass across the bed of an [ephemeral river](#) or an [intermittently flowing river](#) (s13(2)).

C.8.1.1 Access of livestock to the bed of a water body or continually permanently-flowing artificial watercourse – permitted activity

The access of [livestock](#) to a [natural wetland](#), the bed of a lake or a ~~continually permanently~~ flowing river, or a ~~continually permanently-flowing~~ [artificial watercourse](#) ~~drain~~ is a permitted activity, provided:

- 1) ~~native indigenous vegetation wetland~~ [vegetation](#) in a [natural wetland](#) is not ~~damaged or~~⁵⁹⁶ destroyed, and⁵⁹⁷
- 1A) [livestock](#) are [effectively excluded](#) from the water body for a distance of 1,000 metres upstream of a registered water supply intake servicing more than 25 people, and⁵⁹⁸
- 2A) [livestock](#) are [effectively excluded](#) from any inanga spawning sites identified by the Regional Council, and⁵⁹⁹
- 2) other than at a [livestock crossing point](#), [livestock](#) are [effectively excluded](#) from the full extent of the water body or [artificial watercourse](#) ~~drain~~ in accordance with the requirements in [Table 7 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses'](#) ~~the following table~~, and
- 3) [livestock crossing points](#) used by [livestock](#) (excluding deer)⁶⁰⁰ more than once per week must be bridged or culverted by the dates in [Table 7 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses'](#) ~~the following table~~, and
- 4) at a [livestock crossing point](#) that is not required to be bridged or culverted, [livestock](#) are:
 - a) ~~actively led or~~ driven across the [water body](#) or [artificial watercourse](#) in one continuous ~~movement-river or drain~~, and

- b) effectively excluded from the river or drain between crossings by the dates in Table 7 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses.' the following table

Table 7: Dates when livestock must be effectively excluded from water bodies and continually permanently-flowing drains-artificial watercourses.⁶⁰¹

Livestock type	<u>Continually Permanently-flowing rivers, streams and artificial watercourses drains greater than 1m one metre wide and 30cm deep</u> ^{602*}	<u>All continually permanently flowing rivers, streams and artificial watercourses drains</u>	<u>Natural wetlands (excluding significant wetlands) >2000 m</u> ^{2603}}	<u>Lakes (>1ha) and significant wetlands</u> ⁶⁰⁴
Pigs and dairy cows	Excluded from the date this <u>Rule C.8.1.1</u> becomes operative.	Excluded from 1 January 2023.		Excluded from the date this <u>Rule C.8.1.1</u> becomes operative.
Beef cattle, <u>dairy support cattle</u> and deer	<u>Lowland areas</u> as mapped in <u>I Maps Ngā mahere matawhenua</u> .			
	Excluded from 1 January 2025.	Excluded from 1 January 2030.	Excluded from 1 January 2025.	
	<u>Hill country areas</u> as mapped in <u>I Maps Ngā mahere matawhenua</u> . No exclusion required.			

*Rivers, streams and artificial watercourses that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.⁶⁰⁵

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

- ~~Restrictions on use of land (s9(2)).~~
- ~~Restrictions on certain uses of beds of lakes and rivers (s13(2)).~~
- Allow livestock to enter or pass across an artificial watercourse or the bed of natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).

C.8.1.2 Access of livestock to rivers, lakes, and wetlands – ~~restricted~~ discretionary activity

The access of [livestock](#) to a [natural wetland](#) that is larger than 2000m²⁻⁶⁰⁶, the bed of a lake or a ~~continually~~ [permanently-flowing river](#), or a ~~continually~~ [permanently-flowing artificial watercourse drain](#) that is not:

- 1) a permitted activity under [C.8.1.1 Access of livestock to the bed of a water body or continually permanently flowing artificial watercourse – permitted activity](#), or
- 2) a permitted activity under [E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity](#), or
- 3) a permitted activity under [E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity](#), or
- 4) a non-complying activity under [C.8.1.3 Access of livestock to a significant wetland, an outstanding freshwater body, and or the coastal marine area – non-complying activity](#),

is a ~~restricted~~⁶⁰⁷ discretionary activity.

Matters of discretion:

- ~~1) Effects on water quality.~~
- ~~2) The extent to which [livestock](#) can be [effectively excluded](#).~~
- ~~3) The methods and timing for excluding [livestock](#).~~
- ~~4) The sensitivity of the water body to the effects of [livestock](#) access.~~
- ~~5) Effects on:
 - ~~a) [Mahinga kai](#) and access to [mahinga kai](#), and~~
 - ~~b) Indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and~~
 - ~~c) [Wāhi tapu](#), and~~
 - ~~d) mapped Sites and Areas of Significance to Tangata Whenua (refer to [‘Maps’](#))~~~~

Notification:

~~Resource consent applications under this rule are precluded from notification (limited or public)~~⁶⁰⁸.

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

- ~~• Restrictions on use of land (s9(2)).~~
- ~~• Restrictions on certain uses of beds of lakes and rivers (s13(2)).~~
- Allow [livestock](#) to enter or pass across an [artificial watercourse](#) or the bed of [natural wetland](#) that is not part of the bed of a lake or river (s9(2)).
- Allow [livestock](#) to enter or pass across the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land incidental to the activity (s15(1)).

C.8.1.3 Access of livestock to ~~a significant wetland~~, an outstanding freshwater body, ~~and~~ or the coastal marine area – non-complying activity⁶⁰⁹

The access of livestock to an outstanding freshwater body or the coastal marine area, ~~or a significant wetland⁶¹⁰ that is a not permitted activity under C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing watercourse – permitted activity'~~ is a non-complying activity.

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

- ~~• Restrictions on use of land (s9(2)).~~
- ~~• Restrictions on use of coastal marine area (s12(3)).~~
- ~~• Restrictions on certain uses of beds of lakes and rivers (s13(2)).~~
- Allow livestock to access the coastal marine area (s12(3)).
- Allow livestock to access the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).

C.8.2 ~~Cultivation~~ Land preparation

C.8.2.1 Land preparation ~~Cultivation~~— permitted activity

Land preparation ~~Cultivation~~ of land⁶¹¹ and any associated damming and diversion of stormwater, and discharge of stormwater into water or onto or into land where it may enter water, ~~is a~~ are permitted ~~activities,~~ activity provided:

- 1) the activity is not undertaken in the catchment of an outstanding lake or a dune lake with outstanding or high ecological value⁶¹², and
- 2) the activity is not undertaken: ~~done on~~ highly erodible land⁶¹³, and
 - a) on erosion-prone land, or
 - b) within five metres of a natural wetland, the bed of a lake, or the bed of a continually or intermittently flowing river, and
- 3) if the land preparation is associated with horticulture and clause 2) is not complied with, it is undertaken in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand), and⁶¹⁴

~~the activity does not occur within:~~

- a) ~~five metres of a natural wetland, the bed of a lake or a permanently or intermittently flowing river or stream, or~~
- b) ~~an ephemeral watercourse, and~~⁶¹⁵
- 4) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing ~~a 20-metre radius from a point of discharge~~⁶¹⁶:
 - a) any conspicuous change in colour or visual clarity, or
 - b) rendering fresh water unsuitable for consumption by farm animals, ~~or~~
 - c) ~~any significant adverse effects on aquatic life.~~

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

- ~~• Restrictions on the use of land (s9(2)).~~
- ~~• Restrictions relating to water (s14(2)).~~
- ~~• Discharge of contaminants into environment (s15(1)(a) and (b)).~~
- Land preparation (s9(2))
- Damming and diversion of stormwater associated with land preparation (s14(2)).
- Discharge of stormwater associated with land preparation into water or onto or into land where they may enter water (s15(1)).

C.8.2.2 Land preparation ~~Cultivation~~— controlled activity

Land preparation, Cultivation of land⁶¹⁷ and any associated damming and diversion of stormwater and discharge of stormwater, that is not a permitted activity under [C.8.2.1 Land preparation Cultivation – permitted activity](#) is a are controlled activities-activity.

Matters of control:

- 1) Measures to avoid or mitigate adverse effects on surface and groundwater quality, and
- 2) The scale, location, and timing of [land preparation, cultivation⁶¹⁸, and](#)
- 3) Erosion and sediment control measures.

Notification

Resource consent applications under this rule are precluded from notification (limited or public).⁶¹⁹

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

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a) and (b)).
- [Land preparation](#) (s9(2)).
- Damming and diversion of [stormwater](#) associated with [land preparation](#) (s14(2)).
- Discharge of [stormwater](#) associated with [land preparation](#) into water or onto or into land where they may enter water (s15(1)).

C.8.3 Earthworks

C.8.3.1 Earthworks – permitted activity

Earthworks outside the bed of a river, lake, wetland and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are a permitted activity provided:

- 1) the area and volume amount of earthworks at a particular location or associated with a project complies with the thresholds in the following Table 8:

Table 8: Permitted activity earthworks thresholds

Location	Earthworks thresholds
Within 10m of a natural wetland , the bed of a continually or intermittently flowing river or lake	200 square metres of exposed earth at any one-time, and 50 cubic metres of moved or placed earth in any 12-month period.
Catchment of an outstanding lake	2500 square metres of exposed earth at any one-time.
Erosion-prone land Highly erodible land	2500 square metres of exposed earth at any one-time.
High-risk flood hazard area	50 cubic metres of moved or placed earth in any 12-month period.
Coastal hazard-riparian and foredune management area ⁽⁸⁴⁵⁾	Excluding for coastal dune restoration , 200 square metres of exposed earth at any one time.
Flood hazard area	100 cubic metres of moved or placed earth in any 12-month period.
Contaminated land or potentially Contaminated land	25 cubic metres per 500 square metres of the piece of land ^{xv} , or 30 cubic metres for each tank when removing or replacing a fuel storage system. ⁶²⁰
All Other areas	5000 square metres of exposed earth at any one time.

1A) the discharge is not within 20 metres of a [geothermal surface feature](#), and⁶²¹

- 2) [good management practice](#) erosion and sediment control measures are implemented in accordance with, equivalent to those set out in the *Erosion and Sediment Control Guidelines*

^{xv} Piece of land has the same meaning as specified in clauses 5(7) of the Resource Management (National Environmental Standard

for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented for the duration of the activity, and⁶²²

- 3) batters and side castings are **stabilised** to prevent slumping, and
- 4) ~~areas of exposed earth is~~ **are stabilised** upon completion of the **earthworks** to minimise erosion and avoid slope failure, ~~or otherwise contained,~~ and
- 5) **earth** and debris are not deposited into, or in a position where they can enter, a natural wetland, a continually or intermittently flowing river, a lake, an artificial water course, or the coastal marine, and
- 6) the **earthworks** activity does not:
 - a) reduce the height of a dune crest in a **coastal hazard riparian and foredune**⁶²³ **management area**, except where dunes are recontoured to remove introduced materials or to remediate dune blow-outs as part of coastal dune restoration work, or⁶²⁴
 - b) exacerbate flood or coastal hazard risk on any **other property**, or
 - c) create or contribute to the instability or subsidence of land on **other property**, or
 - d) divert flood flow onto **other property**, and
- 7) any associated damming, diversion and discharge of **stormwater** does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing ~~a 20 metre radius of the point of discharge~~⁶²⁵:
 - a) any conspicuous change in the colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, and ~~or~~
 - e) ~~any significant adverse effects on aquatic life, and~~
- 7A) information on the source and composition of any clean fill material and its location within the disposal site are recorded and provided to the Regional Council on request, and⁶²⁶
- 8) the Regional Council's compliance manager is given at least five working days' notice (in writing or by email) of any earthworks activity being undertaken within a high-risk flood hazard area, flood hazard area, where contaminated land will be exposed, or in and sand dunes within a coastal hazard riparian and foredune management area.⁶²⁷

Note:

It is unlawful to modify or destroy an **archaeological site** without the prior authority of Heritage New Zealand Pouhere **Taonga**, issued under the Heritage New Zealand Pouhere **Taonga** Act 2014. It is possible that **archaeological sites** may be affected by the activity. Evidence of **archaeological sites** may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere **Taonga**.

Note: work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity 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.

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

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)).~~
- Earthworks (s9(2)).
- Damming and diversion of [stormwater](#) associated with [earthworks](#) (s14(2)).
- Discharge of [stormwater](#) associated with [earthworks](#) into water or onto or into land where it may enter water (s15(1)).

C.8.3.2 Earthworks – controlled activity

Earthworks outside the bed of a river or lake, [wetland](#) and the coastal marine area that ~~is not a permitted activity under rule C.8.3.1 ‘[Earthworks](#) – permitted activity’, exceed 5000 square metres of exposed [earth](#) at any time at a particular location or associated with a project area, and any associated damming and diversion of stormwater and discharge of [stormwater](#) onto or into land where it may enter water, are is⁶²⁸ a controlled activities activity, provided:~~

1A) the [earthworks](#) are not located:

- within 10 metres of a [natural wetland](#), the bed of a continually or [intermittently flowing river](#) or lake, or
- in a catchment of an [outstanding lake](#), or
- on [erosion-prone land](#), or
- in a [flood hazard](#) or [high-risk flood hazard area](#), or
- in the [coastal riparian and foredune management area](#).

1) ~~the amount of [earthworks](#) at a particular location or associated with a project complies with the thresholds in the following table:~~⁶²⁹

Table 9: Controlled activity thresholds

Location	Earthworks thresholds
Within 10 metres of a natural wetland , the bed of a river or lake	200 square metres of exposed earth at any one time, and 50 cubic metres of moved or placed earth in any 12 month period
Catchment of an outstanding lake	2500 square metres of exposed earth at any one time
Highly erodible land	2500 square metres of exposed earth at any one time
High risk flood hazard area	50 cubic metres of moved or placed earth in any 12 month period

Coastal hazard management area	Excluding for coastal dune restoration, 200 square metres of exposed earth at any one time
Flood hazard area	1000 cubic metres of moved or placed earth in any 12 month period

2) the earthworks does not:

- a) reduce the height of a dune crest in a coastal hazard management area, and
- b) exacerbate flood or coastal hazard risk on any other property, and
- c) create or contribute to the instability or subsidence of land on other property, and
- e) divert flood flow onto other property.⁶³⁰

Matters of control:

- 1) The design and adequacy of erosion and sediment control measures with reference to good management practice guidelines, equivalent to those set out in the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005)*.
- 2) The location, extent, timing, and duration of earthworks.
- 3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
- 4) Adverse effects on water bodies and coastal water.
- 5) Management of flooding effects and the ability to avoiding increased increasing natural hazard risks on other property.
- 5A) Adverse effects on regionally significant infrastructure.
- 6) Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area:
 - a) wāhi tapu, and
 - b) the identified values of mapped Sites and Areas of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)).

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

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)).
- Earthworks (s9(2)).
- Damming and diversion of stormwater associated with earthworks (s14(2)).
- Discharge of stormwater associated with earthworks into water or onto or into land where it may enter water (s15(1)).

C.8.3.2A Earthworks in a flood hazard area – controlled activity⁶³¹

Earthworks in a flood hazard area that involve more than 50 cubic metres, but not more than 1000 cubic metres, of earth being moved or placed in any 12-month period, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are controlled activities.

Matters of control:

- 1) The design and adequacy of erosion and sediment control measures.
- 2) Effects of flood hazard risks, land instability and land subsidence on [other property](#).
- 3) The location, extent, timing, and duration of [earthworks](#).
- 4) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
- 5) Adverse effects on water bodies and coastal water.
- 6) Management of flooding effects and avoiding increased natural hazard risks on [other property](#).
- 7) Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area:
 - a) [wāhi tapu](#), and
 - b) mapped Sites and Areas of Significance to Tangata Whenua (refer [I Maps | Ngā mahere matawhenua](#)).

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

- [Earthworks](#) (s9(2)).
- Damming and diversion of [stormwater](#) associated with [earthworks](#) (s14(2)).
- Discharge of [stormwater](#) associated with [earthworks](#) into water or onto or into land where it may enter water (s15(1)).

C.8.3.3 Earthworks – discretionary activity

Earthworks outside the bed of a river or lake, a wetland, or the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that are ~~is not a permitted or controlled activity under another rule in section C.8.3 of this Plan a controlled activity under rule C.8.3.2 'Earthworks – controlled activity', are is a discretionary activities-activity.~~⁶³²

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

- ~~Restrictions on the use of land (s9(2)).~~
- ~~Restrictions relating to water (s14(2)).~~
- ~~Discharge of contaminants into environment (s15(1)).~~

- [Earthworks](#) (s9(2)).
- Damming and diversion of [stormwater](#) associated with [earthworks](#) (s14(2)).
- Discharge of [stormwater](#) associated with [earthworks](#) into water or onto or into land where it may enter water (s15(1)).

C.8.4 Vegetation clearance in riparian areas and foredune management area

C.8.4.1 Vegetation clearance and coastal dune restoration within the coastal ~~hazard~~ riparian and foredune management area – permitted activity

Vegetation clearance and coastal dune restoration in the coastal ~~hazard~~ riparian and foredune management area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, is/are a permitted activities/activity, provided.⁶³³

- 1) ~~No~~ native-indigenous dune vegetation is not removed or cleared, and
- 2) excluding coastal dune restoration, the area of cleared vegetation does not exceed 200 square metres in any 12-month period, and
- 3) for coastal dune restoration, cleared areas are replanted during the period 1 May to 30 September with native-indigenous dune vegetation as soon as practicable, but no later than ~~three~~ two months after clearance, and⁶³⁴
- 4) there is no disturbance of indigenous or migratory bird nesting sites, and
- 5) the vegetation clearance does not exacerbate coastal hazard risks on other property, and
- 6) for coastal dune restoration or vegetation clearance on vegetated sand dunes, the Regional Council's compliance manager is given at least 10 working days' notice (in writing or by email) of the start date of any works, and
- 7) for coastal dune restoration, the Department of Conservation is given at least 10 working days' notice (in writing or email) of the start date of any works, and
- 8) any discharge of ~~sediment~~ stormwater originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
 - a) any conspicuous change in colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, ~~or~~
 - c) ~~any significant adverse effects on aquatic life.~~

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

- ~~• Restrictions on the use of land (s9(2)).~~
- ~~• Discharge of contaminants into environment (s15(1)(a)).~~
- Vegetation clearance and coastal dune restoration (s9(2)).
- Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).
- Discharge of stormwater associated with vegetation clearance and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).

C.8.4.2 Clearance of native woody vegetation clearance in riparian areas⁶³⁵ – permitted activity

Vegetation clearance within 10 metres of a natural wetland or within 10 metres of the bed of a continually or intermittently flowing river or lake, the coastal hazard management area, and the coastal marine area⁶³⁶, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are ~~is a permitted activities activity,~~ provided:

- 1) the area of cleared vegetation does not exceed 200 square metres the following thresholds in any 12-month period, and
 - a) ~~200 square metres within 10 metres of a natural wetland or the bed of a river or lake,~~ or
 - b) ~~five hectares on highly erodible land if the cleared area is replanted with woody vegetation within six months from completion of the clearance, or~~⁶³⁷
 - c) ~~5000 square metres on highly erodible land if the cleared area is not replanted with woody vegetation, and~~⁶³⁸
- 2) vegetation is felled away from rivers, lakes, and natural wetlands, and the coastal marine area except where it is unsafe or impractical to do so, and
- 3) ~~vegetation is not cleared by fire on peat soils, and~~⁶³⁹
- 4) vegetation, slash, disturbed soil or debris is not deposited in a position where it has the potential ~~could~~ to mobilise ~~under~~ because of heavy rain or flood flows and:
 - a) be deposited on other property, or
 - b) divert or dam water, or
 - c) cause bed or bank erosion, or
 - d) damage receiving environments, downstream infrastructure, or property, and
- 5) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
 - a) any conspicuous change in colour or visual clarity, or
 - b) the rendering of fresh water unsuitable for consumption by farm animals, or
 - c) ~~any significant adverse effects on aquatic life.~~

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

- ~~• Restrictions on the use of land (s9(2)).~~
- ~~• Restrictions relating to water (s14(2)).~~
- ~~• Discharge of contaminants into environment (s15(1)(a))~~
- Vegetation clearance and coastal dune restoration (s9(2)).
- Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).

- Discharge of [stormwater](#) associated with [vegetation clearance](#) and [coastal dune restoration](#) into water or onto or into land where it may enter water (s15(1)).

C.8.4.3 Vegetation clearance – discretionary activity

Vegetation clearance in the [coastal riparian and foredune management area](#), within 10 metres of a [natural wetland](#), or within 10 metres of the bed of a continually or [intermittently flowing river](#) or lake, and any associated damming and diversion of stormwater and discharge of [stormwater](#) onto or into land where it may enter water, that is ~~are~~ not a permitted activity in section C.8.4 of this Plan:

~~1) permitted activity under C.8.4.1 'Vegetation clearance and coastal dune restoration within the [coastal riparian and foredune management area](#) – permitted activity', or~~

~~2) permitted activity under C.8.4.2 'Clearance of native woody vegetation – permitted activity'~~

~~is are a discretionary activities activity.~~

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

- ~~Restrictions on the use of land (s9(2)).~~
- [Vegetation clearance](#) and [coastal dune restoration](#) (s9(2)).
- Damming and diversion of [stormwater](#) associated with [vegetation clearance](#) and [coastal dune restoration](#) (s14(2)).
- Discharge of [stormwater](#) associated with [vegetation clearance](#) and [coastal dune restoration](#) into water or onto or into land where it may enter water (s15(1)).

C.8.5 Bores

C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity

The construction or alteration of a [bore](#) for geotechnical or groundwater investigation, contaminated land investigation, mineral exploration, or mineral extraction, and any associated discharge of drilling fluid or drilling fluid additives, ~~is are a~~ permitted activities, ~~activity~~ provided.⁶⁴⁰

- 1) The [bore](#) is not constructed in contaminated land, and⁶⁴¹
 - 1A) the discharge is not within 100 metres of a [geothermal surface feature](#), and⁶⁴²
- 2) it is not for the purpose of taking groundwater, except for the removal of groundwater a sample(s) for groundwater quality or level analysis, and
- 3) where more than one aquifer is penetrated, construction of the [bore](#) must not create a hydraulic connection between the aquifers, and
- 4) the [bore](#) is constructed and maintained in accordance with the requirements set out in the *New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)*, and
- 5) the [bore](#) is decommissioned and permanently closed within 90 days from the start of its construction, and
- 6) the Regional Council's compliance manager is notified (in writing or by email) of:
 - a) the construction or alteration of the [bore](#) at least 10 working days prior to the start of the work, and
 - b) the decommissioning and closure of the [bore](#) within 10 days of the completion of the work, and
- 7) the records required under Section 4 of the *New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)* and any groundwater quality records must be kept and forwarded to the Regional Council no later than one month after the [bore](#) is decommissioned.

Note:

It is unlawful to modify or destroy an [archaeological site](#) without the prior authority of Heritage New Zealand Pouhere [Taonga](#), issued under the Heritage New Zealand Pouhere [Taonga](#) Act 2014. It is possible that [archaeological sites](#) may be affected by the activity. Evidence of [archaeological sites](#) may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere [Taonga](#).

Note: work affecting [archaeological sites](#) is subject to an authority process under the Heritage New Zealand Pouhere [Taonga](#) Act 2014. If any activity 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.

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

- ~~Restrictions on use of land in contravention of a regional rule (s9(2)).~~
- Construction or alteration of a bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.2 Alteration or decommissioning of a bore – permitted activity

The alteration or decommissioning of a bore, and any associated discharge of drilling fluid or drilling fluid additives, ~~is are a~~ permitted activities ~~provided:~~

- 1) any alteration does not change the depth of the bore, and
- 2) it is done in accordance with Sections 2 and 4 of the *New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)*, and
- 3) the Regional Council's compliance manager is notified (in writing or by email) of the alteration or decommissioning of the bore within 10 days of the completion of the work.

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

- ~~Restrictions on use of land in contravention of a regional rule (s9(2)).~~
- Alteration or decommissioning of a bore (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.3 Construction or alteration of a bore – controlled activity

The construction or alteration of a bore, and any associated discharge of drilling fluid or drilling fluid additives, that ~~is are~~ not:

- 1) a permitted activity under rule [C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity](#), or
- 2) a permitted activity under rule [C.8.4.2 Clearance of native woody Vegetation clearance in riparian areas – permitted activity](#),

is ~~are~~ a controlled ~~activities~~ activity, provided the ~~bore~~ is constructed and maintained in accordance with the requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*.⁶⁴³

Matters of control:

- 1) Pump testing requirements, ~~and~~
- 2) The location of the ~~bore~~, including distance from any ~~refuse~~ disposal site, ~~wastewater~~ discharge site, or offal pit, ~~and~~
- 3) The ~~bore~~ design (including ~~bore~~ head security),⁶⁴⁴ construction (including depth), operation and maintenance requirements, ~~and~~
- 3A) Ensuring compliance with the requirements set out in the *New Zealand Standard Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001)*.
- 4) Measures to avoid, remedy or mitigate:
 - a) effects on the quality and quantity of groundwater and connected ~~surface water~~⁶⁴⁵, and
 - b) effects on tangata whenua and their ~~taonga~~, ~~and~~
- 5) Provision of information related to the construction of the ~~bore~~.

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

- ~~• Restrictions on use of land in contravention of a regional rule (s9(2)).~~
- Construction or alteration of a ~~bore~~ (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.4 Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity

The construction, alteration, or decommissioning of a ~~bore~~, including any associated discharge of drilling fluid or drilling fluid additives, that is not a permitted or controlled activity under any other rule in C.8.5 of this Plan :

- 1) ~~a permitted activity under rule C.8.5.1 ‘Temporary ~~bore~~ for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity’, or~~
- 2) ~~a permitted activity under rule C.8.5.2 ‘Alteration or decommissioning of a ~~bore~~ – permitted activity’, or~~
- 3) ~~a controlled activity under rule,~~

is ~~a~~ discretionary activity.

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

- ~~Restrictions on use of land in contravention of a regional rule (s9(2)).~~
- The construction, alteration, or decommissioning of a [bore](#) (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land for the purposes of the construction, alteration, or decommissioning of a [bore](#) (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land for the purposes of the construction, alteration, or decommissioning of a [bore](#) (s15(2A)).

C.8.6 Re-building

C.8.6.1 Re-building of materially damaged or destroyed buildings – restricted discretionary activity

The re-building of a habitable building in a [high-risk coastal hazard area](#) or [high-risk flood hazard area](#) that has been [materially damaged](#) or destroyed by flooding, erosion or land instability caused by a natural hazard event is a restricted discretionary activity, provided:

- 1) the application for the resource consent includes a natural hazard assessment from a suitably qualified professional, ~~and~~
- 2) ~~natural hazard risk to~~ [other property](#) is not increased.⁶⁴⁶

Matters of discretion:

- 1) The location and design of the building to withstand natural hazard risk, taking into account the nature of the hazard risk and how it might change over a 100-year timeframe, including the expected effects of climate change.
- 2) ~~The potential~~ Measures to avoid exacerbating ~~to exacerbate the~~ existing natural hazard risk as a result of the proposed re-building.
- 3) Measures to avoid increasing natural hazard risks on [other property](#).⁶⁴⁷

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

- ~~• Restrictions on the use of land Re-building of~~ [materially damaged](#) or destroyed buildings (s9(2)).

C.8.6.2 Re-building of materially damaged or destroyed buildings – non-complying activity

The re-building of a habitable building in a [high-risk coastal hazard area](#) or [high-risk flood hazard area](#) that has been [materially damaged](#) or destroyed by flooding, erosion or land instability caused by a natural hazard event, that is not a:

- 1) restricted discretionary activity under rule [C.8.6.1 Re-building of materially damaged or destroyed buildings – restricted discretionary activity](#),

is a non-complying activity.

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

- ~~• Restrictions on the use of land Re-building of~~ [materially damaged](#) or destroyed buildings (s9(2)).

D Policies | Ngā kaupapa

This is an index and guide to the policies in this section. It does not form part of the Plan.

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D.1 Tangata whenua^{xvi}

D.1.1 When an analysis of effects on tangata whenua and their taonga is required

A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangata whenua and their **taonga**^{xvii} if one or more of the following is likely:

- 1) adverse effects on **mahinga kai**^{xviii} ~~and or~~ access to **mahinga kai**^{xix}, or
- 2) any damage, destruction ~~and or~~ loss of access to **wāhi tapu**, sites of customary value and other ancestral sites and **taonga** with which Māori have a special relationship ~~with~~^{xx}, or
- 3) adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangata whenua to carry out cultural and traditional activities^{xxi}, or
- 4) the use of genetic engineering and the release of genetically modified organisms to the environment, or
- 5) adverse effects on **tāiapure**, **mataitai** or Māori non-commercial fisheries,^{xxii} or
- 6) adverse effects on protected customary rights,^{xxiii} or
- 7) adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan (refer [I Maps | Ngā mahere matawhenua](#)).

D.1.2 Requirements of an analysis of effects on tangata whenua and their taonga

If an analysis of the effects of an activity on tangata whenua and their **taonga** is required in a resource consent application, the analysis must:

- 1) include such detail as corresponds with the scale and significance of the effects that the activity may have on tangata whenua and their **taonga**, and
- 2) have regard to (but not be limited to):
 - a) any relevant planning document recognised by an iwi authority (lodged with the Council) to the extent that its content has a bearing on the resource management issues of the region, and

^{xvi}The RMA definition of tangata whenua is “in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area”. For an analysis of effects the appropriate iwi or hapū will need to be identified. Council officers will be available to assist with this.

^{xvii}An analysis of effects on tangata whenua and their taonga may be necessary in circumstances not outlined in this policy – it will depend on the circumstances.

^{xviii}Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.

^{xix}This includes, for instance, kai awa (river food) kai repo (swamp food) and kaimoana (sea food).

^{xx}This includes, for instance, impacts on the quality of water used for ceremonial purposes.

^{xxi}This includes, for instance, use of rongoa (medicinal) plants, and uses for raranga (weaving).

^{xxii}Māori non-commercial fisheries are defined in the Fisheries Act 1996.

^{xxiii}As defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

- b) the outcomes of any consultation with tangata whenua with respect to the consent application, and
- c) statutory acknowledgements in Treaty Settlement legislation, and
- 3) follow best practice,^{xxiv} including requesting, in the first instance, that the relevant tangata whenua undertake the assessment,⁶⁴⁸ and
- 4) specify the tangata whenua ~~community on whose behalf that~~ the assessment relates to ~~is being made~~, and
- 5) be evidence-based, and
- 6) incorporate, where appropriate, [mātauranga Māori](#), and
- 7) identify and describe all the cultural resources and activities that may be affected by the activity,^{xxv} and
- 8) identify and describe the adverse effects of the activity on the cultural resources and cultural practices (including the effects on the mauri of the cultural resources, the cultural practices affected, how they are affected, and the extent of the effects), and
- 9) identify, where possible, how to avoid, remedy or mitigate the adverse effects on cultural values ~~effects~~ of the activity that are more than minor, and
- 10) include any other relevant information.

D.1.3 Affected parties persons⁶⁴⁹

The following persons must be considered an affected person ~~with regard to~~ regarding notification^{xxvi} where the adverse effects on the following resources and activities are minor or more than minor:

Table 10: Circumstances where tangata whenua are adversely affected for purposes of notification

Person	Resource or activity
The tangata whenua entity ⁶⁵⁰ identified in an analysis of the effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tangata whenua and their taonga '.	Cultural resources or activities identified in an analysis of effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tangata whenua and their taonga '.
The committee of management of a taiāpure .	Taiāpure
The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai .	Mataitai
The tangata kaitiaki / tiaki appointed by the provisions of the Fisheries (Kaimoana	Non-commercial Māori fisheries.

^{xxiv}Best practice can be determined by relevant professional bodies.

^{xxv}The full range of effects defined in Section 3 of the RMA need to be considered.

^{xxvi}For resource consent applications for restricted-discretionary, discretionary and non-complying activities.

Customary Fishing) Regulations 1998 for the relevant rohe moana.	
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D.1.4 Managing effects on places of significance to tangata whenua

Resource consent for an activity may generally⁶⁵¹ only be granted if the adverse effects from the activity on the values of Places of Significance to Tangata Whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

D.1.5 Places of significance to tangata whenua^{xxvii}

For the purposes of this Plan, a place of significance to tangata whenua ~~in the coastal marine area or a water body:~~

1A is in the coastal marine area, or in a water body, where the values which may be impacted are related to any of the following:

- a) soil conservation, or
 - b) quality and quantity of water, or
 - c) aquatic ecosystems and indigenous biodiversity, and
- 1) is:
 - a) a historic heritage resource, or
 - b) ancestral land, water, site, wāhi tapu, or other taonga, and
 - 2) is either:
 - a) a Site or Area of Significance to Tangata Whenua, which is a single resource or set of resources identified, described and contained in a mapped location, or
 - b) a Landscape of Significance to Tangata Whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified,^{xxviii} and
 - 3) has one or more of the following attributes:
 - a) historic associations, which include but are not limited to:
 - i) stories of initial migration, arrival and settlement, or
 - ii) patterns of occupation, ~~both including permanent, and~~ temporary or seasonal occupation, or
 - iii) the sites of conflicts and the subsequent peace-making and rebuilding of iwi or hapū, or
 - iv) kinship and alliances built between areas and iwi or hapū, often in terms of significant events, or
 - v) alliances to defend against external threats, or

^{xxvii}This policy sets out how a Place of Significance to Tangata Whenua is to be identified and described. In order to be included in the mapped Sites and Areas of Significance to Tangata Whenua in the Plan, a plan change will be required. Places which have been identified and described in the manner required by the policy, but have not been subject to a plan change and hence are not included in the Plan, can still be given weight in consent application decisions.

^{xxviii}A Landscape of Significance to Tangata Whenua may include Sites and/or Areas of Significance to Tangata Whenua.

- 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^{xxix} connecting across locations and generations, or
 - ii) the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or
 - iii) ~~respect for authority, such as rangatiratanga, and respect for relationships, such as tuakanatanga, or~~
- d) spiritual associations which pervade all environmental and social realities, and include but are not limited to:
 - i) the role of the atua Ranginui and Papatūānuku,^{xxx} and their offspring such as Tangaroa and Tāne, or
 - ii) the recognition of places with connection to the wairua of those with us and those who have passed away, or
 - iii) the need to maintain the mauri of all living things and their environment, and
- 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 affected ~~effected~~.

^{xxix}Whanaungatanga, as in 3) c) i), is not limited to genealogical connections between people, living and dead, but includes connections with the deities Ranginui and Papatūānuku and their progeny, as in 3) d) i). Those children are personifications of and proxy for natural resources, such as Tāne Mahuta for the forests. Further, as elder or tuakana, those atua and their associated natural resources command respect from people, as junior or teina.

^{xxx}Ibid.

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 internally consistent as possible, and
- 3) use or support [good management practices](#), and
- 4) minimise compliance costs, and
- 5) enable use and development that complies with the Regional Policy Statement for Northland and the objectives of this Plan, and
- 6) focus on effects and, where suitable, use performance standards.

D.2.2 Social, cultural and economic benefits of activities

~~When considering resource consents, Regard must be had to the social, cultural and economic benefits of the a proposed activity, recognising significant benefits to local communities, Māori and the region including local employment and enhancing Māori development, particularly in areas of Northland where alternative opportunities are limited.~~⁶⁵²

D.2.2A Climate change and development⁶⁵³

Particular regard must be had to the potential effects of climate change on a proposed development requiring consent under this Plan, taking into account the scale, type and design-life of the development proposed and with reference to the latest national guidance and best available climate change projections.

D.2.2B Adaptive management⁶⁵⁴

Regard should be had to the appropriateness of an [adaptive management](#) approach where:

- 1) there is an inadequate baseline of information on the receiving environment, and
- 2) the occurrence of potential adverse effects can be effectively monitored, and
- 3) thresholds can be set to require mitigation action if more than minor adverse effects arise, and
- 4) potential adverse effects can be remedied before they become irreversible.

D.2.2C Benefits of regionally significant infrastructure⁶⁵⁵

Particular regard must be had to the national, regional and locally significant social, economic, and cultural benefits of [regionally significant infrastructure](#).

D.2.2D Minor adverse effects arising from the establishment and operation of regionally significant infrastructure⁶⁵⁶

Enable the establishment and operation (including consenting) of⁶⁵⁷ [regionally significant infrastructure](#) by allowing any minor adverse effects providing:

- 1) The [regionally significant infrastructure](#) proposal is consistent with:
 - a) all policies in Section [D.1 Tangata whenua](#), and
 - b) [D.2.6 Managing adverse effects on historic heritage](#), and
 - c) [D.2.6A Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features](#), and
 - d) [D.2.7 Managing adverse effects on indigenous biodiversity](#), and
- 2) the [regionally significant infrastructure](#) proposal will not likely result in over-allocation having regard to the allocation limits in [Policy H.6.3 Allocation limits for rivers](#), and
- 3) other adverse effects arising from the [regionally significant infrastructure](#) are avoided, remedied, mitigated or offset to the extent they are no more than minor.

D.2.2DA Maintenance, repair and upgrading of regionally significant infrastructure⁶⁵⁸

Enable the maintenance and upgrading of established [regionally significant infrastructure](#) wherever it is located by allowing adverse effects, where:

- 1) the adverse effects whilst the maintenance or upgrading is being undertaken are not significant or they are temporary or transitory, and
- 2) the adverse effects after the conclusion of the maintenance or upgrading are the same, or similar, to those arising from the [regionally significant infrastructure](#) before the activity was undertaken.

D.2.2DB Appropriateness of regionally significant infrastructure proposals⁶⁵⁹

When considering the appropriateness of a [regionally significant infrastructure](#) activity in circumstances where adverse effects are greater than envisaged in Policies [D.2.2D](#) and [D.2.2DA](#), have regard and give appropriate weight to:

- 1) the benefits of the activity in terms of [D.2.2C Benefits of regionally significant infrastructure](#), and
- 2) whether the activity must be recognised and provided for by a national policy statement, and
- 3) any demonstrated functional need for the activity, and

- 4) the extent to which any adverse environmental effects have been avoided, remedied or mitigated by route, site or method selection, and
- 5) any operational, technical or location constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects, and
- 6) whether the activity is for [regionally significant infrastructure](#) which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland, and
- 7) the extent to which the adverse effects of the activity can be practicably reduced, inclusive of any positive effects and environmental offsets proposed, and
- 8) whether an [adaptive management](#) regime (including modification to the consented activity) can be used to manage any uncertainty around the occurrence of residual adverse effects, and
- 9) whether the activity helps to achieve consolidated development and the efficient use of land and resources, including within the coastal marine area.

D.2.2E Protection of regionally significant infrastructure⁶⁶⁰

When considering new use and development activities that could adversely affect the ongoing operation, maintenance, upgrade or development of [regionally significant infrastructure](#); ensure that the [regionally significant infrastructure](#) is not compromised.

D.2.2F Renewable energy⁶⁶¹

When considering activities associated with the generation of renewable energy:

- 1) have particular regard to the local, regional and national benefits of the generation of renewable energy, and
- 2) recognise the availability of renewable energy resources in Northland, including:
 - a) high temperature geothermal resources at Ngāwhā, and
 - b) tidal resources, particularly in west coast harbours, and
 - c) hydroelectric resources on river systems, and
- 3) have regard to the practical constraints on large scale generation of renewable energy including:
 - a) the need for the generation of renewable energy to locate where the resource exists, and
 - b) that effective generation of energy from geothermal resources will include the need to consumptively use geothermal heat and pressure, and
 - c) that effective generation of energy from tidal resources may include the need to place equipment in the coastal marine area, and
 - d) that effective generation of energy from hydroelectric resources may include the need to divert, [dam](#) or otherwise restrict the flow of water, and

- e) The need to connect to the electricity supply network or national grid.

D.2.2G Marine and freshwater pest management⁶⁶²

Manage the adverse effects from [marine pests](#), and [pests](#) within the beds of freshwater bodies, by:

- 1) recognising that the introduction or spreading of [pests](#) within the coastal marine area and freshwater bodies could have significant and irreversible adverse effects on Northland's environment, and
- 2) recognising that the main risk of introducing and spreading [pests](#) is from the movement of [vessels](#), structures, equipment, materials, and aquaculture livestock, and
- 3) decision-makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of [pests](#), and
- 4) imposing conditions on resource consents requiring that best practice measures are implemented so that risk of introducing or spreading [pests](#) is effectively managed as a result of the consented activity.

~~D.2.3 Application of policies in the Regional Policy Statement for Northland to non-complying activities~~⁶⁶³

~~The following policies in the Regional Policy Statement for Northland apply when considering a resource consent for a non-complying activity under Section 104D of the RMA:~~

- ~~1) Policy 4.4.1 Maintaining and protecting significant ecological areas and habitats, and~~
- ~~2) Policy 4.6.1 Managing effects on the characteristics and qualities of natural character, natural features and landscapes, and~~
- ~~3) Policy 4.6.2 Maintaining the integrity of heritage resources, and~~
- ~~4) Policy 4.8.1 Demonstrate the need to occupy space in the common marine and coastal area, and~~
- ~~5) Policy 5.1.1 Planned and coordinated development, and~~
- ~~6) Policy 5.1.2 Development in the coastal environment, and~~
- ~~7) Policy 5.1.3 Avoiding the adverse effects of new uses(s) and development, and~~
- ~~8) Policy 5.3.3 Managing adverse effects arising from [regionally significant infrastructure](#), and~~
- ~~9) Policy 7.1.2 New subdivision and land use within 10 year and 100 year flood hazard areas, and~~
- ~~10) Policy 7.2.2 Establishing the need for [hard protection structures](#).~~

D.2.4 Resource consent duration

When determining the expiry date for a resource consent, have particular regard ~~must be had~~ to:

- 1) ~~the security of tenure for investment (the larger the investment, then generally the longer the consent duration), and~~
- 2) the administrative benefits of⁶⁶⁴ aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and
- 3) ~~the reasonably foreseeable demands for the resource (the greater the foreseeable demands, the shorter the consent duration), and⁶⁶⁵~~
- 4) ~~certainty of effects (the less certain the effects, the shorter the consent duration),² and~~
- 5) whether the activity is associated with [regionally significant infrastructure](#) (generally longer consent durations for [regionally significant infrastructure](#)),⁶⁶⁶ and
- 6) the following additional matters where the resource consent application is to re-consent an activity:
 - a) the applicant's past compliance with the conditions of any previous resource consent or relevant industry guidelines or codes of practice (significant previous non-compliance should generally result in a shorter duration), and⁶⁶⁷
 - b) the applicant's voluntary adoption of [good management practice](#) (the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration).⁶⁶⁸

D.2.5 ~~Recognising community and tangata whenua values~~ other plans and strategies

When considering a resource consent application:

- 1) ~~have particular regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by the Regional Council that has followed a consultation process carried out in accordance with the consultative principles and procedures of the Local Government Act 2002, to the extent that the content of the plan or strategy has a bearing on the resource management issues of the region,² and~~
- 2) ~~have regard to the values of the local community and tangata whenua.~~

D.2.6 ~~Managing adverse effects on historic heritage~~

Manage the adverse effects of ~~an~~ activities on historic heritage by:

- 1A) avoiding significant adverse effects on the characteristics, qualities and values that contribute to historic heritage, and
- 1) recognising that [historic heritage sites](#) and [historic heritage areas](#) in the coastal marine area and fresh water identified in [I Maps | Ngā mahere matawhenua](#) have been identified in accordance with the criteria outlined in Policy 4.5.3 of the Regional Policy Statement for Northland, and⁶⁶⁹
- 2) recognising the following as being significant adverse effects to be avoided in accordance with Policy 4.6.2 of the Regional Policy Statement for Northland:
 - a) the destruction of the physical elements of historic heritage, and
 - b) relocation of the physical elements of historic heritage, and

- c) alterations and additions⁶⁷⁰ to the form and appearance of the physical elements of historic heritage, and
 - d) loss of context to the surroundings of historic heritage ~~sites or areas~~, taking into account the scale of any proposal, and
- 3) recognising that despite (2), there ~~are~~ will not likely to⁶⁷¹ be significant adverse effects if:
- a) the historic heritage ~~is~~ has already been irreparably damaged as assessed by a suitably qualified and experienced heritage professional⁶⁷² and there are significant health and safety or navigational safety⁶⁷³ risks if it were to remain, or
 - b) alterations, additions,⁶⁷⁴ repair or maintenance will not result in the loss, or significant degradation of, any values contributing to it being historic heritage in accordance with Policy 4.5.3 of the Regional Policy Statement, or
 - c) the context of the historic heritage in its present location has already been lost and any damage to the historic heritage during relocation can be avoided, and
- 4) determining the likely adverse effects of proposals by taking into account:
- a) the historic heritage values of the historic heritage sites or historic heritage areas as described in the ~~site or area~~ assessment reports available on the Regional Council's website, where available (refer to the regional council website), and
 - b) the outcomes of any consultation with:
 - i) Heritage New Zealand Pouhere Taonga (particularly where an item is listed by Heritage New Zealand Pouhere Taonga and/or is an archaeological site requiring an 'authority to modify'),⁶⁷⁵ the Department of Conservation or any other appropriate body with statutory heritage protection functions, and
 - ii) tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and
 - c) where considered necessary, an historic heritage impact assessment produced by a suitably qualified and experienced heritage professional, and
 - d) any values identified in addition to those listed in Policy 4.5.3 of the Regional Policy Statement for Northland 2016 including:
 - i) vulnerability (the resource is vulnerable to deterioration or destruction or is threatened by land use activities), and
 - ii) patterns (the resource is associated with important aspects, processes, themes or patterns of local, regional or national history), and
 - iii) public esteem (the resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment), and
 - iv) commemorative (the resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its special interest, character, landmark, amenity or visual appeal), and
 - iv) education (the resource contributes, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures),⁶⁷⁶ and

- 5) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:
- a) careful design, scale and location proposed in relation to historic heritage values, including proposed use and development adjacent to historic heritage, and
 - b) the use of setback, buffers and screening from historic heritage, and
 - c) reversing previous damage or disturbance to historic heritage, and
 - d) improving the public use, value, or understanding of the historic heritage, and
 - e) the development of management and ~~restoration~~ conservation⁶⁷⁷ plans, and
 - f) gathering and recording information on historic heritage by a suitably qualified and experienced heritage⁶⁷⁸ professional, and
 - g) implementing the stabilisation, preservation and conservation principles of the ICOMOS^{xxxi} New Zealand Charter Revised 2010, and⁶⁷⁹
- 6) determining if an archaeological advice note or Accidental Discovery Protocol advice note should be included if there is a possibility of unrecorded archaeology being encountered or the proposal will or may affect recorded [archaeological sites](#). An advice note will outline that work affecting [archaeological sites](#) is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014, and⁶⁸⁰
- 7) recognising that for the purposes of Section 95E of the RMA, Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 is an affected person in relation to resource consent applications under the RMA affecting:
- a) any listed items in this Plan, also listed under the Heritage New Zealand Pouhere Taonga Act 2014, and
 - b) are pre-1900 recorded and unrecorded [archaeological sites](#).⁶⁸¹

D.2.6A Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features⁶⁸²

Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:

- 1) avoiding adverse effects of activities as follows:

<u>Place / value</u>	<u>Location of the place</u>	<u>Effects to be avoided</u>
<u>Areas of outstanding natural character</u>	<u>Coastal marine area and fresh waterbodies in the coastal environment.</u>	<u>Adverse effects on the characteristics, qualities and values that contribute to make the place outstanding.</u>
<u>Outstanding natural features</u>		
<u>Outstanding natural seascapes</u>	<u>Coastal marine area.</u>	

^{xxxi} International Council on Monuments and Sites

<u>Natural character</u>	<u>The coastal marine area and freshwater bodies.</u>	<u>Significant adverse effects on the characteristics, qualities and values that contribute to natural character.</u>
<u>Outstanding natural features</u>	<u>Fresh waterbodies outside the coastal environment.</u>	<u>Significant adverse effects on the characteristics, qualities and values that contribute to make the natural feature outstanding.</u>

- 2) recognising that in relation to natural character in waterbodies (where not identified as outstanding natural character), appropriate methods of avoiding, remedying or mitigating adverse effects may include:
- a) ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and
 - b) in areas of high natural character in the coastal marine area, minimising to the extent practicable [indigenous vegetation clearance](#) and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and
 - c) in freshwater, minimising to the extent practicable modification (disturbance, structures, extraction of water and discharge of contaminants), and
- 3) recognising that in relation to outstanding natural features in water bodies outside the coastal environment, appropriate methods of avoiding, remedying or mitigating adverse effects may include:
- a) requiring that the scale and intensity of bed disturbance and modification is appropriate, taking into account the feature's scale, form and vulnerability to modification of the feature, and
 - b) requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics, qualities and values of the outstanding natural feature, and
- 4) recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects.⁶⁸³

D.2.7 Managing adverse effects on indigenous biodiversity

Manage the adverse effects of activities ~~requiring resource consent~~⁶⁸⁴ on indigenous biodiversity by:

- 1A) in the coastal environment:
- a) avoiding adverse effects on:
 - i) indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and
 - ii) areas of [indigenous vegetation](#) and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and

- iii) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and
 - b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:⁶⁸⁵
 - i) areas of predominantly [indigenous vegetation](#), other than areas of mangroves to be pruned or removed for one of the purposes listed in [D.5.22](#), and
 - ii) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
 - iii) indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal [wetlands](#), intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and
- 1B) outside the coastal environment:
- a) avoiding, remedying or mitigating adverse effects so they are no more than minor on:
 - i) indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and
 - ii) areas of [indigenous vegetation](#) and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and
 - iii) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and
 - b) avoiding, remedying or mitigating adverse effects so they are not significant on:
 - i) areas of predominantly [indigenous vegetation](#), and
 - ii) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
 - iii) indigenous ecosystems and habitats that are particularly vulnerable to modification, including [wetlands](#), wet heathlands, headwater streams, spawning and nursery areas, and
- 1) recognising the following layers in I 'Maps' as showing areas of significant [indigenous vegetation](#) and habitats of indigenous fauna in the coastal marine area, in accordance with the assessment criteria of Appendix 5, Regional Policy Statement for Northland: recognising areas of significant [indigenous vegetation](#) and significant habitats of indigenous fauna include:⁶⁸⁶
- a) Significant Ecological Areas, and
 - b) Significant Bird Areas, and
 - c) Significant Marine Mammal and Seabird Areas, and
- 2) recognising damage, disturbance or loss to the following as being potential⁶⁸⁷ adverse effects:
- a) connections between areas of indigenous biodiversity, and
 - b) the life-supporting capacity of the area of indigenous biodiversity, and

- c) flora and fauna that are supported by the area of indigenous biodiversity, and
 - d) natural processes or systems that contribute to ~~the integrity~~⁶⁸⁸ the area of indigenous biodiversity, and
- 3) assessing the potential adverse effects of the activity ~~on~~⁶⁸⁹ ~~against the~~ identified values of indigenous biodiversity, including by:
- a) taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal habitats, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and
 - aa) recognising that existing activities may be having existing acceptable effects, and⁶⁹⁰
 - b) recognising that discrete, localised or otherwise minor effects ~~not~~⁶⁹¹ impacting on the ~~ecological area~~ indigenous biodiversity may be acceptable, and
 - c) recognising that activities with transitory effects may be acceptable, ~~where they can demonstrate the effects are not long term and/or irreversible,~~ and⁶⁹²
- 4) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:
- a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and
 - b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and
 - c) considering ~~effect~~ the minimisation of effects during sensitive times such as indigenous freshwater fish spawning and migration periods, and
 - d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and
 - e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and
 - ~~f) reversing previous damage or disturbance to areas of indigenous biodiversity, and~~⁶⁹³
 - ~~g) improving the public use, value or understanding to areas of indigenous biodiversity, and~~⁶⁹⁴
 - h) the development of ecological management and restoration plans, and
- 5) recognising that ~~biodiversity offsetting and environmental compensation (as defined in the Regional Policy Statement for Northland) may be appropriate after consideration of the methods in (4) above.~~ significant residual adverse effects on biodiversity values can be offset or compensated:
- a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and^{xxxii}
 - b) after consideration of the methods in (4) above, and⁶⁹⁵
- 6) recognising the benefits of activities that:

^{xxxii} Biodiversity offsetting and environmental compensation are defined in the Regional Policy Statement for Northland 2016.

- a) include the restoration and enhancement of ecosystems, habitats and indigenous biodiversity.⁶⁹⁶ and
- b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.⁶⁹⁷

D.2.7A Managing adverse effects on land-based values and infrastructure⁶⁹⁸

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

- 1) significant areas and values including:
 - a) Areas of outstanding and high natural character, and
 - b) Outstanding natural landscapes, and
 - c) Outstanding natural features, and
 - d) Historic heritage, and
 - e) Areas of significant indigenous biodiversity, and
 - f) Places of significance to tangata whenua, and
- 2) land-based infrastructure including:
 - a) toilets, and
 - b) car parks, and
 - c) refuse facilities, and
 - d) boat ramps, and
 - e) boat and dinghy storage, and
- 3) decision-makers should have regard to:
 - a) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and
 - b) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.

D.2.8 Precautionary approach to managing effects on significant indigenous biodiversity

Where there is scientific uncertainty about the adverse effects of activities on:

- 1) species listed as Threatened or At Risk in the New Zealand Threat Classification System including those identified by reference to the Significant Bird Area and Significant Marine Mammal and Seabird Area maps (refer Maps),⁶⁹⁹ or
- 2) any the-values ranked high by the Significant Ecological Areas maps (Refer Maps),

a) ~~Significant Ecological Areas, and~~

b) ~~Significant Bird Areas, and~~

c) ~~Significant Marine Mammal and Seabird Areas,~~⁷⁰⁰

then the greatest extent of adverse effects reasonably predicted by science, must be given the most weight.

D.3 Air

D.3.1 General approach to managing air quality

When considering resource consent applications for discharges to air:

- 1A) ensure that discharges of contaminants to air do not occur in a manner that causes, or is likely to cause, a hazardous, noxious, dangerous or toxic effect on human or animal health or ecosystems, and⁷⁰¹
- 1) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and
- 2) ~~consider applying the [H.3 Stack height requirements](#) when assessing the best practicable option for stack discharges~~ height requirements for fuel burning devices of more than 40KW capacity,⁷⁰² and
- 3) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on ~~the surrounding environment~~ sensitive areas,⁷⁰³ and
- 4) take into account the *Ambient Air Quality Guidelines 2002 (Ministry for the Environment, 2002)* when assessing the effects of the discharge on ambient air quality,⁷⁰⁴ and
- 5) take into account the cumulative effects of air discharges and any constraints that may occur from the granting of the consent on the operation of existing activities, and
- 6) recognise that discharges to air may have adverse effects across the [property boundary](#) (including reverse sensitivity effects) and adverse effects on natural character, and⁷⁰⁵
- 7) take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and
- 8) consider the following factors when determining consent duration:
 - a) scale of the discharge including effects, and
 - b) regional and local benefits arising from the discharge, and
 - c) location of the discharge including its proximity to sensitive areas, and
 - d) alternatives available, and
- 9) use national guidance produced by the Ministry for the Environment, including:
 - a) ~~Good Practice Guidance on Odour, 2016,~~ the *Good Practice Guide for Assessing and Managing Odour (Ministry of the Environment, 2016)*, and
 - b) ~~Good Practice Guidance on Dust, 2016,~~ the *Good Practice Guide for Assessing and Managing Odour (Ministry of the Environment, 2016)*, and
 - c) ~~Good Practice Guidance on Industrial Emissions, 2016,~~ the *Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, 2016)*, or
 - d) any subsequent update or revision of these national guidance documents, and⁷⁰⁶
- 10) generally enable discharges of contaminants to air from industrial and trade premises provided the best practicable option for preventing or minimising the adverse effects of the

discharge is adopted and significant adverse effects on human health, amenity values and ecosystems are avoided.⁷⁰⁷

D.3.2 Burning and smoke generating activities

When considering resource consent applications for the burning of waste or burning associated with an energy generation process:

- 1) avoid **outdoor burning** of waste materials in **urban areas** unless:
 - a) there is a significant public benefit, or
 - b) alternative options have been explored, are demonstrated to be impractical and adverse effects of the selected option are no more than minor, and
- 2) recognise that air discharges from crematoria and the cremation of human remains can be culturally sensitive to tangata whenua, and
- 3) recognise the need for the security of supply of energy in the region, which may include non-renewable sources, and
- 4) require that a smoke management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and offensive discharges of smoke at the boundary of the site across the ~~property~~ boundary of where the activity is to take place. The smoke management plan must include:
 - a) a description of adjacent **smoke sensitive areas**, and
 - b) details of materials to be burnt, and
 - c) expected weather conditions, and
 - d) approximate length of time the burn will take, and
 - e) how the burn will be attended, and
 - f) details of **good management practice** that will be used to control smoke to the extent that adverse effects from smoke at the boundary of the site are managed.

D.3.3 Dust and odour generating activities

When considering resource consent applications for discharges to air from dust ~~and/or~~ odour generating activities:

- 1) require a dust ~~and/or~~ odour management plan to be produced where there is a likelihood that there will be objectionable ~~and/or~~ offensive discharges of dust ~~and/or~~ odour ~~across at~~ the ~~property~~ boundary of the site where the activity is to take place. The dust ~~and/or~~ odour management plan must include:
 - a) a description of dust ~~or /~~ odour generating activities, and
 - b) ~~adjacent potentially affected~~⁷⁰⁸ **dust sensitive areas** ~~and/or~~ **odour sensitive areas**, and
 - c) details of **good management practices** that will be used to control dust ~~and/or~~ odour to the extent that adverse effects from dust ~~and/or~~ odour at the boundary of the site are ~~managed~~ avoided, remedied or mitigated,⁷⁰⁹ and
- 2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor dry **abrasive blasting** or **wet abrasive blasting**.

Note: policy D.3.3 does not apply to odour associated with the controlled discharge of gas containing an odorant (such as mercaptan) from pipelines and ancillary equipment.⁷¹⁰

D.3.4 Spray generating activities

When considering resource consent applications for discharges to air from [agricultural](#) or [surface coat](#) spray generating activities:

- 1) avoid [aerial agricultural spraying](#) in [urban areas](#) unless:
 - a) there is a significant public benefit,^{xxxiii}⁷¹¹ or
 - b) alternative options have been explored, ~~and have been~~ are demonstrated to be impractical, and adverse effects of the proposed aerial spraying are no more than minor, and
- 2) require that a spray management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable ~~and/or~~ offensive discharges of spray across the [property](#) boundary of the site where the activity is to take place. The spray management plan must include:
 - a) a description of the ~~application~~ spraying methods, and
 - b) chemicals to be used, and
 - c) qualifications of the applicators, and
 - d) adjacent [spray-sensitive areas](#), and
 - e) details of [good management practices](#) that will be used to ~~control spray~~ manage the risk of spray-drift⁷¹² to the extent that adverse effects from spray at the boundary of the site are ~~managed~~ avoided, remedied or mitigated.

D.3.5 Activities in the Marsden Point airshed

The Marsden Point Air Quality Strategy must be taken into account when considering resource consent applications for discharges to air in the Marsden Point airshed as shown in [I Maps | Ngā mahere matawhenua](#). In particular, resource consent applications involving the discharge of sulphur dioxide (SO₂) to air must avoid adverse effects on the operation of [regionally significant infrastructure](#) within the Marsden Point Port Zone.⁷¹³

^{xxxiii} Including significant environmental and biodiversity protection

D.4 Land and water

D.4.1 Water quality standards for rivers⁷¹⁴

A discharge of a contaminant into a river or any [surface water](#) flowing to a river must not cause any of the following river water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Outstanding rivers	Other rivers
Nitrate (toxicity)	mg NO ₂ - N/L	annual median	≤1.0	≤1.0
		annual 95 th percentile	≤1.5	≤1.5
Ammonia (toxicity)	mg NH ₄ - N/L	annual median	≤0.03*	>0.03 and ≤0.24
		annual maximum	≤0.05*	>0.05 and ≤0.40

*Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the [water quality standard](#) should be undertaken after pH adjustment.

These standards will be replaced with numeric freshwater quality objectives in accordance with the regional council's programme for implementing the National Policy Statement for Freshwater Management.

D.4.2 Water quality standards for lakes⁷¹⁵

A discharge of a contaminant into a lake or any [surface water](#) flowing to a lake must not cause any of the following lake [water quality standards](#) to be exceeded:

Attribute	Unit	Compliance metric	Shallow lakes (≤ 10m)	Deep lakes (>10 m)
Phytoplankton (chl-a)	mg Chl-a/m ³	Annual median	>5 and ≤12	>2 and ≤5
		Annual maximum	>25 and ≤60	>10 and ≤25
Total nitrogen	mg/m ³	Annual median	>500 and ≤800	>160 and ≤350
Total phosphorus	mg/m ³	Annual median	>10 and ≤20	≤10
Ammonia (toxicity)	mg NH ₄ - N/L	Annual median	≤0.03*	≤0.03*
		Annual maximum	≤0.05*	≤0.05*

*Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the [water quality standard](#) should be undertaken after pH adjustment.

These standards will be replaced with numeric freshwater quality objectives in accordance with the council's programme for implementing the National Policy Statement for Freshwater Management.

D.4.3 Coastal water quality standards⁷¹⁶

A discharge of a contaminant into coastal water or any [surface water](#) flowing to coastal water must not cause any of the following coastal water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hātea river	Tidal creeks	Estuaries	Open coast
Dissolved oxygen	mg/L	Median	>6.2	>6.3	>6.9	No change from natural state
	mg/L	Minimum	4.6	4.6	4.6	4.6
Temperature	°C	Maximum change	3°	3°	3°	3°
pH			7.0–8.5	7.0–8.5	7.0–8.5	8.0–8.4
Turbidity	NTU	Median	<7.5	<10.8	<6.9	No change from natural state
Secchi depth	m	Median	>0.8	>0.7	>1.0	No change from natural state
Chlorophyll-a	mg/L	Median	0.003	<0.004	<0.004	No change from natural state
Total phosphorus	mg/L	Median	<0.119	<0.040	<0.030	No change from natural state
Total nitrogen	mg/L	Median	<0.860	<0.600	<0.220	No change from natural state

Nitrite-nitrite-nitrogen	mg/L	Median	<0.580	<0.218	<0.048	No change from natural state
Ammoniacal-nitrogen	mg/L	Median	<0.099	<0.043	<0.023	No change from natural state
Copper	mg/L	Maximum	0.0013			0.0003
Lead	mg/L	Maximum	0.0044			0.0022
Zinc	mg/L	Maximum	0.0150			0.0070
Faecal coliforms	MPN/100mL	Median	-Not applicable		≤14	≤14
		90th percentile	-Not applicable		≤43	≤43
Enterococci	Enterococci/100mL	95th percentile	≤500	≤200	≤200	≤40

D.4.4 Coastal sediment quality standards⁷¹⁷

A discharge of a contaminant into coastal water or any [surface water](#) flowing to coastal water must not cause any of the following benthic [sediment quality standards](#) to be exceeded in the coastal marine area:

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hātea river	Tidal creeks	Estuaries	Open coast
Copper	mg/kg	Maximum	65	18.7		
Lead	mg/kg	Maximum	50	30.2		
Zinc	mg/kg	Maximum	200	124		
Chromium	mg/kg	Maximum	80	52.3		
Nickel	mg/kg	Maximum	21	15.9		
Cadmium	mg/kg	Maximum	1.5	0.68		

D.4.5 Maintaining overall water quality

When considering an application for a resource consent to discharge a contaminant into water:

- 1) have regard to the need to maintain the overall quality of water including the receiving water's physical, chemical and biological attributes and associated water quality dependent values, and
- 2) have regard to the coastal sediment quality guidelines in [H.5 Water quality standards and guidelines](#), and
- 3) generally not grant a proposal if it will, or is likely to, exceed or further exceed a water quality standard in [H.5 Water quality standards and guidelines](#).

An application for a resource consent that would allow a [water quality standard](#) or [sediment quality standard](#) to be exceeded or further exceeded will generally be declined. Resource consent may be granted if existing beneficial water quality dependent values of water are not adversely affected.⁷¹⁸

~~D.4.6~~ ~~Offsetting residual non-toxic contaminants~~

~~Regardless of the quality of the receiving waters, ensure that non-toxic contaminants that cannot be removed from a discharge are offset to the fullest extent practicable in the catchment of the water body or coastal water, such as by way of re-vegetating riparian margins and restoring or constructing [wetlands](#).~~⁷¹⁹

D.4.7 Industrial or trade wastewater discharges to water

An application for resource consent to discharge [industrial or trade wastewater](#) to water will generally not be granted unless the best practicable option to manage the treatment and discharge of contaminants is adopted.:

- 1) ~~Discharging [wastewater](#) from a farm, domestic or municipal source to water is the best practicable option, or~~
- 2) ~~there is no trade waste connection available to receive [industrial or trade wastewater](#) or the network operator is unable or unwilling to accept the discharge.~~⁷²⁰

D.4.7A Municipal, domestic and production land wastewater discharges

An application for resource consent to discharge municipal, domestic, horticultural or farm [wastewater](#) to water will generally not be granted unless:

- 1) the storage, treatment and discharge of the [wastewater](#) is done in accordance with recognised industry [good management practices](#), and
- 2) a discharge to land has been considered and found not to be economically or practicably viable.⁷²¹

D.4.8 Zone of reasonable mixing

When determining what constitutes ~~a~~ the zone of reasonable mixing zone for a discharge of a contaminant into water, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of a natural process from that contaminant) entering water, have regard to.⁷²²

- 1) ~~use~~ using the smallest zone necessary to achieve the required water quality in the receiving waters as determined under Policy D.4.5, and⁷²³
- 2) ensuring that within the mixing zone is free from contaminant concentrations and levels of dissolved oxygen ~~that will not cause acute toxicity effects on aquatic ecosystems.~~⁷²⁴

Note: see also the definition of zone of reasonable mixing.

D.4.9 Transitional policy under Policy A4 of the National Policy Statement for Freshwater Management 2017

- 1) When considering an application for a discharge, the consent authority must have regard to the following matters:
 - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
 - b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water resulting from the discharge will be avoided.
- 2) When considering an application for a discharge, the consent authority must have regard to the following matters:
 - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their ~~secondary~~ contact with fresh water, and
 - b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their ~~secondary~~ contact with fresh water resulting from the discharge will be avoided.
- 3) This policy applies to the following discharges (including a diffuse discharge by any person or animal):
 - a) a new discharge, or
 - b) a change or increase in any discharge, ~~— of any~~ contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.
- 4) Clause 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.
- 5) Clause 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect.

Note: this policy applies until any changes under Schedule 1 of the Act to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets) have become operative.

D.4.10 Discharge of hazardous substances to land or water

- 1) Where a substance is approved under the Hazardous Substances and New Organisms Act 1996 to be discharged to land or water, [good management practices](#) must be used to avoid, as far as practicable, accidental spillages and adverse effects on:
 - a) non-target organisms, and
 - b) the use and consumption of water by humans or livestock, and
 - e) ~~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 those hazardous substances must be undertaken using the best practicable options to:
 - a) as a first priority, avoid a discharge (including accidental spillage) of the hazardous 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 the hazardous substances, including any accidental spillage, it is contained on-site and does not enter [surface water](#) bodies, groundwater or [stormwater](#) systems.

D.4.10A Discharges from contaminated land

Discharges of contaminants from contaminated land to air, land or water are managed or remediated to a level that:

- 1) allows contaminants to remain in the ground or in groundwater, where it can be demonstrated that the level of residual contamination beyond the site boundary is not reasonably likely to result in an unacceptable risk to human health or the environment, and
- 2) mitigates adverse effects on potable water supplies, and
- 3) avoids, remedies or mitigates adverse effects on aquatic ecosystem health, water quality, human health and amenity values, while taking into account all of the following:
 - a) the physical constraints of the site and operational practicalities, and
 - b) the financial implications of investigation, remediation, management and monitoring options, and
 - c) the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land, and
 - d) whether adequate measures are in place for the transport, disposal and tracking of contaminated soil and other contaminated material removed from a site to prevent adverse effects on the environment.⁷²⁵

D.4.11 Discharges from landfills

The adverse effects on [surface water](#), groundwater, and coastal water from discharges to land associated with [landfills](#) must be minimised by ensuring [landfill](#) design, construction, operation and maintenance include:

- 1) methods for [leachate](#) management, collection, treatment and disposal, and
 - 2) methods for [stormwater](#) capture and control from both off-site and on-site sources, and
 - 3) ~~methods maintenance and monitoring~~ to minimise contamination of the receiving environment, and
- 3A) receiving environment monitoring, and
- 4) ensuring [landfills](#) are managed in accordance with site-specific [landfill](#) management plans, and
- 4A) ensuring new [landfills](#) are located to avoid sensitive aquifers and aquifer recharge zones, and⁷²⁶
- 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.4.12 Application of biosolids to land

The application of [biosolids](#) to land must be managed in accordance with *Guidelines for the Safe Application of [Biosolids](#) to Land in New Zealand 2003* (New Zealand Water and Wastes Association, 2003).

~~D.4.13 Achieving freshwater quantity related outcomes⁷²⁷~~

~~Manage the taking, use, damming, and diversion of fresh water so that:~~

- ~~1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh and coastal water are safe-guarded, and~~
- ~~2) the natural hydrological variation of [outstanding freshwater bodies](#) and [natural wetlands](#) are not altered, and~~
- ~~3) rivers have sufficient flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes, and~~
- ~~4) flows and water levels support sustainable [mahinga kai](#), and~~
- ~~5) saline intrusion in, and land subsidence above, aquifers is avoided, and~~
- ~~6) recreational and amenity values associated with fresh water are maintained.~~

~~D.4.14 Minimum flows for rivers⁷²⁸~~

~~Apply the following [minimum flows](#) for Northland's rivers, unless a lesser [minimum flow](#) is approved under D.4.19 'Exceptions to [minimum flows](#) and levels':~~

- ~~1) for [outstanding rivers](#), 100% of the seven-day mean annual low flow, and~~
- ~~2) for [coastal rivers](#), 90% of the seven-day mean annual low flow, and~~
- ~~3) for [small rivers](#), 80% of the seven-day mean annual low flow, and~~

- 4) for [large rivers](#), 80% of the seven-day mean annual low flow.

D.4.15 Minimum levels for lakes and wetlands⁷²⁹

Apply the following [minimum levels](#) for Northland's lakes and [natural wetlands](#), unless a lesser [minimum level](#) is approved under D.4.19 'Exceptions to [minimum flows](#) and levels':

- 1) for [deep lakes](#) (greater than 10 metres in depth), median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake-level fluctuation and patterns of lake-level seasonality (relative summer versus winter levels) remain unchanged from the natural state, and
- 2) for [shallow lakes](#) (less than or equal to 10 metres in depth), median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake-level fluctuation and patterns of lake-level seasonality (relative summer versus winter) remain unchanged from the natural state, and
- 3) for [natural wetlands](#), there is no change in their seasonal or annual range in water levels.

D.4.16 Allocation limits for rivers⁷³⁰

- 1) The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from rivers, and
 - b) applications for water permits for the taking and use of fresh water from rivers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 'Takes existing and the notification date of the plan—controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan—discretionary activity'.
- 2) The quantities of fresh water that can be taken from rivers at flows below the [median flow](#) must not exceed whichever is the greater of:
 - a) The [default allocation limits](#) in the following table, or
 - b) the quantities [authorised](#) to be taken by:
 - i) permitted rules in this plan, and
 - ii) resource consents at the date of public notification of this plan less, with the exception of water permits for takes from rivers in the Mangere Catchment, any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - iii) resource consents for un[authorised](#) takes that existed at the notification date of this plan.

Table 12: Default allocation limits for rivers

River water quantity management unit	Default allocation limit
Outstanding rivers	10 percent of the seven-day mean annual low flow

Coastal rivers	30 percent of the seven-day mean annual low flow
Small rivers	40 percent of the seven-day mean annual low flow
Large rivers	50 percent of the seven-day mean annual low flow

D.4.17 Allocation limits for aquifers⁷³¹

- 1) The allocation limits in Clause 2 apply to:
 - a) rules in this plan that permit any activity involving the taking and use of fresh water from aquifers, and
 - b) applications for water permits for the taking and use of fresh water from aquifers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 'Takes existing and the notification date of the plan – controlled activity' and C.5.1.9 'Takes existing at the notification date of this plan – discretionary activity'.
- 2) The quantities of fresh water that can be taken from aquifers must not exceed:
 - a) for the **Aupouri aquifer**,
 - i) the **catchment-specific allocation** limits in Table 12 'Allocation limits for the **Aupouri aquifer management unit**', and
 - b) for **coastal aquifers**, an **allocation limit** of whichever is the greater of:
 - i) a **default allocation limit** of 10 percent of the average annual recharge, or
 - ii) the quantities **authorised** to be taken by:
 - 1) permitted rules in this Plan, and
 - 2) resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 3) resource consents for un**authorised** takes that existed at the notification date of this Plan, and
 - c) for **other aquifers**, an **allocation limit** of whichever is the greater of:
 - i) a **default allocation limit** of 35 percent of the average annual recharge, or
 - ii) the quantities **authorised** to be taken by:
 - 1) permitted rules in this Plan, and
 - 2) resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and

- 3) ~~resource consents for unauthorised~~ takes that existed at the notification date of this Plan.

Table 13: Allocation limits for the Aupouri aquifer management unit

Sub-aquifer	Allocation limit	
	m ³ /year	% annual average recharge
Aupouri-Waihōpe	1,278,200	15
Aupouri-Houhora	2,141,300	11
Aupouri-Motutangi	1,069,600	10
Aupouri-Waiparera	2,312,200	10
Aupouri-Paparore	3,787,500	35
Aupouri-Waipapakauri	1,192,800	20
Aupouri-Awanui	4,640,400	12
Aupouri-Sweetwater	4,675,000	35
Aupouri-Ahipara	922,500	12
Aupouri-other	Not applicable	15

D.4.17A Avoiding over-allocation

For the purpose of assisting with the achievement of Objective [F.1.1](#) of this Plan:

- 1) apply the allocation limits set in [H.6 Environmental flows and levels](#) when considering and determining applications for resource consents to take, use, [dam](#) or divert fresh water, and⁷³²
- 2) ensure that no decision will likely result in over-allocation.

D.4.18 Integrated ~~conjunctive~~ surface water and groundwater management⁷³³

Prepare and consider applications for resource consents to take groundwater in accordance with [H.7 Managing groundwater and surface water connectivity](#) so that surface and groundwater resources are managed in an integrated way.⁷³⁴

Apply [minimum flows](#), [minimum levels](#) and [allocation limits](#) set for rivers, lakes and [natural wetlands](#) to water takes from aquifers that are directly or highly connected. An application to take water from an aquifer with direct or high hydraulic connectivity to a [fully allocated](#) river or which would result in flows or levels to be reduced below a [minimum flow](#) or [minimum level](#) will

generally not be granted. A resource consent may be granted under D.4.13 'Exceptions to [minimum flows](#) and levels.

D.4.19 ~~Exceptions to Minimum flows and or levels~~

- 1) For the purpose of assisting with the achievement of Objective F.1.1 of this Plan,⁷³⁵ ensure that the minimum flows and levels in [H.6 Environmental flows and levels](#) apply to activities that require water permits pursuant to rules in this Plan, and
 - 2) Notwithstanding this general requirement, for rivers an alternative [minimum flow](#) (comprising the minimum flow set in [H.6 Environmental flows and levels](#) less a specified rate of flow particular to an activity) may be applied where An application for a water permit that would allow water to be taken from a river, lake or [natural wetland](#) when flows or levels are below a [minimum flow](#) or [minimum level](#) will generally not be granted. A resource consent may be granted if 1) the water is to be taken, dammed or diverted for:⁷³⁶
 - a) the health of people as part of a [registered drinking water supply](#), or
 - b) [root stock survival water](#), the sole purpose of preventing the death of permanent viticulture or horticulture crops (excluding pasture species, animal fodder crops, and maize),⁷³⁷ or
 - c) an individual's reasonable domestic needs or the reasonable domestic needs of a person's animals for drinking water that is, or is likely to be, having an adverse effect on the environment and is not permitted by a rule in this Plan, or⁷³⁸
 - d) a [non-consumptive take](#), and⁷³⁹
- 2) ~~a different [minimum flow](#) or [minimum level](#) has been set for the water body in a resource consent.~~⁷⁴⁰

D.4.20 Reasonable and efficient use of water – irrigation

An application for a resource consent to take water for irrigation purposes must include an assessment using a ~~field validated~~⁷⁴¹ water balance model that considers land use, crop water use requirements, on-site physical factors such as soil water holding capacity, and climate factors such as rainfall variability and potential evapotranspiration. The model must reliably predict annual irrigation volume ~~within an accuracy of 15 percent.~~⁷⁴² The annual volume calculated using the model must meet the following criteria:

- 1) an irrigation application efficiency of at least 80 percent, and
- 2) crop water requirements demand conditions that occur in nine out of 10 years.

D.4.21 Reasonable and efficient use of water – group or community water supplies

An application for a resource consent to take or use water for ~~group or community drinking or public~~ water supplies must include a water management plan to demonstrate water use efficiency and must set out the current and likely future demand for water that addresses:

- 1) the number and nature of the properties that are to be supplied, and

- 2) how the water supplier will manage water availability during summer flow periods and drought events, and
- 3) the effectiveness and efficiency of the distribution network.

D.4.22 Reasonable and efficient use of water – other uses

~~A resource consent~~ An application for resource consent to take water for any other use of water other than that addressed under D.4.20 or D.4.21 must include an assessment of reasonable and efficient use by, taking into account the nature of the activity, and identifying if water will potentially be wasted, and⁷⁴³ ~~demonstrating that water will not be wasted and identify any~~⁷⁴⁴ opportunities for re-use or conservation.

D.4.22A Water user groups

The formation of water user groups should be encouraged to allow permit holders who choose to work with other water permit holders in the same catchment or sub-catchment to temporarily share all or part of the water take authorised by their water permit provided:

- 1) all water permits are subject to conditions that specify a maximum rate of take, a daily volume, and a seasonal or annual volume; and
- 2) metering and telemetry of water abstraction data is undertaken for all takes, and
- 3) all water permits are subject to common water take restriction conditions, or any discrepancies in restriction conditions are addressed prior to the formation of the group.⁷⁴⁵

D.4.23 Conditions on water permits

Water permits for the taking and use of water must include conditions that:

- 1) clearly define the take amount in instantaneous take rates and total volumes, including by reference to the temporal aspects of the take and use, and
- 2) unless there are exceptional circumstances,⁷⁴⁶ or the water permit is for a temporary take or a non-consumptive take,⁷⁴⁷ require that:
 - a) the water take is metered and information on rates and total volume of the take is provided electronically to the Regional Council, and ~~3)~~
 - b) for water permits for takes equal to or greater than 10 litres per second, ~~require~~ the water meter to be telemetered to the Regional Council, and
- 4) ~~clearly define when any restrictions and cessation of the water take must be restricted or cease occur to ensure compliance with freshwater water quantity limits environmental flows and levels set in this plan, and~~
- 5) require the use of a backflow prevention system to prevent the backflow of contaminants to surface water or ground water from irrigation systems used to apply animal effluent, agricultural or nutrients, and
- 5A) ensure intake structures are designed, constructed and maintained to minimise adverse effects on fish species in accordance with good practice guidelines, and⁷⁴⁸

- 6) specify when and under what circumstances the permit will be reviewed pursuant to Section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment.

D.4.24 Transfer of water permits

An application to transfer a water permit, permanently or temporarily, pursuant to Section 136 of the RMA will generally be granted if:

- 1) both sites are in the same catchment (either upstream or downstream) or aquifer, and
- 2) other authorised takes are not adversely affected, and
- 3) there is no increase in the level of adverse effects on the health of aquatic ecosystems.

D.4.24A Transitional policy under Policy B7 of the National Policy Statement for Freshwater Management 2017

- 1) When considering any application, the consent authority must have regard to the following matters:
 - a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem, and
 - b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.
- 2) This policy applies to:
 - a) any new activity, and
change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of fresh water or draining or any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity of the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).
- 3) This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

Note: the policy applies until the provisions in this plan that give effect to Policy B1 (allocation limits) and Policy B2 (allocation) have become operative.

D.4.25 Activities affecting flood control schemes

Avoid activities that are likely to:

- 1) compromise the functional integrity of flood control schemes, or
- 2) impede access to flood control schemes for maintenance purposes.

D.4.26 New Land drainage⁷⁴⁹

Land drainage activities that require consent must:

- 1) maintain bed and bank stability, and
- 2) ensure that peatlands are not adversely affected, and
- 3) ensure that significant adverse effects on groundwater levels are avoided, and
- 4) ensure the effects of ground subsidence from de-watering are avoided, or where avoidance is not possible, remedied or mitigated, and⁷⁵⁰
- 5) ~~recognise~~ maintain the values of ~~existing~~ natural wetlands, and⁷⁵¹
- 6) maintain existing fish passages and where possible, encourage development of new fish passage opportunities.

D.4.27 Natural wetlands – requirements

Activities affecting a natural⁷⁵² wetland ~~must~~:

- 1) should maintain the following important functions and values of wetlands, including:
 - a) water purification and nutrient attenuation, and⁷⁵³
 - b) contribution to maintaining stream flows during dry periods, and
 - c) peak stream flow reduction, and
 - d) providing habitat for indigenous flora and fauna, including ecological connectivity to surrounding habitat,⁷⁵⁴ and
 - e) recreation, amenity and natural character values, and⁷⁵⁵
- 2) must avoid, remedy, or mitigate adverse effects on the important wetland functions and values, or⁷⁵⁶
- 3) must provide biodiversity off-setting or environmental biodiversity compensation, so that residual adverse effects on the important functions and values of wetlands are no more than minor.⁷⁵⁷

D.4.28 Wetland – values

When considering resource consents for activities in wetlands, recognise:

- 1) the benefits of wetland creation and restoration, and the enhancement of wetland functions, and
- 2) that the values of induced wetlands or reverted wetlands are likely to relate to:
 - a) the length of time the wetland has been in existence (ecological values are generally lower in newly established wetlands), and
 - b) whether long-term viability of the wetland relies on maintenance works to maintain suitable hydrological conditions (wetlands that do not ~~don't~~ require maintenance are of greater value), and

- 3) that the consent duration should be for as long as the time it takes for the wetland to reach its expected end state active restoration or enhancement works are required.

D.4.29 Freshwater fish

When considering resource consent applications for activities in freshwater bodies recognise:

- 1) that in the absence of alternative evidence, most Northland continually or intermittently flowing rivers and some lakes and natural wetlands provide habitat for Threatened or At Risk indigenous fish species, and
- 2) that ~~some fish species are sensitive~~ all fish species have varying degrees of sensitivity⁷⁵⁸ to habitat disturbance, changed water flow and degraded water quality, particularly increased turbidity or sedimentation, and
- 3) the need to maintain the ability for non-pest fish species to effectively move up and downstream of the activity site, and
- 4) opportunities to reduce the risk of spreading or introducing pest species, and
- 5) the benefits of avoiding:
 - a) ~~impact activities in continually or intermittently flowing rivers~~ during fish migration periods, and
 - b) spawning habitat disturbance, particularly during spawning periods.

D.4.30 Benefits of freshwater structures, dams and diversions

Recognise the significant benefits activities in water bodies can provide to local communities, Māori and the region, including:

- 1) socio-economic well-being and resilience of communities or industry, and~~or~~
- 2) regionally significant infrastructure, and~~or~~
- 3) enhanced fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, and~~or~~
- 4) flood protection and the safeguarding of public health and safety, and~~or~~
- 5) public access along, over or in the water body-, and
- 6) enabling community resilience to climate change,⁷⁵⁹ and
- 7) enhancing recreation opportunities including walking, bird watching, fishing, game bird hunting and boating, and
- 8) education and scientific research, and
- 9) enhancing amenity and natural character.⁷⁶⁰

D.4.31 Land preparation, earthworks and vegetation clearance ~~Managing the effects of land-disturbing activities~~

When assessing an application for a resource consent for an earthworks, vegetation clearance and/or land preparation activity ~~cultivation~~⁷⁶¹ and any associated discharge of a contaminant, ensure that the activity ~~must~~:

- 1) will be done in accordance with established good management practices, and
- 2) avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on:
 - a) human⁷⁶²-drinking water supplies, and
 - b) areas of high recreational use, and
 - c) aquatic ecosystem health, aquatic species, and receiving environments that are sensitive to sediment or phosphorus accumulation.⁷⁶³

D.4.31A Construction, alteration and decommissioning of bores

When considering an application for a resource consent for the construction, alteration or decommissioning of a bore, ensure that the activity will be done in accordance with established good management practices.⁷⁶⁴

D.4.32 Exceptions to livestock exclusion requirements

When considering an application for a resource consent to allow livestock access to the bed of a lake or a permanently-continually flowing river, a permanently-continually flowing drain-artificial watercourse, a natural wetland, or the coastal marine area, have particular⁷⁶⁵ regard to:

- 1) any relevant priorities and recommendations in a farm environment plan prepared ~~or approved~~ by the Regional Council or in an industry approved farm environment plan,⁷⁶⁶ and
- 2) the need to extend the deadline for livestock to be effectively excluded on the grounds of significant practical constraints, and
- 3) the implementation of substitute measures, mitigations-such as constructed wetlands, to avoid or mitigate ~~minimise~~ losses of sediment and faecal microbes to downstream water bodies and coastal waters-, and
- 4) the benefits of grazing the banks of water bodies, including suppression of weeds and maintenance of grass cover to minimise contaminant inputs to water bodies.⁷⁶⁷

D.5 Coastal

D.5.1 Aquaculture – benefits

Recognise and enable the significant benefits that existing and new aquaculture can provide to local communities, Māori and the region, including:

- 1) social, cultural and economic benefits, including local employment and enhancing Māori development (for example, by involvement in the aquaculture industry), particularly in areas of Northland where alternative opportunities are limited, and
- 2) supplementing natural fish and shellfish stocks by an alternative source of fish and shellfish, and
- 3) providing improved information about water quality, and
- 4) the significant opportunity marae-based aquaculture provides for Māori to enhance their well-being (through improving traditional customary kaimoana provision for marae), and
- 5) as a method Māori can use for the management and enhancement of Māori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986).

D.5.1A Aquaculture – existing activities, realignment, extensions, and small scale short duration activities⁷⁶⁸

Subject to D.5.4, D.5.5, and D.5.6 provide for and enable the continued operation of existing aquaculture activities (including their realignment and extension) and for aquaculture research trials and experimental aquaculture activities, provided that:

- 1) potential adverse effects listed in D.5.2 and significant adverse effects listed in D.5.3 are avoided, and
- 2) adverse effects on the characteristics, qualities and values that contribute to the identified values of the following areas identified in the Plan's I Maps | Ngā mahere matawhenua are managed in accordance with the relevant policies in Chapters D.1, D.2 and D.5 of this Plan:
 - a) Significant Ecological Areas, or
 - b) Significant Bird Areas, or
 - c) Outstanding Natural Features, or
 - d) Areas of Outstanding Natural Character, or
 - e) Regionally Significant Anchorages, or
 - f) Mooring Zones, or
 - g) Coastal Commercial Zones, or
 - h) Nationally or Regionally Significant Surf Breaks, or
 - i) Sites or Areas of Significance to Tangata Whenua, or
 - j) Historic Heritage Sites or Areas.

D.5.2 Aquaculture – avoid adverse effects

In addition to any other requirement to avoid adverse effects, aquaculture activities must avoid adverse effects (after taking into account any remediation or mitigation) on:

- 1) areas of the coastal marine area where a marine reserve has been established or publicly notified under the Marine Reserves Act 1971, and
- 2) residential activities in significant **urban areas** provided for in operative district plans, which ~~activities~~ are existing at 1 September 2017, **authorised** by unexercised resource consents, or enabled by operative district plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, and
- 3) significant tourism ~~and/or~~ recreation areas, and
- 4) **recognised navigational routes**, and
- 5) anchorages referred to in cruising guides, pilot books and similar publications as being suitable for shelter in adverse weather, and
- 6) port or harbour approaches, and
- 7) existing aquaculture (either because there is no or limited space, or the area is at its production or ecological carrying capacity), and
- 8) the use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables, and
- 9) defence exercise areas, and
- 10) access lanes, as referred to by the Navigation Safety Bylaw, and
- 11) the management purpose or objectives of:
 - a) **tāiapure** or **mataitai**, and
 - b) areas for which fisheries restriction methods have been established under the Fisheries Act 1996 and regulations, including any Māori Oyster Reserve or set netting ban, and
 - c) protected customary rights and customary marine titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011, and
 - d) wildlife refuges established under the Wildlife Act 1953, and
 - e) areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977, and
 - f) areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971,^{xxxiv} and
 - g) any marine park established by or through statutory or regulatory processes, and
- 12) Mooring Zones.⁷⁶⁹

^{xxxiv}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.5.3 Aquaculture – avoid significant adverse effects

Aquaculture activities should avoid significant adverse effects on:

- 1) the integrity, functioning and resilience of coastal processes and ecosystems, and
- 2) public access to and along the coast, and
- 3) use or functioning of coastal reserves and conservation areas.

D.5.4 Aquaculture – general matters

New aquaculture activities should:

- 1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure, facilities and operations where required, and
- 2) ~~provide for the integrated management of the associated activities, including any required land-based facilities and operations, and~~
- 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 directly⁷⁷⁰ harvesting shellfish for human consumption, and
- 4) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

D.5.5 Aquaculture – staged development

New aquaculture activities may be required to be developed and monitored in a staged manner where the potential adverse effects cannot adequately be predicted and may be significant. for example where:

- 1) ~~the potential adverse effects cannot adequately be predicted, or~~
- 2) ~~new species are farmed or new technology is used, or~~
- 3) ~~the scale or type of marine farm warrants a cautious approach.~~⁷⁷¹

D.5.6 Aquaculture – abandoned or derelict farms

Coastal permits for aquaculture activities involving structures in the coastal marine area must include conditions requiring:

- 1) the repair or removal of structures that have been abandoned or have fallen into a state of disrepair, and either
- 2) a bond ~~or alternative surety~~ to cover the actual and reasonable costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed, or
- 3) an alternative surety that reflects the reasonable:
 - a) likelihood of structures being abandoned or falling into a state of disrepair, and

- b) the costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed.

~~of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed.~~⁷⁷²

D.5.6A Coastal Commercial Zone and Marsden Point Port Zone Purpose

Recognise that the purpose of the Coastal Commercial Zone and Marsden Point Port Zone is to enable the development and operation of existing and authorised maritime-related commercial enterprises or industrial activities located within these zones.⁷⁷³

D.5.7 Coastal Commercial Zone and Marsden Point Port Zone

Development in the Coastal Commercial Zone and the Marsden Point Port Zone will generally be appropriate provided it is:

- 1) consistent with:
 - a) existing development in the Coastal Commercial Zone or the Marsden Point Port Zone, and
 - b) existing development on adjacent land above mean high water springs, and
 - c) development anticipated on the land above mean high water springs by the relevant district plan, or
- 2) associated with regionally significant infrastructure in the Marsden Point Port Zone.⁷⁷⁴

Development that is inconsistent with 1) or 2) to 3) will not necessarily be inappropriate.

D.5.8 Whangārei City Centre Marine Zone

Recognise that the purpose of the Whangārei City Centre Marine Zone is to enable the development of structures for amenity and public good purposes.

D.5.9 Moorings outside Mooring Zones

Moorings outside Mooring Zones that require resource consent must:

- 1) have all necessary shore-based toilet facilities, parking, dinghy storage and refuse disposal available long-term, and
- 2) not by themselves, ~~itself~~ or in combination with existing moorings in the same bay or inlet, result in more than minor adverse effects, unless the mooring is associated with a property

that is only legally accessible by water and the mooring is necessary to provide for the safety of people or the moored vessel,⁷⁷⁵ and

- 3) ~~not be allowed where the mooring will more likely than not set a precedent for additional new moorings in the same bay or inlet, and~~⁷⁷⁶
- 4) demonstrate why it is not practical to be in a Mooring Zone, and
- 5) not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless it is directly associated with a maritime-related commercial enterprise or existing authorised industrial activity, and⁷⁷⁷
- 6) demonstrate why short-term anchorage or land-based vessel storage is not practical, and
- 7) not be in the following areas (refer: [I Maps | Ngā mahere matawhenua](#)):
 - i) Areas of Outstanding Natural Character, or
 - ii) [Historic Heritage Areas](#), or
 - iii) Nationally Significant Surf Breaks, or
 - iv) Outstanding Natural Features, or
 - v) Regionally Significant Anchorages, or
 - va) Sites or Areas of Significance to Tangata Whenua,⁷⁷⁸

unless

 - vi) the mooring is associated with a property that is only legally accessible by water, or
 - vii) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
 - viii) the mooring is associated with a maritime-related commercial enterprise or existing authorised industrial activity that could not otherwise be located within a Mooring Zone.⁷⁷⁹

D.5.10 New moorings in Mooring Zones with limited shore-based facilities

Manage moorings in Mooring Zones with limited shore-based facilities by:

- 1) recognising that shore-based facilities to serve moorings are limited or at capacity in the following mooring areas:

Table 13A: Mooring Zones with limited shore-based facilities

Location	Mooring Zone
Mangonui Harbour	All mooring zones
Whangaroa Harbour	Totara North
Kerikeri Inlet	Opito Bay

Ōpua	English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River
Russell	Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All mooring zones
Mangawhai Harbour	Mangawhai

- 2) only granting coastal permits for moorings in these locations if the applicant can demonstrate that:
- a) adequate parking and dinghy storage is available to serve the existing moorings and the proposed mooring at all times of the year, or
 - b) adequate parking, toilet facilities, refuse disposal and dinghy storage from are provided at all times of the year at their own⁷⁸⁰ private property near the proposed mooring, and
- 3) where an applicant demonstrates provision of adequate parking, toilet facilities, refuse disposal and dinghy storage at their private property in accordance with clause 2)2.2, the coastal permit must include a condition ~~limiting~~ precluding the transfer of the mooring unless the services for the mooring will be provided from a property owned by the transferee to new owners of the property.

D.5.11 Regionally Significant Anchorages

Manage Regionally Significant Anchorages (refer [I Maps | Ngā mahere matawhenua](#)) by:

- 1) recognising the value of Regionally Significant Anchorages to the ~~to the~~ boating community as anchorages that are critical refuges during bad weather, and
- 2) avoiding structures that have adverse effects on the ability of vessels to anchor in a Regionally Significant Anchorage, except structures installed to reduce the environmental impact of repetitive anchoring and that are freely available for public use.

D.5.12 Recognised Anchorages

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding ~~and~~ or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publications.

D.5.13 Marinas – managing the effects of marinas

Marinas must:

- 1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:

- a) refuse from vessels, and
 - b) sewage and sullage from vessels, and
 - c) recyclable material, including waste oils, from vessels, and
 - d) spills from refuelling operations and refuelling equipment, and
 - e) the discharge of stormwater generated from the marina complex, and
- 2) provide for shore-based facilities, including parking, public toilets, boat racks, public access, and
 - 3) mitigate for any loss of public access to, along and within the coastal marine area, including ~~providing the provision of~~ facilities such as public boat ramps and alternative access for other users, and
 - 4) ~~take into account~~ be designed and constructed in a manner that reflects the benefits of landscaping and urban design treatment, and
 - 5) ~~take into account~~ be consistent with any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

D.5.14 Marinas – recognising the benefits of marina development

Recognise the benefits of marina development include:

- 1) efficient use of water space for boat storage, and
- 2) responding to demand for boat storage and associated services, and
- 3) opportunities to enhance public facilities and access to the coastal marine area, and
- 4) socio-economic opportunities through construction and ongoing operation.

D.5.15 Marina Zones – purpose

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

D.5.16 Marina Zones – structures

When considering coastal permit applications for non-marina related structures (including moorings) in Marina Zones, decision-makers must have regard to:

- 1) whether granting a coastal permit would hinder the development of a marina in that part of the Marina Zone, and
- 2) the need for conditions to limit the duration of a consent to enable marina development to proceed.

D.5.17 Marinas and moorings in high demand areas

Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand [Mooring Zones](#). Therefore, high density on-water boat storage (including pile [moorings](#), trot [moorings](#) and marinas) is likely to be the only way to provide additional on-water boat storage in:

- 1) Mangonui, and
- 2) Kerikeri, and
- 3) Russell, and
- 4) Ōpua, and
- 5) Tutukaka, and
- 6) ~~Mangawhai.~~⁷⁸¹

D.5.17A Reclamation⁷⁸²

Recognise the potential benefits of [reclamations](#) when they are undertaken to:

- 1) maintain or repair an [authorised reclamation](#), or
- 2) carry out rehabilitation or remedial works, or
- 3) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.

D.5.17B Unlawful reclamation⁷⁸³

Recognise the following matters when considering the authorisation of an unlawful [reclamation](#) in the coastal marine area:

- 1) the extent of social or economic benefit provided to the public, including whether the [reclamation](#) is necessary to enable the operation of infrastructure, and
- 2) the length of time the unlawful [reclamation](#) has existed, and
- 3) the extent to which removal of the [reclamation](#) is practicable, and
- 4) whether there will be more significant adverse effects resulting from the works required to remove the [reclamation](#), compared with retaining the [reclamation](#).

D.5.18 Dredging, disturbance and deposition activities

Dredging, disturbance and deposition activities should not:

- 1) cause long-term erosion within the coastal marine area or on adjacent land, and
- 2) cause damage to any [authorised](#) structure.

D.5.18A Benefits of dredging, disturbance and deposition activities

Recognise that dredging, disturbance and deposition activities may be necessary:

- 1) for the continued operation of existing infrastructure, or
- 2) for the operation, maintenance, upgrade or development of [regionally significant infrastructure](#), or⁷⁸⁴
- 3) to maintain or improve access and navigational safety within the coastal marine area, or
- 4) for beach re-nourishment or replenishment activities, or
- 5) to protect, restore or rehabilitate ecological or recreational values, or
- 6) when it is undertaken in association with the [deposition of material for beneficial purposes](#), including the restoration or enhancement of natural systems and features that contribute towards reducing the impacts of coastal hazards.⁷⁸⁵

~~D.5.19 Disposal~~ Dumping (deliberate disposal) of dredge spoil and other waste material

Discourage the ~~disposal~~ dumping (deliberate disposal) of dredge spoil and other waste in the coastal marine area, unless:⁷⁸⁶

- 1) it is for beach maintenance, enhancement or replenishment; or the replenishment of other geomorphological features such as banks or spits; or ecological restoration, or⁷⁸⁷
- 2) it is for restoration, maintenance or enhancement of natural coastal defences that provide protection against coastal hazards, or
- 3) it is associated with a [reclamation](#), or
- 4) it is associated with the operation of [regionally significant infrastructure](#) and the dumping does not occur within a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Significant Ecological Area, or
 - b) Nationally Significant Surf Break, or
 - c) Area of Outstanding Natural Character, or
 - d) Outstanding Natural Feature, or
 - e) Site or Area of Significance to Tangata Whenua, or
 - f) [Historic Heritage Area](#).⁷⁸⁸

The ~~disposal~~ dumping (deliberate disposal) of dredge spoil or other waste that is inconsistent with clauses 1 to ~~3~~ 4 above may be appropriate, if it is demonstrated that the dumping location is the best practicable option, given the type of material to be dumped ~~disposed of~~.

~~D.5.20 Dredging, disturbance and deposition effects on areas with significant values~~⁷⁸⁹

~~When considering a resource consent application for dredging, disturbance or deposition that is likely to have an adverse effect on any mapped (refer [I Maps](#)):~~

- ~~1) Outstanding Natural Character, or~~

- ~~2) Outstanding Natural Feature, or~~
- ~~3) Significant Ecological Area, or~~
- ~~4) Significant Bird Area, or~~
- ~~5) Marine Mammal and Seabird Area, or~~
- ~~6) [Historic Heritage Area](#), or~~
- ~~7) Nationally or Regionally Significant Surf Break~~

take into account whether the proposal provides for any of the following beneficial activities:

- ~~8) protects, restores or rehabilitates the significant values associated with one or more of the areas listed in 1–7 above, or~~
- ~~9) improves water quality, connections between water bodies or between freshwater bodies and coastal water, or other natural processes, or~~
- ~~10) provides educational, scientific or passive recreational opportunities that will enhance the understanding and long term protection of the significant values of the area, or~~
- ~~11) is in association with scientific research and analysis, or~~
- ~~12) is in association with the operation, maintenance and protection of [regionally significant infrastructure](#), or~~
- ~~13) involves the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or~~
- ~~14) is dredging or other disturbance of the foreshore and seabed in existing [artificial watercourses](#) or modified watercourses, or~~
- ~~15) is in association with the mitigation of natural hazards, or~~
- ~~16) is in association with the operation, maintenance and protection of existing river schemes and [land drainage schemes](#), or~~
- ~~17) is in association with the repair, maintenance, reconstruction and removal of [authorised structures](#), or~~
- ~~18) involves sand extraction within areas where this has previously occurred and adverse effects have been demonstrated as being no more than minor.~~

D.5.21 Underwater noise

Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

- ~~1) demonstrate that adopt the best practicable option to manage noise so that it does not exceed a reasonable level is being used to minimise noise,⁷⁹⁰ and~~
- ~~2) in the case of marine seismic surveying, demonstrate compliance with *Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Surveying Operations* (Department of Conservation, 2013), and~~
- ~~3) require an acoustic assessment where the activity may cause significant adverse effects on marine animals, and⁷⁹¹~~

- 4) ~~demonstrate that there are no more than minor~~ avoid adverse effects on marine mammals listed as Threatened or At Risk in the New Zealand Threat Classification System,⁷⁹² and
- 5) avoid, remedy or mitigate other adverse effects on marine mammals, having regard to the location and duration of the proposed activity and the benefits of activities:
 - a) to be undertaken in association with scientific research and analysis, or
 - b) involving the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
 - c) to be undertaken in association with the operation, maintenance and protection of Regionally Significant Infrastructure, or
 - d) that mitigate natural hazards.⁷⁹³

D.5.22 Mangrove removal – purpose

Subject to Policy D.2.7, resource consent for mangrove pruning or removal:⁷⁹⁴

- 1) may be granted when it is necessary to maintain, restore or improve one or more of the following:
 - a) ~~biodiversity, and aquatic ecosystem health-ecological values,~~ natural features, or scheduled historic places, or
 - aa) habitats that have been displaced or colonised by mangroves, including rush marsh, salt marsh and intertidal flats, or⁷⁹⁵
 - ab) areas within which mangroves have previously been lawfully pruned or removed, or⁷⁹⁶
 - b) public recreation and walking access to, or along, the coastal marine area, or
 - c) connections with reserves or publicly owned land and the coast, or
 - d) public use and public amenity values, or
 - e) water access for **vessels** and navigation, or
 - f) public health and safety, including sightlines and traffic safety, or
 - g) access to the coast from marae, or to areas of traditional use, or
 - h) ongoing **authorised** activities, or
 - i) infrastructure, or
 - j) maintenance of drainage channels, control of flooding or erosion caused by mangroves, or
 - k) tidal flows, or
 - l) scientific research, and
- 2) must not be granted where it is for the purpose of improving private views.

~~D.5.23 Mangrove removal outcome~~⁷⁹⁷

If the desired outcome of the mangrove removal is a return to sandy conditions, or maintain or enhance ecological values, then the resource consent applicant must scientifically demonstrate how the desired outcome will be achieved.

D.5.24 Mangrove removal – adverse effects

When considering resource consents for mangrove removal, ~~recognise~~ have regard to that mangrove removal can result in a range of potential adverse effects, in particular:⁷⁹⁸

- 1) effects on ecological values including:
 - a) disturbance, displacement or loss of fauna and habitat ~~including rare, threatened, at risk species,~~ and
 - aa) disturbing or displacing birds classified as Threatened or At Risk in the New Zealand Threat Classification System, particularly within Significant Bird Areas, and⁷⁹⁹
 - b) disturbing ecological sequences, or corridors, and
 - e) ~~areas important for linking significant ecological areas, and~~⁸⁰⁰
 - d) ~~restricting faunal migration and movement and to shorebird breeding and feeding, and~~⁸⁰¹
 - e) removal of a buffer to sensitive ecological areas, and
 - f) disturbance of the foreshore and seabed, ~~effects of~~ including compaction, sediment redistribution, and mangrove biomass deposition ~~and storage,~~ and
- 2) increased risk of coastal erosion where mangroves provide a buffer against coastal processes causing erosion, and
- 3) effects on tangata whenua cultural values, and
- 4) amenity impacts from removal and disposal including noise, smoke, odour and visual impacts, and
- 5) short and long-term effects on local sediment characteristics and hydrodynamics, and
- 6) changes to natural character.⁸⁰²

~~D.5.25~~ Marine pests⁸⁰³

~~Protect Northland from the adverse effects from~~ marine pests by:

- 1) ~~recognising that the introduction or spreading of~~ marine pests ~~could have significant and irreversible adverse effects on Northland's marine environment, and~~
- 2) ~~recognising that the main risk of introducing and spreading of~~ marine pests ~~is from the movement of~~ vessels, structures, equipment, marine livestock and materials, and
- 3) ~~decision makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of~~ marine pests, and
- 4) ~~putting conditions in resource consents requiring that best practicable option measures are implemented so that there is a very low risk of introducing or spreading~~ marine pests ~~as a result of the consented activity.~~

D.5.26 Significant surf breaks

Provide for the use and enjoyment of Nationally and Regionally Significant Surf Breaks (refer: [I Maps | Ngā mahere matawhenua](#)) by ensuring that:

- 1) resource consent applications for activities within the coastal marine area that are within a one kilometre radius of a Nationally Significant Surf Break or a Regionally Significant Surf Break are accompanied by an assessment of environmental effects of the activity on the identified values of the surf break, and
 - 1A) adverse effects on the characteristics, qualities and values that contribute to make Nationally Significant Surf Breaks significant, are avoided, and⁸⁰⁴
- 2) significant adverse effects on the characteristics, qualities and values that contribute to make Regionally Significant Surf Breaks significant, are avoided, and
- 3) access to Nationally and Regionally Significant Surf Breaks is maintained or enhanced.

D.5.27 Managing effects on surf breaks

Have regard to the following effects on mapped surf breaks (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) effects on the quality or consistency of the surf break by considering the extent to which the activity may:
 - a) change or interrupt coastal sediment dynamics, and
 - b) change or interrupt swell within the swell corridor including through reflection, refraction or diffraction of wave energy, and
 - c) change the morphology of the foreshore or seabed, and
- 2) effects on:
 - a) amenity values, and
 - b) the feeling of wilderness or isolation.

D.6 Natural Hazards

D.6.1 Appropriateness of hard protection structures

New [hard protection structures](#) may be considered appropriate when:

- 1) alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have greater adverse effects on the environment, or
- 2) they are the only practical means to protect ~~existing or proposed~~.⁸⁰⁵
 - a) existing or planned [regionally significant infrastructure](#), or
 - b) existing [core local infrastructure](#) (~~district parks and reserves, network infrastructure and local roads~~), or
 - c) concentrations of existing vulnerable development, and
 - d) they provide a better outcome for the local community, district or region, compared to ~~if the~~ no [hard protection structure](#) ~~was not built~~, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.

D.6.2 Design and location of hard protection structures

New [hard protection structures](#) must:

- 1) be located as far landward as possible in order to retain ~~as much of the~~ existing natural defences against coastal hazards as much as possible, and
- 2) be designed and constructed by a suitably qualified and experienced professional, and
- 3) incorporate the use of soft protection measures where practical, and
- 4) be designed to take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time-frame, including the projected effects of a sea level rise of one metre by 2115 (100 years).

D.6.3 Re-building of materially damaged or destroyed buildings in high-risk hazard areas

Resource consent may only be granted for the re-building of [materially damaged](#) or destroyed buildings in [high-risk flood hazard areas](#) and [high-risk coastal hazard areas](#) if the natural hazard risk to the building is demonstrated to be reduced (compared with the risk to the building previously) and hazard risk to [other property](#) is not increased.

D.6.4 Flood hazard management – flood defences

Recognise the significant benefits that [flood defences](#) play in reducing flood hazard risk to people, [property](#) and the environment.

D.6.5 Flood hazard management – development within floodplains

Development in [flood hazard areas](#) and [continually or intermittently flowing rivers](#) (including [high-risk flood hazard areas](#)) must not increase the risk of adverse effects from flood hazards on [other property](#) or another person's use of land or [property](#).

E Catchments | Ngā whaitua

E.1 Objective

E.1.1 Catchment-specific values

Recognise the following values in the Doubtless Bay, Waitangi, Poutō, Mangere and Whāngarei Harbour catchments:

- 1) cultural and recreational uses associated with fresh and coastal waters, and
- 2) the ability to gather [mahinga kai](#), and
- 3) the natural character of waterbodies and their margins, and
- 4) the quality of habitat for aquatic native species, and
- 5) access to freshwater for productive uses.

E.2 Policy

E.2.1 Catchments

When considering resource consent applications in the Doubtless Bay, Waitangi, Poutō, Mangere and Whangārei Harbour catchments, have regard to the following:

- 1) reducing the amount of sediment entering waterways from hill slope and stream-bank erosion, and
- 2) improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather [mahinga kai](#), and
- 3) protecting the ecosystem health and natural character of freshwater bodies, particularly [outstanding lakes](#), and
- 4) enabling the extraction and use of freshwater where this will not compromise other values or exceed a [minimum flow](#) or level, or an allocation limit.⁸⁰⁶

E.3 Rules

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

Note: the following rules in this section are from Catchment Management Plans developed for the Doubtless Bay, Waitangi, Mangere, ~~Whangārei~~ Whangārei Harbour and Poutō catchments. Catchment-specific rules take precedence over other rules in this Plan (whether more or less restrictive).

E.3.1 Doubtless Bay catchment

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E.0.2 E.3.1.2 Water takes from Lake Waiporohita – discretionary activity	

E.3.2 Poutō catchment

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E.0.5 E.3.2.3 New plantation forestry within 20 metres of outstanding Poutō Lakes – restricted discretionary activity	

E.3.3 Waitangi catchment

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E.0.6 E.3.3.1 Erosion control plans in the Waitangi catchment – controlled activity	

E.3.4 Mangere catchment

<u>Rule</u>	<u>Page</u>
E.0.7 E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity	
E.0.8 E.3.4.2 Erosion control plans in the Mangere catchment – controlled activity	

E.3.5 Whangārei Harbour catchment

<u>Rule</u>	<u>Page</u>
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E.0.9 <u>E.3.5.1</u> Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity	
E.0.10 <u>E.3.5.2</u> Erosion control plans in the Whangārei Harbour catchment – controlled activity	

E.3.1 Doubtless Bay catchment

E.3.1.1 Erosion control plans in the Doubtless Bay catchment – controlled activity

[Pastoral land use](#) after 1 January 2025 on [high sediment yielding land](#) in the Doubtless Bay catchment ([I Maps | Ngā mahere matawhenua](#)) is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

Matters of control:

- 1) the effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion, and
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

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

- ~~Restrictions on use of land~~ [Pastoral land use](#) on [high sediment yielding land](#) (s9(2)).

E.3.1.2 Water takes from Lake Waiporohita – discretionary activity

The taking and use of fresh water from Lake Waiporohita for any purpose is a discretionary activity, provided:

- 1) water is not taken when a flow or water level is below a [minimum flow](#) or [minimum level](#), and
- 2) any new take (after the notification date of this plan) does not cause an allocation limit set in [H.6 Environmental flows and levels](#) to be exceeded.

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

- ~~Restrictions relating to water~~ The taking and use of fresh water from Lake Waiporohita (s14(2)) and s14(3)(b)).⁸⁰⁷

E.3.2 Poutō catchment

~~E.0.3~~ **E.3.2.1 Water takes from a lake in the Poutō catchment – permitted activity**

The taking and use of water from a lake in the Poutō catchment (refer [I Maps | Ngā mahere matawhenua](#)) (other than for reasonable stock drinking or domestic needs which are allowed under s14(3)(b) of the RMA) is a permitted activity, provided:

- 1) there is only one take per [property](#), and
- 2) the take is from a lake that is two hectares or more in area, and
- 3) the total daily take does not exceed:
 - a) from Outstanding Freshwater Bodies (lakes) (refer [I Maps | Ngā mahere matawhenua](#)), 10 cubic metres or 200 litres per hectare of [property](#), up to a maximum of 20 cubic metres, or
 - b) from other Poutō lakes, 10 cubic metres or 200 litres per hectare of [property](#) up to a maximum volume of 50 cubic metres, and
- 4) water is not taken when the lake water level is below a [minimum level](#), and
- 5) the take does not adversely affect the reliability of any existing [authorised](#) take, and
- 6) a screen must cover the intake structure of [surface water](#) takes and have a minimum aperture (mesh size) of 1.5 millimetres to protect native fish species, and the velocity across the screen must not exceed 0.3 metres per second, and
- 7) the take does not lower the water level in a [natural wetland](#), and
- 8) the reticulation system is constructed and maintained to minimise leakage and wastage, and
- 9) ~~the water users~~ must provide the [Regional Council](#) with:
 - a) their name, address, and phone number, and
 - b) the location of the water take, and
 - c) the nature of the water use, and
- 10) at the written request of the [Regional Council](#), a water meter is installed and water take and use records are provided to the [Regional Council](#).

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

- ~~Restrictions relating to water~~ The taking and use of fresh water from a lake in the Poutō catchment (s14(2)).

Note: *where the conditions of this rule cannot be met, [C.5.1.10 Other water takes – discretionary activity applies.](#)*

~~E.0.4~~ E.3.2.2 New plantation forestry in the Poutō Forestry Restriction Area – restricted discretionary activity

New plantation forestry that exceeds five hectares per [property](#) in the Forestry Restriction Area – Poutō catchment (refer [| Maps | Ngā mahere matawhenua](#)), is a restricted discretionary activity.

Matters of discretion:

- 1) The total area and location to be planted.
- 2) Potential effects of reduced [surface water](#) yield to lakes and water levels in lakes.
- 3) The sensitivity of the ecological, cultural or recreational values of the lake to reduced water levels.
- 4) The potential effects of the activity on water quality and aquatic ecosystems.
- 5) The positive effects of the activity.

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

- ~~Restrictions on use of land~~ New plantation forestry in the Poutō Forestry Restriction Area (s9(2)).

~~E.0.5~~ E.3.2.3 New plantation forestry within 20 metres of outstanding Poutō Lakes – restricted discretionary activity

New plantation forestry within 20 metres of the bed of an [outstanding lake](#) in the Poutō catchment (refer [| Maps | Ngā mahere matawhenua](#)) is a restricted discretionary activity.;

Matters of discretion:

- 1) The location and extent of trees within the setback, ~~and~~
- 2) The potential effects of the activity on outstanding Poutō lakes.
- 3) The positive effects of the activity.

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

- New plantation forestry within 20 metres of the bed of an outstanding Poutō lake (s9(2)).

E.3.3 Waitangi catchment

~~E.0.6~~ E.3.3.1 Erosion control plans in the Waitangi catchment – controlled activity

Pastoral land use after 1 January 2025 on [high sediment yielding land](#) in the Waitangi catchment (refer [I Maps | Ngā mahere matawhenua](#)) is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
- 3) ~~Information and monitoring requirements.~~

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

- ~~Restrictions on use of land~~ [Pastoral land use](#) on [high sediment yielding land](#) (s9(2)).

E.3.4 Mangere catchment

~~E.0.7~~ E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity

The access of [livestock](#) to a [natural wetland](#), the bed of a lake or a ~~continually permanently~~ flowing river, or a ~~continually permanently~~ flowing [artificial watercourse drain](#) in the Mangere Catchment (refer [I Maps | Ngā mahere matawhenua](#)) is a permitted activity, provided:

- 1) ~~Native wetland indigenous~~⁸⁰⁸ [vegetation](#) in a [natural wetland](#) is not ~~damaged or~~⁸⁰⁹ destroyed, and
 - 1A) livestock are [effectively excluded](#) from the water body for a distance of 1000 metres upstream of a registered water supply intake servicing more than 25 people, and
 - 2A) livestock are [effectively excluded](#) from inanga spawning sites identified by the Regional Council, and
- 2) other than at a [livestock crossing point](#), [livestock](#) are [effectively excluded](#) from the full extent of the water body or [artificial watercourse drain](#) in accordance with the requirements in ~~the following~~ Table 14 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment', and
- 3) [livestock crossing points](#) used by [livestock](#) (excluding deer), more than once per week on average,⁸¹⁰ must be bridged or culverted by the dates in ~~the following~~ Table 14 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment', and

- 4) at a [livestock crossing point](#) that is not required to be bridged or culverted, [livestock](#) are:
- ~~actively led or driven across the water body or [artificial watercourse](#) in one continuous movement river or drain, and~~
 - ~~effectively excluded from the river or drain between crossings by the dates in the following Table 14 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment'.~~

Table 14: Dates when livestock must be effectively excluded from water bodies and continually permanently flowing artificial watercourses⁸¹¹ drains in the Mangere Catchment.

Livestock type	Continually permanently flowing rivers, streams and artificial watercourses drains greater than 1m wide and 30cm deep*⁸¹²	All continually permanently flowing rivers, streams and artificial watercourses drains	Natural wetlands >2000m² (excluding significant wetlands)⁸¹³	Lakes (>1ha) and significant wetlands⁸¹⁴
Pigs and dairy cows	Excluded from the date this Rule E.3.4.1 becomes operative.	Excluded from 1 January 2023.	Excluded from three years after date this Rule E.3.4.1 becomes operative.	
Beef cattle, dairy support cattle and deer	Lowland and hill country areas as mapped in ' I Maps Ngā mahere matawhenua ': Excluded by 1 January 2025.	Lowland and hill country areas as mapped in ' I Maps Ngā mahere matawhenua ': Excluded from 1 January 2030.	Lowland areas as mapped in ' I Maps Ngā mahere matawhenua ': Excluded from 1 January 2025. Hill country areas as mapped in ' I Maps Ngā mahere matawhenua ': No exclusion required.	Excluded from the date this Rule E.3.4.1 becomes operative.

*Rivers, streams and [artificial watercourses](#) that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a [property](#). Width is measured when the river, stream or [artificial watercourse](#) is at its annual fullest flow without overtopping its banks.⁸¹⁵

Note: where the conditions of this rule cannot be met [C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity'](#) applies.

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

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

- ~~Restrictions on certain uses of beds of lakes and rivers (s13(2)).~~
- Allow [livestock](#) to enter or pass across an [artificial watercourse](#) or the bed of a [natural wetland](#) that is not part of the bed of a lake or river (s9(2)).
- Allow [livestock](#) to enter or pass across the bed of a lake or river (s13(2)).

~~E.0.8~~ E.3.4.2 Erosion control plans in the Mangere catchment – controlled activity

[Pastoral land use](#) after 1 January 2025 on [high sediment yielding land](#) in the Mangere catchment (refer [I Maps | Ngā mahere matawhenua](#)) is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
- 3) ~~Information and monitoring requirements.~~

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

- ~~Restrictions on use of land~~ [Pastoral land use](#) on [high sediment yielding land](#) (s9(2)).

E.3.5 Whangārei Harbour catchment

~~E.0.9~~ E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity

The access of [livestock](#) to a [natural wetland](#), the bed of a lake or a ~~continually permanently~~ permanently flowing river or a ~~continually permanently flowing~~ artificial watercourse drain in the Whangārei Harbour Catchment (refer [I Maps | Ngā mahere matawhenua](#)) is a permitted activity, provided:

- 1) ~~native⁸¹⁶ wetland-indigenous~~ vegetation in a [natural wetland](#) is not ~~damaged or~~⁸¹⁷ destroyed, and
 - 1A) livestock are effectively excluded from the water body for a distance of 1000 metres upstream of a registered water supply intake servicing more than 25 people, and
 - 2A) livestock are effectively excluded from inanga spawning sites identified by the Regional Council, and
- 2) other than at a [livestock crossing point](#), [livestock](#) are effectively excluded from the full extent of the water body or [artificial watercourse drain](#) in accordance with the requirements in the

following [Table 15 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment'](#), and

- 3) [livestock crossing points](#) used by [livestock](#) (excluding deer) more than once per week on [average](#)⁸¹⁸ must be bridged or culverted by the dates in the following [Table 15 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment'](#), and
- 4) at a [livestock crossing point](#) that is not required to be bridged or culverted, [livestock](#) are:
 - a) ~~actively led or driven~~ across the water body or [artificial watercourse](#) in one continuous ~~movement river or drain~~, and
 - b) [effectively excluded](#) from the river or drain between crossings by the dates in the following [Table 15 'Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment'](#).

Table 15: Dates when livestock must be excluded from water bodies and continually flowing artificial watercourses in the Whangārei Harbour catchment.

Livestock type	Continually Permanently flowing rivers, streams and artificial watercourses drains greater than 1m wide and 30cm deep ^{*819}	All continually permanently flowing rivers, streams and artificial watercourses drains	Natural wetlands >2000m ² (excluding significant wetlands) ⁸²⁰	Continually flowing rivers upstream of swimming sites on Hātea and Raumanga rivers (' I Maps Ngā mahere matawhenua ')	Lakes (>1ha) and significant wetlands ⁸²¹
Pigs and dairy cows	Excluded from date this Rule E.3.5.1 becomes operative.	Excluded from 1 January 2023.		Excluded from two years after this Rule E.3.5.1 becomes operative.	Excluded from date this Rule E.3.5.1 becomes operative.
Beef cattle, dairy support cattle and deer	Lowland areas as mapped in ' I Maps Ngā mahere matawhenua ':				
	Excluded by 1 January 2025	Excluded from 1 January 2030	Excluded from 1 January 2025		
	Hill country areas as mapped in ' I Maps Ngā mahere matawhenua ': No exclusion required.				

*Rivers, streams and [artificial watercourses](#) that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a [property](#). Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.⁸²²

Note: where the conditions of this rule cannot be met [C.8.1.2 Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity](#) applies.

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

- ~~• Restrictions on use of land (s9(2)).~~
- ~~• Restrictions on certain uses of beds of lakes and rivers (s13(2)).~~
- Allow [livestock](#) to enter or pass across an [artificial watercourse](#) or the bed of a [natural wetland](#) that is not part of the bed of a lake or river (s9(2)).
- Allow [livestock](#) to enter or pass across the bed of a lake or river (s13(2)).

~~E.0.10~~ E.3.5.2 Erosion control plans in the Whangārei Harbour catchment – controlled activity

[Pastoral land use](#) after 1 January 2025 on [high sediment yielding land](#) in the Whangārei Harbour catchment (refer [I Maps | Ngā mahere matawhenua](#)) is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion, ~~and~~
- 2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion, ~~and~~
- ~~3) Information and monitoring requirements.~~

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

- ~~Restrictions on use of land~~ [Pastoral land use on high sediment yielding land](#) (s9(2)).

F.0.1 Objectives | Ngā whāinga

Manage the use, development, and protection of Northland's natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- 1) ~~sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and~~
- 2) ~~safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and~~
- 3) ~~avoiding, remedying, or mitigating any adverse effects of activities on the environment.~~

~~F.0.2~~ F.1.1 Freshwater quantity⁸²³

Manage the taking, use, damming and diversion of fresh water so that:

- 1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded, and
- 2) the ~~natural~~ significant values, including hydrological variation in ~~of~~ outstanding freshwater bodies and natural wetlands are protected ~~not altered~~, and
- 3A) the extent of littoral zones in lakes are maintained, and⁸²⁴
- 3) continually flowing rivers have sufficient flows and flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes and support the natural movement of indigenous fish,⁸²⁵ and
- 4) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies,⁸²⁶ and
- 5) adverse effects associated with saline intrusion in, and land subsidence above, are aquifers is avoided, and⁸²⁷
- 7A) it is a reliable resource for consumptive and non-consumptive uses.⁸²⁸

***Note:** this objective was included in this plan pursuant to Policy B1 of the National Policy Statement for Freshwater Management 2017.*

~~F.0.3~~ F.1.2 Water quality⁸²⁹

Manage the use of land and discharges of contaminants to land and water so that:

- 1) existing overall water quality is at least maintained, and improved where it has been degraded below the river or lake water quality standards set out in [Appendix H5 Water quality standards and guidelines](#), and
- 2) the sedimentation of continually or [intermittently flowing rivers](#), lakes and coastal water is minimised, and
- 3) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and

- 4) the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and
- 5) the health and safety of people and communities, as affected by discharges of sewage from vessels, is safeguarded, and
- 6) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and
- 7) the significant values of outstanding freshwater bodies and natural wetlands are protected, and
- 8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.

Note: freshwater quality objectives required by Policy A1 of the National Policy Statement for Freshwater Management 2017 will be included in this Plan at a later date as per the Council's programme for implementing the National Policy Statement.

F.0.4 F.1.3 Indigenous ecosystems and biodiversity⁸³⁰

In the coastal marine area and in fresh waterbodies, safeguard ecological integrity by:

- 1) protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and
- 2) maintaining regional indigenous biodiversity, and
- 3) where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally Threatened or At Risk species, and
- 4) preventing the introduction of new marine or freshwater pests into Northland and slowing the spread of established marine or freshwater pests within the region.

F.0.5 F.1.4 Enabling economic well-being⁸³¹

Northland's natural and physical resources are managed in a way that is attractive for business and investment that will improve the economic well-being of Northland and its communities.

F.0.6 F.1.5 Regionally significant infrastructure⁸³²

Recognise the national, regional and local benefits of regionally significant infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repair, upgrading and removal.

F.0.7 F.1.6 Security of energy supply⁸³³

Northland's energy supplies are secure and reliable, and generation that benefits the region is supported, particularly when it uses renewable sources.

F.0.8-F.1.7 Use and development in the coastal marine area⁸³⁴

Use and development in the coastal marine area:

- 1) makes efficient use of space occupied in the common marine and coastal area, and
- 2) is of a scale, density and design compatible with its location, and
- 3) recognises the need to maintain and enhance public open space and recreational opportunities, and
- 4) is provided for in appropriate places and forms, and within appropriate limits.

F.0.9-F.1.8 Tangata whenua role in decision-making⁸³⁵

Tangata whenua's kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

F.0.10-F.1.9 Natural hazard risk⁸³⁶

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and the regional economy are minimised by:

- 1) increasing the understanding of natural hazards, including the potential influence of climate change on natural hazard events, and
- 2) becoming better prepared for the consequences of natural hazard events, and
- 3) avoiding inappropriate new development in 100-year flood hazard areas and coastal hazard areas, and
- 4) not compromising the effectiveness of existing natural and man-made defences against natural hazards, and
- 5) enabling appropriate hazard mitigation measures to be implemented to protect existing vulnerable development, and
- 6) promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities, and
- 7) recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.

F.0.11-F.1.10 Improving Northland's natural and physical resources⁸³⁷

Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.

F.0.12-F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua⁸³⁸

Protect from inappropriate use and development:

- 1) the characteristics, qualities and values that make up:
 - a) outstanding natural features in the coastal marine area and in fresh waterbodies, and
 - b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and
 - c) natural character in fresh waterbodies outside the coastal environment, and
 - d) outstanding natural seascapes in the coastal marine area, and
- 2) the integrity of historic heritage in the coastal marine area, and
- 3) the values of places of significance to tangata whenua in the coastal marine area and freshwater bodies.

F.0.13-F.1.12 Air quality⁸³⁹

Adverse effects from discharges to air are managed by:

- 1) minimising cross-boundary effects on sensitive areas from discharges of dust, smoke, [agricultural](#) spray drift, and odour, and
- 2) protecting dust, odour, smoke and [spray-sensitive areas](#) from exposure to dangerous or noxious levels of gases or airborne contaminants, and
- 3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue providing they are employing best practice, and
- 4) Maintaining, or enhancing where it is degraded by human activities, [ambient air quality](#) by avoiding significant cumulative adverse effects of air discharges on human health, cultural values, amenity values and the environment.

F.0.14-F.1.13 Hazardous substances and contaminated land⁸⁴⁰

Protect human health, and minimise the risk to the environment, from:

- 1) discharges of hazardous substances, and
- 2) discharges of contaminants from contaminated land.

G Administrative matters | Ngā take whakahaere

G.1 Cross-river coastal marine area boundary

The cross-river coastal marine area boundary is shown on the maps – refer [I Maps | Ngā mahere matawhenua](#).

Under the RMA, the cross-river coastal marine area boundary is referenced to the mouth of the river – the lesser of one kilometre upstream of the mouth of the river or the point upstream calculated by multiplying the width of the river by five. Only the cross-river coastal marine area is shown on the maps. The mouth of the river can be determined by back-calculating from the cross-river coastal marine area boundary.

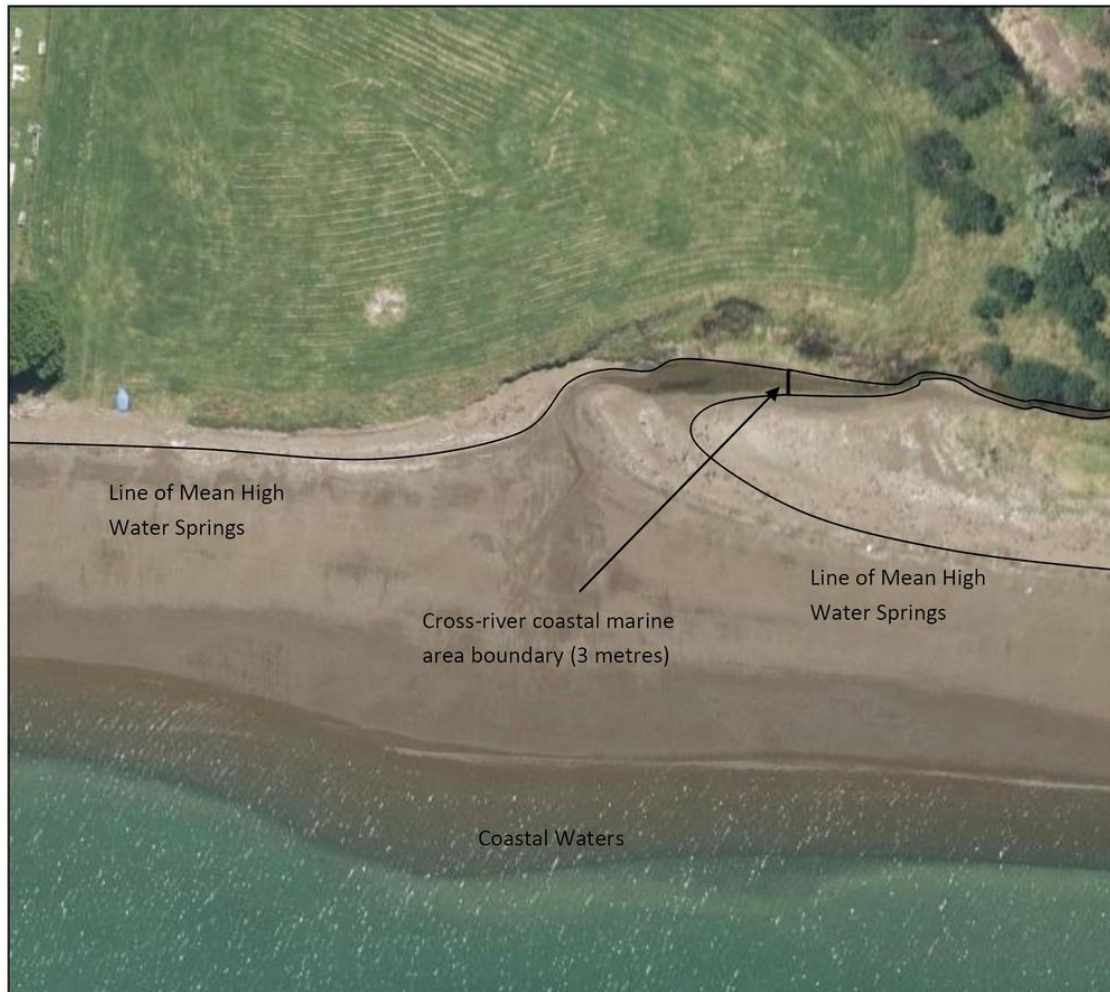
Where the landward boundary of the coastal marine area aligns with a physical structure in the river (for example, a bridge) the landward boundary is the seaward side of the structure, and the structure is not in the coastal marine area.

For rivers where the cross-river coastal marine area boundary is not shown in the maps ([I Maps | Ngā mahere matawhenua](#)), and which enter the sea on the open coast and not through estuaries, inlets or harbours, the cross-river coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point it enters the sea, as shown in the following diagram:



For rivers where the cross-river coastal marine area boundary is not shown in the maps ([I Maps](#) | [Ngā mahere matawhenua](#)), and which enter the sea through estuaries, inlets or harbours:

- 1) ~~W~~where those rivers *are* shown on the Land Information New Zealand Topo 50 Series, the cross-river coastal marine area boundary is the point at the seaward end of the river where on the applicable map, the river is marked as beginning to widen from a single blue line, and
- 2) ~~W~~where those rivers *are not* shown on the Land Information New Zealand Topo 50 Series, the coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point where the width of the river begins to exceed three metres, as shown in the following diagram:



Where it is necessary to fix the width of the river for the purposes of determining the cross-river coastal marine area boundary, the width of a river is the shortest distance between the banks of the river at mean high water springs.

G.2 Statutory acknowledgements

It is a legal requirement^{xxxv} to attach statutory acknowledgements to regional plans and regional policy statements. Rather than attaching statutory acknowledgements to the Regional Plan and Regional Policy Statement, the approach taken is to have a single companion document recording all statutory acknowledgements – *Te Ture Whakamana ngā Iwi o Taitokerau: Statutory acknowledgements in Northland*. This can be viewed on the Regional Council's website.

What is a statutory acknowledgement?

The Treaty of Waitangi is considered the founding document of New Zealand. It recognises the special relationship between Māori and the Crown. It is the basis from which Māori and the Crown negotiate terms to address grievances in relation to omissions and acts by the Crown which are contrary to the Treaty principles. One mechanism used (to address grievances) in settlement legislation that has an impact for local government is through statutory acknowledgements.

A statutory acknowledgement is a formal acknowledgement by the Crown recognising the mana of tangata whenua in relation to a specified area. It recognises the particular cultural, spiritual, historical, and traditional association of an iwi or hapū with the statutory area.

Statutory acknowledgements are only over Crown-owned land and may apply to rivers, lakes, [wetlands](#), landscapes, estuaries/harbours and other coastal areas. Where a statutory acknowledgement is noted ~~in regards to~~ regarding a river, lake, [wetland](#) or coastal area, the acknowledgement only applies to the bed, being Crown-owned.

Statements associated with a statutory acknowledgement are set out in Treaty of Waitangi settlement legislation. The text for each statutory acknowledgement includes:

- identification and description of the statutory area,
- a statement of association detailing the relationship between the relevant iwi or hapū with the statutory area, and
- the specific requirements of the statutory acknowledgement.

Statutory acknowledgements enhance the ability of iwi and hapū to participate in Resource Management Act 1991 processes. ~~They includes~~ requirements for eCouncil to:

- have regard to effects on statutory acknowledgment areas when determining notification of resource consent applications, and
- provide summaries of resource consent applications to the iwi or hapū.

^{xxxv}Set out in the relevant Treaty of Waitangi settlement legislation.

G.3 Financial contributions⁸⁴¹

Note: From 18 April 2022, resource consents will no longer be able to include a condition requiring a financial contribution.

The RMA requires the Regional Plan to specify the circumstances when a financial contribution may be imposed, the manner in which the level of contribution that may be imposed will be determined, and the general purposes for which the contribution may be used.

Financial contributions are available to compensate for the adverse effects that cannot otherwise be adequately avoided, remedied, mitigated or offset.

If adverse effects can be adequately avoided, remedied, mitigated or offset, and this is identified in a resource consent application, then financial contributions will not be required. However, the regional council may require financial contributions or a contractual agreement if remediation, mitigation or offsetting is dependent on a third party.

The following provisions set out:

- 1) the circumstances when financial contributions may be imposed, and
- 2) the purposes for which financial contributions may be required and used, and
- 3) the method for determining the contribution, and
- 4) matters that the regional council will have regard to when deciding:
 - a) whether to impose a financial contribution,
 - b) the type of contribution, and
 - c) the amount of any contribution, and the general provisions that would apply.

Table 16: Circumstances and purposes for financial contributions

Circumstance	Purpose
<p><i>Aquatic habitats of indigenous species</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem values.</p>	<ol style="list-style-type: none"> 1. Restore or enhance aquatic habitats at the site, or to provide an offset or environmental compensation by restoring or enhancing aquatic habitat characteristics at another suitable location where avoiding, remedying or mitigating adverse effects at the site is not practicable or effective, or 2. Provide for research and/or protection to enhance aquatic habitats.
<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"> 1. Offset effects by enhancing another suitable wetland of similar habitat where such a wetland is available, or 2. Offset effects by creating a new wetland at an appropriate site, or 3. Enhance another part of the wetland that is adversely affected, including if appropriate, cost associated with maintaining the original state of the wetland.

<p><i>Discharges</i></p> <p>Where a resource consent is granted for a discharge that does not meet environmental standards in this Plan because it is not cost-effective or practicable to do so.</p>	<p>Provide on-site mitigation or remediation measures, or works in other areas to mitigate or offset the effects of the discharge.</p>
<p><i>Disturbance to the foreshore or seabed and margins</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on the foreshore, seabed or margins.</p>	<p>Mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the foreshore, seabed or margins, including, but not limited to, maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and including contribution to such measures elsewhere in the same general locality.</p>
<p><i>Public access to, along and within the coastal marine area</i></p> <p>Where the activity for which a resource consent is granted will restrict or prevent existing lawful public access to, along or within the coastal marine area, except where such restrictions are necessary in accordance with Policy 19(3) NZCPS.</p>	<p>Provide for alternative public access in the vicinity of the activity or at another similar location.</p>
<p><i>Exclusive occupation of space</i></p>	<p>Enhance public access or facilities in another similar location.</p>
<p><i>General works</i></p> <p>Where the activity for which a resource consent is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.</p>	<p>Provide works for the purpose of offsetting the adverse effects of the activity, including protecting, restoring or enhancing natural and physical resources elsewhere in the same general locality.</p>
<p><i>Structures in the coastal marine area</i></p> <p>Where the structure may cause a risk to navigational safety or public health and safety or cause adverse effects on the environment if abandoned, damaged or derelict.</p>	<ol style="list-style-type: none"> 1. The removal of abandoned or derelict structures, or 2. The reinstatement of the environment, or 3. Any emergency repairs or rescue undertaken by the regional council on behalf of the consent holder in the event of any part of the structure breaking loose or causing a potential navigational hazard.

Amount of contribution

The amount of financial contribution must be an amount determined on a case-by-case basis by the regional council to be fair and reasonable. The amount must not exceed the reasonable cost of funding positive environmental effects required to offset the net adverse effects caused directly by the activity.

For the purposes of this section, 'net adverse effects' means a fair and reasonable assessment of the level of adverse effects after taking into account:

- 1) the extent to which significant adverse effects will be avoided, remedied or mitigated by other consent conditions, and
- 2) the extent to which there will be positive environmental effects from the activity which may offset any or all adverse effects, and
- 3) the extent to which other environmental compensation is offered as part of the activity which may offset any or all adverse effects.

Matters to be considered for financial contributions

In deciding whether or not to impose financial contributions, the types of contribution and their value, the regional council will have particular regard to the following matters:

- 1) Financial contributions must be for the purpose of avoiding, remedying, mitigating or offsetting adverse effects on natural and physical resources.
- 2) Financial contributions must be used to avoid, remedy, or mitigate or offset adverse effects of the same type as those caused or potentially caused by the activity for which consent is sought.
- 3) Preference will be given to the use of financial contributions at, or close to, the site of the activity for which consent is sought. This does not prevent the use of financial contributions at other locations when appropriate or agreed between parties to the application.
- 4) Financial contributions will only be required when:
 - a) the avoidance, remedy or mitigation of adverse effects could not be practically achieved by another condition of consent, or
 - b) a financial contribution would be more efficient than another condition of consent in achieving the avoidance, remedy or mitigation of adverse effects, or
 - c) a financial contribution is agreed by parties to the application to be the best outcome to avoid, remedy, mitigate or offset adverse effects on the environment.
- 5) An assessment as to whether a financial contribution is appropriate to the activity will be made on a case-by-case basis.
- 6) Preference will generally be for a financial contribution of money, except where land may be more appropriate.

General provisions

In imposing a financial contribution, the following general provisions will apply:

- 1) All financial contributions are GST inclusive.
- 2) Where the financial contribution is, or includes, a payment of money, the regional council may specify in the condition:
 - a) the amount to be paid by the consent holder or the methods by which the amount of the payment shall be determined, and
 - b) how payment is to be made, including whether payment is to be made by instalments, and
 - c) when payment must be made, and
 - d) whether the amount of the payment is to bear interest and, if so, the rate of interest, and
 - e) if the amount of the payment is to be adjusted to take account of inflation and, if so, how the amount is to be adjusted, and

- ~~f) whether any penalty is to be imposed for default in payment and, if so, the amount of the penalty or formula by which the penalty is to be calculated.~~
- ~~3) Where the financial contribution is, or includes, land, the value of the land must be determined by a registered valuer mutually agreed upon by the regional council and the resource consent applicant.~~
- ~~4) In granting a consent, the regional council must give reasons in its decision for its assessment of the value of the land.~~
- ~~5) Where the financial contribution is, or includes, land, the regional council may specify:
 - ~~a) The location and the area of the land, and~~
 - ~~b) when and how the land is to be transferred to, or vested in, the regional council.~~⁸⁴²~~

G.4 Coastal occupation charging

Section 64A of the RMA requires the Regional Plan to implement a coastal occupation charging regime^{xxxvi} or state that there will be no coastal occupation charging. At this stage, the Regional Council has decided **not** to introduce a coastal occupation charging regime. However, this position may change in the future after consultation with the community.

^{xxxvi}To persons occupying any part of the common marine and coastal area.

H Appendices | ĀpitiHanga

H.1 Wastewater network management plans

A [wastewater network](#) management plan must include:

- 1) A description of the [wastewater network](#), and
- 2) Identification of wet weather [wastewater](#) overflow points and a description of the frequency that they overflow on an annual average basis, and
- 3) A description of the receiving environments, and
- 4) A description of the network operator's best practicable option for preventing, responding to, and minimising the adverse effects of [wastewater](#) discharges, and
- 5) A description of the operation and maintenance programme for the network, and
- 6) Any prioritised programme for capital works.⁸⁴³

H.2 Stormwater management plans

A [stormwater](#) management plan must be matched to the scale and complexity of the network and include the following:

- 1) Plans showing the [stormwater](#) catchment area and the [public stormwater network](#), and
- 2) The expected performance of system as a result of likely development, and
- 3) Identification of existing drainage and flooding problems and potential flood hazards and other sensitive areas such as [overland flow paths](#), and
- 4) The location of contaminated, and
- 5) The location of [high risk industrial and trade premises](#), and
- 6) Methods by which the network operator will control the quality of [stormwater](#) discharged from industrial and trade premises to the [public stormwater network](#), and
- 7) Any prioritised programme for capital works, and
- 8) The operation and maintenance programme for the network.⁸⁴⁴

H.3 Stack Chimney-height requirements⁸⁴⁵

This appendix sets out the methods for complying with the stack height requirements of rule [C.7.1.6 Burning for energy \(electricity and heat\) generation more than 40KW – permitted activity](#).

Fuel burning devices and buildings must meet the requirements of one of the following methods to comply with [C.7.1.6](#):

Method 1:

The activity must comply with Table 16A and the point of discharge must be more than 2.5 kilometres from land higher than the effective stack height.^{xxxvii}

Table 16A: Fuel burning devices and building dimensions

<u>Fuel type</u>	<u>Fuel combustion threshold (MW)</u>	<u>Maximum building height (m)</u>	<u>Maximum building footprint (m²)</u>	<u>Minimum stack height above ground level (m)</u>
<u>Coal¹</u>	<u>0.04 - 0.5</u>	<u>5</u>	<u>900</u>	<u>18</u>
<u>Wood²</u>	<u>0.04 - 0.5</u>	<u>5</u>	<u>900</u>	<u>18</u>
<u>Natural Gas</u>	<u>0.04 -10</u>	<u>5</u>	<u>900</u>	<u>17</u>
<u>LPG</u>	<u>0.04 -10</u>	<u>5</u>	<u>900</u>	<u>17</u>
<u>Diesel / Fuel Oil³</u>	<u>0.04 -0.5</u>	<u>5</u>	<u>900</u>	<u>16</u>

Notes:

- 1. The SO₂ emission rate was based on a sulphur content of fuel of 1% by weight, and the PM₁₀ emission rate was based on an in-stack particulate emission concentration of 250 mg/Nm³ at STP of 0 °C and 1 atmosphere and on a dry gas basis. Stack height based on a building corner location.*
- 2. For untreated wood, and based on in-stack PM₁₀ emission concentration of 250 mg/Nm³ at STP of 0 °C and 1 atmosphere and on a dry gas basis.*
- 3. The SO₂ emission rate was based on a sulphur content of fuel of 0.001% (10 ppm) by weight.*

Method 2:

The following requirements are all met:

- 1) the stack is designed by a suitably qualified and experienced person, and*
- 2) the combustion activity is assessed through air dispersion modelling:*

^{xxxvii} Effective stack height is the sum of the physical height of the top of the stack above ground level plus any plume rise due to buoyancy or initial momentum(inertia) of the vertical discharge (minus stack-tip or building downwash).

- a) undertaken in accordance with the relevant Ministry for the Environment best practice guidelines, and
 - b) the modelling concludes that the discharge will not result in an exceedance of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 and the Ministry for the Environment's Ambient Air Quality Guidelines, 2002, and
- 3) the person or organisation initiating the air dispersion modelling provides a copy of the report detailing how the requirements of clause 2 are met to the Regional Council within three months of the modelling being completed.

Notes:

- Where a Gaussian-plume model is the most appropriate dispersion modelling tool, Council will generally expect modelling to be undertaken using AERMOD (EPA) or its replacement.
- Where an advanced model is the most appropriate dispersion modelling tool Council will generally expect modelling to be undertaken using CALPUF (Scire et al., 2000a) or its replacement.

Scope of the requirements

- 1) ~~This appendix is intended to provide a relatively simple method of calculating the approximate chimney height commonly desirable in normal circumstances.~~
- 2) ~~This method is regarded as a general guide rather than a mathematically precise and absolute way of reaching a decision on chimney height. It may need to be modified or more appropriate methods used such as computer modelling in the light of particular local circumstances, such as a chimney in a narrow valley or near tall buildings or when emissions of contaminants not covered by this method are present.~~
- 3) ~~the requirements are not applicable to all chimneys. In respect of this plan, it is applicable only to discharges from the operation of fuel burning equipment covered by '[C.7.1.6 Burning for energy \(electricity and heat\) generation more than 40KW – permitted activity](#)'. The regional council should also have regard to these requirements when assessing the 'best practicable option' for any resource consent for a stack discharge which involve contaminants covered by this method.~~

General requirements

General

- 4) ~~The method of calculation is based on the amount of flue gases the chimney is expected to emit as a function of the maximum rate of emission of sulphur dioxide. Modification of the result obtained may be necessary where there is a potential for pollution by gaseous emissions other than normal products of combustion.~~
- 5) ~~Prejudice to health or nuisance from smoke, grit and dust should not occur where chimney heights are so calculated and where the other relevant requirements of the RMA are given effect to. It should be noted that non-compliance with grit and dust requirements cannot be avoided solely by increasing the height of a chimney. Dust arrestment plant may also be necessary in order to achieve compliance with rules in this Plan.~~
- 6) ~~For small and medium-sized oil-fired boilers, experience has shown that an insulated stack is necessary to avoid acid smut problems.~~
- 7) ~~In Figures 1 to 6 below (the 'nomographs'), the chimney height has been calculated to ensure dispersion of the gases to achieve a theoretical maximum ground level concentration of 400 milligrams per cubic metre (about 0.16 parts per million by volume) of sulphur dioxide. This is~~

less than the generally accepted threshold of odour for this gas of 1.1 milligrams per cubic metre (about 0.5 parts per million by volume).

8) This will also be taken by the regional council as demonstrating compliance with exposure levels for:

- sulphur dioxide of 500 milligrams per cubic metre (ten minute time-weighted average exposure),
- 350 milligrams per cubic metre as the hourly average of 10 minute means,
- 125 milligrams per cubic metre as the 24 hour average and
- 50 milligrams per cubic metre as the annual average

These figures are guideline air quality values for sulphur dioxide in New Zealand.

Efflux velocity

9) The diameter of a chimney top should be as small as possible in order to increase the efflux velocity of the flue gases. If the efflux velocity is insufficient, the plume tends to flow down the outside of the stack on the lee side and the effective chimney height is thus reduced. Efflux velocities of about 15 metres per second will avoid this downwash.

10) Such a velocity is impracticable for small boilers, but boilers equipped with forced draft fans only should have a chimney efflux velocity of not less than 5 metres per second at full load. Boilers equipped with induced draft fans should have a chimney efflux velocity of not less than 8 metres per second at full load for boilers rated up to 13,600 kilograms per hour, increasing to a maximum of 15 metres per second at full load for boilers rated at 204,000 kilograms per hour.

11) The method of calculation assumes that the appropriate efflux velocity will be achieved.

Combining of emissions

12) There are several adjacent furnaces in the same works, there are advantages in combining the waste gases, if possible, and discharging them through a common chimney. The larger volume from the combined emissions has a higher thermal rise than the discharges from separate chimneys and the concentration of the flue gases reaching the ground is smaller.

Fuel types

13) For liquid or solid fuels, including untreated wood, the calculations of chimney height should be based on the maximum sulphur content of any fuel to be burned. It is also recommended that the minimum sulphur content of any fuel used in the calculations be 0.5 percent.

14) For natural gas and manufactured gas with zero or very low sulphur content, it is recommended that emission data for nitrogen oxides (NO_x) be applied and substituted for sulphur dioxide in the figures below. For furnaces using gas fuel in the aggregate not exceeding a rate of 5 megawatt, the main consideration is to avoid local down-draught effects. It is recommended that the height of the building containing the furnace, or buildings within 30 metres be taken as the "uncorrected stack height", and the nomograph of Figure 6 or three metres (whichever is the greater) be used to reach "corrected height". Usually no correction will be required for taller buildings 30 metres or more distant.

15) For furnaces or aggregates of furnaces of larger size, guidance as to uncorrected heights in typical situations would be approximately as follows.

Table 17: Uncorrected height guidance

Heat release (MW)	Required height (metres)
6	9
9	12
10	13

16) For processes receiving mixed fuels, the height should be based on one percent sulphur in the absence of further consideration of fuel types.

Dust emissions

17) The stack height is also based on the assumption that little dust or grit is produced in combustion or that an effective grit arrester is fitted. It should be noted that when grit arresters are fitted to wood burning plants, performance is likely to be less effective than on solid fuels because of the lower density of the material to be collected.

Method of calculating chimney heights

'Uncorrected chimney height' and 'final chimney height'

18) The first stage is the calculation of the 'uncorrected chimney height'. This is the height appropriate for the relevant maximum rate of sulphur dioxide emission when account has been taken of neighbouring sources of pollution, the local background level of pollution and the general character of the district.

19) The second stage is the calculation of the 'final chimney height'. This is the uncorrected chimney height amended if necessary to allow for the dispersal from the chimney being affected by the supporting building and by neighbouring buildings.

Calculation of 'uncorrected chimney height'—consideration of locality

20) The initial step is to consider the character of the surrounding district which for this purpose should be regarded as falling into one of the following categories:

Table 18: categories for the character of the surrounding district

Category	Description
A	Rural area, where background pollution is low, and where there is no industrial development within one kilometre of the new chimney.
B	A partially developed area with scattered houses, low background pollution, and no other comparable industrial emissions within one kilometre of the new chimney.
C	A built-up residential area with only moderate background pollution and without other comparable background emissions.
D	An urban area of mixed industrial and residential development, with considerable background pollution and with other comparable industrial emissions within half a kilometre of the new chimney.

E	Heavy industrial or dense residential areas.
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Note: ~~Of the categories listed above, categories A, C and D are those considered to be generally applicable in Northland, covering rural, urban residential and industrialised areas respectively. Category E is applicable in areas where comparable emissions occur in close proximity and cumulative effects are significant.~~

21) ~~In situations of existing significant air quality degradation, the regional council may choose to apply the more stringent requirements of category E to prevent or minimise further degradation.~~

Amount of sulphur dioxide emissions

22) ~~The amount of sulphur dioxide likely to be emitted will be calculated as follows:~~

Table 19: Sulphur dioxide emission calculations

Fuel	Calculation
Coal or solid fuel	Weight of sulphur dioxide emitted = $18 \times W \times S$ kg/hr where W = maximum burning rate ('000 kg/hr) and S = % sulphur content
Oil fuel	Weight of sulphur dioxide emitted = $20 \times W \times S$ kg/hr where W = maximum burning rate ('000 kg/hr), (1 tonne oil = 1,050 litres) and S = % sulphur content
Natural gas or LPG	Weight of NOx emitted = $3.2 \times G$ kg/hr where G = maximum burning rate ('000 m ³ /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 kilograms of sulphur dioxide per hour. What is the uncorrected chimney height in a district category C and district category E? Reference to Figure 3 will show that the respective uncorrected chimney heights are 33 metres and 37.5 metres.

Calculation of final chimney height

24) ~~An uncorrected chimney height not less than 2.5 times the height of the building to which the chimney is attached or of any other building in the vicinity does not need to be corrected to allow for the effect of the building. In that case, the final chimney height is the same as the uncorrected chimney height, and no further calculation is necessary.~~

- 25) Corrections for the effects of buildings are, however, necessary when the uncorrected height is less than 2.5 times the height of such buildings and these establish in the final chimney height.
- 26) The correction is partly based on the ratio between the greatest length and height of the building (to the ridge), since the relationship between the greatest length and height influences the effect of down draughts.
- 27) In a closely built up area where the plant building is lower than adjacent buildings, the chimney should be regarded as being attached to an infinitely long building whose height is the average level of the roof tops in the immediate vicinity.
- 28) Reference is then made to the chart in Figure 5. A line starting from the relevant uncorrected chimney height on the left hand side is produced through the point representing the building height to the reference line. From this point on the reference line, another line produced through a point representing the height of the building or its greatest length, whichever is lower, will indicate on the right hand side of the chart the final chimney height, subject to any adjustment that may be necessary to ensure that this is never less than three metres above the ridge of the building, nor less than the uncorrected chimney height.

Example 2

A chimney whose uncorrected height is 37 metres is attached to a building 31 metres in height to the ridge of the roof. What will the final chimney height have to be if the maximum width of the building is (a) 31 metres or more, (b) 15 metres and (c) 7 metres? Reference to Figure 5 will show the three cases represented by dotted lines and the corresponding final heights are 52 metres, 43 metres and 38 metres.

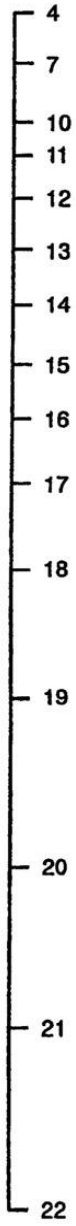
Example 3

A chimney whose uncorrected height is calculated as 18 metres is associated with a building 24 metres in height to the ridge of the roof. What should the final chimney height be if the maximum width of the building is (a) more than 24 metres and (b) nine metres? Reference to Figure 5 will show the corresponding final heights to be 34 metres and 25 metres. The final heights are therefore 34 metres and 27 metres respectively, since they must be at least three metres above the ridge of the roof.

SO₂ Emission
(kg / hour)



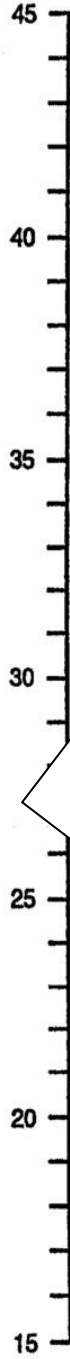
Uncorrected
chimney height
(metres)



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SO₂ Emission
(kg / hour)

Uncorrected
chimney height
(metres)



Type of
District

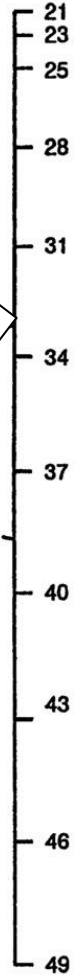
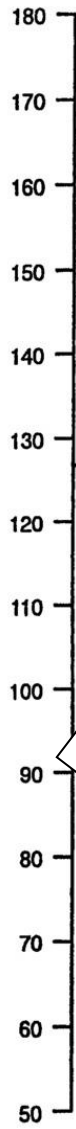
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SO₂ Emission
(kg / hour)

Uncorrected
chimney height
(metres)

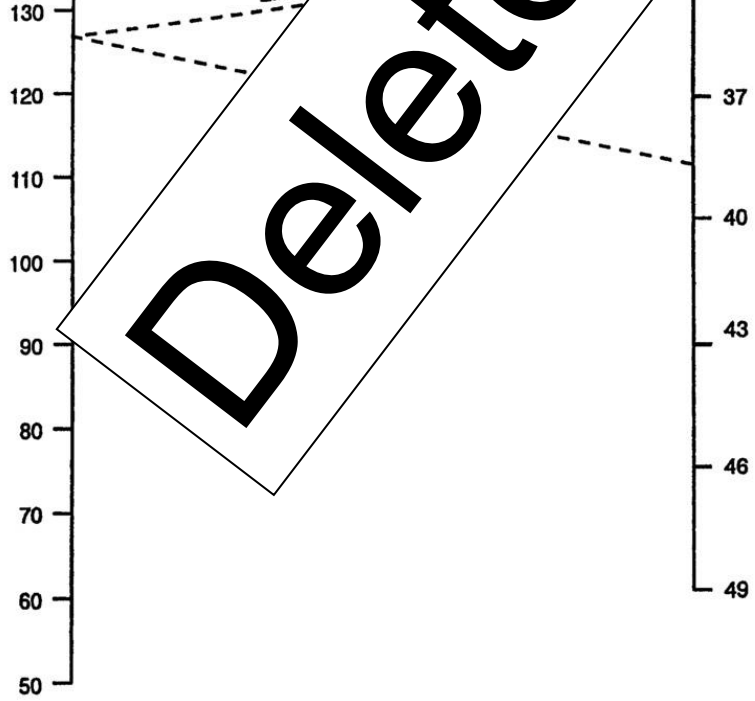


Type of
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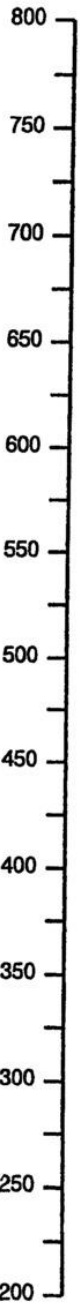
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Exam

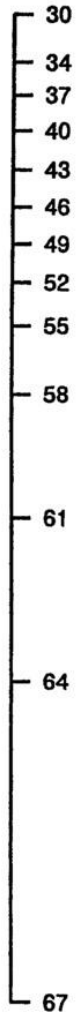
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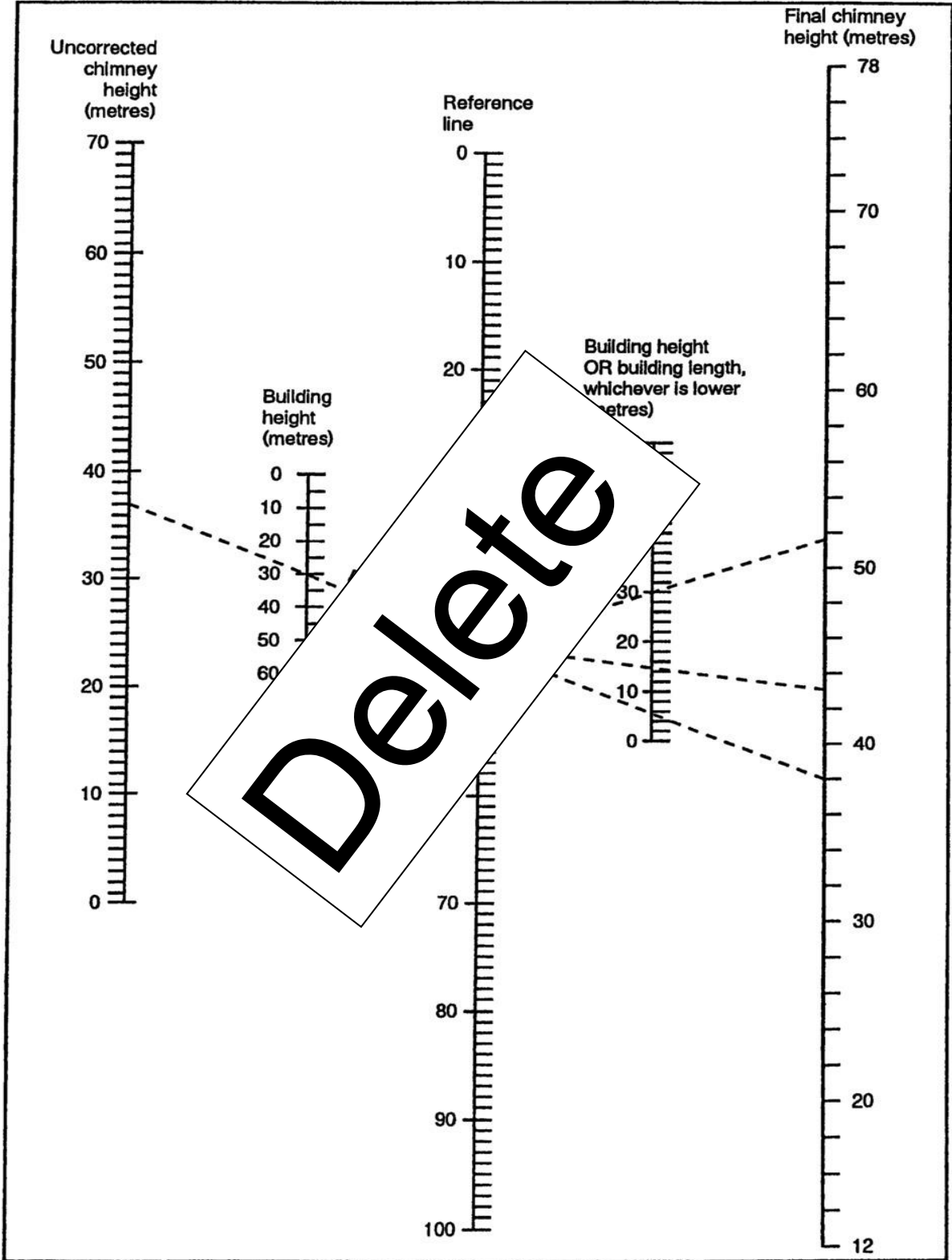
SO₂
Emission
(kg / hour)



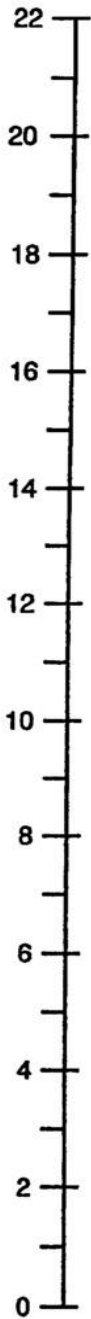
Uncorrected
chimney height
(metres)



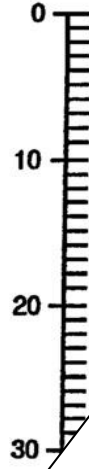
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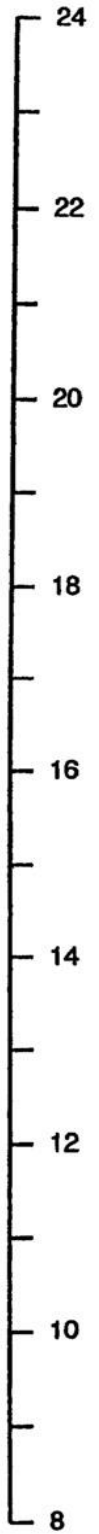
Uncorrected chimney height (metres)



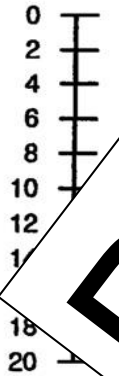
Reference line



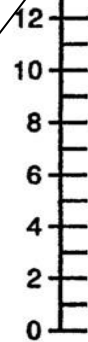
Final chimney height (metres)



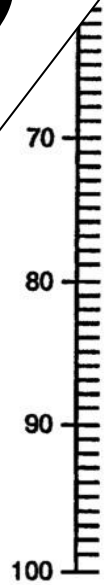
Building height (metres)



Building height OR building length, whichever is lower (metres)



Delete



H.4 Erosion Control Plans

Erosion Control Plans must include the following:

- 1) The full name of the [property](#) owner, the owner's contact details (including email, postal address and telephone), [property](#) address and legal description.
- 2) Evidence of the qualifications and experience of the person who prepared the [Erosion Control Plan](#) and their contact details (including email, postal address and telephone).
- 3) Identification of land mapped as [high sediment yielding land](#) within the [property](#).
- 4) Identification of gully, landslide and earthflow erosion within areas of the [property](#) mapped as [high sediment yielding land](#) and an assessment of the extent to which these areas are sources of sediment (including geo-referenced photos of these areas and any previous sediment mitigation measures).
- 5) Identification of measures to reduce gully, landslide and earthflow erosion and incidental sediment loss from High Sediment Yielding Land, including but not limited to, livestock exclusion (or land retirement), remedial planting, stocking rate reductions, grazing or pasture management, or construction of [wetlands](#) or bunds or other suitable methods to reduce sediment entering waterways.
- 6) Recommendations on priority measures that address sediment loss critical source areas first and timeframes for undertaking erosion and sediment mitigation measures.
- 7) A plan based on aerial imagery showing items (3) to (6) above at a scale of 1:10,000 or less.
- 8) Evidence to support the recommendations in item (6) above.⁸⁴⁶

H.5 Water quality standards and guidelines

Policy H.5.1 Water quality standards for continually or intermittently flowing rivers⁸⁴⁷

The water quality standards in Table 20 'Water quality standards for ecosystem health in rivers' apply to Northland's continually or [intermittently flowing rivers](#), and they apply after allowing for reasonable mixing.⁸⁴⁸

Table 20: Water quality standards for ecosystem health in rivers⁸⁴⁹

<u>Attribute</u>	<u>Unit</u>	<u>Compliance metric</u>	<u>Outstanding rivers</u>	<u>Other Rivers</u>
<u>Nitrate (toxicity)</u>	<u>mg NO₃-N/L</u>	<u>Annual median</u>	<u>≤1.0</u>	<u>≤1.0</u>
		<u>Annual 95th percentile</u>	<u>≤1.5</u>	<u>≤1.5</u>
<u>Ammonia (toxicity)</u>	<u>mg NH₄-N/L</u>	<u>Annual median</u>	<u>≤ 0.03*</u>	<u>≤0.24*</u>
		<u>Annual maximum</u>	<u>≤ 0.05*</u>	<u>≤0.40*</u>
<u>Temperature</u>	<u>mg/L</u>	<u>Summer period measurement of the Cox-Rutherford Index (CRI), averaged over the five (5) hottest days (from inspection of a continuous temperature record).</u>	<u>≤ 20°C</u>	<u>≤ 24°C</u>
<u>Dissolved oxygen</u>	<u>mg/L</u>	<u>7-day minimum</u>	<u>≥ 8.0</u>	<u>≥ 5.0</u>
		<u>1-day minimum</u>	<u>≥ 7.5</u>	<u>≥ 4.0</u>
<u>pH</u>			<u>6.5 < pH < 8.0</u>	<u>6.0 < pH < 9.0</u>

**Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.*

Policy H.5.2 Water quality standards for lakes

The water quality standards in Table 21 'Water quality standards for ecosystem health in lakes' apply to Northland's lakes, and they apply after allowing for reasonable mixing.⁸⁵⁰

Table 21: Water quality standards for ecosystem health in lakes⁸⁵¹

<u>Attribute</u>	<u>Unit</u>	<u>Compliance metric</u>	<u>Shallow lakes (≤ 10m)</u>	<u>Deep lakes (>10 m)</u>
<u>Phytoplankton (chl-a)</u>	<u>mg Chl-a/m³</u>	<u>Annual median</u>	<u>≤ 1.0</u>	<u>≤ 1.0</u>
		<u>Annual maximum</u>	<u>≤ 1.5</u>	<u>≤ 1.5</u>
<u>Total nitrogen</u>	<u>mg/m³</u>	<u>Annual median</u>	<u>≤ 800</u>	<u>≤ 350</u>
<u>Total phosphorus</u>	<u>mg/m³</u>	<u>Annual median</u>	<u>≤ 20</u>	<u>≤ 10</u>
<u>Ammonia (toxicity)</u>	<u>mg NH₄-N/L</u>	<u>Annual median</u>	<u>≤ 0.03*</u>	<u>≤ 0.03*</u>
		<u>Annual maximum</u>	<u>≤ 0.05*</u>	<u>≤ 0.05*</u>

**Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.*

Policy H.5.3 Coastal water quality standards

The water quality standards in Table 22 'Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption' apply to Northland's coastal waters, and they apply after allowing for reasonable mixing.⁸⁵²

Table 22: Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption

Attribute	Unit	Compliance Metric ⁸⁵³	Coastal water quality management unit			
			Hātea River	Tidal creeks	Estuaries	Open coastal water ⁸⁵⁴
Dissolved oxygen	mg/L	Annual median	>6.2	>6.3	>6.9	No discernible change
		Minimum	4.6			
Temperature	°C	Maximum change	3			
pH			7.0 - 8.5			8.0 - 8.4
Turbidity	NTU	Annual median	<7.5	<10.8	<6.9	No discernible change
Secchi depth	m	Annual median	>0.8	>0.7	>1.0	No discernible change
Chlorophyll-a	mg/L	Annual median	<0.003	<0.004	<0.004	No discernible change
Total phosphorus	mg/L	Annual median	<0.119	<0.040	<0.030	No discernible change
Total nitrogen	mg/L	Annual median	<0.860	<0.600	<0.220	No discernible change

<u>Nitrite-nitrate nitrogen</u>	<u>mg/L</u>	<u>Annual median</u>	<u><0.580</u>	<u><0.218</u>	<u><0.048</u>	<u>No discernible change</u>
<u>Ammoniacal nitrogen</u>	<u>mg/L</u>	<u>Annual median</u>	<u><0.099</u>	<u><0.043</u>	<u><0.023</u>	<u>No discernible change</u>
<u>Copper</u>	<u>mg/L</u>	<u>Maximum</u>	<u>0.0013</u>			<u>0.0003</u>
<u>Lead</u>	<u>mg/L</u>	<u>Maximum</u>	<u>0.0044</u>			<u>0.0022</u>
<u>Zinc</u>	<u>mg/L</u>	<u>Maximum</u>	<u>0.0150</u>			<u>0.0070</u>
<u>Faecal coliforms</u>	<u>MPN/100mL</u>	<u>Median</u>	<u>Not applicable</u>		<u>≤14</u>	<u>≤14</u>
		<u>Annual 90th percentile</u>	<u>Not applicable</u>		<u>≤43</u>	<u>≤43</u>
<u>Enterococci</u>	<u>Enterococci/100mL</u>	<u>Annual 95th percentile</u>	<u>≤500</u>	<u>≤200</u>	<u>≤200</u>	<u>≤40</u>

H.6 Environmental flows and levels⁸⁵⁵

Policy H.6.1 Minimum flows for rivers

The [minimum flows](#) in Table 24 'Minimum flows for rivers' apply to Northland's rivers (excluding [ephemeral rivers or streams](#)) unless a lower [minimum flow](#) is provided for under [D.4.19 Exceptions to Minimum flows and or levels](#).

Table 24: Minimum flows for rivers

<u>River water quantity management unit</u>	<u>Minimum flow (l/s)</u>
Outstanding rivers	100 percent of the seven-day mean annual low flow
Coastal rivers	90 percent of the seven-day mean annual low flow
Small rivers	80 percent of the seven-day mean annual low flow
Large rivers	80 percent of the seven-day mean annual low flow

Notes:

- 1) The [minimum flow](#) will be applied at the point of take and any downstream flow recorder sites, as determined by the Regional Council.⁸⁵⁶
- 2) The [seven-day mean annual low flow](#) (MALF) at flow recorder sites will be determined using the lowest average river flow for any consecutive seven-day period for each year of record.⁸⁵⁷
- 3) The MALF for other sites, for which no measured flow data exists, will be determined through gauging of river flows correlated with water level monitoring sites or flow recorded sites. The Regional Council will have discretion over the location and method for the gauging.⁸⁵⁸

Policy H.6.2 Minimum levels for lakes and natural wetlands

The [minimum levels](#) in Table 25 'Minimum levels for lakes and [natural wetlands](#)' apply to Northland's lakes (excluding artificially constructed water storage reservoirs) and [natural wetlands](#) unless a lower level is provided for under [D.4.19 Exceptions to Minimum flows and or levels](#).

Table 25: Minimum levels for lakes and natural wetlands

Management unit	Minimum level
<u>Deep lakes (> 10 metres in depth)</u>	<u>Median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state.</u>
<u>Shallow lakes (≤ 10 metres in depth)</u>	<u>Median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state.</u>
Natural wetlands	<u>There is no change in their seasonal or annual range in water levels.</u>

Policy H.6.3 Allocation limits for rivers⁸⁵⁹

- 1) The quantity of fresh water that can be taken from a river at flows below the [median flow](#) must not exceed whichever is the greater of the following limits.⁸⁶⁰
 - a) the relevant limit in Table 26 'Allocation limits for rivers', or
 - b) the quantity [authorised](#) to be taken by:
 - i) resource consents existing at the date of public notification of this Plan less, with the exception of water permits for takes from rivers in the Mangere Catchment, any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - ii) takes that existed at the notification date of this Plan that are subsequently [authorised](#) by resource consents under : [C.5.1.6 Replacement water permits for registered drinking water supplies - controlled activity](#), [C.5.1.7 Takes existing at the notification date of the plan - controlled activity](#) and [C.5.1.9 Takes existing at the notification date of this Plan - discretionary activity](#).
- 2) The allocation limits specified in Clause 1) include volumes allowed to be taken under section 14(3)(b) of the RMA and permitted to be taken by rules in this Plan, and the estimated or measured volumes associated with such takes should be considered when making decisions on applications water permits.⁸⁶¹
- 3) The allocation limits specified in Clause 1) apply to applications for water permits for the taking and use of fresh water from rivers, but do not apply to non-consumptive components of takes.

Table 26: Allocation limits for rivers

River water quantity management unit	Allocation limit (m³/day)
Outstanding rivers	<u>10 percent of the seven-day mean annual low flow</u>
Coastal rivers	<u>30 percent of the seven-day mean annual low flow</u>
Small rivers	<u>40 percent of the seven-day mean annual low flow</u>
Large rivers	<u>50 percent of the seven-day mean annual low flow</u>

Notes:

- 1) The allocation limit will be applied at the point of take and any downstream flow recorder sites, as determined by the regional council.⁸⁶²
- 2) The [seven-day mean annual low flow](#) (MALF) at flow recorder sites will be determined using the lowest average river flow for any 7-consecutive-day period for each year of record.⁸⁶³
- 3) The MALF for other sites, for which no measured flow data exists, will be determined through gauging of river flows correlated with water level monitoring sites or flow recorded sites. The regional council will have discretion over the location and method for the gauging.⁸⁶⁴

Policy H.6.4 Allocation limits for aquifers

- 1) The quantity of fresh water that can be taken from an aquifer must not exceed the following limits:⁸⁶⁵
 - a) for the Aupōuri aquifer, the relevant limits in Table 27 'Allocation limits for the [Aupōuri aquifer management unit](#)' and minimum groundwater levels along the coastal margin required to prevent adverse effects associated with saline intrusion, or
 - b) for a [coastal aquifer](#), an allocation limit of whichever is the greater of:
 - i) 10 percent of the average annual recharge of the aquifer, or
 - ii) the quantities of water [authorised](#) to be taken by:
 - 1) resource consents at the date of public notification date of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 2) takes that existed at the notification date of this plan that are now [authorised](#) by resource consents under: [C.5.1.6 Replacement water permits for registered drinking water supplies - controlled activity](#),⁸⁶⁶ [C.5.1.7 Takes existing at the notification date of the plan - controlled activity](#), [C.5.1.9 Takes existing at the notification date of this Plan - discretionary activity](#), and
 - c) for [other aquifers](#), an allocation limit of whichever is the greater of:
 - i) 35 percent of the average annual recharge, or
 - ii) the quantities [authorised](#) to be taken by:
 - 1) resource consents at the date of public notification date of this plan, less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
 - 2) takes that existed at the notification date of this plan that are not [authorised](#) by resource consents under : [C.5.1.6 Replacement water permits for registered drinking water supplies - controlled activity](#),⁸⁶⁷ [C.5.1.7 Takes existing at the notification date of the plan - controlled activity](#), [C.5.1.9 Takes existing at the notification date of this Plan - discretionary activity](#).
- 2) The allocation limits specified in Clause 1) include volumes allowed to be taken under section 14(3)(b) of the RMA and permitted to be taken by rules in this Plan, and the estimated or measured volumes associated with such takes should be considered when making decisions on applications for water permits.⁸⁶⁸
- 3) The allocation limits specified in Clause 1) apply to applications for water permits for the taking and use of fresh water from aquifers, but do not apply to:
 - a) non-consumptive components of takes, or
 - b) the taking of water for temporary [dewatering](#) purposes, or
 - c) the taking and use of geothermal water and associated heat and energy.

Table 27: Allocation limits for the Aupōuri aquifer management unit

<u>Sub-aquifer</u>	<u>Allocation limit (m³/year)</u>
<u>Aupōuri-Waihopo</u>	<u>1,278,200</u>
<u>Aupōuri-Houhora</u>	<u>3,211,950</u>
<u>Aupōuri-Motutangi</u>	<u>1,604,400</u>
<u>Aupōuri-Waiparera</u>	<u>3,468,300</u>
<u>Aupōuri-Paparore</u>	<u>3,787,500</u>
<u>Aupōuri-Waipapakauri</u>	<u>1,192,800</u>
<u>Aupōuri-Awanui</u>	<u>4,640,400</u>
<u>Aupōuri-Sweetwater</u>	<u>4,675,000</u>
<u>Aupōuri-Apihara</u>	<u>922,500</u>
<u>Aupōuri-other</u>	<u>Not applicable. The allocation limit for the Aupōuri-other sub-aquifer is 15 percent of its annual average recharge.</u>

H.7 Managing groundwater and surface water connectivity⁸⁶⁹

Table 28: Classifying and managing groundwater and surface water connectivity

<u>Hydraulic Connection Category</u>	<u>Classification</u>	<u>Pumping Schedule</u>	<u>Management Approach</u>
Direct	Where the calculated surface water depletion effect is assessed as greater than 90 percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the maximum seven-day volume averaged over seven days. Pumping duration of seven days continuous abstraction.	The groundwater take will be managed as an equivalent surface water take for allocation purposes and subject to minimum flows and water levels set in H.6 Environmental flows and levels .
High	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is greater than 60 percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the maximum seven-day volume averaged over seven days. Pumping duration is calculated as follows: 1. For takes with a pumping duration of less than 150 days, the maximum continuous period of abstraction at the abstraction rate, until the seasonal volume is fully utilised. 2. For takes with a pumping duration in excess of 150 days, a pumping duration of 150 days will be assumed.	The calculated surface water depletion effect is included in the surface water allocation regime set in H.6 Environmental flows and levels . The remainder of the seasonal volume is managed as groundwater allocation. Takes with a daily average abstraction rate greater than 1 L/s are subject to relevant minimum flows water and levels set in H.6 Environmental flows and levels .

Moderate	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is between 40 percent and 60 percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.	The calculated surface water depletion effect is included in the surface water allocation regime set in H.6 Environmental flows and levels . The take is not subject to surface water minimum flows and water levels.
Other	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is less than 40 percent of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.	The calculated surface water depletion effect is not included in the surface water allocation regime set in H.6 Environmental flows and levels . The take is not subject to surface water minimum flows and water levels.

The following requirements will assist implementation of [D.4.18 Integrated conjunctive surface water and groundwater management](#):

- 1) An assessment of hydraulic connection will be supported by a conceptual hydrogeological model that characterises the nature of local [surface water](#)/groundwater interaction. Estimation of the magnitude of [surface water](#) depletion will be undertaken using relevant analytical or numerical assessment techniques which are suitable for application in the hydrogeological setting identified;
- 2) Representative hydraulic properties for assessment of the magnitude of [surface water](#) depletion will be derived from aquifer testing as well as assessment of representative values from the wider hydrogeological environment;
- 3) Waterbodies characterised as ephemeral will be excluded from consideration of [surface water](#) depletion effects; and
- 4) Assessment of [surface water](#) depletion effects will take into account any non-consumptive component of the groundwater take.

H.8 Wetland definitions relationships⁸⁷⁰

The following diagram illustrates the relationship between the different [wetland](#) definitions used in this Plan. It provides assistance in determining which definition applies in different circumstances. The diagram originates from the Regional Policy Statement, Appendix 5 – “*Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments*” (see Council's website). For clarification, when translating these definitions to this Plan, '[Constructed wetland](#)' is now used instead of "man-made wetland" to help distinguish between this and the [induced wetland](#) and [reverted wetland](#).

The Regional Council's [wetland](#) mapping indicates the location of [natural wetlands](#) and [constructed wetlands](#) currently known to the Regional Council – this can be found on the Regional Council's website. The purpose of this mapping is to help locate and identify different [wetland](#) types. The maps do not form part of this Plan, because they are incomplete and [wetland](#) extent varies over time.

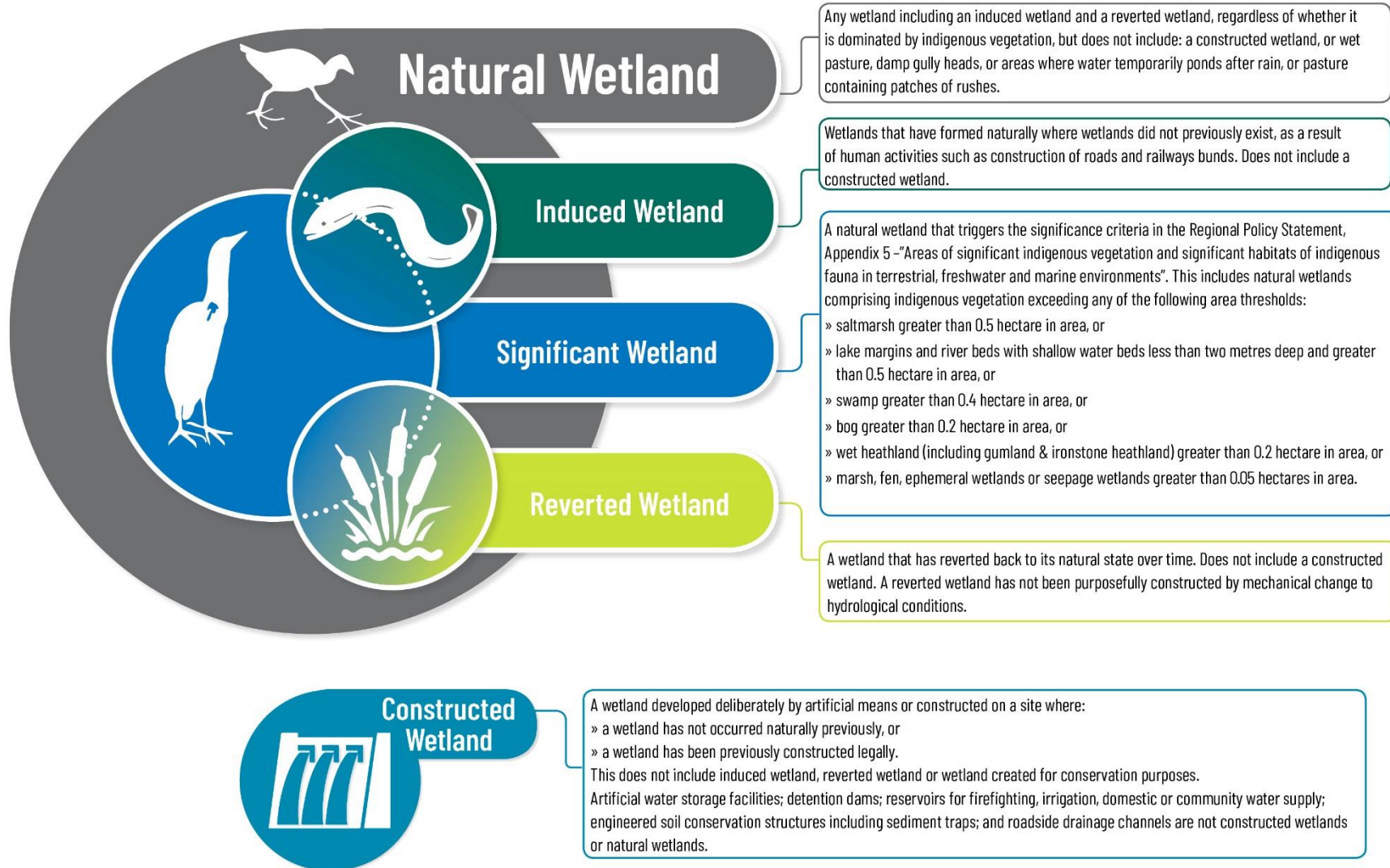
If there is any doubt over [wetland](#) extent, use: *Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand*. This report is available on Landcare Research's website.

'Wet heathland' describes habitat found in Northland that includes [gumland](#) and [ironstone heathland](#). When seasonally wet and consisting of [wetland](#) vegetation this is [wetland](#). Wet heathland is often found in mosaics with other low fertility habitat such as bog and heathland. This is vulnerable habitat and can have very high biodiversity values.

If you propose an activity and are unsure which definition applies to it, please contact Council for advice.

Wetlands

Includes permanently or intermittently wet areas, shallow water, and land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions.



H.9 Interpretation of noxious, dangerous, offensive and objectionable effects⁸⁷¹

- 1) Several rules in this Plan use the terms ‘noxious’, ‘dangerous’, ‘offensive’, and ‘objectionable’, particularly rules relating to the discharges of contaminants into air. These terms are also included in section 17 of the RMA. Whether an activity is ‘noxious’, ‘dangerous’, ‘offensive’ or ‘objectionable’ depends on an objective assessment. A Regional Council enforcement officer’s views will not be determinative but may trigger further action and may be one factor considered by the Court if formal enforcement action is taken.
- 2) There is no standard definition of ‘noxious’, ‘dangerous’, ‘offensive’, and ‘objectionable’ terms because of the need to take account of case law precedent as it develops, that is, the Plan cannot override interpretations decided by the Courts. However, the following notes are intended to provide some guidance for interpreting these terms:
 - a) **NOXIOUS, DANGEROUS** – the Concise Oxford Dictionary defines ‘noxious’ as “harmful, unwholesome”. Noxious effects may include significant adverse effects on the environment (for example, on plant and animal life) even though the effects may not be dangerous to humans. ‘Dangerous’ is defined as “involving or causing exposure to harm”. Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals. Worksafe New Zealand’s “Workplace Exposure Standards and Biological Exposure Indices, November 2018, 10th Edition” can be used for interpreting the terms ‘noxious’ and ‘dangerous’.
 - b) **OFFENSIVE, OBJECTIONABLE** – ‘Offensive’ is defined as “giving or meant to give offence; disgusting, foul-smelling, nauseous, repulsive”. ‘Objectionable’ is defined as “open to objection, unpleasant, offensive”. Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:
 - i) location of an activity and sensitivity of the receiving environment – for example, what may be considered offensive or objectionable in an [urban area](#), may not necessarily be considered offensive or objectionable in a rural area;
 - ii) reasonableness – whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive; and
 - iii) existing uses – it is important to consider what lawfully established activities exist in an area, that is, if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

The Regional Council’s investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour, the approach will generally be as follows:

- 3) An assessment of the situation will be made by a Council officer who has experience in odour complaints and has had his/her nose calibrated using olfactometry. This assessment

will take into account the FIDOL factors – frequency, intensity, duration, offensiveness, location; and those matters identified below:

- a) if the discharge is deemed to be offensive or objectionable by the Council officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge;
- b) if the discharger disputes the Council officer's assessment or the problem is ongoing, then a number of approaches may be taken, including one or more of the following:
 - i) assessments by other suitably qualified and experienced Council officers,
 - ii) asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours,
 - iii) promoting the use of community working groups and other means of consultation between the affected community and the discharger,
 - iv) using the services of an independent consultant to carry out an investigation, and/or community survey,
 - v) using the services of the Council's odour panellists who have all had their noses calibrated by olfactometry and are deemed to have an average sense of smell,
 - vi) undertaking an odour assessment using an olfactometer, or other appropriate technology, or
 - vii) leaving the matter to be determined by the Environment Court.

If the discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution. In the case of a permitted activity causing an offensive or objectionable discharge, a resource consent may be required to allow the discharge to continue.

- 4) Further information can be found in the following guidance documents produced by the Ministry for the Environment:
 - a) Good Practice Guidance on Odour;
 - b) Good Practice Guidance on Dust;
 - c) Good Practice Guidance on Industrial Emissions.

I Maps | Ngā mahere matawhenua

View the maps in a GIS viewer:

<https://nrcmaps.nrc.govt.nz/portal/apps/webappviewer/index.html?id=b8ca7b93e48942b9be8223e79430674c>
arcg.is/1myj98

The maps are only available via the GIS viewer.

The map layers are described in the following tables.

Coastal

Where the extent of a mapped layer in the coastal marine area coincides with the 'Indicative mean high water springs line', the mapped layer must be interpreted as extending up to actual mean high water springs – see following examples:

Example of mapped layer coinciding with Indicative mean high water springs line:



Example of mapped layer not coinciding with Indicative mean high water springs line:



Map layer	Description
Coastal zones:	Northland's coastal marine area is split into five <u>six</u> zones:
<i>Coastal Commercial Zone</i>	<ul style="list-style-type: none"> The Coastal Commercial Zone are <u>comprises</u> locations within the coastal marine area where the primary purpose is to accommodate commercial activity. This zone includes existing ports and wharves used for commercial operations.
<i>Marina Zone</i>	<ul style="list-style-type: none"> The Marina Zone are <u>comprises</u> locations in the coastal marine area where the primary purpose is to accommodate or develop marina structures and/or activities.
<i>Mooring Zone</i>	<ul style="list-style-type: none"> The <u>Mooring Zone</u> are <u>comprises</u> locations in the coastal marine area where the primary purpose is to accommodate and manage <u>moorings</u>.
<i>Whangārei City Centre Marine Zone</i>	<ul style="list-style-type: none"> The Whangārei City Centre Marine Zone is located upstream of the Te Matau a Pohe bridge in the Hātea River. It includes all areas of the coastal marine area located upstream of the bridge that are not identified as either a Marina Zone or a <u>Mooring Zone</u>.
<i>General Coastal Marine Zone</i>	
<i>Marsden Point Port Zone</i>	

	<ul style="list-style-type: none"> • The General Coastal <u>Marine Zone</u> is the coastal marine area that is not zoned Coastal Commercial, Marina, Mooring or Whangārei City Centre Marine zones. This encompasses most of Northland's coastal marine area.⁸⁷² • <u>The Marsden Point Port Zone is the coastal marine area adjacent to Northport and Refining New Zealand, located at the entrance of Whangarei harbour⁸⁷³.</u>
<p><i>Significant Ecological Areas</i></p> <p><i>Significant Bird Areas</i></p> <p><i>Significant Marine Mammal and Seabird Areas</i></p>	<p>The mapping is based on reports by Kerr, V., 2017. Kerr & Associates, that identify known:</p> <ul style="list-style-type: none"> • Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System; • Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement for Northland; and • Areas set aside for full or partial protection of indigenous biodiversity under other legislation. <p>The following reports detail the assessments used to map significant ecological areas in the coastal marine area:</p> <ol style="list-style-type: none"> 1) Methodology Report – Mapping of significant ecological areas in Northland. 2) Identification and Mapping of Significant Ecological Marine Areas in Northland - Project Brief and Guide to Assessment. 3) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in harbours and estuaries: <ol style="list-style-type: none"> a) Hokianga Harbour Entrance and Lower Harbour Marine Values; b) Horahora Estuary Marine Values; c) Houhora Harbour Marine Values; d) Mangawhai Estuary Marine Values; e) Matapouri Marine Values; f) Ngunguru Estuary Marine Values; g) North Kaipara Harbour; h) Pārengarenga Harbour; i) Pataua Estuary Marine Values; j) Pickmere Channel shellfish Marine Values; 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;

	<ul style="list-style-type: none"> r) Whananaki Estuary Marine Values; s) Whangārei Harbour Marine Values. <p>4) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in open coast areas (including toheroa beaches):</p> <ul style="list-style-type: none"> a) Great Exhibition Bay-Biogenic Habitat; b) Ahipara Banks; c) Berghan Point to Taupō Bay Coast; d) Black Rocks, Bay of Islands; e) Bland Bay Coast; f) Bream Head Coast; g) Cavalli Islands and coast; h) Doubtless Bay; i) Eastern Bay of Islands and Cape Brett Coast; j) Eastern Bay of Island Biogenic Soft Sediment Complex; k) Far North Special Biodiversity Area; l) Hen and Chicks Islands; m) Kawerua Offshore Reef; n) Matapia Island Shallow Reefs; o) Mimiwhangata Coast; p) Poor Knights Islands; q) Takou Beach to Ninepin Coast; r) The Bluff, Ninety Mile Beach; s) Toheroa Beaches, West Coast; t) Tutukaka to Taiharuru Coast; u) West Coast Shallow Reefs; v) Whananaki Coast; w) Whangaroa Coast. <p>5) Assessment sheets for Significant Bird Areas and Significant Marine Mammal and Seabird Areas:</p> <ul style="list-style-type: none"> a) Significant Ecological Estuarine Area Assessment Sheet for Wading and Aquatic Birds; 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).
<p><i>Regionally significant anchorages</i></p>	<p>Regionally significant anchorages are strategic anchorages that are heavily relied on during bad weather – usually also popular in times of lighter winds of appropriate direction.</p>

<p><i>Marine pollution limits</i></p>	<p>The marine pollution limits are shown as a line, landward of which the rule restricting the discharge of sewage from vessels applies (C.6.9.7 Discharges of untreated sewage from a ship or offshore installation – prohibited activity)</p> <p>The marine pollution limits include all coastal waters that are:</p> <ul style="list-style-type: none"> • In any east coast harbour, are shallower than 5<u>five</u> metres; • Less than 500 metres from mean high water springs or less than 1000 metres from mean high water springs in the outer Bay of Islands, less than 500 metres from a Mataitai reserve; and • Less than 200 metres from a marine reserve. <p>The marine pollution limits are a combination of:</p> <ul style="list-style-type: none"> • The default areas as set out in the Resource Management (Marine Pollution) Regulations, 1998^{xxxviii}; and • Extensions to the default areas^{xxxix}.
<p><i>Enclosed waters</i></p>	<p>These areas include all harbours, estuaries and inlets.</p>
<p><i>Aquaculture exclusion areas</i></p>	<p>The combination of locations in the General Coastal Zone where adverse effects of aquaculture activities on the following are unavoidable, and which are not already mapped in the Plan:</p> <ul style="list-style-type: none"> • Residential activities in significant urban areas provided for in operative District Plans, <u>in</u> which activities are existing at 1 September 2017, authorised by un-exercised resource consents, or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status; • Significant tourism and/or recreation areas; • Areas of outstanding natural landscapes (including seascapes); • Recognised navigational routes; • Anchorages referred to in cruising guides, pilot books or similar publications as being suitable for shelter in adverse weather; • Port or harbour approaches; and • Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).
<p>Surf Breaks: <i>Nationally significant surf breaks</i> <i>Regionally significant surf breaks</i></p>	<p>The Nationally significant surf breaks are those listed in Schedule 1 of the New Zealand Coastal Policy Statement 2010.</p> <p>The Regionally significant surf breaks and Other surf breaks are based on;</p> <ul style="list-style-type: none"> • <i>Northland Regional Council, 2016. Methodology – Identifying Regionally Significant Surf Breaks in Northland; and</i> • <i>Northland Regional Council, 2016. Application of methodology Identifying Regionally Significant Surf Breaks in Northland.</i> <p>These reports are available on the Regional Council's website.</p>

^{xxxviii}Section 11(1) and (2).

^{xxxix}As allowed by Section 11(3) Resource Management (Marine Pollution) Regulations, 1998.

<i>Other surf breaks</i>	Regionally significant surf breaks are those with scores greater than the threshold for regional significance. Other mapped surf breaks are those breaks that are regularly surfed but do not meet the threshold for regional significance.
<i>Marine pathways places</i>	Places where restrictions apply to vessel movement between these places when hull fouling exceeds light fouling .
<i>Cross-river coastal marine area boundary</i>	This is the administrative boundary for the coastal marine area on rivers. For more information refer to G.1 Cross-river coastal marine area boundary . Also shown with this layer is the Indicative mean high water springs line. It is not part of the plan and is only an approximation of the coastal marine area boundary (the line of mean high water springs). It is based on the NZ Mainland Coastlines and NZ Islands Coastlines produced by Land Information New Zealand which is a component of the Topo50 maps (1:50,000 scale).

Natural, historic and cultural heritage – fresh and coastal waters

Map layer	Description
<i>Sites and areas of significance to tangata whenua</i>	Sites and Areas of Significance to Tangata Whenua are mapped in accordance with policy D.1.5 Places of Significance to Tangata Whenua . They are a single resource or set of resources identified, described and contained in a mapped location. Worksheets for each mapped site or area are available on the Regional Council's website or by clicking on a site or area in the GIS viewer.
<i>Outstanding natural features</i>	These incorporate the maps of Outstanding Natural Features as shown in the Regional Policy Statement with subsequent updates and new features added from the report: Hayward B., May 2016. <i>Outstanding Natural Features Identifying and Mapping additional sites in Northland</i> . The maps show the 'dry' and 'wet' parts of the Outstanding Natural Features where they straddle the boundary between land and water. The 'dry' parts are shown in a lighter shade and are for information purposes only. The 'wet' parts are subject to rules in the Regional Plan. No rules apply to the 'dry' parts in the Regional Plan – these will be contained in the relevant district plan.
Natural character: <i>Outstanding natural character</i> <i>High natural character</i>	These areas have been assessed under criteria in Policy 13(2) of the New Zealand Coastal Policy Statement 2010. A complete series of worksheets describing the values of each natural character area are available on the Regional Council's website . Natural character attributes include: 1) Natural elements, processes and patterns; 2) Biophysical, ecological and geomorphological aspects;

	<p>3) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</p> <p>4) The natural movement of water and sediment;</p> <p>5) The natural darkness of the night sky;</p> <p>6) Places or areas that are wild or scenic; and</p> <p>7) Experiential attributes, including the sounds and smell of the seas; and their context and setting.</p> <p>Outstanding natural character generally means entirely natural such as near to pristine indigenous vegetation, negligible human features (for example, buildings, wharves, jetties, paved surfaces, pipelines, cables, hard protection structures) and a very strong experience of naturalness.</p> <p>High natural character generally means a high proportion of indigenous vegetation, visually unobtrusive structures (for example, swing moorings) few and visually subservient human features and a strong experience of naturalness.</p> <p>In some cases the natural character maps include areas beyond the coastal marine area – this includes situations where a natural character unit spans the coastal marine area and includes both marine and freshwater environments. In these cases, that part of the unit above the coastal marine area is also mapped but shown as hashed to indicate it is not within the coastal marine area. The natural character maps also include a number of freshwater bodies where the unit specifically delineates that freshwater body (e.g. for example, dune lakes) and the values and characteristics of the unit relate specifically to freshwater.</p>
<p>Historic heritage:</p> <p><i>Historic heritage areas</i></p> <p><i>Historic heritage sites</i></p>	<p>The mapped historic heritage is based on the report by Clough R. and Brown A., 2016. <i>Northland Coastal and Freshwater Heritage Survey: Identification of Historic Heritage Resource Methodology</i> and subsequent updates by Clark L (2017). The map shows:</p> <ul style="list-style-type: none"> • 5<u>six</u> historic heritage areas: <ul style="list-style-type: none"> ○ 3<u>three</u> of these are water-based areas that form part of a cultural heritage landscape in combination with land-based historic sites. They have been assessed by Clough and Associates and are considered to be significant enough to include in the plan; ○ 1<u>one</u> additional historic heritage area identified through <u>consultation on the Proposed Plan</u>; and ○ 2 two waka landing sites that have been registered as wāhi tapu areas by Heritage New Zealand have also been included. • 17<u>18</u> historic heritage sites. These are buildings and structures that have been assessed by Clough and Associates and Heritage New Zealand Pouhere Taonga (8<u>seven</u> sites) and Clark L. (9<u>eight</u> sites, peer reviewed by Heritage New Zealand Pouhere Taonga) and are considered to be significant enough to include in the plan. <u>Three additional sites were identified through consultation on the Proposed Plan.</u> <p>Site and area reports <u>comprising the historic heritage schedule</u>⁸⁷⁴ are available on the Regional Council's website.</p>

Water quality and quantity management units

Map layer	Description
<p>Outstanding freshwater bodies:</p> <p><i>Rivers</i></p> <p><i>Lakes</i></p>	<p>Outstanding freshwater bodies are lakes and rivers that have outstanding values as defined in the National Policy Statement for Freshwater Management 2014.</p> <p>The following rivers and sections of rivers were identified as having outstanding natural values in the Regional Water and Soil Plan for Northland 2004 and have been identified as outstanding rivers in this plan:</p> <ul style="list-style-type: none"> • Waipoua; • Waikohatu; • Wairau; • Whirinaki; • Waipapa; and • Mangamuka. <p>The following lakes were identified as having outstanding natural values by Champion and de Winton (2012):^{x1}</p> <ul style="list-style-type: none"> • Morehurehu; • Ngatu; • Waihopo; • Waiporohita; • Wahakari; • Taharoa; • Waikare; • Kai-Iwi; • Humuhumu; • Kanono; and • Mokeno.
<p>Groundwater management units:</p> <p><i>Aupōuri aquifer</i></p> <p><i>Coastal aquifers</i></p> <p><i>Other aquifers</i></p>	<p>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The Council has identified two broad aquifer management units (coastal aquifers and other aquifers) for the purposes of setting default allocation limits. They are largely based on the aquifer management units in the Regional Water and Soil Plan for Northland 2004, but are consolidated. The Council has also identified the Aupōuri Aquifer system, which is comprised of <u>comprises</u> 12 sub-aquifers, for the purposes of setting aquifer-specific (tailored) allocation limits.</p>

^{x1}Paul Champion and Mary de Winton. 2012. Northland Lakes Strategy: Part 1. Prepared for Northland Regional Council. NIWA Client. Report No: HAM2012-121.

<p>River water quantity management units:</p> <p><i>Outstanding rivers</i></p> <p><i>Coastal rivers</i></p> <p><i>Small rivers</i></p> <p><i>Large rivers</i></p>	<p>Fresh water management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting fresh water objectives and limits, and for fresh water accounting and management purposes. Information on the coastal rivers, small rivers and large rivers management units can be found in:</p> <ul style="list-style-type: none"> • <i>Ton Snelder. 2016. Defining Freshwater Management Units for Northland: A Recommended Approach. Prepared for Northland. Regional Council. LWP Client Report Number: 2015-004.</i> • <i>Susie Osbaldiston. 2016. Refining the Draft River Water Quantity FMUs for Northland. Northland Regional Council.</i>
<p>Coastal water quality management units:</p> <p><i>Open Coast</i></p> <p><i>Estuary</i></p> <p><i>Tidal Creek</i></p> <p><i>Hātea River</i></p>	<p>Coastal water quality management units are areas of coastal waters that have been determined by the <u>Regional Council</u> as the appropriate spatial scale for applying water quality standards and for management purposes. Northland Regional Council has grouped the region's coastal waters into four management units based on <i>Richard Griffiths. 2016. Recommended Coastal Water Quality Standards for Northland. Northland Regional Council.</i></p>

Catchment-specific layers

Map layer	Description
<p>Priority catchments:</p> <p><i>Doubtless Bay</i></p> <p><i>Mangere</i></p> <p><i>Poutō</i></p> <p><i>Waitangi</i></p> <p><i>Whangārei</i></p>	<p>This map shows the catchment boundaries of the five priority catchments (Doubtless Bay, Mangere, Poutō and Whangārei) where catchment management plans have been developed. These catchments are subject to catchment specific rules in section E Catchments.</p>
<p><i>High sediment yielding land</i></p>	<p>Areas of land predicted to have high sediment yield (high sediment yielding land) in the Doubtless Bay, Waitangi, Mangere and Whangārei Harbour catchments which are subject to a rule requiring Erosion Control Plans be developed by 1 January 2015. The thresholds for high sediment yielding land are 250 tonnes / km²/ year or more in the Waitangi, Whangārei Harbour and Mangere catchments and 500 tonnes / km²/ year or more in the Doubtless Bay catchment. See section E Catchments.</p>
<p>Whangārei swimming sites livestock exclusion areas:</p>	<p>This map shows the swimming sites on the Hātea and Raumanga rivers in the Whangārei Harbour catchment and the upstream catchments where additional livestock exclusion rules apply (see Whangārei section in E Catchments).</p>

Popular swimming sites Upstream catchments	
Forestry restriction area – Poutō catchment	This map shows the surface water catchments of Outstanding Water Bodies (lakes) on the Poutō peninsula where new plantation forestry that exceeds 5 five hectares per property is subject to a requirement for resource consent (See Poutō Section in E Catchments).

Flood protection schemes and drainage districts

Map layer	Description
Flood protection schemes	The <u>Regional Council's</u> flood protection schemes are designed to reduced river flood risk. The schemes involve such protection structures as stopbanks, spillways, floodgates and dams .
Drainage districts	These are statutorily recognised areas that district councils have rights and responsibilities for managing land drainage within. Land drainage activities include culverts, drains, flood gates, bunds and stop banks.

Airsheds

Map layer	Description
Airsheds	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: <ul style="list-style-type: none"> • Whangārei – for PM_{10z} • Marsden Point – for SO₂ and PM_{10z} • Kerikeri – for PM_{10z} • Dargaville – for PM_{10z} <u>and</u> • Kaitāia – for PM_{10z}

Livestock exclusion

Map layer	Description
Livestock exclusion areas <u>Lowland and hill country areas</u>	Land defined as having a dominant slope of between 0-15 degrees (lowland areas) and greater than 15 degrees (hill country areas). The areas were mapped using the NZLRI database at a 1:50,000 scale.

Highly erodible land ~~Erosion-prone land~~

Map layer	Description
Highly erodible land Erosion-prone land	Land defined as land use capability units VIe17, VIe19, VIIe1 - VIIe10, VIIIe1 - VIIIe3, and VIIIs1. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition.

¹ Fonterra

² Heritage New Zealand

³ Refining New Zealand

⁴ Minister of Conservation and Horticulture New Zealand

⁵ Heritage New Zealand

⁶ Fonterra

⁷ Heritage New Zealand

⁸ New Zealand Transport Agency

⁹ Minister of Conservation

¹⁰ Consequential amendment because the limits were relocated from D.4 to the appendix

¹¹ Whāngarei District Council

¹² Royal Forest & Bird Protection Society New Zealand

¹³ Aquaculture New Zealand

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

¹⁵ GBC Winstone

¹⁶ Auckland Council

¹⁷ New Zealand Pork

¹⁸ Northland Fish & Game Council

¹⁹ Northland Fish & Game Council

²⁰ Northland Fish & Game Council

²¹ B Cathcart and New Zealand Transport Agency

²² Northland Fish & Game Council

²³ New Zealand Transport Agency

²⁴ Horticulture New Zealand

²⁵ Horticulture New Zealand

²⁶ Whāngarei District Council

²⁷ Horticulture New Zealand

²⁸ Whāngarei District Council

²⁹ Consequential amendment because of amendments to C.5.1.12, C.5.1.13, D.4.16 and D.4.17

³⁰ Mangawhai Harbour Restoration Society

³¹ Heritage New Zealand

³² Consequential amendment because of the inclusion of a definition of industrial or trade wastewater

³³ Consequential change to amendments to Rule C.8.2.1(1)

³⁴ GBC Winstone

³⁵ GBC Winstone

³⁶ Horticulture New Zealand

³⁷ First Gas Limited

³⁸ Landcorp Farming

³⁹ Spark New Zealand Trading Limited

⁴⁰ Federated Farmers of New Zealand

⁴¹ Northland Fish & Game Council

⁴² Northland Fish & Game Council

⁴³ Landcorp Farming Limited

44 Landcorp Farming Limited
45 Replaces 'highly erodible land' but the definition has not changed
46 Horticulture New Zealand
47 Federated Farmers of New Zealand
48 Horticulture New Zealand
49 New Zealand Transport Agency
50 Consequential amendment because of the deletion of C.5.1.1 and D.4.18
51 Royal Forest & Bird Protection Society New Zealand and Transpower New Zealand Limited
52 New Zealand Geothermal Association
53 Ravensdown Limited
54 Horticulture New Zealand
55 Fonterra
56 Fonterra
57 Fonterra
58 The Oil Companies
59 Broad Spectrum
60 Heritage New Zealand
61 Heritage New Zealand
62 Horticulture New Zealand
63 Ministry for Primary Industries
64 Ministry for Primary Industries
65 Tegel Foods Limited
66 Royal Forest & Bird Protection Society New Zealand
67 Federated Farmers of New Zealand
68 New Zealand Transport Agency
69 Whāngarei District Council
70 Whāngarei District Council
71 Horticulture New Zealand
72 CEP Services Matauwhi Limited
73 Heritage New Zealand
74 Horticulture New Zealand
75 Horticulture New Zealand
76 Consequential amendment
77 Consequential amendment
78 Royal Forest & Bird Protection Society New Zealand
79 Whāngarei District Council
80 New Zealand Transport Agency
81 Whāngarei District Council
82 Fonterra
83 Consequential amendment because of the amendment to C.6.4.2(3)
84 Royal Forest & Bird Protection Society New Zealand
85 Consequential to change to definition for "property"
86 Heritage New Zealand
87 Horticulture New Zealand
88 Refining New Zealand
89 Beef & Lamb New Zealand
90 Minister of Conservation
91 Soil & Rock Consultants
92 Tegel Foods Limited and Egg Producers Federation New Zealand
93 Royal Forest & Bird Protection Society New Zealand
94 Waiaua Bay Farm Limited
95 Hancock Forest Management New Zealand
96 Minister of Conservation
97 GBC Winstone
98 Northland District Health Board
99 Heritage New Zealand
100 Whāngarei District Council
101 New Zealand Transport Agency

102 Horticulture New Zealand
103 Tegel Foods Limited
104 Consequential amendment
105 Heritage New Zealand
106 Consequential to addressing issues raised by the Oil Companies
107 Horticulture New Zealand
108 Landcorp Farming Limited
109 B Cathcart
110 New Zealand Transport Agency
111 Consequential change
112 The Oil Companies
113 Horticulture New Zealand
114 Landcorp Farming Limited
115 Tegel Foods Limited
116 Tegel Foods Limited
117 Consequential amendment because of the amendments to C.5.1.8
118 New Zealand Defence Force
119 Consequential amendment because of the inclusion of a definition of indigenous vegetation.
120 First Gas Limited
121 Horticulture New Zealand
122 Minister of Conservation
123 Yachting New Zealand
124 Consequential amendment
125 Federated Farmers of New Zealand
126 B Cathcart
127 New Zealand Transport Agency
128 Fonterra
129 Northpower Limited
130 Northpower Limited
131 Transpower New Zealand Limited
132 GBC Winstone
133 Northpower Limited
134 Northpower Limited and Top Energy Limited
135 Northport Limited
136 GBC Winstone and Northport Limited
137 Northport Limited and Bay of Islands Planning Limited
138 Refining New Zealand
139 Refining New Zealand
140 Refining New Zealand
141 Top Energy Limited
142 Bay of Islands Maritime Park
143 Far North Holdings Limited
144 New Zealand Transport Agency
145 Yachting New Zealand
146 Yachting New Zealand
147 Whāngarei District Council
148 Top Energy Limited
149 Fonterra
150 Mangawhai Restoration Society
151 Heritage New Zealand
152 I Hayes
153 KiwiRail
154 New Zealand Transport Agency and G & P Morrison
155 Northpower Limited
156 Northpower Limited
157 Transpower New Zealand Limited
158 GBC Winstone
159 GBC Winstone

160 Consequential
161 GBC Winstone
162 Refining New Zealand
163 Bay of Islands Planning Limited
164 Top Energy Limited
165 Bay of Islands Planning Limited
166 Heritage New Zealand
167 Consequential as a result of deleting definition
168 Whāngarei District Council
169 CEP Services Matauwhi Limited
170 Heritage New Zealand
171 Consequential
172 Consequential
173 New Zealand Defence Force
174 CEP Services Matauwhi Limited
175 CEP Services Matauwhi Limited
176 Yachting New Zealand
177 Consequential change to C.1.2.4(1A)
178 R Lang
179 R Lang
180 R Lang
181 R Lang
182 CEP Services Matauwhi Limited
183 CEP Services Matauwhi Limited and Heritage New Zealand and Bay of Islands Maritime Park Inc
184 CEP Services Matauwhi Limited
185 CEP Services Matauwhi Limited
186 Kaipara District Council
187 Refining New Zealand
188 Heritage New Zealand
189 Heritage New Zealand
190 Aquaculture New Zealand
191 Aquaculture New Zealand
192 Aquaculture New Zealand
193 Aquaculture New Zealand
194 Aquaculture New Zealand
195 Far North District Council
196 Aquaculture New Zealand
197 Aquaculture New Zealand
198 Aquaculture New Zealand
199 Aquaculture New Zealand
200 Aquaculture New Zealand
201 Heritage New Zealand
202 Westpac Mussels Distributors Limited
203 Aquaculture New Zealand
204 Aquaculture New Zealand
205 Aquaculture New Zealand
206 Aquaculture New Zealand
207 Aquaculture New Zealand
208 Yachting New Zealand
209 Heritage New Zealand
210 Far North District Council
211 Moana New Zealand
212 Aquaculture New Zealand
213 Aquaculture New Zealand
214 Aquaculture New Zealand, consequential change to C.1.3.2
215 Heritage New Zealand
216 Westpac Mussels Distributors Limited
217 Moana New Zealand

218 Aquaculture New Zealand
219 Aquaculture New Zealand
220 Minister of Conservation
221 Mangawhai Harbour Restoration Society Inc and Ruakaka Parish Residents & Ratepayers Association
222 Far North District Council
223 Mangawhai Harbour Restoration Society
224 Mangawhai Harbour Restoration Society
225 Minister of Conservation
226 Bay of Islands Planning Limited
227 Whāngarei District Council
228 Whāngarei District Council
229 GBC Winstone
230 Whāngarei District Council
231 Royal Forest & Bird Protection Society New Zealand
232 Whāngarei District Council
233 Top Energy Limited
234 Mangawhai Harbour Restoration Society
235 CEP Services Matauwhi Limited
236 CEP Services Matauwhi Limited
237 Consequential to new clause 6
238 R Tautari
239 GBC Winstone
240 Consequential, incorporated into clause (1)
241 Heritage New Zealand
242 Royal Forest & Bird Protection Society New Zealand
243 Fire & Emergency New Zealand
244 Fire & Emergency New Zealand
245 Bay of Islands Maritime Park Inc and Fire & Emergency New Zealand
246 Heritage New Zealand
247 Fire & Emergency New Zealand
248 Bay of Islands Maritime Park Inc and Fire & Emergency New Zealand
249 Heritage New Zealand
250 New Zealand Transport Agency
251 New Zealand Transport Agency
252 Minister of Conservation, Consequential – Mangawhai Harbour Restoration Society
253 Tinopai RMU Limited
254 Consequential amendment relating to relief sought by Royal Forest & Bird Protection Society New Zealand on the coastal general conditions
255 Clarification as this requirement is in the coastal general conditions
256 Tinopai RMU Limited
257 GBC Winstone
258 Royal Forest & Bird Protection Society New Zealand and GBC Winstone
259 Royal Forest & Bird Protection Society New Zealand
260 Consequential amendment relating to relief sought by Royal Forest & Bird Protection Society New Zealand on the coastal general conditions
261 Royal Forest & Bird Protection Society New Zealand
262 Tinopai RMU Limited
263 Tinopai RMU Limited
264 Clarification as this requirement is in the coastal general conditions
265 Royal Forest & Bird Protection Society
266 Minister of Conservation
267 Refining New Zealand
268 Patuharakeke Te Iwi Trust Board
269 Patuharakeke Te Iwi Trust Board
270 Mangawhai Harbour Restoration Society
271 Heritage New Zealand
272 Mangawhai Harbour Restoration Society

273 New Zealand Transport Agency
274 Royal Forest & Bird Protection Society New Zealand
275 Heritage New Zealand
276 Minister of Conservation
277 Minister of Conservation
278 Minister of Conservation
279 Minister of Conservation
280 Minister of Conservation
281 Mangonui Cruising Club
282 Minister of Conservation
283 Minister of Conservation
284 Minister of Conservation and Ministry for Primary Industries
285 Minister of Conservation
286 Minister of Conservation
287 Minister of Conservation
288 KiwiRail
289 Kaipara District Council
290 New Zealand Transport Agency
291 KiwiRail
292 A & R La Bonte
293 CEP Services Matauwhi Limited
294 Minister of Conservation
295 Royal Forest & Bird Protection Society New Zealand
296 Whangarei District Council
297 A & R La Bonte
298 Clarification
299 New Zealand Transport Agency
300 Consequential as has been brought up to condition 9A
301 Royal Forest & Bird Protection Society New Zealand
302 Refining New Zealand
303 Refining New Zealand
304 Minister of Conservation
305 B Cathcart
306 New Zealand Transport Agency
307 New Zealand Transport Agency
308 Miru M and Tinopai RMU Limited
309 Minister of Conservation
310 Minister of Conservation
311 Consequential to C.2.1.1
312 Northland Fish & Game Council
313 Northland Fish & Game Council
314 Federated Farmers of New Zealand
315 KiwiRail
316 Northpower Limited and Top Energy Limited
317 Changes to this clause include incorporation of C.1.2.6 and C.1.2.7 into this rule (C.1.2.4)
318 Addition of this clause as a result of incorporating C.1.2.7 into this rule (C.1.2.4)
319 Whāngarei District Council
320 Transpower New Zealand Limited
321 New Zealand Transport Agency
322 Whāngarei District Council
323 Incorporated into C.1.2.4
324 Incorporated into C.1.2.4
325 New Zealand Transport Agency
326 Minister of Conservation
327 Minister of Conservation
328 Broadspectrum
329 Broadspectrum
330 KiwiRail

331 Minister of Conservation
332 Landowners Coalition
333 Whāngarei District Council
334 Landowners Coalition
335 Northland Fish & Game Council
336 Northpower Limited
337 Northpower Limited
338 Whāngarei District Council
339 Whāngarei District Council and Far North District Council
340 Minister of Conservation
341 Northland Fish & Game Council
342 Northland Fish & Game Council
343 Northland Fish & Game Council
344 Horticulture New Zealand
345 Minister of Conservation
346 Northland Fish & Game Council
347 KiwiRail and Whāngarei District Council
348 Bay of Islands Maritime Park Inc.
349 Northland Fish & Game Council
350 Bay of Islands Maritime Park Inc
351 KiwiRail and Whāngarei District Council
352 Fonterra
353 Fonterra
354 Fonterra
355 Minister of Conservation
356 B Cathcart
357 Horticulture New Zealand
358 Horticulture New Zealand
359 Whāngarei District Council
360 New Zealand Transport Agency
361 Minister of Conservation
362 Minister of Conservation
363 Minister of Conservation
364 Minister of Conservation
365 Whāngarei District Council
366 Tegel Foods Limited
367 Horticulture New Zealand
368 Refining New Zealand
369 Whāngarei District Council
370 GBC Winstone
371 Whāngarei District Council
372 Whāngarei District Council
373 Whāngarei District Council
374 Royal Forest & Bird Protection Society New Zealand
375 Whāngarei District Council
376 Royal Forest & Bird Protection Society New Zealand
377 Whāngarei District Council
378 Horticulture New Zealand
379 Minister of Conservation
380 Northland Fish & Game Council
381 Far North District Council
382 Northland Fish & Game Council
383 Heritage New Zealand
384 Northland Fish & Game Council
385 Northland Fish & Game Council and Minister of Conservation
386 Tegel Foods Limited
387 Whāngarei District Council
388 Fire & Emergency New Zealand

389 New Zealand Geothermal Association
390 Minister of Conservation
391 Northland Fish & Game Council
392 Dairy New Zealand
393 Dairy New Zealand
394 Royal Forest & Bird Protection Society New Zealand
395 Fonterra
396 Dairy New Zealand
397 Royal Forest & Bird Protection Society New Zealand
398 New Zealand Transport Agency and F Robinson
399 Irrigation New Zealand
400 NIWA
401 Minister of Conservation
402 Motutangi Waiharara Water Group
403 The Oil Companies
404 GBC Winstone
405 GBC Winstone
406 Man O'War Dairies Limited
407 Northland Fish & Game Council
408 Irrigation New Zealand
409 Man O'War Dairies Limited and Irrigation New Zealand
410 T Brocx
411 Irrigation New Zealand
412 Landcorp Farming Limited
413 Haititaimarangai Marae 339 Trust
414 Irrigation New Zealand
415 Horticulture New Zealand
416 New Zealand Geothermal Association
417 Tegel Foods Limited
418 Tegel Foods Limited
419 R Tautari
420 R Tautari
421 Whāngarei District Council
422 Haigh Workman Limited
423 Haigh Workman Limited
424 Haigh Workman Limited
425 Haigh Workman Limited
426 Haigh Workman Limited
427 R Tautari
428 Haigh Workman Limited
429 Minister of Conservation
430 Northland District Health Board
431 Northland Fish & Game Council
432 Dairy New Zealand
433 Fonterra
434 Dairy New Zealand
435 Dairy New Zealand
436 Fonterra
437 Horticulture New Zealand
438 T Brocx
439 New Zealand Pork
440 Beef & Lamb New Zealand
441 Horticulture New Zealand
442 Beef & Lamb New Zealand
443 Royal Forest & Bird Protection Society New Zealand
444 Haigh Workman Limited
445 New Zealand Geothermal Association
446 Whāngarei District Council

447 Kaipara District Council
448 Whāngarei District Council
449 Royal Forest & Bird Protection Society New Zealand
450 Ravensdown Limited
451 Haigh Workman Limited
452 Far North District Council
453 Tegel Foods Limited
454 Tegel Foods Limited
455 Tegel Foods Limited
456 The Oil Companies
457 Tegel Foods Limited
458 Tegel Foods Limited
459 The Oil Companies
460 Tegel Foods Limited
461 Haigh Workman Limited
462 New Zealand Transport Agency
463 Fonterra
464 Far North District Council
465 Consequential change because of the amendment to condition 5 of C.6.4.2
466 Minister of Conservation
467 Northland District Health Board
468 Royal Forest & Bird Protection Society New Zealand
469 Hancock Forest Management New Zealand
470 Horticulture New Zealand
471 Minister of Conservation
472 Horticulture New Zealand
473 Hancock Forest Management New Zealand
474 Broadspectrum Limited
475 Hancock Forest Management New Zealand
476 Hancock Forest Management New Zealand
477 Hancock Forest Management New Zealand
478 Minister of Conservation
479 Horticulture New Zealand
480 Hancock Forest Management New Zealand
481 Horticulture New Zealand
482 Minister of Conservation
483 Hancock Forest Management New Zealand
484 C Smith, D & L Wheeler and S Muraro
485 Horticulture New Zealand
486 Horticulture New Zealand
487 B Leonard
488 Minister of Conservation
489 Minister of Conservation
490 Fonterra
491 Horticulture New Zealand
492 Minister of Conservation
493 C Smith, D & L Wheeler and S Muraro
494 Hancock Forest Management New Zealand
495 Hancock Forest Management New Zealand
496 Horticulture New Zealand
497 Clarification – invalid condition for a permitted activity
498 Horticulture New Zealand
499 Horticulture New Zealand
500 Broadspectrum Limited
501 Horticulture New Zealand
502 Minister of Conservation
503 Minister of Conservation
504 Minister of Conservation

505 Clarification
506 New Zealand Geothermal Association
507 Fonterra
508 Whāngarei District Council
509 Whāngarei District Council
510 Tegel Foods Limited
511 Fonterra
512 Whāngarei District Council
513 Whāngarei District Council
514 Whāngarei District Council
515 New Zealand Pork
516 New Zealand Pork
517 Whāngarei District Council and Far North District Council
518 Federated Farmers of New Zealand
519 Man O'War Dairies Limited
520 Federated Farmers of New Zealand
521 New Zealand Pork
522 Whāngarei District Council
523 Whāngarei District Council
524 Whāngarei District Council
525 Whāngarei District Council
526 Whāngarei District Council
527 Consequential change resulting from evidence by the Oil Companies
528 The Oil Companies
529 The Oil Companies
530 The Oil Companies
531 The Oil Companies
532 The Oil Companies
533 The Oil Companies
534 Soil & Rock Consultants
535 The Oil Companies
536 The Oil Companies
537 The Oil Companies
538 Top Energy Limited and Refining New Zealand
539 The Oil Companies
540 The Oil Companies
541 Consequential change to the insertion of a definition for the zone of reasonable mixing
542 Whāngarei District Council
543 Consequential change to the insertion of a definition for the zone of reasonable mixing
544 Aquaculture New Zealand
545 The Oil Companies
546 Consequential change to the insertion of a definition for the zone of reasonable mixing
547 Horticulture New Zealand
548 D Hulse
549 D Hulse
550 Northland District Health Board
551 D Hulse
552 Fire & Emergency New Zealand
553 T Lee
554 T Lee
555 Northland District Health Board
556 B Gailey
557 T Lee
558 Fire & Emergency New Zealand
559 Fire & Emergency New Zealand
560 Fire & Emergency New Zealand
561 B Leonard
562 Northland District Health Board

563 First Gas Limited
564 Northland District Health Board
565 Northland District Health Board
566 Northland District Health Board
567 Tegel Foods Limited and Fonterra Limited and Bio-energy Association
568 Tegel Foods Limited and Fonterra Limited and Bio-energy Association
569 Consequential change - GBC Winstone
570 Consequential change - GBC Winstone
571 Northland District Health Board
572 Consequential Change - GBC Winstone
573 Northland District Health Board
574 Refining New Zealand
575 Consequential change - Refining New Zealand and GBC Winstone
576 Northland District Health Board
577 Northland District Health Board
578 First Gas Limited
579 Northland District Health Board
580 Consequential to change to C.6.8.2
581 Consequential change - Whāngarei District Council
582 Northland District Health Board
583 Tegel Foods Limited, Stakeholders in Methyl Bromide Reduction Inc.
584 Ravensdown Limited
585 Promax Engineering Plastics
586 Tegel Foods Limited
587 Consequential change
588 Far North District Council and Whāngarei District Council
589 New Zealand Transport Agency
590 Consequential change
591 New Zealand Transport Agency
592 Refining New Zealand and New Zealand Transport Agency
593 Refining New Zealand
594 Refining New Zealand
595 Tegel Foods Limited
596 Dairy New Zealand
597 Northland Fish & Game Council
598 Whāngarei District Council and Far North District Council
599 Minister of Conservation
600 New Zealand Deer Farmers Association
601 Dairy New Zealand
602 Minister of Conservation
603 Dairy New Zealand
604 Federated Farmers of New Zealand
605 G King
606 Consequential amendment
607 Royal Forest & Bird Protection Society New Zealand
608 Whāngarei District Council
609 Consequential amendment
610 Matauri Trustee Limited
611 Horticulture New Zealand
612 Dairy New Zealand
613 Man O'War Dairies Limited
614 Horticulture New Zealand
615 Consequential amendment
616 Consequential amendment because of the new definition
617 Horticulture New Zealand
618 Consequential amendment
619 Northland Fish & Game Council
620 Haigh Workman Limited

621 New Zealand Geothermal Association
622 GBC Winstone and Bay of Islands Planning Limited
623 Consequential amendment
624 A & R La Bonte
625 New Zealand Transport Agency
626 Consequential amendment because of the deletion of Rule C.6.7.1
627 The Oil Companies
628 New Zealand Transport Agency
629 Top Energy Limited
630 Consequential amendment because of a new rule for earthworks in a flood hazard area
631 Top Energy Limited
632 Consequential amendments
633 Consequential as a result of an amendment to the definition
634 Whāngarei District Council
635 Consequential amendments
636 Consequential amendment because of the amendments to condition 1
637 Whāngarei District Council
638 Whāngarei District Council
639 Consequential amendment because of the amendments to condition 1
640 The Oil Companies
641 The Oil Companies
642 New Zealand Geothermal Association
643 Incorporated into condition 3A
644 Whāngarei District Council
645 Minister of Conservation
646 Consequential amendment
647 Whāngarei District Council
648 Patuharakeke Te Iwi Trust Board Inc
649 The Oil Companies
650 The Oil Companies
651 Transpower New Zealand Limited
652 Sweetwater Farms Limited
653 Far North District Council
654 Fonterra
655 Northport Limited
656 Northport Limited
657 Whāngarei District Council and Far North District Council
658 Whāngarei District Council
659 Whāngarei District Council
660 Refining New Zealand
661 Northpower Limited
662 Minister of Conservation
663 Fonterra
664 Refining New Zealand
665 Fonterra
666 Westpac Mussels Distributors Limited
667 Refining New Zealand
668 Northland Fish & Game Council
669 GBC Winstone
670 Heritage New Zealand
671 CEP Services Matauwhi Limited
672 Heritage New Zealand
673 GBC Winstone
674 Heritage New Zealand
675 Heritage New Zealand
676 Heritage New Zealand
677 Heritage New Zealand
678 Heritage New Zealand

679 Heritage New Zealand
680 Heritage New Zealand
681 Heritage New Zealand
682 Minister of Conservation
683 New Zealand Transport Agency
684 Top Energy Limited
685 New Zealand Transport Agency
686 CEP Services Matauwhi Limited
687 Bay of Islands Planning Limited
688 Royal Forest & Bird Protection Society New Zealand
689 Royal Forest & Bird Protection Society New Zealand
690 New Zealand Transport Agency
691 GBC Winstone
692 GBC Winstone
693 GBC Winstone
694 GBC Winstone
695 Minister of Conservation
696 Royal Forest & Bird Protection Society New Zealand and Mangawhai Harbour Restoration Society and Vision Kerikeri
697 New Zealand Transport Agency
698 CEP Services Matauwhi Limited and Far North District Council
699 Royal Forest & Bird Protection Society New Zealand
700 Consequential to amendments to clause 1
701 Auckland Council
702 Fonterra
703 Egg Producers Federation New Zealand
704 Horticulture New Zealand
705 Horticulture New Zealand
706 Ravensdown Limited
707 Fonterra
708 Northland District Health Board
709 Northland District Health Board
710 First Gas Limited
711 Minister of Conservation
712 Horticulture New Zealand
713 Refining New Zealand
714 The Oil Companies
715 The Oil Companies
716 The Oil Companies
717 The Oil Companies
718 Fonterra
719 GBC Winstone
720 Fonterra
721 Fonterra
722 Consequential change as a result of the amendment to the definition of zone of reasonable mixing
723 Consequential change because of the recommended amendment to D.4.5. The change also provides for reasonable mixing as sought by Refining New Zealand and others
724 First Gas Limited
725 The Oil Companies
726 Horticulture New Zealand
727 This policy including recommended amendments has been relocated to Section F of this plan
728 This policy has been incorporated into Appendix H.6 of this plan
729 The minimum levels in this policy, including recommended amendments, have been relocated to Appendix H.6 of this plan
730 The allocation limits in this policy, including recommended amendments, have been relocated to Appendix H.6 of this plan

731 The allocation limits in this policy, including recommended amendments, have been relocated to Appendix H.6 of this plan

732 Consequential change because the limits in policies D.15, D.15, D.16 and D.17 have been moved to appendix H.6

733 Far North District Council

734 Irrigation New Zealand

735 CEP Services Matuwhi Limited

736 Horticulture New Zealand

737 Consequential change as a result of a recommended definition for root stock survival water

738 Federated Farmers of New Zealand

739 Fonterra

740 The Royal Forest & Bird Protection Society New Zealand

741 Horticulture New Zealand

742 Horticulture New Zealand

743 Tegel Foods Limited

744 GBC Winstone

745 Irrigation New Zealand

746 Egg Producers Federation of New Zealand

747 The Oil Companies

748 Irrigation New Zealand

749 F Foy

750 New Zealand Transport Agency

751 Northland Fish & Game Council

752 Federated Farmers of New Zealand

753 Minister of Conservation

754 Northland Fish & Game Council

755 Northland Fish & Game Council

756 Northland Fish & Game Council

757 Northland Fish & Game Council

758 Royal Forest & Bird Protection Society New Zealand

759 Irrigation New Zealand

760 Northland Fish & Game Council

761 Consequential amendment because of new definition

762 B Leonard

763 Minister of Conservation

764 New Zealand Geothermal Association

765 Matauri Trustee Limited

766 Landcorp Farming Limited

767 Royal Forest & Bird Protection Society New Zealand

768 Aquaculture New Zealand

769 Mataka Residents Association

770 Moana New Zealand

771 Aquaculture New Zealand and Westpac Mussels Distributors Limited

772 Aquaculture New Zealand

773 GBC Winstone

774 Northport Limited

775 C Mace

776 Yachting New Zealand

777 GBC Winstone

778 Heritage New Zealand

779 GBC Winstone

780 Far North District Council

781 Mangawhai Waka Ama

782 Riverside Drive Marina Limited

783 Northport Limited

784 Transpower New Zealand Limited

785 Refining New Zealand

786 Mangawhai Harbour Restoration Society

787 A & R La Bonte and Refining New Zealand
788 Refining New Zealand
789 Patuharakeke Te Iwi Trust Board Inc
790 Refining New Zealand
791 New Zealand Defence Force
792 Royal Forest & Bird Protection Society New Zealand
793 Refining New Zealand
794 Royal Forest & Bird Protection Society New Zealand
795 Mangawhai Harbour Restoration Society
796 Consequential to clause (4) insertion into Rule C.1.4.3
797 Mangawhai Harbour Restoration Society
798 Minister of Conservation
799 Royal Forest & Bird Protection Society New Zealand
800 Duplication of b)
801 Replaced with aa)
802 CEP Services Matauwhi Limited
803 Minister of Conservation
804 Surfbreak Society
805 KiwiRail
806 Haititaimarangai Marae 339 Trust
807 Federated Farmers of New Zealand
808 Consequential amendment - Northland Fish & Game
809 Consequential amendment - Dairy New Zealand
810 Consequential amendment - New Zealand Deer Farmers Association
811 Consequential amendment - for consistency with Rule C.8.1.1
812 Consequential amendment - Minister of Conservation
813 Federated Farmers of New Zealand
814 Consequential amendment - Federated Farmers of New Zealand
815 G King
816 Consequential amendment - Northland Fish & Game Council
817 Consequential amendment - Dairy New Zealand
818 Consequential amendment - New Zealand Deer Farmers Association
819 Consequential amendment - Minister of Conservation
820 Consequential amendment - Dairy New Zealand
821 Consequential amendment - Federated Farmers of New Zealand
822 G King
823 Fonterra (Note - this objective is based on D.4.13 in the notified version of the proposed plan)
824 Minister of Conservation
825 Haititaimarangai Marae 339 Trust
826 Bay of Islands Maritime Park Inc
827 Refining New Zealand
828 Beef & Lamb New Zealand
829 Fonterra
830 Fonterra
831 Fonterra
832 Fonterra
833 Fonterra
834 Fonterra
835 Fonterra
836 Fonterra
837 Fonterra
838 Fonterra
839 Fonterra
840 Fonterra
841 Fonterra
842 Fonterra
843 Consequential amendment because of the deletion of Rule C.6.2.1
844 Whāngarei District Council

845 Fonterra and Bio-energy Association
846 Landcorp Farming Limited
847 Minister of Conservation
848 Whāngarei District Council
849 Minister of Conservation
850 Whāngarei District Council
851 Minister of Conservation
852 Whāngarei District Council
853 Horticulture New Zealand
854 Refining New Zealand
855 The freshwater quantity limits in this section were relocated from section D.4 of the proposed plan
856 Dairy New Zealand
857 Fonterra
858 Fonterra
859 Fonterra
860 Fonterra
861 Fonterra
862 Dairy New Zealand
863 Fonterra
864 Fonterra
865 Fonterra
866 Whāngarei District Council and Far North District Council
867 Whāngarei District Council and Far North District Council
868 Fonterra
869 Irrigation New Zealand
870 New Zealand Transport Agency
871 Horticulture New Zealand and Egg Producers Federations New Zealand
872 Bay of Islands Planning Limited
873 Northport Limited
874 Heritage New Zealand