

# Proposed Regional Plan - For council approval

## Contents

A INTRODUCTION	3
B DEFINITIONS	5
C RULES	23
C.1 Coastal activities	24
C.2 Activities in the beds of lakes and rivers and in wetlands	73
C.3 Damming and diverting water	89
C.4 Land drainage and flood control	95
C.5 Taking and using water	100
C.6 Discharges to land and water	107
C.7 Discharges to air	138
C.8 Land use and disturbance activities	149
D POLICIES	161
D.1 Tangata whenua	161
D.2 General	165
D.3 Air	169
D.4 Land and water	172
D.5 Coastal	185
D.6 Natural Hazards	195

E CATCHMENTS	197
F OBJECTIVE	203
G ADMINISTRATIVE MATTERS	205
G.1 Cross-river coastal marine area boundary	205
G.2 Statutory acknowledgements	207
G.3 Financial contributions	208
G.4 Coastal occupation charging	212
H APPENDICIES	213
H.1 Wastewater network management plans	213
H.2 Stormwater management plans	214
H.3 Chimney height requirements	215
I MAPS	225

# A Introduction

The Proposed Regional Plan for Northland (the Plan) was issued by Northland Regional Council in accordance with the Resource Management Act 1991 (the RMA). It is a combined regional air, land, water and coastal plan, and only contains rules and policies to guide resource consent processes. 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.

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](http://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

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

<i>Abrasive blasting</i>	The cleaning, smoothing, roughening, cutting or removing of part of the surface of any article by the use of an abrasive jet of sand, metal shot, or grit or other material propelled by a blast of compressed air or steam or by a wheel.
<i>Ablative paint</i>	A paint designed to create a hull coating which ablates (wears off) slowly, exposing a fresh layer of paint.
<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.
<i>Agrichemical</i>	Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna. This includes adjuvants (any substance designed to enhance the effectiveness, reduce drift or act as a synergist when added to any agrichemical application mixture) and animal remedies but excludes fertilisers.
<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>Ambient air quality</i>	The general quality of the surrounding air, reflecting the cumulative effect of all 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.
<i>Artificial watercourse</i>	A man-made channel constructed in or over land for carrying water and includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river or stream.
<i>Authorised</i>	Expressly allowed by a: <ol style="list-style-type: none"> <li>1) national environmental standard or other regulations, or</li> <li>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</li> </ol>

	3) a resource consent.
<i>Beach scraping</i>	The transfer of material (generally sand) from the lower part of the foreshore (beach), usually by mechanical equipment, to re-distribute the sand to the upper beach/dune system, in order to repair or restore natural dune protection.
<i>Biofouling</i>	The accumulation of aquatic organisms such as micro-organisms, plants and animals on surfaces and structures immersed in or exposed to the aquatic environment.
<i>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>	An <a href="#">allocation limit</a> that has been set for a specific river or aquifer, and can be based on: <ol style="list-style-type: none"> <li>1) the total allocation from the river or aquifer that exceeds a <a href="#">default allocation limit</a> as determined under Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers', or</li> <li>2) waterbody-specific information.</li> </ol>
<i>Cleanfill material</i>	Natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of: <ol style="list-style-type: none"> <li>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</li> <li>2) hazardous substances, and</li> <li>3) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, and</li> <li>4) materials that may present a risk to human health, and liquid waste, and</li> <li>5) materials containing asbestos.</li> </ol>
<i>Coastal hazard management area</i>	Coastal hazard management area is: <ol style="list-style-type: none"> <li>1) any land within a horizontal distance of 10 metres landward from the coastal marine area, or</li> <li>2) the land between the coastal marine area and the bottom of the landward side of the foredune, where the land adjacent to the coastal marine area is vegetated or unvegetated sand dunes.</li> </ol>
<i>Coastal dune restoration</i>	A programme designed to return or restore a coastal environment to a more natural state, with the aim of allowing the active beach and dune system to better function as a natural system, operating by natural coastal processes. The key purpose is to improve protection against coastal hazards. Coastal dune restoration can involve all or some of the following activities: removal of exotic flora and fauna; removal of fill/spoil, rock, rubble

	or other introduced materials; dune re-contouring to achieve a more natural substrate and/or shape; and/or the planting of appropriate native plant species. It does not include beach scraping (as defined in the plan) or works involving hard protection structures.
<i>Coastal river</i>	A river in the coastal river water quantity management unit. The management unit is shown in I 'Maps'.
<i>Compost</i>	Any combination of solid or semi-solid vegetable and animal waste that has fully decomposed and matured to a stabilised product. For the purposes of this plan, compost does not contain human sewage, dead animals or animal parts.
<i>Composting operation</i>	Any activity undertaken to produce compost.
<i>Community Controlled Organisation</i>	Includes but is not limited to: not-for-profit corporations, incorporated societies, charitable bodies, organised clubs, sports clubs, religious groups and education providers.
<i>Constructed wetland</i>	<p>A wetland developed deliberately by artificial means or constructed on a site where:</p> <ol style="list-style-type: none"> <li>1) a wetland has not occurred naturally previously, and</li> <li>2) the current wetland vegetation cover cannot be delineated as indigenous, or</li> <li>3) a wetland has been previously constructed legally.</li> </ol> <p>This does not include <a href="#">induced wetland</a>, <a href="#">reverted wetland</a> or wetland created for conservation purposes; for example, as a requirement of resource consent. Examples of constructed wetlands includes wetlands created and subsequently maintained principally for or in connection with</p> <ol style="list-style-type: none"> <li>1) an effluent treatment and disposal system, or</li> <li>2) stormwater management, or</li> <li>3) an artificial water storage facility, detention dam, reservoir for firefighting, domestic and community water supply, or</li> <li>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.</li> </ol> <p>A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and sedges.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1) "Constructed wetland" is the same as "man made wetland" in the Regional Policy Statement.</li> <li>2) The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website.</li> </ol>
<i>Contractor (in relation to agrichemical application)</i>	Any person or organisation who, by agreement with owner, occupier or manager of any land, applies or causes to be applied any agrichemical in an agricultural, horticultural or related situation for hire or reward. It does not include an employee or an owner, occupier or manager.
<i>Cultivation</i>	The disturbance of earth by machinery in preparation for planting or replanting pasture or crops, but does not include:

	<ol style="list-style-type: none"> <li>1) direct drilling and no-till practices, or</li> <li>2) mechanical land preparation associated with <a href="#">plantation forestry</a>.</li> </ol>
<i>Dairy support cattle</i>	Dry cows and dairy replacement cattle.
<i>Dam</i>	A structure intended primarily to retain or control surface water flows to form a reservoir, including a weir, but excluding a stopbank.
<i>Dam crest</i>	The elevation of the uppermost surface of the <a href="#">dam</a> excluding any curbs, parapet walls, railings or other structures that are not part of the water retaining structure.
<i>Dam height</i>	<p>The vertical distance from the <a href="#">dam crest</a> to:</p> <ol style="list-style-type: none"> <li>1) in the case of a <a href="#">dam</a> across a river, from the natural bed of the river at the lowest downstream outside limit of the <a href="#">dam</a>, or</li> <li>2) in the case of a <a href="#">dam</a> not across a river, from the lowest elevation at the outside limit of the <a href="#">dam</a>.</li> </ol>
<i>Deep lake</i>	A lake with a maximum depth of greater than 10 metres.
<i>Deep soakage system</i>	A hole excavated to utilise permeable subsoil layers or weathered rock at depth under poorly draining soils for the purpose of disposing effluent. These holes may be backfilled with material such as scoria.
<i>Default allocation limit</i>	An <a href="#">allocation limit</a> that applies to multiple rivers or aquifers.
<i>Dewatering</i>	The removal of groundwater from an excavation that has perforated below the groundwater table in an aquifer.
<i>Domestic type wastewater</i>	<a href="#">Wastewater</a> originating from toilets, kitchens, bathrooms, showers, baths, basins, and laundries from residential dwellings, commercial, industrial or other premises. It does not include commercial wash water and <a href="#">wastewater</a> from industrial or trade premises.
<i>Dust sensitive area</i>	<ol style="list-style-type: none"> <li>1) Residential buildings and associated garden areas, and</li> <li>2) school, hospital buildings and care facilities and grounds, and</li> <li>3) amenity areas where people congregate including parks and reserves, and</li> <li>4) community buildings and grounds, including places of worship and marae, and</li> <li>5) orchards, sensitive crops and commercial growing areas, and</li> <li>6) water bodies used for the supply of drinking water and for stock drinking, and</li> <li>7) wetlands and indigenous habitat areas, and</li> <li>8) apiaries.</li> </ol>
<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 by excavation, cutting and filling, blading, ripping, contouring, or placing or replacing <a href="#">earth</a>, but does not include:</p> <ol style="list-style-type: none"> <li>1) earthworks associated with a <a href="#">plantation forestry activity</a>, or</li> </ol>



	<ul style="list-style-type: none"> <li>2) the placement of <a href="#">cleanfill material</a>, or</li> <li>3) <a href="#">cultivation</a>, or</li> <li>4) construction of <a href="#">bores</a>, or</li> <li>5) the maintenance of walking and other recreational tracks, or</li> <li>6) the placement of roading aggregates during road and track works, or</li> <li>7) digging post holes, or</li> <li>8) planting trees.</li> </ul>
<i>Effectively excluded</i>	Effectively barred from access to the beds of lakes and rivers, drains, wetlands, and the coastal marine area either through a natural barrier (such as a cliff), a permanent fence, or new technologies such as a 'virtual' GPS fence. Temporary fencing may be used in flood prone areas.
<i>Erosion control plan</i>	Means a regional council approved 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.
<i>Farm wastewater</i>	All <a href="#">wastewater</a> 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.
<i>Farm wastewater storage facilities</i>	Include ponds and tanks for storing or treating <a href="#">farm wastewater</a> , but do not include sumps.
<i>Flood defence</i>	Means any structure or equipment, including any bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock or erosion protection structure or groyne, that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of water, including floodwaters, in or out of a water body or artificial watercourse.
<i>Flood hazard area</i>	<p>Land that has a one percent chance in any year of being inundated due to high river flows.</p> <p><i>Note: In catchments where the spatial extent of these areas have been mapped by the regional council, they are referred to as mapped 100-year flood hazard areas. These flood plains have been adjusted to account for projected climate change effects, including higher storm rainfall intensity. They are available to view on the regional council's website.</i></p>
<i>Fully allocated</i>	Where the total volume of freshwater permitted by a rule in this plan and consented to be taken is equal to a <a href="#">catchment-specific allocation limit</a> or exceeds a <a href="#">default allocation limit</a> for a river by more than 10 percent of the seven-day mean annual low flow or a <a href="#">default allocation limit</a> for a aquifer by more than five percent of the annual average recharge. <a href="#">Catchment-specific allocation limits</a> and <a href="#">default allocation limits</a> are set in Policy D.4.16 'Allocation limits for rivers' and Policy D.4.17 'Allocation limits for aquifers'.

<i>Functional need</i>	When an activity (including structures) is dependent 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.
<i>Greywater</i>	<b>Domestic type wastewater</b> from a kitchen, bath, shower, laundry, sink, other than toilet or urinal wastes. Also termed 'sullage'.
<i>Ground-based spraying</i>	Spraying taking place at ground level but does not include hand-held spraying.
<i>Grounding</i>	The act of placing a vessel in contact with the land whether deliberately or unintentionally.
<i>Hand-held spraying</i>	Any spraying where the part of the spraying equipment that emits the agrichemical is held by the applicator and includes manual or motorised pumping methods. Such an application must be applied directly to the target species.
<i>Hard protection structure</i>	A seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure that has the primary purpose of protecting property from a coastal hazard, including erosion.
<i>High risk coastal hazard area</i>	Locations that have been assessed as relatively high risk from the effects of coastal hazards (erosion and inundation) over a planning horizon of 50 years. For coastal erosion, this likelihood corresponds to a 66% chance that coastal erosion will reach the landward extent of the setback line by 2065. For coastal inundation, the coastal hazard zone is based on a 2% annual exceedance probability event for the year 2065. These are commonly referred to as 'coastal hazard 1 zones' in district plans.
<i>High risk industrial and trade premises</i>	<p>An industrial or trade premise used for any of the following purposes and stores, uses or generates contaminants in the industrial or trade process at the site which are exposed to rain or stormwater:</p> <ol style="list-style-type: none"> <li>1) boat construction and maintenance,</li> <li>2) port activities including dry docks,</li> <li>3) commercial cement, concrete or lime manufacturing or storage,</li> <li>4) chemical manufacture, formulation or bulk storage, recovery, processing or recycling,</li> <li>5) fertiliser manufacture or bulk storage,</li> <li>6) storage of hazardous wastes including waste dumps or dam tailings associated with mining activities,</li> <li>7) petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or finery, or facilities for recovery, reprocessing or recycling petroleum-based materials,</li> <li>8) scrap yards including automotive dismantling, wrecking or scrap metal yards, and</li> <li>9) wood treatment or preservation (including the commercial use of anti-sapstain chemicals during milling), or bulk storage of treated timber.</li> </ol>
<i>High risk flood hazard area</i>	<p>Land where there is at least a 10% chance of river flooding occurring annually.</p> <p><i>Note: Within catchments where the spatial extent of these areas have been mapped by the regional council, they are referred to as mapped 10 year flood hazard areas. They are available to view on the regional council's public website.</i></p>

<i>High sediment-yielding land</i>	Land in the Doubtless Bay, Waitangi, Mangere and Whangarei Harbour catchments identified as having high sediment yield as shown in I 'Maps'. The thresholds for High Sediment Yielding land is: land that has an estimated sediment yield of 250 tonnes / km <sup>2</sup> / year or more in the Waitangi, Mangere and Whangarei Harbour catchments and 500 tonnes / km <sup>2</sup> / year or more in the Doubtless Bay catchment.
<i>Highly erodible land</i>	Land defined as land use capability units VIe17, VIe19, VIIe1 - VIIe10, VIIIe1 - VIIIe3, and VIIIIs1. 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 I 'Maps'.
<i>Historic Heritage Area</i>	A historic heritage seascape that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in I 'Maps'.
<i>Historic Heritage Site</i>	A historic heritage site that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in I 'Maps'.
<i>Household waste</i>	Composed of wastes from normal household activities, including bottles, cans, food packaging, food scraps, disposable items, clothing, paper and cardboard, and garden waste that originates from private homes or apartments.
<i>Hull niche areas</i>	Areas on a vessel or movable structure more susceptible to <a href="#">biofouling</a> accumulation due to different hydrodynamic forces, susceptibility to <a href="#">anti-fouling</a> coating wear or damage or absence of <a href="#">anti-fouling</a> coatings. They include, but are not limited to, waterline, sea chests, bow thrusters, propeller shafts, inlet gratings, jack-up legs, moon pools, bollards, braces and dry-docking support strips.
<i>Impervious area</i>	<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"> <li>1) roofs,</li> <li>2) paved areas and sealed or compacted parking areas or patios,</li> <li>3) sealed or compacted metal roads and driveways, and</li> <li>4) layers engineered to be impervious such as compacted clay.</li> </ol> <p>Impervious areas do not include:</p> <ol style="list-style-type: none"> <li>1) grass and bush areas,</li> <li>2) gardens and other vegetated areas,</li> <li>3) porous or permeable paving and living roofs,</li> <li>4) permeable artificial surfaces, fields or lawns, and</li> <li>5) slatted decks.</li> </ol>
<i>Incineration device</i>	<p>A device made from non-combustible materials designed to burn waste that:</p> <ol style="list-style-type: none"> <li>1) contains all embers and sparks, and</li> <li>2) has a grate and lid or spark arrestor.</li> </ol>
<i>Induced wetlands</i>	Are wetlands that have formed naturally on ecological sites where wetlands did not previously exist, as a result of human activities such as construction of roads and railways bunds. While such wetlands have not been constructed for a specific purpose, they can be considered to be artificial in many cases given they arise through physical alteration of hydrology through mechanical modification. Induced wetlands are a type of natural wetland.

<i>In-stream</i>	Located in the bed of an <a href="#">intermittently flowing</a> or permanent, river or lake.
<i>In-water hull cleaning</i>	The cleaning of a vessel hull below the water level when the boat is afloat.
<i>Intermittently flowing river</i>	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"> <li>1) it has natural pools,</li> <li>2) it has a well-defined channel, such that the bed and banks can be distinguished,</li> <li>3) it contains surface water more than 48 hours after a rain event which results in river flow,</li> <li>4) rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel, and</li> <li>5) it appears as a blue line on topographical maps at 1:50,000 scale.</li> </ol>
<i>Land drainage</i>	The activity of lowering the water level in the soil to achieve productive land use, to facilitate the stability of land or structures.
<i>Land drainage scheme</i>	All drainage channels or land drainage works relating to a particular land drainage system vested in a council or a group of landowners who have assumed control of the scheme pursuant to Section 517Z of the Local Government Act 1974.
<i>Land fill</i>	Class 1, 2 and 3 landfills as defined in <i>Technical guidelines for the disposal to land of residual waste and other material</i> (WasteMINZ, June 2013).
<i>Large river</i>	A river in the large river water quantity management unit. The management unit is shown in I 'Maps'.
<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 <a href="#">macrofouling</a> totalling less than 5% of the normally wetted hull and niche areas.
<i>Livestock</i>	Dairy cows, dairy support cattle, beef cattle, pigs, and deer.
<i>Livestock crossing point</i>	A location where <a href="#">livestock</a> cross a river, drain, or foreshore or seabed as part of normal farming operations. The entry and exit points are not more than 20 metres wide and are associated with an access track.
<i>Macrofouling</i>	<a href="#">Biofouling</a> with large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms and fronds of algae.
<i>Mahinga kai</i>	Tangata whenua taonga (treasures and/or interests) in traditional food gathering areas and other natural resource gathering areas including the places where those resources are obtained. These are important for iwi and hapū identity and mana. Food gathering practices are an important aspect of the way Māori interact with the natural world. Māori

	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>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>	<p>Aquaculture with the following attributes:</p> <ol style="list-style-type: none"> <li>1) the purpose of the aquaculture activities is to improve traditional customary kaimoana provision for marae, and</li> <li>2) the farmed kaimoana is not for sale<sup>1</sup>; and</li> <li>3) the organisations entitled to hold coastal permits for marae-based aquaculture are: <ol style="list-style-type: none"> <li>a) a marae committee of a Māori reservation gazetted for the purposes of a marae, in accordance with Te Ture Whenua Māori Act 1992, or</li> <li>b) a marae committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Māori Fisheries Act 2004), and</li> </ol> </li> <li>4) the area of occupation is no more than one hectare per marae, and</li> <li>5) the area of occupation is within the area traditionally harvested by the marae.</li> </ol> <p><sup>1</sup> Sale includes:</p> <ol style="list-style-type: none"> <li>1) every method of disposition for valuable consideration, including barter, and</li> <li>2) the disposition to an agent for sale on consignment, and</li> <li>3) offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale, and</li> <li>4) disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003), and</li> <li>5) the use by a person of fish, aquatic life, or seaweed as bait in that person's commercial fishing operations, and</li> <li>6) any other use by a person of fish, aquatic life, or seaweed as part of that person's commercial activities.</li> </ol> <p>(Sourced from the Maori Commercial Aquaculture Claims Settlement Act 2004 definition of "sale".)</p>
<i>Marine pest</i>	<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 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: Marine pests are sometimes referred to as invasive aquatic species or harmful aquatic organisms.</i></p>
<i>Mataitai</i>	As defined in the Fisheries Act 1996.
<i>Mātauranga Māori</i>	In the traditional context means the knowledge, comprehension or understanding of everything visible or invisible that exists across the universe. This meaning is related to the modern context as Māori research, science and technology principles and practices.

	<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>
<i>Materially damaged</i>	Means situations where damage has occurred to a habitable building from a natural hazard event to the extent that repair or replacement requires a building consent under the Building Act.
<i>Microfouling / slime layer</i>	Microscopic organisms including bacteria and diatoms and the slimy substances that they produce. <a href="#">Biofouling</a> comprised of only microfouling is commonly referred to as a slime layer.
<i>Minimum flow</i>	Minimum flows set in this in this plan are in Policy D.4.14 'Minimum flows for rivers' and Policy D.4.15 'Minimum levels for lakes and wetlands'.
<i>Minimum level</i>	Minimum levels set in this plan are in Policy D.4.15 'Minimum levels for lakes and wetlands'.
<i>Mooring</i>	Any weight, pile or article placed in or on the foreshore or seabed, or bed of any lake, river or stream, to secure a vessel, raft, aircraft, or floating structure. Includes any float, wire, rope, or other device attached or connected to such a weight, pile or article. Excludes: <ol style="list-style-type: none"> <li>1) an anchor normally removed with a vessel, raft, aircraft, or floating structure when it leaves a site or anchorage, and</li> <li>2) the non-permanent laying and relaying of buoys.</li> </ol> For the purposes of this plan, moorings only include swing moorings, pile moorings and trot moorings.
<i>Native dune vegetation</i>	Indigenous plant species that grow naturally in a particular dune system. This varies around the region and within different parts of the dune system. On Northland foredunes, the key species are spinifex and pingao. Other species that might be found naturally on Northland's foredunes include: sand tussock, sand sedge and sand convovulus. In the more sheltered mid-dune area, there is generally a far wider range of species found naturally; there is also some overlap with the foredune area, with some species found across both zones. This includes, but is not limited to: pohuehue; sand coprosma; sand daphne; speckled sedge; Wiwi – knobby club rush; Oioi – jointed wire rush; flax; New Zealand spinach; sand wind grass; toetoe; and ti kouka – cabbage tree.
<i>Natural wetland</i>	Any wetland including induced and reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include: <ol style="list-style-type: none"> <li>1) a constructed wetland, or</li> <li>2) wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes.</li> </ol> <i>Note: The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website.</i>
<i>Obstructions</i>	Includes trees, plants, earth, stone, timber, and material of all kinds.

<i>Odour-sensitive area</i>	<ol style="list-style-type: none"> <li>1) Residential buildings and associated garden areas; and</li> <li>2) schools, hospital buildings and care facilities and grounds; and</li> <li>3) amenity areas where people congregate including parks and reserves; and</li> <li>4) community buildings and grounds, including places of worship and marae.</li> </ol>
<i>Off-stream</i>	<p>Not located in:</p> <ol style="list-style-type: none"> <li>1) an <b>intermittently flowing</b> or permanent river, or</li> <li>2) lake.</li> </ol>
<i>Operational need</i>	The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.
<i>Other property</i>	<ol style="list-style-type: none"> <li>1) Means any land or buildings, or part of any land or buildings, that are: <ol style="list-style-type: none"> <li>a) not held under the same allotment, or</li> <li>b) not held under the same ownership, and</li> </ol> </li> <li>2) includes a road.</li> </ol>
<i>Outdoor burning</i>	Burning that takes place outside of a building or fully enclosed indoor area but includes an incineration device.
<i>Outfall</i>	The end point of any pipe, conduit, or drain from which a discharge enters a receiving environment.
<i>Outstanding freshwater body</i>	Has the same meaning as in the National Policy Statement for Freshwater Management. Outstanding freshwater bodies in Northland are shown in I 'Maps'.
<i>Outstanding lake</i>	Is a type of <b>outstanding freshwater body</b> .
<i>Outstanding river</i>	Is a type of <b>outstanding freshwater body</b> .
<i>Overland flow path</i>	The path taken by surface stormwater crossing a property. They are low points in the terrain (outside of streams and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.
<i>Passive discharge</i>	The movement of contaminants entrained in soil or groundwater from the location of a discharge to another property through groundwater or surface water movement.
<i>Pastoral land use</i>	Means effective grazing area and includes all contiguous land areas in herbaceous species including isolated trees. It excludes those forested areas which achieve 100% canopy closure or other woody vegetation which prevents pastoral growth.
<i>Permanently flowing river or drain</i>	Rivers, streams and drains that permanently contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width and depth is measured when the river, stream or drain is at its annual fullest flow without overtopping its banks.

<i>Pest or Pest organism</i>	<p>These include:</p> <ol style="list-style-type: none"> <li>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</li> <li>2) any organism listed in the Northland Regional Pest Management Plan, or</li> <li>3) any organism listed in the Unwanted Organisms Register held by the Ministry for Primary Industries, and</li> <li>4) does not include any human being or living organism which affects only human beings; or any living organism declared not to be a pest for the purposes of the Biosecurity Act.</li> </ol>
<i>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>Primary treatment</i>	The first stage of wastewater treatment involving the removal of a proportion of floatable and settleable solids and oils and grease.
<i>Property</i>	One or more allotments contained in a single certificate of title, and also includes all adjacent land that is in the same ownership but contained in separate certificates of title.
<i>Potentially contaminated land</i>	The part of a site where an activity or industry described in the Ministry for the Environment's Hazardous Activities or Industries List <sup>(1)</sup> has been or is being undertaken but excludes any site where a detailed site investigation <sup>(2)</sup> has been completed and reported and which demonstrates that any contaminants in or on the site are at, or below, background concentrations.
<i>Public amenity area</i>	Includes any park or reserve and area set aside freely for public use, but excludes a road or rail reserve.
<i>Public stormwater network</i>	A system of stormwater pipes, open channels, devices and associated ancillary structures owned and/or operated by a local authority and used for the purpose of conveying, diverting, storing, treating, or discharging stormwater.
<i>Reclamation</i>	<p>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:</p> <ol style="list-style-type: none"> <li>1) land that has arisen above the line of mean high-water springs as a result of natural processes, including accretion, or</li> <li>2) any infilling where the purpose is to provide beach nourishment, or</li> <li>3) structures such as breakwaters, moles, groynes or sea walls.</li> </ol>

<sup>1</sup> Means the current edition of the Hazardous Activities and Industries List, Ministry for the Environment.

<sup>2</sup> Detailed site investigation has the same meaning as specified in Regulation 3 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.



<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"> <li>1) any thing disposed of or discarded, and</li> <li>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</li> <li>3) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.</li> </ol>
<i>Regionally significant infrastructure</i>	See Appendix 3 of the Regional Policy Statement for Northland for a list of identified regionally significant infrastructure. Regionally significant infrastructure extends to the site-related components that enable the asset to function.
<i>Reservoir capacity</i>	The maximum volume of water that can be held by a <a href="#">dam</a> using the <a href="#">dam crest</a> level as the maximum height of the dam.
<i>Reverted wetlands</i>	Where a wetland reverts over time (for example, stock exclusion allows a wetland to revert to a previous wetland state). In this instance, the wetland has not been purposefully constructed by mechanical change to hydrological conditions. Reverted wetlands are a type of <a href="#">natural wetland</a> .
<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>	See Policy D.4.4 'Coastal sediment quality standards'
<i>Sensitive groundwater</i>	Sensitive groundwater is groundwater which is: <ol style="list-style-type: none"> <li>1) not artesian, and</li> <li>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</li> <li>3) currently used or is of a quality<sup>(3)</sup> appropriate for use and can yield water at a useful rate<sup>(4)</sup>, or</li> <li>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).</li> </ol>
<i>Sewage holding tank</i>	A permanently fixed on-board sewage system which is: <ol style="list-style-type: none"> <li>1) constructed in impermeable materials, and</li> <li>2) plumbed to a toilet, and</li> </ol>

<sup>3</sup> as measured up gradient or based on water quality before groundwater is impacted by hazardous substances

<sup>4</sup> 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

	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>	<p>A natural wetland that triggers the significance criteria in the Regional Policy Statement, Appendix 5 – “Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments”. This includes wetlands comprising indigenous vegetation exceeding any of the following area thresholds:</p> <ol style="list-style-type: none"> <li>1) saltmarsh greater than 0.5 hectare in area, or</li> <li>2) shallow water (lake margins and rivers) less than two metres deep and greater than 0.5 hectare in area, or</li> <li>3) swamp greater than 0.4 hectare in area, or</li> <li>4) bog greater than 0.2 hectare in area, or</li> <li>5) pakihi (including gumland and ironstone heathland) greater than 0.2 hectare in area, or</li> <li>6) marsh, fen, ephemeral wetlands or seepage/flush greater than 0.05 hectares in area.</li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1) <i>If there is any doubt over wetland extent use: Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand. This report is available on Landcare Research's website.</i></li> <li>2) <i>The regional council's wetland mapping indicates the extents of known wetlands – these can be found on the regional council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of the regional plan.</i></li> </ol>
<i>Slime layer</i>	See <a href="#">microfouling</a> .
<i>Small river</i>	A river in the small river water quantity management unit. The management unit is shown in I 'Maps'
<i>Smoke-sensitive area</i>	<ol style="list-style-type: none"> <li>1) Residential buildings and associated garden areas, and</li> <li>2) schools, hospital buildings and care facilities and grounds, and</li> <li>3) amenity areas where people congregate including parks and reserves, and</li> <li>4) community buildings and grounds, including places of worship and marae.</li> </ol>
<i>Spray-sensitive area</i>	<ol style="list-style-type: none"> <li>1) Residential buildings and associated garden areas, and</li> <li>2) schools, hospital buildings and care facilities and grounds, and</li> <li>3) amenity areas where people congregate including parks and reserves, and</li> <li>4) community buildings and grounds, including places of worship and marae, and</li> <li>5) certified organic farms, and</li> <li>6) orchards, sensitive crops and commercial growing areas, and</li> <li>7) water bodies used for the supply of drinking water and for stock drinking, and</li> <li>8) wetlands and indigenous habitat areas, and</li> <li>9) apiaries.</li> </ol>
<i>Stabilised earth</i>	Soil or earth that is protected or reinforced by measures such as vegetative or structural practices to so that it is resistant to erosion, or that is naturally stable, for example, rock faces.

<i>Stormwater collection system</i>	Any system designed to capture rainfall and to reticulate it within or beyond a site. This includes both open and channelled drainage systems.
<i>Stormwater interceptor</i>	A system that is specifically designed and capable of: <ol style="list-style-type: none"> <li>1) containing deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site from stormwater discharges, and</li> <li>2) in the event of stormwater contamination by a hazardous substance or other contaminant, reduce concentrations of such substances in the stormwater prior to discharge, to levels that will not result in contamination of either water or sediments that is likely to result in adverse effects on aquatic life or to affect the suitability of the waters for specific defined purposes.</li> </ol>
<i>Structure (in rules relating to the coastal marine area)</i>	A building, equipment, device, pipeline or other facility which is fixed to land. It includes a structure which is fixed to another structure, which is fixed to land.
<i>Supplementary allocation</i>	Fresh water available for taking and use at times when the river is above the median flow. This water is not part of an <a href="#">catchment-specific allocation limit</a> or <a href="#">default allocation limit</a> set in this plan.
<i>Surface water</i>	All water, flowing or not, above the ground. It includes water in a permanently or <a href="#">intermittently flowing</a> river, an <a href="#">artificial watercourse</a> , an <a href="#">overland flow path</a> , and a lake and or wetland; water impounded by a structure such as a dam; and water that inundates land during flood events. It does not include water in any form while in a pipe, tank or cistern.
<i>Swing mooring</i>	A mooring that allows the secured vessel to swing 360 degrees around the mooring under the influence of wind and tide.
<i>Tāiapure</i>	As defined in the Fisheries Act 1996.
<i>Taonga</i>	Treasure, property; taonga are prized and protected as sacred possessions of a tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Included for example are te reo Māori (Māori language), wāhi tapu, waterways, fishing grounds and mountains.
<i>Tertiary treated wastewater</i>	Further treatment of secondary treated wastewater to further remove contaminants such as nutrients, organic matter, and micro-organisms. It involves processes such as adsorption, absorption, filtration, and disinfection.
<i>Tikanga</i>	Can be described as lore, custom, practice or common-sense thoughts that are based on the Māori belief system. The application of tikanga is diverse and can vary depending upon when and where an event takes place. Tikanga provides a framework for rules that govern harvesting, the care and respect for customary resources and the environment.
<i>Urban area</i>	means an area identified in a district plan or proposed district plan as being primarily zoned for residential, industrial, or commercial activities, together with adjoining special-purpose and open-space zones, however described but does not include an area zoned primarily for rural or rural-residential activities, however described.

<i>Vegetation clearance</i>	<p>The cutting, burning, crushing or destruction of native woody vegetation or <a href="#">native dune vegetation</a>, but does not include clearing:</p> <ol style="list-style-type: none"> <li>1) <a href="#">plantation forestry</a>, or</li> <li>2) vegetation that is part of an understory of a <a href="#">plantation forest</a> or immediately adjacent to a <a href="#">plantation forest</a>, or</li> <li>3) hedges and amenity plants, or</li> <li>4) vegetation along fences and around dams and ponds, or</li> <li>5) vegetation around public utility networks, or</li> <li>6) vegetation that impedes or is likely to impede flood flows,</li> <li>7) vegetation for the maintenance of roads and tracks.</li> </ol>
<i>Vertebrate toxic agent</i>	Any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including possums, rats and mustelids. Includes vertebrate pest control products as identified (but not defined) in <i>NZS 8409:2004 Management of Agrichemicals</i> .
<i>Vessel</i>	<p>Means every description of boat or craft, whether or not it has any means of propulsion, and includes but is not limited to:</p> <ol style="list-style-type: none"> <li>1) a barge, lighter, raft, or other like vessel, and</li> <li>2) personal watercraft (jet ski) or paddle craft, and</li> <li>3) a sea plane, hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates, and</li> <li>4) a submarine or other submersible.</li> </ol>
<i>Vessel hull anti-fouling maintenance</i>	The cleaning, scraping, sanding, blasting, painting or <a href="#">anti-fouling</a> of a <a href="#">vessel hull</a> on the foreshore when the vessel is not afloat.
<i>Wāhi tapu</i>	Sacred site. These are defined locally by the hapū and iwi which are kaitiaki for the wāhi tapu. Typically includes burial grounds and sites of historical importance to the tribe. In order to protect particular sites from interference and desecration, some tribes will refuse to disclose the exact location to outsiders.
<i>Wastewater</i>	Liquid waste (and liquids containing waste solids), and includes (but is not limited to) industrial and trade wastewater, <a href="#">farm wastewater</a> , <a href="#">domestic type wastewater</a> , and <a href="#">greywater</a> .
<i>Waste Transfer Station</i>	Collection and temporary storage point for municipal solid waste prior to disposal at a landfill.
<i>Wastewater network</i>	A system of pipes and associated structures (including pump stations) to convey, divert, store, treat, or discharge <a href="#">wastewater</a> , but does not include a wastewater treatment plant.
<i>Water quality standard</i>	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 standards'.
<i>Wet abrasive blasting</i>	Involves the use of an abrasive such as sand, or bicarbonate of soda, which is forced out of a blasting nozzle at high pressure. Water is injected into the air stream forming what is effectively a slurry of the abrasive.

<i>Wetland</i>	<p>Includes permanently or intermittently wet areas, shallow water or land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions.</p> <p><i>Note: Pakihi (including gumland and ironstone heathlands) are wetlands because it is recognised that they are seasonally wet, consist of wetland vegetation, and are often found in mosaics with other low fertility habitat such as bogs and heathland.</i></p>
<i>Wetland enhancement</i>	<p>Action likely to increase the area or function of a <a href="#">wetland</a> where there is either:</p> <ol style="list-style-type: none"> <li>1) a net gain of ecological values, or</li> <li>2) no net loss in ecological values and benefits to either water quality or hydrological flows.</li> </ol>



# C Rules

## Legal effect of rules

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

## Interpretation of rules

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

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

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

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

To make it easier to apply for resource consents and to reduce the number of separate resource consents required to undertake any particular activity, this Plan has, where practicable, adopted the concept of 'rule bundling'. Rule bundling is used in this Plan to combine several permissions which may be required under Section 9 and Sections 13 to 15 of the RMA into one rule. One application for resource consent can therefore be made under the bundled rule.

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

## Controlled and restricted discretionary activities

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

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

## Definitions

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

# 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.

## General structures

Rule	Page
C.1.1.1 'Existing structures – permitted activity'	29
C.1.1.2 'Minor structures in a Commercial Coastal Zone and the Whangārei City Centre Marine Zone – permitted activity'	29
C.1.1.3 'Temporary coastal structure – permitted activity'	30
C.1.1.4 'Aids to navigation – permitted activity'	30
C.1.1.5 'Signs – permitted activity'	31
C.1.1.6 'Monitoring and sampling equipment – permitted activity'	31
C.1.1.7 'Reconstruction, maintenance or repair of a structure – permitted activity'	32
C.1.1.8 'Maintenance, repair or removal of hard protection structures – permitted activity'	32
C.1.1.9 'Additions and alterations to structures – permitted activity'	33
C.1.1.10 'Removal of structures – permitted activity'	33
C.1.1.11 'Structures for scientific, research, monitoring or education purposes – controlled activity'	33
C.1.1.12 'Structures in the Whangārei City Centre Marine Zone – controlled activity'	34
C.1.1.13 'Existing structures in a Commercial Coastal Zone or Marina Zone – controlled activity'	35
C.1.1.14 'Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity'	35
C.1.1.15 'Existing structures (other) – discretionary activity'	36
C.1.1.16 'Structures outside significant marine areas – discretionary activity'	36



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

### Moorings and anchorage

Rule	Page
C.1.2.1 'Vessels not underway – permitted activity'	40
C.1.2.2 'Vessels – sewage management – permitted activity'	40
C.1.2.3 'New swing moorings in a Mooring Zone – permitted activity'	41
C.1.2.4 'Existing mooring in a Mooring Zone – permitted activity'	42
C.1.2.5 'Existing swing mooring outside Mooring Zone – permitted activity'	43
C.1.2.6 'Relocation of a mooring by the Harbourmaster – permitted activity'	43
C.1.2.7 'Maintenance and repair of moorings – permitted activity'	44
C.1.2.8 'New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity'	44
C.1.2.9 'Placement or relocation of a mooring and the occupation of space – discretionary activity'	45
C.1.2.10 'Vessels not underway and sewage management – discretionary activity '	45
C.1.2.11 'Moorings in significant areas – non-complying activity'	46

## Aquaculture

Rule	Page
C.1.3.1 'Re-consenting aquaculture (not finfish) – controlled activity'	46
C.1.3.2 'Re-consenting aquaculture (not finfish) in a significant or outstanding area – restricted discretionary activity'	47
C.1.3.3 'Realignment of existing aquaculture – restricted discretionary activity'	48
C.1.3.4 'Extensions to authorised aquaculture – restricted discretionary activity'	49
C.1.3.5 'Re-consenting finfish aquaculture – discretionary activity'	49
C.1.3.6 'New aquaculture outside areas with significant values – discretionary activity'	50
C.1.3.7 'New aquaculture in an authorised area – discretionary activity'	50
C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity'	51
C.1.3.9 'Extensions to existing aquaculture in areas with significant values – discretionary activity'	51
C.1.3.10 'Marae-based aquaculture in areas with significant values – discretionary activity'	52
C.1.3.11 'Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying activity'	52
C.1.3.12 'Small scale and short duration aquaculture in areas with significant values – non-complying activity'	52
C.1.3.13 'New aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity'	53
C.1.3.14 'Aquaculture in areas with significant values – prohibited activity'	54

## Mangrove removal

Rule	Page
C.1.4.1 'Mangrove seedling removal – permitted activity'	55
C.1.4.2 'Minor mangrove removal – permitted activity'	55

Rule	Page
C.1.4.3 'Mangrove removal – controlled activity'	57
C.1.4.4 'Mangrove removal in the Whangārei city centre marine zone – restricted discretionary activity'	57
C.1.4.5 'Mangrove removal – discretionary activity'	58

### Dredging and disposal

Rule	Page
C.1.5.1 'Activities on foreshore areas and use of vehicles on beaches – permitted activity'	58
C.1.5.2 'Small-scale sampling and scientific investigation – permitted activity'	59
C.1.5.3 'Sampling and scientific investigation – permitted activity'	59
C.1.5.4 'Removal of nuisance marine plant debris – permitted activity'	60
C.1.5.5 'Removal or recovery of wrecked vessels – permitted activity'	60
C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity'	60
C.1.5.7 'Clearing artificial water courses – permitted activity'	61
C.1.5.8 'Clearing tidal stream mouths – permitted activity'	61
C.1.5.9 'Burial of dead animals – permitted activity'	62
C.1.5.10 'Maintenance dredging – controlled activity'	62
C.1.5.11 'Beach scraping – restricted discretionary activity'	63
C.1.5.12 'Dredging and disturbance activities – discretionary activity'	63
C.1.5.13 'Disposal of certain waste in coastal marine area – discretionary activity'	64
C.1.5.14 'Other dredging and disturbance activities – non-complying'	64

## Reclamations

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

## Marine pests

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

### C.1.1 General structures

#### C.1.1.1

##### Existing structures – permitted activity

The following structures in the coastal marine area that:

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

are permitted activities:

- 3) stormwater outlet pipes, and
- 4) road and railway culverts, and
- 5) bridges, and
- 6) aerial and submarine telephone cables, and
- 7) aerial and submarine power cables, and
- 8) suspended and submarine pipelines, and
- 9) jetties up to 10 square metres, and
- 10) hard protection structures in the coastal marine areas within enclosed waters (refer I 'Maps'), 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 in the Coastal Commercial Zone, and
- 15) non-habitable buildings and structures on wharves and jetties in the Coastal Commercial Zone

provided:

- 16) the structure complies with C.1.8 'Coastal works general conditions', and
- 17) the structure is not within a Marina Zone, and
- 18) the structure owner can provide, if requested by the regional council:
  - a) clear written or photographic evidence the structure existed at 30 June 2004, or
  - b) a copy of the necessary approval(s) for the authorisation of the structure.

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

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

#### C.1.1.2

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

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

- 1) is not for aquaculture 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 C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- 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)).

### C.1.1.3

#### Temporary coastal structure – permitted activity

A [temporary coastal structure](#) in the coastal marine area is a permitted activity, provided:

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

The RMA activities this rule covers:

- 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)).

### C.1.1.4

#### Aids to navigation – permitted activity

An aid to navigation structure in the coastal marine area are a permitted activity, provided it:

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

The RMA activities this rule covers:

- Erection or placement of structures, (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)).

### C.1.1.5

#### Signs – permitted activity

A sign in the coastal marine area, placed:

- 1) by a statutory authority directly relating to information or safety matters concerning the coastal marine area, or
- 2) to fulfill a regulatory or legislative requirement, or
- 3) by the operator of a port facility displaying information and safety material relating to the safe and efficient operation of the port facility, or
- 4) on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure,

is a permitted activity, provided:

- 5) it complies with C.1.8 'Coastal works general conditions', and
- 6) if the sign is on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure, then:
  - a) the total area of signs per enterprise or activity must not exceed 1.25 square metres, and
  - b) 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:

- 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)).

### C.1.1.6

#### Monitoring and sampling equipment – permitted activity

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

- 1) it is not for aquaculture activities, and
- 2) it does not exceed a two metre vertical projection above the surface of the water or foreshore, and
- 3) it does not exceed (excluding any anchor(s) and anchor line(s)):
  - a) three square metres, or
  - b) 10 square metres and is not in place for a period exceeding a total of 365 days or part days during a two year period, inclusive of the placement and removal, and
- 4) it does not obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and
- 5) it does not prevent public access to and along the foreshore, and

- 6) any surface buoys are clearly labelled with the owner's name and a 24-hour free-phone contact number, and
- 7) equipment and associated mooring and anchorage systems are marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System, and
- 8) it complies with C.1.8 'Coastal works general conditions', and
- 9) the regional council's compliance manager and the regional council's harbourmaster are given at least 10 working days' notice (in writing or by email) of each deployment of the monitoring or sampling equipment and must include:

The RMA activities this rule covers:

- 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)).

### C.1.1.7

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

The reconstruction, 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 structure's footprint, length, width, and height, and
- 3) there is no change to the location and form of the [structure](#), and
- 4) it is not a reconstruction of a Historic Heritage Site (refer I 'Maps'), and
- 5) in the case of maintenance and repair of a 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, and
- 6) the reconstruction, maintenance or repair complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

- Reconstruction or repair of structures (s12(1)(b)).
- 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 of an [authorised hard protection structure](#) or removal of a [hard protection structure](#) is a permitted activity, provided:

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

The RMA activities this rule covers:

- Restrictions on the use of land, (s9(2)).
- Erection, placement, replacement or alteration of structures in the coastal marine area, (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)).

### C.1.1.9

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

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

- 1) aerial telecommunications cables or aerial electricity transmission lines, and:
  - a) the additions or alterations will not result in an increase in the design voltage, and
  - b) the new or altered cables or lines will not be lower in height above the foreshore or seabed, and
- 2) insulators, circuits, earth wires, earth peaks and lightning rods, and
- 3) bridge footpaths, bridge side rails, bridge road seal, bridge road signs, bridge road lighting, and cables or pipes attached to bridges,

provided:

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

The RMA activities this rule covers:

- Addition or alteration 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)).

### C.1.1.10

#### Removal of structures - permitted activity

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

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

The RMA activities this rule covers:

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

### C.1.1.11

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

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

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

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

**Matters of control:**

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

**Notification:**

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

**The RMA activities this rule covers:**

- Erection or placement of structures (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)).

### C.1.1.12

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

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

- 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 Zone and the Whangārei City Centre Marine Zone – permitted activity'.

is a controlled activity, provided:

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

**Matters of control:**

- 1) Effects on natural processes including effects on shoreline stability in the vicinity.
- 2) Effects on public access to and along the coastal marine area.
- 3) Effects on public open space and visual amenity.
- 4) Use of structure.

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

**Notification:**

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

**The RMA activities this rule covers:**

- Erection or placement of structures (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)).

### C.1.1.13

**Existing structures in a Commercial Coastal Zone or Marina Zone – controlled activity**

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

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

Matters of control:

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

**Notification:**

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

**The RMA activities this rule covers:**

- Erection, placement, replacement or alteration of structures, (s12(1)(b)).
- 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.1.1.14

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

In the coastal marine area a:

- 1) [structure](#), or
- 2) replacement of a [structure](#), or
- 3) 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 that is not a:

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

The RMA activities this rule covers:

- 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)).

### C.1.1.15

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

An existing [authorised structure](#) in the coastal marine area, that is not a:

- 1) permitted activity under C.1.1.1 'Existing 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, 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 of structures – permitted activity', or
- 9) controlled activity under C.1.1.11 'Structures for scientific, research, monitoring or education purposes – controlled activity',

is a discretionary activity.

The RMA activities this rule covers:

- Erection, placement, replacement or alteration of structures (s12(1)(b)).
- 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.1.1.16

#### Structures outside significant marine areas – discretionary activity

In a Mooring Zone or the General Coastal Zone any [structure](#) that is not a:

- 1) permitted activity under C.1.1.1 'Existing structures – permitted activity', or
- 2) permitted activity under C.1.1.3 'Temporary coastal structure – permitted activity', or
- 3) permitted activity under C.1.1.4 'Aids to navigation – permitted activity', or
- 4) permitted activity under C.1.1.5 'Signs – permitted activity', or
- 5) permitted activity under C.1.1.6 'Monitoring and sampling equipment – permitted activity', or
- 6) permitted activity under C.1.1.7 'Reconstruction, 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 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',

is a discretionary activity, provided:

- 12) it is not in a mapped (refer I 'Maps'):
  - 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
- 13) there is no removal, demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I 'Maps'), and
- 14) the structure has a functional or operational need to be located in the coastal marine area.

**The RMA activities this rule covers:**

- Erection, reconstruction, placement, alteration, extension, removal or demolition 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)).

### C.1.1.17

**Hard protection structures – discretionary activity**

Any:

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

that is not a permitted activity under C.1.1.1 'Existing structures – permitted activity', is a discretionary activity, provided it is not in a mapped (refer I 'Maps'):

- 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 a reclamation is excluded from this rule and is covered by C.1.1.18 'Hard protection structures for reclamations associated with regionally significant infrastructure – discretionary activity'

**The RMA activities this rule covers:**

- Restrictions on the use of land, (s9(2)).
- Erection, placement, replacement or alteration of structures in the coastal marine area, (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)).

#### C.1.1.18

##### Hard protection structures for reclamations associated with regionally significant infrastructure – discretionary activity

A [hard protection structure](#) that is directly associated with a [reclamation](#) for [regionally significant infrastructure](#) is a discretionary activity.

The RMA activities this rule covers:

- Erection, placement, replacement or alteration of structures in the coastal marine area, (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)).

#### C.1.1.19

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

A [hard protection structure](#), including any extension or addition to an existing [hard protection structure](#), that is not a:

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

is a non-complying activity.

The RMA activities this rule covers:

- Restrictions on the use of land, (s9(2)).
- Erection, placement, replacement or alteration of structures in the coastal marine area, (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)).

#### C.1.1.20

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

The replacement, removal (including relocation) or demolition of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I 'Maps'), is a non-complying activity.

The RMA activities this rule covers:

- Erection, placement, replacement or alteration 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)).

#### C.1.1.21

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

Any:

- 1) new structure, or
  - 2) existing unauthorised structure, or
  - 3) use of a structure,
- with no functional need or operational need to be located in the coastal marine area is a non-complying activity.

The RMA activities this rule covers:

- Erection, placement, replacement or alteration 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)).

### C.1.1.22

#### Structures within a significant marine area – non-complying activity

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'):

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

and is not a:

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

is a non-complying activity.

The RMA activities this rule covers:

- Erection, placement, replacement or alteration 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)).

### C.1.2 Moorings and anchorage

#### 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 land (deliberately or unintentionally),  
is a permitted activity, provided;
- 4) the vessel is not:
  - a) in an enclosed water (refer I 'Maps') for more than 14 consecutive days or part days and does not return to that enclosed water within three calendar days or part days, or
  - b) in the outer Bay of Islands and outer Whangaroa Harbour (refer I 'Maps') between the 1 November and 31 March, and
    - i) the vessel is not in one location <sup>(1)</sup> for longer than 14 consecutive days or part days, and
    - ii) the vessel does not return to that location within three calendar days or part days, and
- 5) any vessel secured to a structure is authorised to be secured to the structure by the structure owner or manager, and
- 6) the vessel (including its anchor) is not within 75 metres of an authorised marine farm structure.

##### Exclusions:

- 7) Clauses 4(a) and 4(b) and clause 6 do not apply to a vessel secured to an authorised mooring or marina berth, and
- 8) Clauses 4(a) and 4(b) above do not apply where a longer period is made necessary due to bad weather<sup>(2)</sup>, accident, or emergency.

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

- Activities contrary to a rule in a regional coastal plan s12(3)).

#### C.1.2.2

##### Vessels – sewage management – permitted activity

Staying overnight on a vessel within a vessel sewage restriction area (refer I 'Maps') is a permitted activity provided:

- 1) the vessel is equipped with:
  - a) a sewage treatment system which is specified in Schedule 5 and 7, or is compliant with Schedule 6, of the Resource Management (Marine Pollution) Regulations 1998 and which is installed, maintained and operated in accordance with manufacturer's instructions, or
  - b) a sewage holding tank, and

<sup>1</sup> For the purpose of this rule 'location' means any position within a 1000 metre / 0.59 Nautical Mile radius

<sup>2</sup> 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



- 2) no person stays overnight on the vessel with a [sewage holding tank](#) if one or more people have stayed overnight on board the [vessel](#) for more than 10 nights (consecutive or not), and within the 10 nights the [vessel](#) has not:
  - a) pumped out all of the sewage from the [vessel's sewage holding tank](#) at a sewage pump-out facility, or
  - b) navigated into waters seaward of the Marine pollution limit (refer I 'Maps') and disposed of all its sewage into those waters, and
- 3) upon request of the regional council, the skipper and/or owner, keeps and provides the regional council with:
  - a) photographic evidence of the method of sewage containment, or
  - b) a copy of written evidence from a boat builder or marine engineer detailing the method of sewage containment, and
  - c) written or electronic records detailing the location(s) of and method of sewage disposal, and
- 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:
  - a) vessels associated with the operation of the marine farm, and
  - b) a vessel attached to an [authorised](#) moorings, and
  - c) the following marine farms where anchoring up to 200 metres from the marine farm is permitted;
    - i) in the Waikare Inlet, any marine farm west of a line from 1703263mE 6092240mN to 1703691mE 6092173mN (all coordinates in NZTM2000) ,
    - ii) Stephenson Island.

**Note:**

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

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

**The RMA activities this rule covers:**

- Activities contrary to a rule in a regional coastal plan (s12(3)).

### C.1.2.3

**New swing moorings in a Mooring Zone – permitted activity**

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

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

Location	Mooring Zone
Mangonui Harbour	All mooring zones
Whangaroa Harbour	Totara North

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

The RMA activities this rule covers:

- Erection or placement of structures (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

An existing [mooring](#) in a Mooring Zone and a [vessel](#) using the mooring is a permitted activity, provided:

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

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

Location	Mooring Zone
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All mooring zones
Mangawhai Harbour	Mangawhai

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Activities in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

### C.1.2.5

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

An existing [swing mooring](#) outside a Mooring Zone and a [vessel](#) using the mooring is a permitted activity, provided:

- 1) the activity complies with C.1.8 'Coastal works general conditions', and
- 2) a mooring licence has been obtained from the regional council's Harbourmaster, and
- 3) the [mooring](#) is:
  - a) the only [mooring](#) associated with a property, and
  - b) the [mooring](#) is located within a two kilometres of the property, and
- 4) on request from the regional council, the [mooring](#) owner provides evidence demonstrating how clause 3 is being complied with, and
- 5) there is no change in size of the existing [mooring](#) block, and
- 6) no part of the [mooring](#) or moored [vessel](#) is within a mapped Regionally Significant Anchorage area (refer I 'Maps'), and
- 7) no part of the mooring or moored [vessel](#) is within a Marina Zone (refer I 'Maps').

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area (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

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'):

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or

- 3) Regionally Significant Anchorage, or
- 4) Site or Area of Significance to Tangata Whenua.

The RMA activities this rule covers:

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

### C.1.2.7

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

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

- 1) it does not alter the position of the mooring, and
- 2) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

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

### C.1.2.8

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

A new [swing mooring](#) and a vessel using the mooring is a restricted discretionary activity provided:

- 1) the [mooring](#) is in the following mooring zones;

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

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

#### Matters of discretion

- 1) Effects on parking, toilet facilities, refuse disposal and dinghy storage.
- 2) The availability of space within the mooring area.
- 3) The location of the mooring.
- 4) The type, size and construction of the mooring.

#### The RMA activities this rule covers:

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

### C.1.2.9

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

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

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

is a discretionary activity.

#### The RMA activities this rule covers:

- 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)).

### C.1.2.10

#### Vessels not underway and sewage management – discretionary activity

Staying overnight on a vessel within a sewage discharge restriction area (refer I 'Maps') or temporarily:

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

that is not:

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

is a discretionary activity.

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Activities contrary to a rule in a regional coastal plan s12(3)).

### C.1.2.11

#### Moorings in significant areas – non-complying activity

A new [mooring](#) and vessel using the mooring in the following areas (refer I 'Maps') ;

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or
- 3) Regionally Significant Anchorage,

is a non-complying activity.

The RMA activities this rule covers:

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

---

## C.1.3 Aquaculture

### C.1.3.1

#### Re-consenting aquaculture (not finfish) – controlled activity

An application for a new coastal permit for aquaculture 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'):
  - 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 discretion:

- 1) Effects on marine mammals, birds and benthic habitat.
- 2) Effects on food (plankton) availability in the water.
- 3) The risk of introducing or spreading marine pests.
- 4) Lighting.
- 5) Noise.
- 6) Integrity of the structure.

- 7) Navigation safety.
- 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.

**Notification:**

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

**The RMA activities this rule covers:**

- Occupation of space in the common marine and coastal area (s12(2)(a)).
- 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.1.3.2

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

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

- 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 outstanding natural character, outstanding natural features and significant marine ecology.
- 2) Effects on marine mammals, birds and benthic habitat.
- 3) Effects on food (plankton) availability in the water.
- 4) The risk of introducing or spreading marine pests.
- 5) Lighting.
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation and safety.
- 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.

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

**The RMA activities this rule covers:**

- 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)).

### C.1.3.3

**Realignment of existing aquaculture – restricted discretionary activity**

The realignment of the area aquaculture is **authorised** to occupy is a restricted discretionary activity, provided:

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

**Matters of discretion:**

- 1) Effects on outstanding natural character, outstanding natural features and significant marine ecology.
- 2) Effects on Sites and Areas of Significance to Tangata Whenua.
- 3) Effects on marine mammals, birds and benthic habitat.
- 4) Effects on food (plankton) availability in the water.
- 5) The risk of introducing or spreading marine pests.
- 6) Lighting.
- 7) Noise.
- 8) Integrity of the structure.
- 9) Navigation and safety.
- 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.

**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:**

- 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)).



### C.1.3.4

#### Extensions to authorised aquaculture – restricted discretionary activity

An extension to an area of **authorised** aquaculture is a restricted discretionary activity, provided:

- 1) the new area is less than 25% of the existing **authorised** area, and
- 2) no part of the existing **authorised** area has been **authorised** in the last five years, and
- 3) the new area is contiguous to the existing **authorised** area, and
- 4) the aquaculture activity in the new area is the same as that approved for the existing **authorised** area, and
- 5) no part of the area of occupation is in a mapped (refer I 'Maps'):
  - a) Significant Ecological Area, or
  - b) Outstanding Natural Feature, or
  - c) Area of Outstanding Natural Character, or
  - d) Aquaculture Exclusion Area, 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 outstanding natural character, outstanding natural features and significant marine ecology.
- 2) Effects on marine mammals, birds and benthic habitat.
- 3) Effects on food (plankton) availability in the water.
- 4) The risk of introducing or spreading marine pests.
- 5) Lighting.
- 6) Noise.
- 7) Integrity of the structure.
- 8) Navigation and safety.
- 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.

#### The RMA activities this rule covers:

- 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)).

### C.1.3.5

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

An application for a new coastal permit for finfish aquaculture to replace a coastal permit is a discretionary activity, provided:

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

The RMA activities this rule covers:

- Occupation of space in the common marine and coastal area (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)).

### C.1.3.6

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

New aquaculture that is not a:

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

is a discretionary activity, provided the area of occupation is not in a mapped (refer I 'Maps'):

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

- 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)).

### C.1.3.7

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

New aquaculture in an area [authorised](#) for aquaculture is a discretionary activity.

The RMA activities this rule covers:

- 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)).

### C.1.3.8

#### New aquaculture in a Maori oyster reserve – discretionary activity

New aquaculture in a Maori oyster reserve<sup>(3)</sup> in the Kaipara Harbour, that is not a:

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

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

#### The RMA activities this rule covers:

- 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)).

### C.1.3.9

#### Extensions to existing aquaculture in areas with significant values – discretionary activity

An extension to an area of [authorised](#) aquaculture in a mapped (refer I 'Maps'):

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

is a discretionary activity, provided:

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

#### The RMA activities this rule covers:

- Erection or placement of structures, (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), RMA)).
- Discharge of contaminants (s15(1)(a)).

<sup>3</sup> Refer Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9

### C.1.3.10

#### Marae-based aquaculture in areas with significant values – discretionary activity

New [marae-based aquaculture](#) in a mapped (refer I 'Maps'):

- 1) significant Ecological Area, or
- 2) outstanding Natural Feature, or
- 3) area of Outstanding Natural Character, or
- 4) aquaculture Exclusion Area, or
- 5) historic Heritage Area, or
- 6) regionally Significant Anchorage, or
- 7) mooring Zone, or
- 8) coastal Commercial Zone,

is a discretionary activity.

#### The RMA activities this rule covers:

- Erection or placement of structures, (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)).

### C.1.3.11

#### Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour – non-complying activity

The relocation of [authorised](#) aquaculture within the Waikare Inlet and Parengarenga Harbour, that is not a:

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

is a non-complying activity, provided:

- 2) the proposed area to be occupied is no greater than the existing [authorised](#) area, and
- 3) in the Waikare Inlet, the current space approved for occupation and the proposed space to be occupied is east of a line from 1703263mE 6092240mN to 1703003mE 6091467mN (all coordinates in NZTM2000).

#### The RMA activities this rule covers:

- Erection or placement of structures, (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)).

### C.1.3.12

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

New aquaculture in a mapped (refer I 'Maps'):

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

that is not a:

- 10) restricted discretionary activity under rule C.1.3.3 '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 – discretionary activity', or
- 12) discretionary activity under rule C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity', or
- 13) discretionary activity under rule C.1.3.10 'Marae-based aquaculture in areas with significant values – discretionary activity',

is a non-complying activity, provided:

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

**The RMA activities this rule covers:**

- 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)).

### C.1.3.13

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

New aquaculture in a mapped Significant Ecological Area in the Kaipara Harbour (refer I 'Maps') 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 – discretionary activity', or
- 3) discretionary activity under rule C.1.3.8 'New aquaculture in a Maori oyster reserve – discretionary activity', or
- 4) discretionary activity under rule C.1.3.10 'Marae-based aquaculture in areas with significant values – discretionary activity',

is a non-complying activity, provided:

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

The RMA activities this rule covers:

- Erection or placement of structures, (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)).

### C.1.3.14

#### Aquaculture in areas with significant values – prohibited activity

New aquaculture in a mapped (refer I 'Maps'):

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

that is not a:

- 10) restricted discretionary activity under rule C.1.3.2 'Re-consenting aquaculture (not finfish) in a significant or outstanding area – restricted discretionary activity', or
- 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 – discretionary activity', or
- 16) discretionary activity under rule C.1.3.10 'Marae-based aquaculture in areas with significant values – 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 prohibited activity.

The RMA activities this rule covers:

- 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)).

## C.1.4 Mangrove removal

### C.1.4.1

#### Mangrove seedling removal – permitted activity

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

- 1) the mangroves are unbranched and less than 60 centimetres tall, and
- 2) the mangroves are not among the pneumatophores of any other mangrove, and
- 3) the removal is by hand or using hand-held tools (including motorised), and
- 4) the removal is not between 1 August and 31 March (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and
- 5) the activity complies C.1.8 'Coastal works general conditions'.

#### The RMA activities this rule covers:

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

### C.1.4.2

#### Minor mangrove removal – permitted activity

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

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

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

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

Authorised activity	Maximum allowable area of mangrove removal
Wharves, and marina berths	Restricted to: <ol style="list-style-type: none"> <li>1) the footprint of the structure, and</li> <li>2) 10 metres of the footprint of the structure, and</li> <li>3) a five-metre access channel between the structure and the nearest permanently navigable waters.</li> </ol>
Stormwater outlets (also refer to C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity')	Restricted to: <ol style="list-style-type: none"> <li>1) five metres of the stormwater outlet, and</li> <li>2) the extent of the clearance is limited to that required to create a free-draining path from the stormwater outlet to the sea.</li> </ol>
Artificial watercourse (also refer to C.1.5.7 'Clearing artificial water courses – permitted activity')	Restricted to: <ol style="list-style-type: none"> <li>1) the active channel or drain area, and</li> <li>2) five metres from each side of the artificial water course, and</li> <li>3) the extent of the clearance is limited to that required to create a free-draining flow path, and</li> <li>4) sites where the adjacent land or infrastructure is likely to become unsafe, flooded or damaged if the mangroves are not removed.</li> </ol>
Roads, railway lines and bridges	Restricted to : <ol style="list-style-type: none"> <li>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</li> <li>2) removal or pruning of mangroves to achieve maintenance of sight clearance lines for road safety at all road intersections, roundabouts and horizontal curves must be undertaken in accordance with <i>Guide to Road Design Part 3: Geometric Design. 2nd Edition</i> (Austroads, 2010).</li> </ol>
Suspended telecommunication and power lines	Restricted to four metres from the cable.
All other structures and farm fencing	Restricted to one metre of the footprint of the structure.

The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Remove any natural material 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 resulting from mangrove removal (s15(1)(a)).



### C.1.4.3

#### Mangrove removal – controlled activity

The removal and pruning of mangroves to:

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

that is not:

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

is a controlled activity.

#### Matters of control:

- 1) Method, timing and extent of activities.
- 2) Effects on natural systems and indigenous biodiversity.
- 3) Navigation and safety.
- 4) Effects on any:
  - a) Historic heritage.
  - 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.

#### The RMA activities this rule covers:

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Remove any natural material 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 resulting from mangrove removal (s15(1)(a)).

### C.1.4.4

#### Mangrove removal in the Whangārei city centre marine zone – restricted discretionary activity

The removal and pruning of mangroves in the Whangārei City Centre Marine Zone that is not:

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

is a restricted discretionary activity.

**Matters of discretion:**

- 1) Effects on natural systems and indigenous biodiversity.
- 2) Effects on navigation and safety.
- 3) Effects on visual amenity values.
- 4) Effects on indigenous biodiversity where it affects the ability of tangata whenua to carry out cultural and traditional activities.

**The RMA activities this rule covers:**

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c),(e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Remove any natural material 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 resulting from mangrove removal (s15(1)(a)).

### C.1.4.5

**Mangrove removal – discretionary activity**

The removal and pruning of mangroves that is not a:

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

is a discretionary activity.

**The RMA activities this rule covers:**

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Remove any natural material 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 resulting from mangrove removal (s15(1)(a)).

---

### C.1.5 Dredging and disposal

#### C.1.5.1

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

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

- 1) there is no destruction of shellfish beds or indigenous vegetation, and
- 2) the activity does not involve the exclusive occupation of space in the coastal marine area, and
- 3) vehicles must ensure minimal disturbance of the foreshore and seabed, and
- 4) there is no disturbance of indigenous or migratory bird nesting sites, and
- 5) there is no damage to a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps'), and
- 6) vehicles access to the foreshore is only via authorised access points, and
- 7) the activity complies with C.1.8 'Coastal works general conditions'.

**Note:**

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

**The RMA activities this rule covers:**

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

**C.1.5.2****Small-scale sampling and scientific investigation – permitted activity**

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

- 1) no more than 0.2 cubic metres 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 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.1.5.3****Sampling and scientific investigation – permitted activity**

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

- 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 where it is significantly adversely affecting amenity or access to and use of the beach, is a permitted activity, provided:

- 1) the regional council's compliance manager is notified (in writing or by email) at least 24 hours before the start of any removal, and
- 2) if the activity occurs within a Significant Bird Area (refer I 'Maps') between the months of September to February, a person with expertise in bird ecology needs to be on-site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity shall ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and
- 3) there is no disturbance of indigenous or migratory bird nesting sites, and
- 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 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.1.5.5

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

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

- 1) the regional council's Harbourmaster is notified (in writing or by email) at least 24 hours before the start of any removal or recovery, and
- 2) 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.1.5.6

##### Clearing of stormwater pipe outlets – permitted activity

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

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stormwater outlet to the sea at mean low water springs, and
- 2) if the activity occurs in a mapped Significant Bird Area (refer I 'Maps') between the months of September to February, a person with expertise in bird ecology needs to be on-site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and
- 3) there is no disturbance of indigenous or migratory bird nesting sites, and

- 4) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 5) all vegetation and visibly contaminated material is removed from the coastal marine area, and
- 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
- 7) the activity complies with C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

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

### C.1.5.7

#### Clearing artificial water courses – permitted activity

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

- 1) the original profile (width and depth) of the artificial water course is not exceeded, and
- 2) all material (except sediment) is removed from the coastal marine area, and
- 3) the regional council's compliance manager is notified (in writing or by email) at least three working days prior to work being undertaken, and
- 4) sediment disposed of in the coastal marine area:
  - a) is deposited no more than 10 metres either side of the artificial water course, and
  - b) individual sediment piles do not exceed 25 square metres or 300 millimetres in height, and
  - c) does not dam tidal water or stormwater outlets, and
- 5) 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.1.5.8

#### Clearing tidal stream mouths – permitted activity

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

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stream to the sea at mean low water springs, and
- 2) the clearance is for the purpose of avoiding flooding of adjacent land or releasing impounded water which is stagnant or a health risk, and
- 3) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 4) if the activity occurs in a mapped Significant Bird Area (refer I 'Maps') between the months of September to February, a person with expertise in bird ecology needs to be on-site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and
- 5) there is no disturbance of indigenous or migratory bird nesting sites, and

- 6) all vegetation and visibly contaminated material is removed from the coastal marine area, and
- 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
- 8) the activity complies with the coastal marine area general conditions C.1.8 'Coastal works general conditions'.

The RMA activities this rule covers:

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

### C.1.5.9

#### Burial of dead animals – permitted activity

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

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

The RMA activities this rule covers:

- Restrictions on the use of land, (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)).
- Discharge of contaminants (s15(1)(a)).

### C.1.5.10

#### Maintenance dredging – controlled activity

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

Matters of control:

- 1) The method used to carry out the activity.
- 2) The timing of the activity in relation to tides, season or other activities.
- 3) Effects on natural processes including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of disturbance, deposition and discharge associated with the activity, and
- 5) Effects on indigenous biodiversity and ecosystems, and
- 6) Navigation and safety (including notification to the regional council's Harbourmaster and Maritime New Zealand), and
- 7) Effects on any:
  - a) Nationally Significant Surf Break and Regionally Significant Surf break.
  - b) Outstanding Natural Feature.
  - c) Outstanding Natural Landscape.
  - d) Area of Outstanding Natural Character.
  - e) Historic Heritage Area or site.

- f) Site or Area of Significance to Tangata Whenua.
- g) Significant Ecological Area.
- h) Significant Bird Area.

**Notification:**

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

**The RMA activities this rule covers:**

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

### C.1.5.11

**Beach scraping – restricted discretionary activity**

The disturbance of the foreshore or seabed for [beach scraping](#) is a restricted discretionary activity.

**Matters of discretion:**

- 1) Volume and depth of material removed.
- 2) Methods used to carry out the activity.
- 3) Effects on natural processes including effects on the stability of the seabed and nearby shorelines.
- 4) Effects of disturbance, deposition and discharge associated with the activity.
- 5) Effects on indigenous biodiversity and ecosystems.
- 6) Any effects on:
  - a) A Nationally Significant Surf Break.
  - b) A Regionally Significant Surf break.
  - c) Outstanding Natural Features.
  - d) Outstanding Natural Landscapes.
  - e) Areas of Outstanding Natural Character.
  - f) A Historic Heritage Area or site.
  - g) A Site or Area of Significance to Tangata Whenua.
  - h) A Significant Ecological Area.

**The RMA activities this rule covers:**

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

### C.1.5.12

**Dredging and disturbance activities – discretionary activity**

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

- 1) permitted activity under rule C.1.5.2 'Small-scale sampling and scientific investigation – permitted activity', or
- 2) permitted activity under rule C.1.5.4 'Removal of nuisance marine plant debris – permitted activity', or
- 3) permitted activity under rule C.1.5.5 'Removal or recovery of wrecked vessels – permitted activity', or
- 4) permitted activity under rule C.1.5.6 'Clearing of stormwater pipe outlets – permitted activity', or

- 5) permitted activity under rule C.1.5.7 'Clearing artificial water courses – permitted activity', or
- 6) permitted activity under rule C.1.5.8 'Clearing tidal stream mouths – permitted activity', or
- 7) permitted activity under rule C.1.5.9 'Burial of dead animals – permitted activity', or
- 8) controlled activity under rule C.1.5.10 'Maintenance dredging – controlled activity'.

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

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

**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.1.5.13

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

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

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

**Note:**

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.

**The RMA activities this rule covers:**

- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).

### C.1.5.14

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

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



- 1) discretionary activity under rule C.1.5.12 'Dredging and disturbance activities – discretionary activity', or
- 2) discretionary activity under rule C.1.5.13 'Disposal of certain waste in coastal marine area – discretionary activity'

is a non-complying activity.

**The RMA activities this rule covers:**

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

## 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.
- 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:**

- Reclaiming or draining foreshore or seabed (s12(1)(a)).

### C.1.6.2

#### New reclamation – discretionary activity

A new [reclamation](#) in the coastal marine area is a discretionary activity, provided it is not in a mapped (refer I 'Maps'):

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

**The RMA activities this rule covers:**

- Reclaiming or draining foreshore or seabed (s12(1)(a)).
- Erection or placement of structures (s12(1)(b)).

- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).

### C.1.6.3

#### Unlawful reclamation – discretionary activity

A 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',

is a discretionary activity.

#### The RMA activities this rule covers:

- Reclaiming or draining foreshore or seabed (s12(1)(a)).

### C.1.6.4

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

A new [reclamation](#) in the coastal marine area necessary for [regionally significant infrastructure](#) is a discretionary activity.

#### The RMA activities this rule covers:

- Reclaiming or draining foreshore or seabed (s12(1)(a)).
- Erection or placement of structures (s12(1)(b)).
- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).

### C.1.6.5

#### New reclamation in areas with significant value – non-complying activity

A new [reclamation](#) that is not a discretionary activity under rule:

- 1) C.1.6.2 'New reclamation – discretionary activity', or
- 2) C.1.6.4 'Reclamation for regionally significant infrastructure – discretionary activity',

is a non-complying activity.

#### The RMA activities this rule covers:

- Reclaiming or draining foreshore or seabed (s12(1)(a)).
- Erection or placement of structures (s12(1)(b)).
- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).

### 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))

#### C.1.7.2

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

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

- 1) the **vessel** has not been in foreign territorial waters, unless since arrival in New Zealand the **vessel** has been removed from the water and hull cleaned, and
- 2) 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 discharge is not located within a Significant Ecological Area (refer I 'Maps'), and
- 5) the **vessel** is not longer than 25 metres with ablative biocidal **anti-fouling** or a barge, and
- 6) non-abrasive cleaning methods are used so that **anti-fouling** is not damaged, and
- 7) if any **marine pest** is found then:
  - a) all cleaning must cease, and
  - b) the regional council's biosecurity manager must be notified immediately, and
  - c) cleaning may not continue until notified to do so by regional council's biosecurity manager.

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

- Discharge of contaminants to water (15B(1)(a)).
- No person may do an activity that contravenes a regional rule (s12(3) and 13(2)).

### C.1.7.3

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

The discharge of contaminants from a [vessel hull](#) and [niche area in-water cleaning](#) of any barge, or [vessel](#) longer than 25 metres with [ablative](#) biocidal [anti-fouling](#) , is a controlled activity, provided:

- 1) the [vessel](#) has not been in foreign territorial waters, unless since arrival in New Zealand the [vessel](#) has been removed from the water and [hull](#) cleaned, and
- 2) the activity is located in a Commercial Coastal Zone, Marina or within 50 metres of a Mooring Zone (refer Map) or from a consented grid, and
- 3) the discharge is not located within 50 metres of a Significant Ecological Area (refer I 'Maps').

#### Matters of control:

- 1) Measures to avoid introduction or spread of [marine pests](#).
- 2) The method used to carry out the activity.
- 3) Effects on natural coastal processes, in the vicinity of the site.
- 4) The timing of the activity in relation to tides, season or other activities.
- 5) Effects of disturbance, deposition and discharge associated with the activity.
- 6) Effects on indigenous biodiversity and ecosystems.
- 7) Navigation and safety (including notification to the regional council's Harbourmaster and Maritime New Zealand).

#### The RMA activities this rule covers:

- Discharge of contaminants to water (s15(1)(a) and s15B(1)(a)).
- No person may do an activity that contravenes a regional rule (s12(3) and 13(2)).

### C.1.7.4

#### Vessel anti-fouling maintenance on the foreshore – discretionary activity

[Vessel hull anti-fouling maintenance](#) on the foreshore is a discretionary activity.

#### The RMA activities this rule covers:

- No person may do an activity that contravenes a regional rule (s12(3)).
- Discharge of contaminants to water (s15(1)(a) and s15B(1)(a)).

### C.1.7.5

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

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

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

is a discretionary activity.

#### The RMA activities this rule covers:

- Discharge of contaminants to water (s15(1)(a) and 15B(1)(a)).
- Deposition of contaminant onto foreshore or seabed (s12(1)(d)).

### 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** and **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)).

### C.1.7.7

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

Introducing any **marine pest** into coastal waters is a non-complying activity unless controlled in this plan by passive **biofouling** discharge rules.

#### The RMA activities this rule covers:

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

---

## C.1.8 Coastal works general conditions

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

#### Structures and disturbance

- 1) The activity must not alter, damage or destroy a Historic Heritage Site.
- 2) In the event of archaeological sites or kōiwi being uncovered, activities in the vicinity of the discovery must cease and the person undertaking the activity must contact Heritage New Zealand Pouhere Taonga and consult with local iwi if the site is of Māori origin. Work must not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.
- 3) **Structures** must at all times:
  - a) be maintained in good order and repair, and
  - b) not impede fish passage between fresh water and coastal water, and
  - c) not cause a hazard to navigation.
- 4) Maintenance, alteration or addition to a **structure** must not result in a weakening of the structural integrity or strength of the **structure**.

- 5) Restrictions on public access along and through the coastal marine area beyond the footprint of the [structure](#), during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternate access route or controlled access is provided.
- 6) Disturbance activities, construction, alteration or addition, maintenance or removal of [structures](#) must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays (this excludes the requirement to undertake emergency remedial work such as if a structure is damaged by a natural hazard event).
- 7) 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.
- 8) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity.
- 9) There must be no damage to shellfish beds and no disturbance or damage to seagrass meadows in mapped Significant Ecological Areas (refer I 'Maps').
- 10) 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'):
  - 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.
- 11) Outside of outstanding natural character, outstanding natural feature or signification ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.
- 12) The [structure](#) or activity must not:
  - a) cause erosion or scour of banks, or
  - b) cause or exacerbate flooding of any neighbouring property, or
  - c) reduce the ability of a river to convey flood flows into the coastal marine area (including as a result of debris accumulating against structures).
- 13) Discharges must not result in a coastal water quality standard in D.4.3 'Coastal water quality standards' to be exceeded or further exceeded.
- 14) Discharges of sediment to water from any activity must not:
  - a) occur for more than five consecutive days, and for more than 12 hours per day, 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.

#### Mangrove removal and pruning

- 15) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.
- 16) Protruding stumps must be avoided, by cutting mangrove trunks close to the bed or foreshore.
- 17) The activity must not disturb or damage areas of seagrass, saltmarsh, or other wetland.
- 18) There must be no disturbance of indigenous or migratory bird nesting sites.
- 19) There must be no equipment refuelling on the foreshore or river bed unless undertaken in a contained area.
- 20) Chemical herbicides must not be used.
- 21) Access to removal and pruning areas must use existing open areas or paths and, where practicable, avoid disturbance of shellfish beds, soft sand and mud.
- 22) 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').

## Lighting

- 23) 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

- 24) Noise from non-port and wharf related activities within the coastal commercial zone or from any activity located outside the coastal commercial zone but within the coastal marine area must comply with the following noise standards:
- a) the activity must not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area, and
  - 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
  - d) noise must be measured in accordance with *NZS 6802:2008 Acoustics – Measurement of Environmental Sound* and assessed in accordance with *NZS 6802:2008 Acoustics - Environmental Noise*, and
  - e) construction activities shall be managed in accordance with, and meet the noise limits set out within *NZS 6803:1999 Acoustics – Construction Noise*, and
  - f) helicopter landing areas shall be managed in accordance with, and comply with, the recommended noise limits specified in *NZS 6807:1994 Noise management* and land use planning for helicopter landing areas.
- 25) Conditions 25(a) to (c) above do not apply to the following:
- a) noise generated by navigational aids, safety signals, warning devices, and emergency pressure relief valves, and
  - b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage, and
  - c) commercial firework displays.
- 26) Condition 25(a) above does not apply to temporary military training activities. Noise emission as a result of temporary military training must meet the following:
- a) for weapons firing and/or the use of explosives:
    - i) notice must be provided to the regional council at least five working days prior to the commencement of the activity, and
    - ii) the activity must comply with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity: 500 metres from 7:00am to 7:00pm, and 1250 metres from 7:00pm to 7:00am, and
    - iii) where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity: 95dBC from 7:00am to 7:00pm, and 85dBC from 7:00pm to 7:00am, and
  - b) mobile noise sources must comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to 'construction noise' taken to refer to mobile noise sources. Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment, and
  - c) fixed (stationary) noise sources must comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity. Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or [wastewater](#) pumping/treatment systems.

**Table 2 Noise limits**

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

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



## 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.

### Activities in the beds of lakes and rivers

Rule	Page
C.2.1.1 'Introduction or planting of plants in rivers and lakes – permitted activity'	75
C.2.1.2 'Extraction of material from rivers – permitted activity'	75
C.2.1.3 'Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity'	76
C.2.1.4 'Existing authorised structures – permitted activity'	76
C.2.1.5 'Maintenance or repair of authorised flood defence – permitted activity'	77
C.2.1.6 'Existing vessel launching and retrieval structures – permitted activity'	77
C.2.1.7 'Existing mooring structures - permitted activity'	77
C.2.1.8 'Fish passage structures – permitted activity'	78
C.2.1.9 'Demolition and removal of existing structures – permitted activity '	78
C.2.1.10 'Construction and installation of structures – permitted activity'	78
C.2.1.11 'Minor river bank protection works – permitted activity'	80
C.2.1.12 'Freshwater structures – controlled activity'	81
C.2.1.13 'Activities in the beds of lakes and rivers - discretionary activity '	81
C.2.1.14 'New flood defence – discretionary activity'	82
C.2.1.15 'Structures in a significant area - non-complying activity'	82
C.2.1.16 'Removal, demolition or replacement of a Historic Heritage Site or part of a Historic Heritage Site – non-complying activity'	83

Rule	Page
C.2.1.17 'New flood defence in significant areas – non-complying activity'	83

### Activities affecting wetlands

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

## C.2.1 Activities in the beds of lakes and rivers

### C.2.1.1

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

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

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

The RMA activities this rule covers:

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

### C.2.1.2

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

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

- 1) the total volume extracted from a river does not exceed 100 cubic metres in any 12 month period, and
- 2) the regional council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 3) there is no refuelling of equipment on any area of the riverbed, and
- 4) on completion of the activity, the bed is graded so that there are no barriers to water movement in the channel, and
- 5) the material is extracted from an area of the river bed not covered by water at the time of the extraction, and
- 6) there is no erosion of the banks of the river as a result of the activity, and
- 7) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer I 'Maps'), and
- 8) the activity does not take place in an [outstanding freshwater body](#).

The RMA activities this rule covers:

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

### C.2.1.3

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

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

- 1) the regional council's monitoring manager is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and
- 2) the activity does not exacerbate flood hazard risk on any other property, and
- 3) any **vegetation clearance** is limited to that required to maintain the free flow of water in the water body, and
- 4) any removal of material is limited to that required to maintain the free flow of water or mitigate bank erosion, and
- 5) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and
- 6) the activity does not result in deepening or widening of the channel by more than 20 percent, and
- 7) any diversion of water, or realignment of the bed of the river is restricted to within the bank full edge, and
- 8) there is no damage to, or restriction of the use of, **authorised** structures as a result of the activity, and
- 9) the activity must use good practice erosion and sediment control measures including where practicable temporary diversion of normal channel flow, to minimise any discharge of sediment, and
- 10) no material removed from the bed is allowed to re-enter, or placed in a position where it could re-enter, a water body, and
- 11) the activity does not alter, damage or destroy a mapped Historic Heritage Site (refer I 'Maps').

#### The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1) and s13(2)).
- Restrictions relating to water (s14(3)).
- Discharges of contaminants into environment, (s15(1)).

### C.2.1.4

#### Existing authorised structures – permitted activity

Repair, maintenance and reconstruction of a structure, on, under or over the bed of a lake or river is a permitted activity, provided:

- 1) the structure is authorised, and
- 2) the activity complies with C.2.3 'General conditions', and
- 3) there is no increase to the structure's footprint, length, width, and height, and
- 4) it is not a reconstruction of a mapped Historic Heritage Site (refer I 'Maps'), 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.

#### The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a), (b) and (d)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).

### C.2.1.5

#### Maintenance or repair of authorised flood defence – permitted activity

The maintenance and repair of an [authorised](#) flood defence, including any associated earthworks and diversion and discharge of water is a permitted activity, provided:

- 1) the maintenance and repair does not alter the form of the existing flood defence and there is no increase in length, width, or height of the existing flood defence, and
- 2) the regional council's compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 3) the activity complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).
- Restrictions relating to water (s14(3)).
- Discharge of contaminants to water (s15(1)).

### C.2.1.6

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

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

The RMA activities this rule covers:

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

### C.2.1.7

#### Existing mooring structures - permitted activity

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

- 1) existed at 1 September 2017, or
- 2) was [authorised](#),

is a permitted activity provided:

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

The RMA activities this rule covers:

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

- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).

### C.2.1.8

#### Fish passage structures – permitted activity

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

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

The RMA activities this rule covers:

- Deposit a substance on, use or disturb the beds of lakes and rivers (s13(1)(a, b and d)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).

### C.2.1.9

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

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

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

The RMA activities this rule covers:

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

### C.2.1.10

#### Construction and installation of structures – permitted activity

The construction or installation of a structure in, on, under or over the bed of a lake or river, is a permitted activity, provided:

- 1) the activity complies with C.2.3 'General conditions', and
- 2) the activity is not associated with the launching, retrieval, mooring, maintenance or repair of vessels, and
- 3) for **culvert crossings**:
  - a) the contributing catchment is less than 300 hectares, and

- b) the culvert length under the crossing parallel to river flow does not exceed 25 metres when necessary for a road, otherwise it must not exceed 10 metres, and
  - c) the culvert is designed such that flow velocity will not impede fish passage during normal flow conditions, and
  - d) culvert approaches and fill must be free of organic matter, and
  - e) the total height of the crossing crest must be:
    - i) no more than 3.5 metres above the invert level of the culvert inlet, and
    - ii) within the manufacturer's maximum height specifications for the culvert, and
    - iii) below the river bank level unless it is necessary for a road, and
  - f) at installation, the culvert invert must be located so that it is at least 100 millimetres below the bed level, and
  - g) on request by the regional council, records of structure design and flow calculations must be made available within 20 working days of the request, and
  - h) the culvert is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer I 'Maps'):
    - 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 is located so as to not decrease the bed width by more than 10 percent, and
  - c) the bridge abutments or foundations are constructed parallel to the channel alignment, and
  - d) on request by the regional council, records of structure design and flow calculations must be provided within 20 working days of the request, and
  - e) the bridge is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer I 'Maps'):
    - 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 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'):
    - 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 square metres, and
- 7) for **cables, power lines and pipelines**:
- a) the cable, power line or pipeline does not cause diversion or blockage of any river, and
  - b) the installation does not disturb a [significant wetland](#), an [outstanding freshwater body](#), or the bed of a river or lake in a mapped (refer I 'Maps'):
    - 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 installed on, in, over, or under the bed of a river or lake, the person doing the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body. The notification must include:
  - i) the name, address, and phone number of the person responsible for the works, and
  - ii) the location of the structure, and
  - iii) the waste products to be piped.

**The RMA activities this rule covers:**

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

### C.2.1.11

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

The:

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

is a permitted activity, provided:

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

**The RMA activities this rule covers:**

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



### C.2.1.12

#### Freshwater structures – controlled activity

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

- 1) the activity is not in a [significant wetland](#), an [outstanding freshwater body](#) or a mapped (refer I 'Maps'):
  - a) Outstanding Natural Character Area, or
  - b) Outstanding Natural Feature, or
  - c) 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, and
- 3) the structure does not prevent fish passage.

#### 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.
- 4) Structural integrity.
- 5) Effects on mahinga kai and access to mahinga kai.

#### The RMA activities this rule covers:

- The construction or installation of a structure on to the beds of lakes and rivers (s13(1)(a, b and d)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).

### C.2.1.13

#### Activities in the beds of lakes and rivers - discretionary activity

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

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

that are not a:

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

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

The RMA activities this rule covers:

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).

#### C.2.1.14

##### New flood defence – discretionary activity

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

- 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:

- 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)).

#### C.2.1.15

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

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

- 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,

and is not a:

- 6) permitted activity under rule C.2.1.4 'Existing authorised structures – permitted activity', or
- 7) permitted activity under rule C.2.1.5 'Maintenance or repair of authorised flood defence – permitted activity', or
- 8) permitted activity under rule C.2.1.7 'Existing mooring structures - permitted activity', or

- 9) permitted activity under rule C.2.1.8 'Fish passage structures – permitted activity', or
- 10) permitted activity under rule C.2.1.9 'Demolition and removal of existing structures – permitted activity', or
- 11) permitted activity under rule C.2.1.10 'Construction and installation of structures – permitted activity', or
- 12) controlled activity under rule C.2.1.12 'Freshwater structures – controlled activity'.

is a non-complying activity.

**The RMA activities this rule covers:**

- Restrictions on certain uses of beds of lakes and rivers, (s13(1)).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).

### 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, in a mapped (refer I 'Maps'):

- 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,

is a non-complying activity.

**The RMA activities this rule covers:**

- Restrictions on the use of land, (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants to water (s15(1)).

## C.2.2 Activities affecting wetlands

### C.2.2.1

#### Wetland management and enhancement – permitted activity

The removal or control of vegetation or deliberate introduction of a plant in a wetland is a permitted activity, provided:

- 1) the removal or control is limited to exotic plants species, and
- 2) the introduction of any plant does not include a [pest](#) species, and
- 3) the activity complies with the general conditions, and
- 4) if the activity is located in a [significant wetland](#):
  - a) planting must be limited to indigenous species, and
  - b) the regional council's compliance manager must be notified (in writing or by email) at least 10 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible.

#### The RMA activities this rule covers:

- Restrictions on the use of land (s9(1)).
- 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)).

### C.2.2.2

#### Structures in wetlands – permitted activity

The construction, maintenance, use and removal of any fence, wetland interpretive signage, bird-watching hide or boardwalk structure in a wetland is a permitted activity, provided:

- 1) in a [significant wetland](#):
  - a) bird-watching hides are no greater than 10 square metres, and
  - b) boardwalk structures are no wider than 1.8 metres and no longer than 40 metres, and
  - c) all other structures are no greater than five square metres, and
- 2) the regional council's compliance manager is notified (in writing or by email) at least 20 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and
- 3) the activity complies with the C.2.3 'General conditions'.

#### The RMA activities this rule covers:

- Restrictions on the use of land (s9(1)).
- 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)).

### C.2.2.3

#### Constructed wetland alteration– permitted activity

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

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

The RMA activities this rule covers:

- Restrictions on the use of land (s9(1)).

#### C.2.2.4

##### Activities in wetlands – discretionary activity

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

- 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',

is a discretionary activity, provided it is not a [significant wetland](#).

The RMA activities this rule covers:

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

#### C.2.2.5

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

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

The RMA activities this rule covers:

- Restrictions on the use of land (s9(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)).

---

### C.2.3 General conditions

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

#### ***River, lake or wetland disturbance***

Sediment discharges

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

#### 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 completion of the activity.

#### Avoiding pest introduction

- 5) Cleaning and/or other procedures must be used to prevent the spread or introduction of any [pest](#).

#### River alignment and flooding effects

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

#### Wetlands

- 7) The activity 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
- 8) The vegetation and the bed of any [natural wetland](#) is not disturbed to a depth or an extent greater than that required to give effect to the permitted activity.

#### Indigenous vegetation disturbance or removal

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

### Fuel storage and refuelling

- 10) Fuel must not be stored and machinery must not be refuelled in any location where fuel can 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 land in circumstances where the fuel can enter water.

### Fresh water structures

#### Erosion and sediment discharges associated a structure

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

#### Structure durability, maintenance and off-site effect avoidance

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

### 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 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.

### Construction activity controls

- 23) Construction material and ancillary structures must be removed from the bed following completion of the activity, 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 the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, when:
  - a) the contributing catchment is greater than 50 hectares for an activity involving construction, placement or removal of any culvert, ford, weir or bridge, and
  - b) the notification must include:
    - i) the name, address, and phone number of the person responsible for the works, and
    - ii) the location of the structure, and
    - iii) the structure design including any design [minimum flow](#) or measures necessary to control erosion, provide fish passage or prevent increased upstream flood risk.

#### Temporary flow diversion around work sites

- 26) The temporary damming and diverting of river flow around work sites in the bed of a water body must:
  - a) only be constructed and in place during a period of low flow when there is a low risk of flooding, and
  - b) not cause more than minor impediment to flood flows, and
  - c) be no greater than 600 millimetres above the bed of the water body, and
  - d) be removed as soon as practicable and the bed of the water body returned to its original condition no later than 14 days from commencement of the activity.

#### Historic Heritage

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



## 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.

Rule	Page
C.3.1 'Off-stream damming and diversion – permitted activity '	90
C.3.2 'Small dam - permitted activity'	90
C.3.3 'Existing in-stream dam – permitted activity'	91
C.3.4 'Dam maintenance - permitted activity'	91
C.3.5 'Existing in-stream dam – controlled activity'	92
C.3.6 'River channel diversion - discretionary activity'	92
C.3.7 'Damming or diverting water – discretionary activity'	93
C.3.8 'Obstructions that divert water onto other property – discretionary activity'	93
C.3.9 'Damming or diversion of water in a significant wetland or significant area – non-complying activity'	93

### C.3.1

#### Off-stream damming and diversion – permitted activity

Damming and diversion of rainfall runoff is a permitted activity provided:

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

The RMA activities this rule covers:

- Restrictions relating to damming or diverting water (s14(2)).

### C.3.2

#### Small dam - permitted activity

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

- 1) the activity is necessary for:
  - a) the creation or enhancement of a wetland, or
  - b) hydrological monitoring, or
  - c) stock drinking where stock are excluded from entering the lake, river or wetland, and
- 2) the activity is not in a **significant wetland** or an **outstanding freshwater body** or mapped (refer I 'Maps'):
  - a) Outstanding Natural Character Area, or
  - b) Outstanding Natural Feature, or
  - c) Historic Heritage Area, or
  - d) Site or Area of Significance to Tangata Whenua, and
- 3) the width of the river bed where the **dam** is located does not exceed three metres, and
- 4) the **dam height** does not exceed 600 millimetres above the bed of the water body, and
- 5) a hydrological monitoring **dam**, must not be in place longer than 14 days in any two month period, and
- 6) the dammed water does not raise sub-surface or **surface water** levels to the extent that drainage of **other property** is adversely impeded, and

- 7) the activity does not change the natural seasonal water levels of any [natural wetland](#) that would result in the net loss or degradation of indigenous wetland vegetation, and
- 8) the level of a lake or downstream flow in a river is not reduced below a [minimum flow](#) or [minimum level](#), and
- 9) the person undertaking the activity must notify the regional council's compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, with:
  - a) timing, location and extent of the activities, and
  - b) measures to avoid erosion, structure failure and obstruction of fish passage, and
  - c) for wetland enhancement, details identifying the values being enhanced, and
- 10) the activity complies with C.2.3 'General conditions'.

The RMA activities this rule covers:

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming or diverting water (s14(2)).
- Discharge of contaminants to water (s15(1)).

### C.3.3

#### Existing in-stream dam – permitted activity

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

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

The RMA activities this rule covers:

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming, or diverting water (s14(2)).
- Discharge of contaminants to water (s15(1)).

### C.3.4

#### Dam maintenance - permitted activity

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

- 1) the activity does not increase the authorised [reservoir capacity](#), scale or extent of the [dam](#), and
- 2) the extraction of accumulated material and the disturbance of the bed is limited to the area directly impounded by the [dam](#), and

- 3) the activity complies with C.2.3 'General conditions', and
- 4) in the case of maintenance and repair of a mapped 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:

- 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)).

### C.3.5

#### Existing in-stream dam – controlled activity

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

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

Matters of control:

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

The RMA activities this rule covers:

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming or diversion of water (s14(2)).
- Discharge of contaminants to water (s15(1)).

### C.3.6

#### River channel diversion - discretionary activity

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

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

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

- 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.

The RMA activities this rule covers:

- 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)).

### C.3.7

#### Damming or diverting water – discretionary activity

A [dam](#) in the bed of any river, lake or wetland, that is not a:

- 1) permitted activity under rule C.3.1 'Off-stream damming and diversion – permitted activity ', or
- 2) permitted activity under rule C.3.2 'Small dam - permitted activity', or
- 3) permitted activity under rule C.3.4 'Dam maintenance - permitted activity', or
- 4) permitted activity under rule C.3.5 'Existing in-stream dam – controlled activity', or
- 5) non-complying activity under rule C.3.9 'Damming or diversion of water in a significant wetland or significant area – non-complying activity'

is a discretionary activity.

The RMA activities this rule covers:

- Restrictions relating to the damming or diversion of water (s14(2)).
- Discharges of contaminants into environment, (s15(1)(a)).

### C.3.8

#### Obstructions that divert water onto other property – discretionary activity

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

The RMA activities this rule covers:

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

### C.3.9

#### Damming or diversion of water in a significant wetland or significant area – non-complying activity

The damming or diversion of water in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer I 'Maps'):

- 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:

- 1) permitted activity under rule C.3.1 'Off-stream damming and diversion – permitted activity ', or
  - 2) permitted activity under rule C.3.2 'Small dam - permitted activity', or
  - 3) permitted activity under rule C.3.4 'Dam maintenance - permitted activity', or
  - 4) permitted activity under rule C.3.5 'Existing in-stream dam – controlled activity',
- is a non-complying activity.

**The RMA activities this rule covers:**

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

## 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.

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

### C.4.1

#### Land drainage – permitted activity

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

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

The RMA activities this rule covers:

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

### C.4.2

#### Existing authorised stopbanks - permitted activity

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

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

The RMA activities this rule covers:

- 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)).

### C.4.3

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

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

- 1) the activity complies with the C.4.8 'Land drainage and flood control general conditions', and
- 2) there is no increase to the length, width or height of the original stopbank, floodgate or drain, and
- 3) the regional council's compliance manager is given at least 10 working days' notice (in writing or by email), outlining details of the proposed works.

The RMA activities this rule covers:

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



## C.4.4

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

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

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

#### Matters of control:

- 1) The management of flooding effects.
- 2) Effects on tangata whenua and their taonga.
- 3) fFsh passage.

#### The RMA activities this rule covers:

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

## C.4.5

### Land drainage schemes – controlled activity

In an existing drainage district (refer I 'Maps'), the:

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

which is not a:

- 4) permitted activity under rule C.4.2 'Existing authorised stopbanks - permitted activity', or
- 5) permitted activity under rule C.4.3 'Repair and maintenance of a stopbank, floodgate or drain – permitted activity'

is a controlled activity provided:

- 6) the work is carried out by a local authority or group of land owners who have assumed control of the scheme pursuant to Sections 517A to 517ZM of the Local Government Act 1974,
- 7) the activity complies with the land drainage and flood control general conditions C.4.8 'Land drainage and flood control general conditions'.

#### Matters of control:

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

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
- Restrictions relating to water (s14(2)(a)).
- Discharge of contaminants into water (s15)(1)(a)).

#### C.4.6

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

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

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

is a discretionary activity.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
- Restrictions relating to water (s14(2)(a)).FF
- Discharge of contaminants into water (s15)(1)(a)).

#### C.4.7

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

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

- 1) the erection of a structure in, on, or under the bed of any river, or within 10 metres of the bed, and
- 2) excavation, drilling, tunnelling or other disturbance activity within the bed of a river or within 10 metres from a flood defence that is likely to impact on the functional integrity of a flood defence, and
- 3) land disturbance activity within 10 metres of a flood defence that impedes access required for maintenance of a flood control scheme.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)), and
- Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)), and
- Discharge of contaminants into water (s15)(1)(a)).

## C.4.8

### Land drainage and flood control general conditions

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

- 1) there is no adverse flooding, erosion or over-drainage effects on [other property](#), and
- 2) the activity does not alter the course or bed of a lake or river, and
- 3) the activity does not alter, damage or destroy a Historic Heritage Site, and
- 4) new land drainage does not occur within 50 metres of any natural wetland, and
- 5) drainage does not cause any change to the seasonal or annual range in water level of a natural wetland to an extent that may adversely affect the wetland's natural ecosystem, and
- 6) no vegetation, soil or other debris generated from the activity is placed in a position where it may be carried into a river or natural wetland, lake or the coastal marine area, and
- 7) there is no damage to a flood defence or any other [authorised](#) structure, and
- 8) indigenous fish passage is maintained, unless an existing authorisation provides otherwise or except for during temporary works to enable repair and replacement works to be carried out, and
- 9) eels and other indigenous fish unintentionally removed during mechanical clearing of drainage channels are returned to the drainage channel, and
- 10) refuelling of machinery does not take place in the bed of a river or lake, and
- 11) any discharge of drainage water does not contain concentrations of contaminants which have or are likely to have significant adverse effects on aquatic life in any river, wetland, or the coastal marine area, and
- 12) where a discharge from land drainage enters an [outstanding freshwater body](#) or the coastal marine area, at or beyond a 10-metre radius from the discharge point, the discharge does not:
  - a) result in any conspicuous oil or grease films, scums or foams, or floatable or suspended material except where caused by natural events in the receiving water, and
  - b) cause the pH of the receiving water to fall outside the range of 6.5 to 9.0 (except where caused by natural events, or when natural background levels fall outside that range), and
  - c) cause any emission of objectionable odour in the receiving water, and
  - d) cause any conspicuous change in colour, or reduction in visual clarity of the receiving water, and
  - e) cause the natural temperature of the receiving water body to be changed by more than three degrees Celsius, and
- 13) any discharge of sediment associated with repair and maintenance activities does not occur for more than five consecutive days, or for more than 12 hours on any one day within those five days, and there is no:
  - a) conspicuous change in colour, or
  - b) reduction in visual clarity after reasonable mixing at any time from 24 hours after completion of the activity.

## C.5 Taking and 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.

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

### C.5.1 Taking and use of freshwater

#### 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.

#### C.5.1.1

##### Minor takes – permitted activity

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

- 1) the take is not from a **fully allocated** river or aquifer, 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:
    - i) 10 cubic metres, or
    - ii) 200 litres per hectare, up to a maximum of 20 cubic metres, and
- 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
- 4) the take does not exceed an **allocation limit**, and
- 5) the take does not cause any change to the seasonal or annual level of any **natural wetland**, and
- 6) the take does not adversely affect the reliability of any existing **authorised** take, and
- 7) for surface water takes, the water intake structure is designed, constructed, operated and maintained so that:
  - a) the maximum water velocity into the entry point of the intake structure is not greater than 0.3 metres per second, and
  - b) for takes from **coastal rivers** or **outstanding rivers**, the intake screen mesh spacing is not greater than 1.5 millimetres, or
  - c) for takes from **small rivers** or **large rivers**, the intake screen mesh spacing is not greater than three millimetres, and
- 8) the reticulation system and components are maintained to minimise leakage and wastage, and
- 9) at the written request of the regional council, the water user provides the regional council with the following information:
  - a) the location of the water take, and
  - b) the volume of the water taken and the maximum rate of take, and
  - c) the purpose for which the water is used or is proposed to be used, and
- 10) at the written request of the regional council, a water meter(s) is installed at the location(s) specified in the request and water use records are provided to the regional council in a format and at the frequency specified in the request.

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

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

### 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 and [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 metres per second, and
  - b) for takes from [coastal rivers](#) or [outstanding rivers](#), the intake screen mesh spacing is not greater than 1.5 millimetres, or
  - c) for takes from [small rivers](#) or [large rivers](#), the intake screen 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:

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

### C.5.1.3

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

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

The RMA activities this rule covers:

- Restrictions relating to water (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 to a river, lake, or [natural wetland](#), and
- 2) the [artificial watercourse](#) is controlled to prevent backflow of water from connected rivers, lakes or [natural wetlands](#) as a consequence of the take, and
- 3) the take does not adversely affect the reliability of any [authorised](#) take.

The RMA activities this rule covers:

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

### C.5.1.5

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

The taking of groundwater associated with **bore** development, bore testing, or **dewatering** by pumping is a permitted activity, provided:

- 1) in **coastal aquifers**:
  - a) the site of the **bore** or ground **dewatering** does not occur within 200 metres of mean high water springs, and
  - b) the daily volume of the water taken does not exceed 100 cubic metres per day, and
  - c) the activity is completed within seven days of its commencement, or
- 2) in other areas, 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
- 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 settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

The RMA activities this rule covers:

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

### 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 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) Measures to avoid, remedy or mitigate effects on:
  - a) aquatic ecosystems and species, and
  - b) mahinga kai and access to mahinga kai, and
  - c) indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and
  - d) wāhi tapu, and
  - e) mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps').

The RMA activities this rule covers:

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

The RMA activities this rule covers:

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

### C.5.1.8

#### Supplementary allocation - restricted discretionary activity

The taking and use of water from a river at flows 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 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.

#### Matters of discretion:

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

The RMA activities this rule covers:

- Restrictions relating to water (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](#) and that exceeds 50 cubic metres per day per [property](#) from all sources is a discretionary activity, provided:

- 1) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and
- 2) the application contains evidence that the take existed at the notification date of the plan.

#### The RMA activities this rule covers:

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

### C.5.1.10

#### Other water takes – discretionary activity

The taking and use of fresh water that is not:

- 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 off-stream dam – permitted activity', or
- 4) a permitted activity under C.5.1.4 'Water take from an artificial watercourse – permitted activity', or
- 5) a permitted activity under C.5.1.5 'Water take associated with bore development, bore testing or dewatering – permitted activity', or
- 6) a controlled activity under C.5.1.6 'Replacement water permits for registered drinking water supplies - controlled activity', or
- 7) a controlled activity under C.5.1.7 'Takes existing at the notification date of the plan - controlled activity', or
- 8) a restricted discretionary activity under C.5.1.8 'Supplementary 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 take that will exceed an allocation limit - non-complying activity', or
- 12) a prohibited activity under C.5.1.13 'Water takes that will exceed an allocation limit - prohibited activity'.

is a discretionary activity.

#### The RMA activities this rule covers:

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

### C.5.1.11

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

The taking of water from a river, lake or [natural wetland](#) when the flow in the river or water level in the [natural wetland](#) or lake is below a [minimum flow](#) or [minimum level](#) is a non-complying activity.

The RMA activities this rule covers:

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

#### C.5.1.12

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

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

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

The RMA activities this rule covers:

- Restrictions relating to water (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.

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.

### On-site domestic wastewater discharges

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

### Wastewater network and treatment plant discharges

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

### Agricultural waste discharges

Rule	Page
C.6.3.1 'Farm wastewater discharges to land – permitted activity'	116
C.6.3.2 'Discharges associated with the making or storage of silage - permitted activity'	118
C.6.3.3 'Discharges associated with the disposal of dead animals or offal - permitted activity'	118

Rule	Page
C.6.3.4 'Emergency discharge of milk to land - permitted activity'	118
C.6.3.5 'Agricultural waste discharges – discretionary activity'	119
C.6.3.6 'Farm wastewater discharges to water – discretionary activity'	119
C.6.3.7 'Farm wastewater discharges – prohibited activity'	119

### Stormwater discharges

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

### Agrichemicals

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

### Industrial and trade discharges

Rule	Page
C.6.6.1 'Discharge of cooling water - permitted activity'	128
C.6.6.2 'Discharge of industrial or trade wastewater - permitted activity'	128

Rule	Page
C.6.6.3 'Industrial or trade discharges - discretionary activity'	129

### Solid waste

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

### Contaminated Land

Rule	Page
C.6.8.1 'Investigating contaminated land – permitted activity'	133
C.6.8.2 'Discharges from contaminated land - permitted activity'	133
C.6.8.3 'Contaminated land remediation - discretionary activity'	134
C.6.8.4 'Contaminated land – discretionary activity'	135

### Other discharges of contaminants

Rule	Page
C.6.9.1 'Discharge of dust suppressants – permitted activity'	135
C.6.9.2 'Discharge of tracers – permitted activity'	135
C.6.9.3 'Discharge of fertiliser – permitted activity'	136

Rule	Page
C.6.9.4 'Discharge of sluicing water - permitted activity'	136
C.6.9.5 'Discharges to land or water not provided for by other rules - permitted activity'	136
C.6.9.6 'Other discharges – discretionary activity'	137
C.6.9.7 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity'	137

## C.6.1 On-site domestic wastewater discharges

### C.6.1.1

#### Existing on-site domestic type wastewater discharge – permitted activity

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

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

The RMA activities this rule covers:

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

### C.6.1.2

#### Pit toilet – permitted activity

The discharge of contaminants from a pit toilet into land is a permitted 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 setbacks in Table 3 'Horizontal and vertical 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 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 setback distances for pit toilets**

Feature	Pit toilet
Identified stormwater flow path, including a formed road with curb and channel, that is not up-slope of the disposal area	5 metres

Feature	Pit toilet
Dedicated secondary overland flows paths for constructed stormwater systems	1% annual exceedance probability
Water-table drain, off-stream dam or pond that is not up-slope of the disposal area	10 metres
River, lake, stream, or wetland	10 metres
Coastal marine area	10 metres
Winter groundwater table	1.2 metres
Existing water supply bore	20 metres
Floodplain	1% Annual Exceedance Probability
Property boundary that is not up-slope of the disposal area.	1.5 metres

The RMA activities this rule covers:

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

### C.6.1.3

#### Other on-site treated domestic wastewater discharge – permitted activity

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

- 1) the on-site system is designed and constructed in accordance with the *New Zealand Standard AS/NZS 1547:2012 - On-site Domestic Wastewater Management*, and
- 2) the volume of [wastewater](#) discharged does not exceed two cubic metres per day, and
- 3) the discharge is not via a spray irrigation system or [deep soakage system](#), and
- 4) the slope of the disposal area is not greater than 25 degrees, and
- 5) the discharge of [secondary treated](#) or [tertiary treated wastewater](#) is via an irrigation line system that is:
  - a) dose loaded, and
  - b) covered at all times by a minimum of 50 millimetres of topsoil, mulch, or bark, and
- 6) for the discharge of [wastewater](#) onto the surface of slopes greater than 10 degrees:
  - a) the [wastewater](#), excluding [greywater](#), has received at least [secondary treatment](#), and
  - b) the irrigation lines are firmly attached to the surface of the disposal area, and
  - c) where there is an up-slope catchment that generates stormwater runoff, a diversion system must be installed and maintained to divert [surface water](#) runoff from the up-slope catchment away from the disposal area, and



- d) a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and
  - e) the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or
  - f) the irrigation lines are covered at all times by a minimum of 100 millimetres of topsoil, mulch, or bark, and
- 7) the disposal area is situated outside of the relevant setbacks in Table 4 'Horizontal and vertical 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 is done, at a minimum, in accordance with the manufacturer's specifications for maintenance, and
  - 11) the discharge does not contaminate any water supply or surface water, and
  - 12) there is no surface runoff or ponding of wastewater, and
  - 13) there is no offensive or objectionable odour beyond the property boundary.

**Table 4 Horizontal and vertical setback distances for on-site domestic wastewater systems**

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
Identified stormwater flow path, including a formed road with curb and channel, water-table drain, off-stream dam or pond that is not up-slope of the disposal area	5 metres	5 metres	5 metres
Dedicated secondary overland flows paths for constructed stormwater systems	1% annual exceedance probability	1% annual exceedance probability	1% annual exceedance probability
River, lake, stream, pond or wetland	20 metres	15 metres	15 metres
Coastal marine area	20 metres	15 metres	15 metres
Winter groundwater table	1.2 metres	0.6 metres	0.6 metres
Existing water supply bore	20 metres	20 metres	20 metres
Floodplain	1% annual exceedance probability	5% annual exceedance probability	5% annual exceedance probability

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
Property boundary that is not up-slope of the disposal area	1.5 metres	1.5 metres	1.5 metres

The RMA activities this rule covers:

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

#### C.6.1.4

##### Replacement discharge permits - controlled activity

An application for a resource consent to discharge [domestic type wastewater](#) into or onto land that will replace an existing resource consent is a controlled activity, provided there will be no change to the nature of the wastewater discharge authorised by the existing resource consent.

Matters of control:

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

The RMA activities this rule covers:

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

#### C.6.1.5

##### Other domestic wastewater discharges – discretionary activity

The discharge of treated [domestic type wastewater](#) into or onto land or into water that is not:

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

is a discretionary activity.

The RMA activities this rule covers:

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

### C.6.1.6

#### Discharge of untreated domestic type wastewater to water - prohibited activity

The discharge of untreated [domestic type wastewater](#) into [surface water](#) or directly into groundwater is a prohibited activity.

The RMA activities this rule covers:

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

## 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 'Wastewater network management plans', 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.

#### 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 pump station or pipe network into water or onto or into land that is not a controlled activity under rule C.6.2.1 'Wastewater discharge from a pump station or pipe network – controlled activity' is a discretionary activity.

The RMA activities this rule covers:

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

### C.6.2.3

#### Wastewater treatment plant discharge – discretionary activity

The discharge of treated [wastewater](#) from a wastewater treatment plant into water or onto or into land is a discretionary activity.

The RMA activities this rule covers:

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

### C.6.2.4

#### Wastewater discharge – prohibited activity

The discharge of [wastewater](#) into water or onto or into land 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:

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

---

## C.6.3 Agricultural waste discharges

### C.6.3.1

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

The discharge of [farm wastewater](#) onto or into land is a permitted activity provided:

- 1) there is no discharge:
  - a) directly into water, or
  - b) into [surface water](#) or to the coastal marine area via overland flow, or

- c) into [surface water](#) or to the coastal marine area via any tile, mole or other subsurface drain, or
  - d) into an [artificial watercourse](#), and
- 2) there is no discharge to land or overland flow within:
- a) 20 metres of any stream, river, lake, [natural wetland](#), or the coastal marine area, or
  - b) 20 metres of any [artificial watercourse](#) when containing water, 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 [wastewater](#), and
  - b) does not exceed the soil's ability to absorb the [wastewater](#), and
  - c) does not result in ponding on the land for longer than three hours after the discharge, and
  - d) minimises overland flow, and
  - e) does not cause an offensive or objectionable odour beyond the property boundary, and
- 4) roof water from sheds and other buildings is permanently diverted away from wastewater storage facilities. Roof water can be retained in a holding tank and used for wash-down purposes provided the overflow from the tank is permanently diverted away from the [farm wastewater storage facilities](#), and
- 5) a stormwater diversion system is maintained and operated to prevent stormwater from a yard at a dairy shed from entering the [farm wastewater storage facilities](#) when the yard is clean and not being used to hold animals, and
- 6) catchment stormwater is prevented from entering [farm wastewater storage facilities](#), and
- 7) [farm wastewater storage facilities](#) are used and:
- a) have sufficient contingency storage so that [farm wastewater](#) generated between 1 May and 30 September retained in the facilities, unless a resource consent is held that specifies a different contingency storage volume, and
  - b) have at least 90% working storage volume available at 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 Chartered Professional Engineer to the regional council that shows compliance with the design requirements in a) and c), 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:**

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

### C.6.3.2

#### Discharges associated with the making or storage of silage - permitted activity

The discharge of contaminants onto or into land in association with the making or storage of silage is a permitted activity, provided:

- 1) there is no discharge into [surface water](#) or to land within a setback distance in condition 2), and
- 2) the storage site is not located within
  - a) 50 metres of [surface water](#) or the coastal marine area, or
  - b) 50 metres of the head of any water supply [bore](#), or
  - c) 50 metres of a dwelling owned or occupied by another person, or
  - d) 20 metres of a public road or space, and
- 3) the discharge does not contaminate any groundwater supply or [surface water](#), and
- 4) water is prevented from entering the storage site, and
- 5) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

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

### C.6.3.3

#### Discharges associated with the disposal of dead animals or offal - permitted activity

The discharge of contaminants onto or into land in association with the disposal of dead animals or offal is a permitted activity, provided:

- 1) there is no discharge into [surface water](#), and
- 2) the disposal site is not located within:
  - a) 50 metres of [surface water](#) or the coastal marine area, or
  - b) 50 metres of the head of any water supply [bore](#), or
  - c) 50 metres of a dwelling owned or occupied by another person, or
  - d) 20 metres of a public road or space, and
- 3) the discharge does not contaminate any groundwater supply or [surface water](#), and
- 4) water is prevented from entering the disposal site, and
- 5) the disposal site is covered, and
- 6) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

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

### C.6.3.4

#### Emergency discharge of milk to land - permitted activity

The emergency discharge of milk onto or into land is a permitted activity, provided:

- 1) there is no discharge into [surface water](#) or to land within:
  - a) 50 metres of [surface water](#) or the coastal marine area, or
  - b) 50 metres of the head of any water supply [bore](#), or

- c) 50 metres of a dwelling owned or occupied by another person, or
- d) 20 metres of a public road or space, and
- 2) the milk does not pond on the land for longer than three hours after the discharge, and
- 3) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers:

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

### C.6.3.5

#### Agricultural waste discharges – discretionary activity

The discharge onto or into land of [farm wastewater](#), contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk that is not:

- 1) a permitted activity under C.6.3.1 'Farm wastewater discharges to land – permitted activity', 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 – discretionary activity', or
- 6) a prohibited activity under C.6.3.7 'Farm wastewater discharges – prohibited activity',

is a discretionary activity.

The RMA activities this rule covers:

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

### C.6.3.6

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

The discharge of treated [farm wastewater](#) into water is a discretionary activity provided the discharge is not into a dune lake, [surface water](#) flowing into any dune lake, an [outstanding freshwater body](#) or a [significant wetland](#).

The RMA activities this rule covers:

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

### C.6.3.7

#### Farm wastewater discharges – 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:

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

## 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:

- 1) the diversion and discharge does not cause erosion at the point of discharge or downstream, and
- 2) the diversion and discharge does not cause or increase flooding of land outside the area serviced by the stormwater network up to the 10 percent annual exceedance probability or flooding of buildings outside the area serviced by the network up to the one percent annual exceedance probability, and
- 3) the discharge does not contain any wastes or cooling water from a trade or industrial premise, and
- 4) the discharge does not contain more than:
  - a) 15 milligrams per litre of total petroleum hydrocarbons, or
  - b) 100 milligrams per litre of suspended solids, and
- 5) the discharge does not cause any of the following effects in the receiving waters beyond 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 'Priority public stormwater networks' is provided to the council, and
- 7) the stormwater management plan is consistent with the requirements in H.2 'Stormwater management plans' 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.

**Table 5 Priority public stormwater networks**

Far North District	Whangarei District	Kaipara District
Kaitaia	One Tree Point - Marsden Cove	Dargaville
Kaikohe	Ruakaka	Mangawhai- Mangawhai Heads
Kerikeri	Waipu	
Paihia	Whangarei	



Far North District	Whangarei District	Kaipara District
Waipapa		

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a) and (b)).

### C.6.4.2

#### Other stormwater discharge – permitted activity

The diversion and discharge of stormwater into water, or onto or into land where it may enter water from an [impervious area](#), recontoured land, or by way of a [stormwater collection system](#) is a permitted activity, provided:

- 1) the discharge is not from:
  - a) a [public stormwater network](#), or
  - b) a [high risk industrial or trade premise](#), and
- 2) the discharge or diversion does not cause or increase nuisance or damage to other property, and
- 3) where the stormwater diversion or discharge is from a hazardous substance storage area:
  - a) the [stormwater collection system](#) is designed and operated to prevent hazardous substances stored or used on the site from entering the system, or
  - b) there is an [stormwater interceptor](#) in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system or store it for removal and treatment, unless the stormwater contains no hazardous substances except oil or grease and the stormwater is passed through an oil interceptor system 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 contaminants stored or used on the site from entering stormwater unless the stormwater is discharged through a stormwater interceptor, and
  - b) any process water or waste stream on the site is bunded, or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100 percent of the quantity of any process water or 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](#):
  - a) a site investigation report prepared by a suitably qualified and experienced practitioner demonstrates that the stormwater discharge does not contain more than;
    - i) 15 milligrams per litre of total petroleum hydrocarbons, and
    - ii) 0.13 micrograms per litre of perfluorooctane sulfonate acid and perfluorohexane sulfonate, and
    - iii) 632 micrograms per litre of perfluorooctanoic acid, and
    - iv) the concentrations listed in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000), at the 95% species protection level, and
  - b) the discharge is not via deep soakage or rapid infiltration systems, and
- 6) the discharge does not erode the bed or banks of a lake or river, or the foreshore, and
- 7) the discharge does not contain more than:
  - a) 15 milligrams per litre of total petroleum hydrocarbons
  - b) 100 milligrams per litre of suspended solids

- 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:
- 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:

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a), (b), and (d)).

### C.6.4.3

#### Stormwater discharges – controlled activity

The diversion and discharge of stormwater into water or onto or into land that is not a permitted activity under C.6.4.1 'Stormwater discharges from a public stormwater network – permitted activity' or C.6.4.2 'Other stormwater discharge – permitted 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 by the stormwater network.
- 5) The design and operation of the stormwater system and any staging of works.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a), (b), and (d)).

### C.6.4.4

#### Stormwater discharge from contaminated land and high risk industrial or trade premises - discretionary activity

The diversion and discharge of stormwater into water or onto land where it may enter water from a [high risk industrial or trade premise](#) or [contaminated land](#) is a discretionary activity.

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a), (b), and (d)).

## C.6.5 Agrichemicals

### C.6.5.1

#### Application of agrichemicals – permitted activity

The discharge of agrichemicals into air, onto land or onto land where it may enter water is a permitted activity provided:

- 1) for all methods ([hand-held spraying](#), [ground-based spraying](#) and [aerial application](#)):
  - a) the discharge does not result in:
    - i) offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
    - 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 water, and
  - c) neighboring properties receive notification no less than 24 hours and no more than two 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 by any method in [public amenity areas](#), prominent signs are placed within the immediate vicinity, prior to the commencement of the spraying and remain in place for any required stand-down period afterwards. Signs must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects 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 road and rail corridors:
    - i) prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying at least 7 days and not one month before spraying is to take place and remain in place for any required stand-down period afterwards, and
    - ii) a public notice must be placed in a newspaper or a letter drop is made to properties within 30 metres (or 200m for aerial spraying) from the area to be sprayed at least 7 days and not one month before spraying is to take place, and
    - iii) all of the above must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects and the application method, and
    - iv) vehicles used to spray must display prominent signs (front and back) advising that spraying is in progress, and
    - v) a record of the notification undertaken must be kept and made available to the regional council on request, and

**Table 6 Spraying notification requirements**

Spraying method	Properties to be notified	Notification requirements
Hand-held spraying	Nil (unless a <a href="#">public amenity area</a> or road and rail corridor under the specific requirements above).	Nil (unless a <a href="#">public amenity area</a> or road and rail corridor under the specific requirements above).

Spraying method	Properties to be notified	Notification requirements
Ground-based spraying	Any property with a <a href="#">spray-sensitive area</a> within 30 metres of the spraying, including when spraying is taking place in <a href="#">public amenity areas</a> but excluding when the spraying is taking place in a road or rail corridor.	Notification: a) is undertaken by the owner or occupier of the property to be sprayed unless delegated to the applicator, and b) is in writing (which can include email or other electronic means), and c) includes:
Aerial application	Any property with a <a href="#">spray-sensitive area</a> within 200 metres of the spraying, including when spraying is taking place in <a href="#">public amenity areas</a> but excluding when the spraying is taking place in a road or rail corridor.	<ul style="list-style-type: none"> <li>i) the days and times over when the spraying is likely to take place, including alternative days and times if weather is unsuitable, and</li> <li>ii) the contact details of the property owner or applicator, and</li> <li>iii) the details of chemicals being sprayed, and</li> <li>iv) any notable adverse effects, and</li> <li>v) the application method.</li> </ul>

2) for [ground-based spraying](#):

- a) an applicator who is a contractor holds a current GROWSAFE Registered Chemical Applicators Certificate (or its equivalent), and
- b) an applicator who is not a contractor holds a current GROWSAFE Introductory Certificate (or its equivalent) *or* 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, and

3) for [aerial application](#):

- a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate (or its equivalent), and
- b) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals, and
- c) there is no [aerial application](#) in [urban areas](#).

Note:

In addition to the above, the substance must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

The RMA activities this rule covers:

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

## C.6.5.2

## Application of agrichemicals into water – permitted activity

The discharge of agrichemicals into air where it can directly enter water is a permitted activity provided:

- 1) there is no discharge into water in the coastal marine area, and
- 2) the discharge does not cause beyond a 20-metre radius in the receiving waters from the point of discharge:
  - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
  - b) increase the temperature by more than three degrees Celsius, or
  - c) a [water quality standard](#) to be exceeded, 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 one pH unit, or
  - e) cause the dissolved oxygen to be less than five milligrams per litre, or
  - f) any conspicuous change in the colour or visual clarity, or
  - g) the rendering of fresh water unsuitable for consumption by farm animals, or
  - h) any significant adverse effects on aquatic life (excluding pest species), and
- 3) an applicator holds a recognised application qualification (GROWSAFE or equivalent) with an aquatic component, and
- 4) the activity is undertaken in accordance with *New Zealand Standard: 8409:2004 Management of Agrichemicals* as it relates to the management of the discharge of agrichemicals, and
- 5) the following notification takes place:
  - a) every person taking water for potable supply within one kilometre downstream of the proposed discharge no less than 24 hours and no more than two weeks prior to the proposed commencement of any spraying, and
  - b) every holder of a resource consent for the taking of water for water supply purposes downstream of the proposed discharge at least seven days before the discharge, and
  - c) notification must be undertaken by the owner or occupier of the property to be sprayed, unless delegated to the applicator, and must be in writing (which can include email or other electronic means), and
  - d) must include:
    - i) the days and times over when the spraying is likely to take place, including alternative days and times if weather is unsuitable, and
    - ii) the contact details of the property owner or applicator, and
    - iii) the details of chemicals being sprayed, and
    - iv) any notable adverse effects, and
    - v) the application method, and
  - e) some or all of the above notification requirements can be amended or omitted with the agreement of affected parties, and
- 6) in addition, for [aerial application](#) into water:
  - a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate (or its equivalent), and
  - 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, prior to the commencement of the spraying and remain in place for any required stand-down period afterwards. Signs must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects and the application method. A record of the notification undertaken must be kept and made available to the regional council on request, and
- 8) in addition, for spraying by any method in road 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 7 days and not one month before spraying is to take place and remain in place for any required stand-down period afterwards, and
- b) a public notice must be placed in a newspaper *or* a letter drop is made to properties within 30 metres (or 200m for aerial spraying) from the area to be sprayed at least 7 days and not one month before spraying is to take place, and
- c) all of the above must include the contact details of the property owner or applicator, details on the chemical to be sprayed, the time period over when the spraying is likely to take place, any notable adverse effects and the application method, and
- d) vehicles used to spray must display prominent signs (front and back) advising that spraying is in progress, and
- e) a record of the notification undertaken must be kept and made available to the regional council on request.

**Note:**

In addition to the above, the substance must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

**The RMA activities this rule covers:**

- Discharge contaminants into water (s15(1)(a)).
- Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).

### C.6.5.3

**Vertebrate toxic agents (ground-based application) – permitted activity**

The ground-based application of vertebrate toxic agents to land, that are not exempt from Section 15 <sup>(4)</sup> by the *Resource Management (Exemption) Regulations 2017 – Pest Control*, is a permitted activity provided:

- 1) the substance is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, and
- 2) the discharge is more than 20 metres from a structure used to collect human or animal drinking water.

**Note:**

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be imported into or manufactured in New Zealand, and places controls of each phase of the substances life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

**The RMA activities this rule covers:**

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

#### C.6.5.4

##### Vertebrate toxic agents (aerial application) – controlled activity

The [aerial application](#) of vertebrate toxic agents to land and any incidental discharge into water or incidental discharge of dust to air, that is not exempt from Section 15 <sup>(5)</sup> by the *Resource Management (Exemption) Regulations 2017 – Pest Control*, is a controlled activity provided that:

- 1) the substance is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*.

##### Matters of control:

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

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be imported into or manufactured in New Zealand, and places controls of each phase of the substances life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

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

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

#### C.6.5.5

##### Application of agrichemicals and vertebrate toxic agents – discretionary activity

The discharge of agrichemicals or vertebrate toxic agents that is not a:

- 1) permitted activity under rule C.6.5.1 'Application of agrichemicals – permitted activity', or
- 2) permitted activity under rule C.6.5.2 'Application of agrichemicals into water – permitted activity', or
- 3) permitted activity under rule C.6.5.3 'Vertebrate toxic agents (ground-based application) – permitted activity', or
- 4) controlled activity under rule C.6.5.4 'Vertebrate toxic agents (aerial application) – controlled activity', or

is a discretionary activity.

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

- 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)).

## C.6.6 Industrial and trade discharges

### C.6.6.1

#### Discharge of cooling water - permitted activity

The discharge of cooling water into water is a permitted activity, provided:

- 1) the discharge is free of any hazardous substance, and
- 2) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge:
  - a) an increase in temperature of more than three degrees Celsius, or
  - b) the pH to fall outside a range of 6.5 to 8.5, or
  - c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
  - d) a conspicuous change in the colour, or visual clarity, or
  - e) a significant adverse effect on aquatic life, and
- 3) the discharge does not cause any scouring or erosion.

The RMA activities this rule covers:

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

### C.6.6.2

#### Discharge 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 [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, and
- 8) there is no discharge:
- a) directly into water, or
  - b) into [surface water](#) via overland flow, or
  - c) into [surface water](#) via any tile, mole or other subsurface drain, and
- 9) there is no discharge to land or overland flow within:
- a) 20 metres of any river, lake, natural wetland, or the coastal marine area, or
  - b) 20 metres of any [artificial watercourse](#) when containing water, or
  - c) 20 metres of a neighbouring property owned or occupied by another person, or
  - d) 50 metres of the head of a [bore](#) for any water supply, or
  - e) 50 metres of any dwelling owned or occupied by another person, and
- 10) the [wastewater](#) is discharged in a manner that:
- a) does not exceed the soil's ability to absorb the [wastewater](#), and
  - b) does not result in ponding on the land for more than three hours after the discharge, and
  - c) evenly distributes the [wastewater](#) over entire infiltration surface of the disposal system, and
- 11) there is a reserve area equivalent to 100 percent of the disposal area, and
- 12) there is no clogging of the disposal system or soils.

The RMA activities this rule covers:

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

### C.6.6.3

#### Industrial or trade discharges - discretionary activity

The discharge of contaminants from an industrial or trade premises into or onto land or into water that is not:

- 1) a permitted activity under C.6.6.1 'Discharge of cooling water - permitted activity', or
- 2) a permitted activity under C.6.6.2 'Discharge of industrial or trade wastewater - permitted activity'

or any other rule relating to discharges of contaminants from industrial or trade premises, is a discretionary activity.

The RMA activities this rule covers:

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

---

### 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)).

### C.6.7.2

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

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

- 1) [refuse](#) in the [landfill](#) is capped with a minimum of:
  - a) 150 millimetres topsoil layer for vegetation, and
  - b) 600 millimetres compacted barrier layer (silt, silty clay, clay ), with permeability not greater than nine millimetres per day, and
  - c) 300 millimetres compacted subgrade or foundation layer, and
- 2) the site is protected from salt water, groundwater and freshwater intrusion or inundation by the use of stop banks or impermeable seals, and
- 3) the surface of the [landfill](#) is sloped to prevent ponding of [surface water](#), and
- 4) the final capping layer is planted using vegetation that will maintain ground cover and whose roots will not intrude through the capping layer into the [refuse](#) in the [landfill](#), and
- 5) catchment run-off is prevented from entering the [landfill](#), and
- 6) the discharge does not cause beyond a 20-metre radius in the receiving waters from the point of discharge:
  - a) an exceedance of a [water quality standard](#) or a [sediment quality standard](#), or
  - b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
  - c) a conspicuous change in the colour or visual clarity, or
  - d) the rendering of fresh water unsuitable for consumption by farm animals, or
  - e) a significant adverse effect on aquatic life.

The RMA activities this rule covers:

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

### C.6.7.3

#### On site refuse disposal – permitted activity

The discharge of waste 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, agrichemical containers or hazardous substances, and

- 3) the waste is generated on the [property](#) where the disposal site is located, and
- 4) the volume of waste discharged does not exceed 50 cubic metres per [property](#), and
- 5) the discharge of refuse is not located within:
  - a) 50 metres of the coastal marine area, a stream, river, lake or wetland, or
  - b) 50 metres from the [bore](#) head of any water supply [bore](#), or
  - c) 50 metres of a geothermal surface feature, or
  - d) 50 metres of any neighbouring property owned or occupied by another person, or
  - e) a one-in-100-year flood hazard area, and
- 6) stormwater is prevented from entering the waste disposal site, and
- 7) the site is not subject to groundwater or salt water intrusion or inundation, and
- 8) the waste is covered to prevent wind-blown refuse, and
- 9) the surface of the disposal site is re-vegetated when no longer in use to avoid erosion and sediment runoff, and
- 10) the location of the disposal site is recorded and provided to the regional council on request, and
- 11) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject [property](#).

The RMA activities this rule covers:

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

#### C.6.7.4

##### Composting operations less than 10 cubic metres - permitted activity

The discharge of contaminants to land from a [composting operation](#) is a permitted activity provided:

- 1) the total volume of material composted at any time does not exceed 10 cubic metres, and
- 2) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
- 3) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property, and
- 4) leachate is not discharged to [surface water](#).

The RMA activities this rule covers:

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

#### C.6.7.5

##### Composting operations greater than 10 cubic metres – permitted activity

The discharge of contaminants from a composting operation onto or into land in circumstances where contaminants may enter water is a permitted activity, provided:

- 1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
- 2) [leachate](#) is not discharged to surface waterbody, and
- 3) there is no surface ponding of [leachate](#) or overland flow of [leachate](#) from the composting site, and
- 4) catchment run-off is diverted away from the pile, and

- 5) the activity is not located within:
  - a) 50 metres of any water supply [bore](#), stream, river, lake or wetland, or
  - b) 50 metres of a geothermal surface feature, or
  - c) 50 metres of the coastal marine area, or
  - d) a [high risk flood hazard zone](#) hazard area, and
- 6) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property.

The RMA activities this rule covers:

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

### C.6.7.6

#### Waste transfer stations – controlled activity

Discharge of contaminants from a [waste transfer station](#) into or onto land is a controlled activity provided:

- 1) the concentrations of contaminants in water at or beyond the property boundary do not exceed the following ;
  - 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
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions, beyond the boundary of the subject property.

Matters of control:

- 1) Measures in place to prevent contaminants entering [surface water](#), groundwater and the coastal marine area.

The RMA activities this rule covers:

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

### C.6.7.7

#### Other solid waste discharges – discretionary activity

A solid waste discharge that is not a:

- 1) permitted activity under rule C.6.7.1 'Cleanfill – permitted activity' , or
- 2) permitted activity under rule C.6.7.2 'Discharges to land from closed landfills – permitted activity', or
- 3) permitted activity under rule C.6.7.4 'Composting operations less than 10 cubic metres - permitted activity', or
- 4) permitted activity under rule C.6.7.5 'Composting operations greater than 10 cubic metres – permitted activity', or
- 5) permitted activity under rule C.6.7.3 'On site refuse disposal – permitted activity', or
- 6) controlled activity under rule C.6.7.6 'Waste transfer stations – controlled activity',

is a discretionary activity.

The RMA activities this rule covers:

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

## C.6.8 Contaminated land

### C.6.8.1

#### Investigating contaminated land – permitted activity

A site investigation to assess the concentration of hazardous substances in soil, water or air is a permitted activity provided:

- 1) the site investigation is undertaken by a suitably qualified and experienced practitioner, and
- 2) the person or organisation initiating the site investigation must provide a copy of the site investigation report to the regional council within three months of the completion of the investigation, and
- 3) site investigations undertaken to assess the concentrations of contaminants in soil are undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011), and
- 4) site investigations undertaken to assess the concentrations of contaminants in [surface water](#), ground water, soil gas or soil vapour are undertaken in accordance with Section 2 *Principles of site investigation*, *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011).

#### Note:

The construction of a bore in contaminated land is a controlled activity (refer C.8.5.3 'Construction or alteration of a bore – controlled activity'.)

The RMA activities this rule covers:

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

### C.6.8.2

#### Discharges from contaminated land - permitted activity

The [passive discharge](#) of contaminants from contaminated land into water, or onto or into land where it may enter water, is a permitted activity, provided;

- 1) a site investigation has been undertaken by a suitably qualified and experienced practitioner, and
- 2) the site investigation report demonstrates that the [passive discharge](#) of:
  - a) contaminants in [sensitive groundwater](#), at the [property](#) boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed:
    - i) 0.07 µg/L perfluorooctane sulfonate acid (PFOS) + perfluorohexane sulfonate (PFHxS), and
    - ii) 0.56 µg/L of perfluorooctanoic acid (PFOA), and
    - iii) the contaminant concentrations in *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
- 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) + perfluorohexane 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, do not exceed the concentrations of contaminants listed in *table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000)* for fresh and marine water at the level of 80% protection of species, and
- c) 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
- d) petroleum hydrocarbon concentrations 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) <sup>(6)</sup> must not have a LNAPL transmissivity of less than 0.001 square metres per day, and
- 4) dense non-aqueous phase liquids <sup>(7)</sup> are not mobile and in free phase form, and
- 5) non-aqueous phase liquids do not extend across the **property** boundary.

The RMA activities this rule covers:

- discharge of contaminants onto or into land which may enter water (15(1)(b)), and
- discharge of contaminants onto or into land from any trade or industrial premises (15(1)(d)), and
- discharge of contaminants into the air from any other place or source (s15(2A)), and
- restrictions on the use of land (s9(2)).

### C.6.8.3

#### Contaminated land remediation - discretionary activity

Remediation of contaminated land is a discretionary activity, except:

- 1) earth works that are a permitted activity under rule C.8.3.1 'Earthworks – permitted activity'

The RMA activities this rule covers:

<sup>6</sup> Light non-aqueous phase liquids are liquids that have a specific gravity of less than one

<sup>7</sup> Dense non-aqueous phase liquids are liquids with a specific gravity of greater than one

- 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.6.8.4

##### Contaminated land – discretionary activity

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

- 1) permitted activity under rule C.6.8.1 'Investigating contaminated land – permitted activity', 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:

- 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.6.9 Other discharges of contaminants

#### C.6.9.1

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

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

- 1) the discharge is not directly to water, and
- 2) the dust suppressant:
  - a) is approved for its intended use by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996*, or
  - b) has been determined by the Environmental Protection Authority to not be a hazardous substance.

Note:

The Environmental Protection Authority assesses all hazardous substances and approves those that are allowed to be used, imported into or manufactured in New Zealand, and places controls of each phase of a substance's life-cycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.

The RMA activities this rule covers:

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

#### C.6.9.2

##### Discharge of tracers – permitted activity

The discharge of a tracer into 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:
  - a) the rendering of fresh water unsuitable for consumption by farm animals, or
  - b) a significant adverse effect on aquatic life, and
- 4) the regional council's compliance manager is given at least 24 hours notice (in writing or by email) prior to the discharge.

The RMA activities this rule covers:

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

### 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 (New Zealand Fertiliser) 2013*.

The RMA activities this rule covers:

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

### C.6.9.4

#### Discharge of sluicing water - permitted activity

The discharge of sluicing water 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 erosion of the channel or banks of the receiving water body, and
- 3) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge:
  - a) an increase in the temperature of the water by more than three degrees Celsius, or
  - b) a conspicuous change in the colour or visual clarity, or
  - c) an emission of objectionable odour, or
  - d) the rendering of fresh water unsuitable for consumption by farm animals, or
  - e) a significant adverse effect on aquatic life.

The RMA activities this rule covers:

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

### C.6.9.5

#### Discharges to land or water not provided for by other rules - permitted activity

The discharge of water or contaminants into water or onto or into land where it may enter water that is not regulated by 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, and
- 3) the discharge does not contain biosolids, and
- 4) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge:
  - a) an exceedance of a [water quality standard](#) or a [sediment quality standard](#), or
  - b) an increase the temperature of the water by more than three degrees Celsius, or
  - c) the pH of fresh water to be outside of the range of 6.5-8.5, or
  - d) the dissolved oxygen in fresh water to be less than five milligrams per litre, or
  - e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
  - f) a conspicuous change in the colour or visual clarity, or
  - g) an emission of objectionable odour, or
  - h) the rendering of fresh water unsuitable for consumption by farm animals, or
  - i) a significant adverse effect on aquatic life, and
- 5) the discharge does not scour or erode the bed of any water body or the coastal marine area.

The RMA activities this rule covers:

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

#### 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 RMA activities this rule covers:

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

#### 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'), and
- 2) the Marine pollution limits - Bay of Islands large vessel limits (refer I 'Maps') vessels for that have a certificate of survey to carry more than 49 passengers and crew

The RMA activities this rule covers:

- Restrictions on dumping and incineration of waste or other matter in 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.

### Burning

Rule	Page
C.7.1.1 'Outdoor burning – permitted activity '	140
C.7.1.2 'Outdoor burning in the Whangarei and Kerikeri airsheds - permitted activity'	140
C.7.1.3 'Outdoor burning for fire training purposes – permitted activity'	141
C.7.1.4 'Outdoor burning for biosecurity purposes – permitted activity'	142
C.7.1.5 'Burning for energy (electricity and heat) generation less than 40kW – permitted activity'	142
C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity'	142
C.7.1.7 'Existing authorised burning for energy generation – restricted discretionary activity'	143
C.7.1.8 'Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity'	144
C.7.1.9 'Outdoor burning – non-complying activity'	144

### Other air discharges

Rule	Page
C.7.2.1 'Wet abrasive blasting – permitted activity'	145
C.7.2.2 'Dry abrasive blasting within an enclosed booth – permitted activity'	146
C.7.2.3 'Discharges to air from a closed landfill – permitted activity'	146
C.7.2.4 'Discharges to air from industrial and trade activities - permitted activity'	147
C.7.2.5 'Discharges to air from the use of public roads by motor vehicles - permitted activity'	148

Rule	Page
C.7.2.6 'Discharges to air not specifically regulated in the plan - permitted activity '	148
C.7.2.7 'Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity'	148

## C.7.1 Burning

### C.7.1.1

#### Outdoor burning – permitted activity

Outdoor burning is a permitted activity, provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) it is not in the Whangārei or Kerikeri airsheds (refer I 'Maps'), and
- 3) only untreated wood, paper, cardboard and vegetative matter (including animal carcasses and offal on production land) are burnt, and
- 4) it does not take place on an industrial or trade premise, unless burning is in an [incineration device](#) and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, and
- 5) where any [outdoor burning](#) is likely to last for more than 24 hours and it is within 100 metres of a smoke sensitive area on another property:
  - a) the neighbouring property with the [smoke sensitive area](#) must receive notification no less than 24 hours and no more than two weeks before the [outdoor burning](#) activity is to take place, and
  - b) notification must:
    - i) be in writing (which can include email or other electronic means), and
    - ii) include:
      - 1) a contact name and number for the person supervising the burn, and
      - 2) details of materials to be burnt, and
      - 3) general time the burning will commence, and
      - 4) approximate length of time the burn will take, and
  - c) some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.

The RMA activities this rule covers:

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

### C.7.1.2

#### Outdoor burning in the Whangārei and Kerikeri airsheds - permitted activity

[Outdoor burning](#) in the Whangārei and Kerikeri airsheds (refer I 'Maps') is a permitted activity, provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) only untreated wood, paper, cardboard and vegetative matter are burnt, and
- 3) it is located more than 100 metres upwind, or 50 metres in any direction, of any [smoke sensitive activity](#) that is not located on the property where the burning occurs, and
- 4) in the Whangārei airshed, no burning is to take place during June, July or August, and
- 5) that despite clauses 2, 3 and 4 above, burning is permitted where the burning is:
  - a) on an industrial and trade premise, in an [incineration device](#) and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, or
  - b) an umu (provided it is being used for its designated purpose and with its intended fuel), or

- c) a hangi (provided it is being used for its designated purpose and with its intended fuel), or
  - d) a barbeque (provided it is being used for its designated purpose and with its intended fuel), or
  - e) an outdoor fire for food cooking purposes (provided it is being used for its designated purpose and with its intended fuel), or
  - f) a wood-fired kiln (provided it is being used for its designated purpose and with its intended fuel), or
  - g) a bonfire containing only wood, paper, cardboard and vegetative matter, organised by a [community-controlled organisation](#) and the regional council is notified five working days in advance, 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) and
    - ii) include:
      - 1) a contact name and number for the person supervising the burn, and
      - 2) details of materials to be burnt, and
      - 3) general time the burning will commence, and
      - 4) approximate length of time the burn will take, and
  - c) some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.

The RMA activities this rule covers:

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

### C.7.1.3

#### Outdoor burning for fire training purposes – permitted activity

Outdoor burning of any material for the purpose of fire training is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) the fire is under the control of a nationally recognised body authorised to undertake fire research or fire training activities, and
- 3) the relevant territorial authority and regional council's compliance manager are notified in writing (which can include email or other electronic means) at least five working days before the fire begins and notification must include:
  - a) a contact name and number for the person supervising the burn, and
  - b) details of materials to be burnt, and
  - c) location and proximity to sensitive areas, and
  - d) approximate length of time burn will take.

The RMA activities this rule covers:

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

#### C.7.1.4

##### Outdoor burning for biosecurity purposes – permitted activity

Outdoor burning of any material for the purpose of meeting a requirement of the Biosecurity Act 1993 is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.

The RMA activities this rule covers:

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

#### C.7.1.5

##### Burning for energy (electricity and heat) generation less than 40kW – permitted activity

The discharge of contaminants to air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a burning device for energy (electricity and heat) generation is a permitted activity provided:

- 1) the heat capacity of the device does not exceed 40KW, and
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.

The RMA activities this rule covers:

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

#### C.7.1.6

##### Burning for energy (electricity and heat) generation more than 40KW – permitted activity

The discharge of contaminants to air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a burning device of more than 40KW for energy generation is a permitted activity provided:

- 1) the burning device has a rate of heat release less than the following:
  - a) coal and oil (but not waste oil) – does not exceed 5MW, and
  - b) natural gas, biogas and liquid petroleum gas– does not exceed 10MW, and
  - c) untreated wood burning – does not exceed 2.5MW, and
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 3) the discharge of particulates is less than 250mg/m<sup>3</sup> of non-toxic particulates, corrected to 0°C, 12% CO<sub>2</sub>, 1 Atmosphere, and a dry gas basis, and
- 4) the stack height is calculated in accordance with the chimney height requirements in H.3 'Chimney height requirements', and
- 5) the stack vertical efflux velocity is not less than 5m/s, and
- 6) the opacity of the discharge to air when measured visually in accordance with AS3543–2014, *Use of standard Ringelmann and Australian Standard miniature smoke charts*, is not as dark as or darker than Ringelmann

Shade No. 1 for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing, providing that the opacity of the discharge is reduced as far as practicable, and

- 7) the opacity of the discharge to air when measured by photoelectric means in accordance with AS3543-2014 does not equal or exceed 52% for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing providing that the opacity of the discharge is reduced as far as practicable.

**Note:**

This rule does not apply to the discharge of contaminants to air as a result of using the energy from the burning device (for example, the drying of wood in a kiln, foundry furnaces where metal is smelted, incinerators or other fuel burning equipment associated with industrial processes) – this type of discharge is a discretionary activity. Additionally, where there is more than one burning device on one property, the total generating capacity of the site must be less than the specifications for the relevant fuel.

**The RMA activities this rule covers:**

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

### C.7.1.7

**Existing authorised burning for energy generation – restricted discretionary activity**

An application for a new resource consent to replace an existing resource consent for the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood for energy generation is a restricted discretionary activity provided:

- 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 the discharge as authorised by the existing resource consent.

**Notification:**

Applications processed under this rule are precluded from public notification.

**Matters of discretion:**

- 1) Measures to avoid, remedy or mitigate the adverse effects on neighbouring dwelling places or properties, and
- 2) The method of discharge, including stack design and exit velocity, and
- 3) Emission control equipment, its operation and maintenance, and
- 4) Combustion equipment operation and maintenance, and
- 5) Fuel use, quality (including sulphur content), storage and handling, and
- 6) Requirement for a management plan, and
- 7) Emission limits (concentrations and/or rates) on the discharge, and
- 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.

**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.

**The RMA activities this rule covers:**

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

### C.7.1.8

#### **Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity**

The discharge of contaminants into air from any burning that is not a:

- 1) permitted activity under rule C.7.1.1 'Outdoor burning – 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:**

- 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)).

### C.7.1.9

#### **Outdoor burning – non-complying activity**

The [outdoor burning](#) of:

- 1) wood that is painted, oiled or stained, other than a minor and incidental amount, including but not limited to lead based painted wood, and
- 2) wood treated with Copper Chrome Arsenic (CCA) or other chemicals, and
- 3) timber treated with preservatives or impregnated with chemicals, for example, medium density fibreboard (MDF) and chipboard, and
- 4) construction or demolition waste, and
- 5) plastics, and
- 6) paint and other surface coating materials, and
- 7) tar, and
- 8) rubber, and
- 9) materials containing asbestos, and
- 10) synthetic material including but not limited to foams, fibreglass, batteries, chemicals, paint and other surface coating materials, and



- 11) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and
- 12) pathological, clinical veterinary or quarantine wastes or animal waste, but excluding animal carcasses or offal, other than minor or incidental amounts that are not the principle waste, and
- 13) sludge from industrial processes, and
- 14) municipal, commercial, institutional, domestic, or industrial waste, and
- 15) any container that has been used for the purpose of storing hazardous substances,

that is not:

- 1) a permitted activity under rule C.7.1.3 'Outdoor burning for fire training purposes – permitted activity', or
- 2) 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:**

- 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)).

---

## C.7.2 Other air discharges

### C.7.2.1

#### Wet abrasive blasting – permitted activity

Wet abrasive blasting (including water blasting) is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) all working and surrounding areas are kept free of substantial accumulations of used abrasive blasting mediums and other debris after each blasting session and such material must be removed by the end of each working day, and
- 3) used abrasive blasting mediums and other debris must be contained to the extent that no hazardous substances are discharged into water, and
- 4) the abrasive blasting medium is not greater than 5 percent by dry weight free silica, and
- 5) any discharge into water does not cause beyond a 20 metre radius in the receiving waters from the point of discharge:
  - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
  - b) a [water quality standard](#) to be exceeded, or
  - c) increase the temperature by more than 3 degrees Celsius, or
  - d) cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than 1 pH unit, or
  - e) cause the dissolved oxygen to be less than 5 mg/L, or
  - f) any conspicuous change in the colour or visual clarity, or
  - g) the rendering of fresh water unsuitable for consumption by farm animals, or

- h) any significant adverse effects on aquatic life.

**The RMA activities this rule covers:**

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

### C.7.2.2

**Dry abrasive blasting within an enclosed booth – permitted activity**

**Dry abrasive blasting** within a purpose-built enclosed blasting booth is a permitted activity provided:

- 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 2) the enclosed booth is fitted with an air extraction system that discharges all contaminants and exhaust air into a vent or emissions stack, and
- 3) the air extraction system is maintained at all times to remove at least 95% of particulate matter from the discharge, and
- 4) items being blasted are completely contained within the abrasive blasting booth, and
- 5) all doors, windows and other openings to the abrasive blasting booth are closed when blasting, and
- 6) the discharge from the extraction system is at least 50 metres from any **dust sensitive area** on another property.

**The RMA activities this rule covers:**

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

### C.7.2.3

**Discharges to air from a closed landfill – permitted activity**

Discharges into air from any closed landfill is a permitted activity provided:

- 1) the landfill was closed before the 1 September 2017, and
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 3) there are no significant health and safety exposure risks from landfill gas on the subject site where public access is allowed, and
- 4) in circumstances where the closed landfill is in receipt of an existing resource consent to discharge to air, prior to the expiry of the consent it can be demonstrated to the regional council that conditions (2) and (3) of this rule are met through a risk assessment by a suitably trained and certified individual.

**The RMA activities this rule covers:**

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

## C.7.2.4

**Discharges to air from industrial and trade activities - permitted activity**

The discharge of contaminants to air from the following industrial and trade activities is a permitted activity:

- 1) premises for the manufacture or preparation or cooking of food or beverages for human consumption but excluding:
  - a) the extraction, distillation, or purification of animal or vegetable oil or fat otherwise than as a process incidental for the cooking of food, and
  - b) any process for the rendering or reduction or drying of animal matter (including feathers, blood, bone, skin or offal), and
  - c) any processes for the drying of milk or milk products, and
- 2) the refilling, storage, dispensing and sale of fuels, and
- 3) the operation of drycleaning facilities consuming solvents, and
- 4) the application of spray coating activities, and
- 5) the operation of air conditioning systems and ventilation systems, and
- 6) the operation of industrial and commercial refrigeration systems, and
- 7) moving or stationary engine exhaust systems, and
- 8) indoor combustion of fuels for fire fighting training or emergency fire fighting purposes, and
- 9) premises used as or associated with funeral parlours, chapels, or stonemasons, but excluding crematoria, and
- 10) premises used for the application of surface coatings, including printing or manufacture of packaging materials and the printing of paper, and
- 11) premises used for processes involving dyeing, printing, or finishing of yarns, threads, woven, non-woven or knitted fabrics or garments, but excluding: chemical reactions of monomers for the production of synthetic threads, fellmongery, tanning, the curing of leathers or wool scouring, and
- 12) premises used for the sale, servicing, or repairs to motor vehicles, trailers, boats or like equipment, including body and engine repairs, panel beating and fibre-glassing, and
- 13) yards used to hold stock and/or buildings used solely for animal slaughtering and skinning, and
- 14) premises used for saw milling, joinery, cabinet making, furniture restoration and finishing, wood craft manufacture, but excluding the production of any form of particle-board, hardboard, medium density fibre-board or similar product), and
- 15) premises or activities where water vapour or steam are released, and
- 16) premises used for fumigation for quarantine purposes, and
- 17) the construction, repair, maintenance and demolition of buildings, and
- 18) the refilling, storage and dispensing of tallow, and
- 19) the construction, use and maintenance of roads (including unsealed roads) and railways on industrial and trade premises, and
- 20) the loading and unloading and on-site movement of materials having a dust producing capacity, and
- 21) a transfer station or recycling depot, and
- 22) premises used for the bulk storage and distribution of fertiliser, and
- 23) quarrying operations, [earthworks](#) and clean fill operations.

provided:

- 24) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.

The RMA activities this rule covers:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).

#### C.7.2.5

##### Discharges to air from the use of public roads by motor vehicles - permitted activity

The discharge of dust to air from the use of public roads by motor vehicles, is a permitted activity provided:

- 1) the relevant road controlling authority has a current programme in place that sets out the priority sites in the district for mitigating the effects of dust on dust sensitive areas.

The RMA activities this rule covers:

- Discharge contaminants into the air from any other place or source (s15(2A)).

#### C.7.2.6

##### Discharges to air not specifically regulated in the plan - permitted activity

The discharge of contaminants to air that is not specifically a permitted, controlled, restricted discretionary, non-complying or prohibited activity under another rule in this plan is a permitted activity provided:

- 1) the discharge is not from an industrial or trade premise, and
- 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and
- 3) the discharge is not from [dry abrasive blasting](#).

The RMA activities this rule covers:

- Discharge contaminants into the air from any other place or source (s15(2A)).

#### C.7.2.7

##### Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity

The discharge of contaminants to air that is not specifically a permitted (including through C.7.2.6 'Discharges to air not specifically regulated in the plan - permitted activity '), controlled, restricted discretionary, non-complying or prohibited activity under another rule in this plan, is a discretionary activity,

The RMA activities this rule covers:

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

## 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.

### Stock exclusion

Rule	Page
C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing watercourse – permitted activity'	151
C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity'	151
C.8.1.3 'Access of livestock to a significant wetland, an outstanding freshwater body, and the coastal marine area – non-complying activity'	152

### Cultivation

Rule	Page
C.8.2.1 'Cultivation – permitted activity'	154
C.8.2.2 'Cultivation – controlled activity'	155

### Earthworks

Rule	Page
C.8.3.1 'Earthworks – permitted activity'	153
C.8.3.2 'Earthworks - controlled activity'	154
C.8.3.3 'Earthworks – discretionary activity'	155

### Vegetation clearance

Rule	Page
C.8.4.1 'Vegetation clearance and coastal dune restoration within the coastal hazard management area – permitted activity'	156

Rule	Page
C.8.4.2 'Clearance of native woody vegetation – permitted activity'	157
C.8.4.3 'Vegetation clearance - discretionary activity'	158

## Bores

Rule	Page
C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity'	158
C.8.5.2 'Alteration or decommissioning of a bore – permitted activity'	159
C.8.5.3 'Construction or alteration of a bore – controlled activity'	159
C.8.5.4 'Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity'	159

## Re-building

Rule	Page
C.8.6.1 'Re-building of materially damaged or destroyed buildings – restricted discretionary activity'	160
C.8.6.2 'Re-building of materially damaged or destroyed buildings – non-complying activity'	160

## C.8.1 Stock exclusion

### C.8.1.1

#### Access of livestock to the bed of a water body or permanently flowing watercourse – permitted activity

The access of **livestock** to a **natural wetland**, the bed of a lake or a **permanently flowing river**, or a **permanently flowing drain** is a permitted activity, provided:

- 1) native wetland vegetation in a **natural wetland** is not damaged or destroyed, and
- 2) other than at a **livestock crossing point**, **livestock** are **effectively excluded** from the full extent of the water body or drain in accordance with the requirements in the following table, and
- 3) **livestock crossing points** used by **livestock** more than once per week must be bridged or culverted by the dates in the following table, and
- 4) at a **livestock crossing point** that is not required to be bridged or culverted, **livestock** are:
  - a) actively driven across the river or drain, and
  - b) **effectively excluded** from the river or drain between crossings by the dates in the following table.

**Table 7 Dates when livestock must be effectively excluded from water bodies and permanently flowing drains.**

Livestock type	Permanently flowing rivers, streams and drains greater than 1m wide and 30cm deep*	All permanently flowing rivers, streams and drains	Natural wetlands (excluding significant wetlands)	Lakes (>1ha) and significant wetlands
Pigs and dairy cows	Excluded from the date this rule becomes operative.	Excluded from 1 January 2023.	Excluded from three years after the date this rule becomes operative.	Excluded from the date this rule becomes operative.
Beef cattle, dairy support cattle and deer	<b>Lowland areas</b> as mapped in I 'Maps': Excluded from 1 January 2025. <b>Hill country areas</b> as mapped in I 'Maps': No exclusion required.	<b>Lowland areas</b> as mapped in I 'Maps': Excluded from 1 January 2030. <b>Hill country areas</b> as mapped in I 'Maps': No exclusion required	<b>Lowland areas</b> as mapped in I 'Maps': Excluded from 1 January 2025. <b>Hill country areas</b> as mapped in I 'Maps': No exclusion required.	Excluded from the date this rule becomes operative.

The RMA activities this rule covers:

- Restrictions on use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(1) and (2)).
- Discharge of contaminants into environment (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**, the bed of a lake or a **permanently flowing river**, or a **permanently flowing drain** that is not:

- 1) a permitted activity under C.8.1.1 'Access of livestock to the bed of a water body or permanently flowing watercourse – permitted activity', or
- 2) a permitted activity under [Could not findID-1318023-22185](#) or
- 3) a permitted activity under [Could not findID-1318024-21790](#) or
- 4) a non-complying activity under C.8.1.3 'Access of livestock to a significant wetland, an outstanding freshwater body, and the coastal marine area – non-complying activity'

is a restricted 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 I 'Maps')

**Notification:**

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

**The RMA activities this rule covers:**

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

### C.8.1.3

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

The access of [livestock](#) to an [outstanding freshwater body](#) or the coastal marine area, or a [significant wetland](#) 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:**

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



## C.8.2 Cultivation

### C.8.2.1

#### Cultivation – permitted activity

Cultivation of land is a permitted activity provided:

- 1) the activity is not undertaken in the catchment of an outstanding lake, and
- 2) the activity is not done on highly erodible land, and
- 3) the activity does not occur within:
  - a) five metres of a natural wetland, the bed of a lake or a permanently or intermittently flowing river or stream, or
  - b) an ephemeral watercourse, and
- 4) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius from a point of discharge:
  - a) any conspicuous change in colour or visual clarity, or
  - b) rendering fresh water unsuitable for consumption by farm animals, or
  - c) any significant adverse effects on aquatic life.

#### The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a) and (b)).

### C.8.2.2

#### Cultivation – controlled activity

Cultivation of land that is not a permitted activity under C.8.2.1 'Cultivation – permitted activity' is a controlled activity.

#### Matters of control:

- 1) Effects on water quality, and
- 2) The scale, location, and timing of cultivation, and
- 3) Erosion and sediment control measures.

#### Notification

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

#### The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)).

## C.8.3 Earthworks

### C.8.3.1

#### Earthworks – permitted activity

Earthworks is a permitted activity provided:

- 1) the amount of earthworks at a particular location or associated with a project complies with the thresholds in the following table:

**Table 8 Permitted activity earthworksthresholds**

Location	Earthworks thresholds
Within 10m of a natural wetland, the bed of a river or lake	200 square metres of exposed earth at any one 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	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 <sup>(8)</sup> , or 30 cubic metres for each tank when removing or replacing a fuel storage system.
All other areas	5000 square metres of exposed earth at any one time

- 2) erosion and sediment control measures are implemented in accordance with the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (2016)* for the duration of the activity, and
- 3) batters and side castings are stabilised to prevent slumping, and
- 4) areas of exposed earth are stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, or otherwise contained, and
- 5) earth and debris are not deposited into, or in a position where they can enter a natural wetland, river, lake, an artificial water course, or the coastal marine, and
- 6) the earthworks activity does not:
  - a) reduce the height of a dune crest in a coastal hazard management area, or
  - b) exacerbate flood or coastal hazard risk on any other property, or

<sup>8</sup> Piece of land has the same meaning as specified in clauses 5(7) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

- c) create or contribute to the instability or subsidence of land on [other property](#), or
  - d) divert flood flow onto [other property](#), and
- 7) any associated diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
- a) any conspicuous change in the colour or visual clarity, or
  - b) the rendering of fresh water unsuitable for consumption by farm animals, or
  - c) any significant adverse effects on aquatic life, and
- 8) 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](#), and sand dunes within a [coastal hazard management area](#).

**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.

**The RMA activities this rule covers:**

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)).

### C.8.3.2

**Earthworks - controlled activity**

[Earthworks](#) that is not a permitted activity under rule C.8.3.1 'Earthworks – permitted activity', is a controlled activity, provided:

- 1) the amount of [earthworks](#) at a particular location or associated with a project complies with the thresholds in the following table:

**Table 9 Controlled activity thresholds**

Location	Earthworks thresholds
Within 10 metres of a <a href="#">natural wetland</a> , the bed of a river or lake	200 square metres of exposed <a href="#">earth</a> at any one time, and 50 cubic metres of moved or placed <a href="#">earth</a> in any 12 month period
Catchment of an <a href="#">outstanding lake</a>	2500 square metres of exposed <a href="#">earth</a> at any one time
<a href="#">Highly erodible land</a>	2500 square metres of exposed <a href="#">earth</a> at any one time
<a href="#">High risk flood hazard area</a>	50 cubic metres of moved or placed <a href="#">earth</a> in any 12 month period
<a href="#">Coastal hazard management area</a>	Excluding for <a href="#">coastal dune restoration</a> , 200 square metres of exposed <a href="#">earth</a> at any one time

Location	Earthworks thresholds
Flood hazard area	1000 cubic metres of moved or placed earth in any 12 month period

- 2) the earthworks does not:
- reduce the height of a dune crest in a coastal hazard management area, and
  - exacerbate flood or coastal hazard risk on any other property, and
  - create or contribute to the instability or subsidence of land on other property, and
  - divert flood flow onto other property.

#### Matters of control:

- The design and adequacy of erosion and sediment control measures.
- The location, extent, timing, and duration of earthworks.
- The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
- Adverse effects on water bodies and coastal water.
- Management of flooding effects and the ability to avoid increasing natural hazard risk on other property.
- Adverse effects on the following, where present in adjacent fresh water bodies or the coastal marine area:
  - wāhi tapu, and
  - mapped Sites and Areas of Significance to Tangata Whenua (refer I 'Maps').

#### The RMA activities this rule covers:

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

### C.8.3.3

#### Earthworks – discretionary activity

Earthworks that is not a controlled activity under rule C.8.3.2 'Earthworks - controlled activity', is a discretionary activity:

#### The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions relating to diversion of water (s14(2)).
- Discharge of contaminants into environment (s15(1)).

## C.8.4 Vegetation clearance

### C.8.4.1

Vegetation clearance and coastal dune restoration within the coastal hazard management area – permitted activity

Vegetation clearance and coastal dune restoration in the coastal hazard management area is a permitted activity, provided:

- no native dune vegetation is removed or cleared, and

- 2) excluding [coastal dune restoration](#), the area of cleared vegetation does not exceed 200 square metres in any 12 month period, and
- 3) for [coastal dune restoration](#), cleared areas are replanted with native [dune vegetation](#) as soon as practicable but no later than three months after clearance, and
- 4) there is no disturbance of indigenous or migratory bird nesting sites, and
- 5) the [vegetation clearance](#) does not exacerbate coastal hazard risk on [other property](#), and
- 6) for [coastal dune restoration](#) or [vegetation clearance](#) on vegetated sand dunes, the regional council's compliance manager is given at least 10 working days' notice (in writing or by email) of the start date of any works, and
- 7) for [coastal dune restoration](#), the Department of Conservation is given at least 10 working days' notice (in writing or email) of the start date of any works, and
- 8) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
  - a) any conspicuous change in colour or visual clarity, or
  - b) the rendering of fresh water unsuitable for consumption by farm animals, or
  - c) any significant adverse effects on aquatic life.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Discharge of contaminants into environment (s15(1)(a)).

#### C.8.4.2

##### Clearance of native woody vegetation – permitted activity

[Vegetation clearance](#) outside rivers, lakes, wetlands, the [coastal hazard management area](#), and the coastal marine area is a permitted activity, provided:

- 1) the area of cleared vegetation does not exceed the following thresholds in any 12 month period:
  - 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
  - c) 5000 square metres on [highly erodible land](#) if the cleared area is not replanted with woody vegetation, and
- 2) vegetation is felled away from rivers, lakes, 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
- 4) vegetation, slash, disturbed soil or debris is not deposited in a position where it has the potential to mobilise under heavy rain or flood flows and:
  - a) be deposited on [other property](#), or
  - b) divert or dam water, or
  - c) cause bed or bank erosion, or
  - d) damage receiving environments, downstream infrastructure, or property, and
- 5) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
  - a) any conspicuous change in colour or visual clarity, or
  - b) the rendering of fresh water unsuitable for consumption by farm animals, or
  - c) any significant adverse effects on aquatic life.

The RMA activities this rule covers:

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a)).

### C.8.4.3

#### Vegetation clearance - discretionary activity

Vegetation clearance that is not a:

- 1) permitted activity under C.8.4.1 'Vegetation clearance and coastal dune restoration within the coastal hazard management area – permitted activity' , or
- 2) permitted activity under C.8.4.2 'Clearance of native woody vegetation – permitted activity'

is a discretionary activity.

The RMA activities this rule covers:

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

---

### C.8.5 Bores

#### C.8.5.1

#### Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity

The construction or alteration of a bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction is a permitted activity provided:

- 1) the bore is not constructed in contaminated land, and
- 2) it is not for the purpose of taking groundwater, except for the removal of a sample(s) for groundwater quality or level analysis, and
- 3) where more than one aquifer is penetrated, construction of the bore must not create a hydraulic connection between the aquifers, and
- 4) the bore is constructed and maintained in accordance with the requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 5) the bore is decommissioned and permanently closed within 90 days from the start of its construction, and
- 6) the regional council's compliance manager is notified (in writing or by email) of:
  - a) the construction or alteration of the bore at least 10 working days prior to the start of the work, and
  - b) the decommissioning and closure of the bore within 10 days of the completion of the work, and
- 7) the records required under Section 4 of the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)* and any groundwater quality records must be kept and forwarded to the regional council no later than one month after the bore is decommissioned.

Note:

It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.

The RMA activities this rule covers:

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

### C.8.5.2

#### Alteration or decommissioning of a bore – permitted activity

The alteration or decommissioning of a bore is a permitted activity provided:

- 1) any alteration does not change the depth of the bore, and
- 2) it is done in accordance with Sections 2 and 4 of the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*, and
- 3) the regional council's compliance manager is notified (in writing or by email) of the alteration or decommissioning of the bore within 10 days of the completion of the work.

The RMA activities this rule covers:

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

### C.8.5.3

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

The construction or alteration of a bore that is not:

- 1) a permitted activity under rule C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity', or
- 2) a permitted activity under rule C.8.5.2 'Alteration or decommissioning of a bore – permitted activity',

is a controlled activity, provided the bore is constructed and maintained in accordance with the requirements set out in the *New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001)*.

Matters of control:

- 1) Pump testing requirements, and
- 2) The location of the bore, including distance from any refuse disposal site, wastewater discharge site, or offal pit, and
- 3) The bore design, construction (including depth), operation and maintenance requirements, and
- 4) Effects on groundwater, and
- 5) Effects on tangata whenua and their taonga, and
- 6) Provision of information related to the construction of the bore.

The RMA activities this rule covers:

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

### C.8.5.4

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

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

- 1) a permitted activity under rule C.8.5.1 'Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity', or
- 2) a permitted activity under rule C.8.5.2 'Alteration or decommissioning of a bore – permitted activity', or
- 3) a controlled activity under rule,

is a discretionary activity.

The RMA activities this rule covers:

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

## C.8.6 Re-building

### C.8.6.1

Re-building of materially damaged or destroyed buildings – restricted discretionary activity

The re-building of a habitable building in a [high risk coastal hazard area](#) or [high risk flood hazard area](#) that has been [materially damaged](#) or destroyed by flooding, erosion or land instability caused by a natural hazard event is a restricted discretionary activity, provided:

- 1) the application includes a natural hazard assessment from a suitably qualified professional, and
- 2) natural hazard risk to [other property](#) is not increased.

Matters of discretion:

- 1) The design of the building to withstand natural hazard risk.
- 2) The potential to exacerbate existing natural hazard risk as a result of the proposed re-building.

The RMA activities this rule covers:

- Restrictions on the use of land, (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:

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



# D Policies

## D.1 Tangata whenua

### D.1.1

#### When an analysis of effects on tangata whenua and their taonga is required

A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangata whenua and their **taonga**<sup>(1)</sup> if one or more of the following is likely:

- 1) adverse effects on mahinga kai<sup>(2)</sup> and access to mahinga kai<sup>(3)</sup>, or
- 2) any damage, destruction and loss of access to **wāhi tapu**, sites of customary value and other ancestral sites and taonga which Māori have a special relationship with<sup>(4)</sup>, or
- 3) adverse effects on indigenous biodiversity where it impacts on the ability of tangata whenua to carry out cultural and traditional activities<sup>(5)</sup>, 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<sup>(6)</sup>, or
- 6) adverse effects on protected customary rights<sup>(7)</sup>, or
- 7) adverse effects on Sites and Areas of Significance to Tangata Whenua mapped in the Regional Plan (refer I 'Maps').

#### Note:

The continued inclusion of clause 4 in this policy depends on the outcome of the appeals on the matter in the Regional Policy Statement.

### D.1.2

#### Requirements of an analysis of effects on tangata whenua and their taonga

An analysis of the effects of an activity on tangata whenua and their **taonga** in a resource consent application must:

- 1) include such detail as corresponds with the scale and significance of the effects that the activity may have on tangata whenua and their **taonga**, and
- 2) have regard to (but not be limited to):
  - a) any relevant planning document recognised by an iwi authority (lodged with the council), and
  - b) the outcomes of any consultation with tangata whenua with respect to the consent application, and
  - c) statutory acknowledgements in Treaty Settlement legislation, and

1 A analysis of effects on tangata whenua and their **taonga** may be necessary in circumstances not outlined in this policy - it will depend on the circumstances

2 Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources

3 This includes, for instance, kai awa (river food) kai repo (swamp food) and kaimoana (sea food).

4 This includes, for instance, impacts on the quality of water used for ceremonial purposes.

5 This includes, for instance, use of rongoa (medicinal) plants, and uses for raranga (weaving).

6 Māori non-commercial fisheries are defined in the Fisheries Act 1996

7 As defined by the Marine and Coastal Area (Takutai Moana) Act 2011

- 3) follow best practice, and
- 4) specify the tangata whenua community on whose behalf the assessment is being made, and
- 5) be evidence-based, and
- 6) incorporate, where appropriate, [mātauranga Māori](#), and
- 7) identify and describe all the cultural resources and activities that may be affected by the activity<sup>(8)</sup>, and
- 8) identify and describe the adverse effects of the activity on the cultural resources and cultural practices (including the effects on the mauri of the cultural resources, the cultural practices affected, how they are affected, and the extent of the effects), and
- 9) identify, where possible, how to avoid, remedy or mitigate the cultural effects of the activity that are more than minor, and
- 10) include any other relevant information.

### D.1.3

#### Affected parties

The following persons must be considered an affected person with regard to notification<sup>(9)</sup> where the adverse effects on the following resources and activities are minor or more than minor<sup>(10)</sup>:

**Table 10 Circumstances where tangata whenua are adversely affected for purposes of notification**

Person	Resource or activity
The tangata whenua entity identified in an analysis of the effects undertaken in accordance with policy D.1.2 '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	<a href="#">Taiāpure</a>
The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai	<a href="#">Mataitai</a>
The Tangata Kaitiaki/Tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana	Non-commercial Māori fisheries

### D.1.4

#### Managing effects on Places of Significance to Tangata Whenua

Resource consent for an activity may only be granted if the adverse effects from the activity on the values of Places of Significance to Tangata Whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

<sup>8</sup> The full range of effects defined in Section 3 of the RMA need to be considered.

<sup>9</sup> for resource consent applications for restricted-discretionary, discretionary and non-complying activities

<sup>10</sup> but not less than minor

## D.1.5

## Places of Significance to Tangata Whenua

For the purposes of this plan, a Place of Significance to Tangata Whenua in the coastal marine area or a water body:

- 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 <sup>(11)</sup>, and
- 3) has one or more of the following attributes:
  - a) historic associations, which include but are not limited to:
    - i) stories of initial migration, arrival and settlement, or
    - ii) patterns of occupation, both permanent and temporary or seasonal occupation, or
    - iii) the sites of conflicts and the subsequent peacemaking and rebuilding of iwi or hapū, or
    - iv) kinship and alliances built between areas and iwi or hapū, often in terms of significant events, or
    - v) alliances to defend against external threats, or
    - vi) recognition of notable tupuna, and sites associated with them, or
  - b) traditional associations, which include but are not limited to:
    - i) resource use, including trading and trading routes between groups (for instance – with minerals such as matā/obsidian), or
    - ii) traditional travel and communication linkages, both on land and sea, or
    - iii) areas of mana moana for fisheries and other rights, or
    - iv) use of landmarks for navigation and location of fisheries grounds, or
    - v) implementation of traditional management measures, such as rāhui or tohatoha (distribution), or
  - c) cultural associations, which include but are not limited to:
    - i) the web of whanaungatanga connecting across locations and generations, or
    - ii) the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or
    - iii) respect for authority, such as rangatiratanga, and respect for relationships, such as tuakanatanga, or
  - d) spiritual associations which pervade all environmental and social realities, and include but are not limited to:
    - i) the role of the atua Ranginui and Papatūānuku, and their offspring such as Tangaroa and Tāne, or
    - ii) the recognition of the wairua of those with us and those who have passed away, or
    - iii) the need to maintain the mauri of all living things and their environment, and
- 4) must:
  - a) be based on traditions and tikanga, and
  - b) be endorsed for evidential purposes by the relevant tangata whenua community, and
  - c) record the values of the place for which protection is required, and

11 A Landscape of Significance to Tangata Whenua may include Sites and/or Areas of Significance to Tangata Whenua.

- d) record the relationship between the individual sites or resources (landscapes only), and
  - e) record the tangata whenua groups determining and endorsing the assessment, and
  - f) geographically define the areas where values can be adversely effected.
-

## D.2 General

### D.2.1

#### Rules for managing natural and physical resources

Include rules to manage the use, development and protection of natural and physical resources that:

- 1) are the most efficient and effective way of achieving national and regional resource management objectives, and
- 2) are as consistent as possible, and
- 3) use or support good management practices, and
- 4) minimise compliance costs, and
- 5) enable use and development that complies with the Regional Policy Statement for Northland, and
- 6) focus on effects and, where suitable, use performance standards.

### D.2.2

#### Social, cultural and economic benefits of activities

When considering resource consents, regard must be had to the social, cultural and economic benefits of the proposed activity.

### D.2.3

#### Application of policies in the Regional Policy Statement for Northland to non-complying activities

The following policies in the Regional Policy Statement for Northland apply when considering a resource consent for a non-complying activity under Section 104D of the RMA:

- 1) Policy 4.4.1 - Maintaining and protecting significant ecological areas and habitats, and
- 2) Policy 4.6.1 - Managing effects on the characteristics and qualities of natural character, natural features and landscapes, and
- 3) Policy 4.6.2 - Maintaining the integrity of heritage resources, and
- 4) Policy 4.8.1 - Demonstrate the need to occupy space in the common marine and coastal area, and
- 5) Policy 5.1.1 - Planned and coordinated development, and
- 6) Policy 5.1.2 - Development in the coastal environment, and
- 7) Policy 5.1.3 - Avoiding the adverse effects of new uses(s) and development, and
- 8) Policy 5.3.3 - Managing adverse effects arising from regionally significant infrastructure, and
- 9) Policy 7.1.2 - New subdivision and land use within 10-year and 100-year flood hazard areas, and
- 10) Policy 7.2.2 - Establishing the need for hard protection structures.

### D.2.4

#### Resource consent duration

When determining the expiry date for resource consent, particular regard must be had to:

- 1) the security of tenure for investment (the larger the investment, the longer the consent duration), and
- 2) aligning the expiry date with other resource consents in the surrounding area or catchment, and
- 3) the reasonably foreseeable demands for the resource (the greater the foreseeable demands, the shorter the consent duration), and
- 4) certainty of effects (the less certain the effects, the shorter the consent duration).

## D.2.5

### Recognising community and tangata whenua values

When considering a resource consent application:

- 1) have particular regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by council that has followed a consultation process carried out in accordance with the consultative principles and procedures of the Local Government Act 2002, and
- 2) have regard to the values of the local community and tangata whenua.

## D.2.6

### Managing adverse effects on historic heritage

Manage the adverse effects of an activity on historic heritage by:

- 1) recognising that [historic heritage sites](#) and [historic heritage areas](#) in coastal and fresh water identified in I 'Maps' have been identified in accordance with Policy 4.5.3 of the Regional Policy Statement for Northland, and
- 2) recognising the following as being significant adverse effects to be avoided in accordance with Policy 4.6.2 of the Regional Policy Statement for Northland:
  - a) the destruction of the physical elements of historic heritage, and
  - b) relocation of the physical elements of historic heritage, and
  - c) alterations 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 will not be significant adverse effects if:
  - a) the historic heritage is irreparably damaged and there are significant health and safety risks if it were to remain, or
  - b) alterations, 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 site or area as described in the site or area reports where available (refer to the regional council website), and
  - b) the outcomes of any consultation with:

- i) Heritage New Zealand, the Department of Conservation or any other appropriate body, and
  - ii) tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and
- c) an historic heritage impact assessment produced by a suitably qualified professional, and
- 5) recognising that methods of avoiding, remedying or mitigating adverse effects may include:
  - a) careful design, scale and location proposed in relation to historic heritage values, including proposed use and development adjacent to historic heritage, and
  - b) the use of setback, buffers and screening from historic heritage, and
  - c) reversing previous damage or disturbance to historic heritage, and
  - d) improving the public use, value, or understanding of the historic heritage, and
  - e) the development of management and restoration plans, and
  - f) gathering and recording information on historic heritage by a suitably qualified professional.

## D.2.7

### Managing adverse effects on indigenous biodiversity

Manage the adverse effects of activities requiring resource consent on indigenous biodiversity by:

- 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:
  - 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 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 of the area of indigenous biodiversity, and
- 3) assessing the potential adverse effects of the activity against the identified values of indigenous biodiversity, including by:
  - a) taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal habitats, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and
  - b) recognising that discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable, and
  - c) recognising that activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible, and
- 4) recognising that methods of avoiding, remedying or mitigating adverse effects may include:
  - a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and
  - b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and
  - c) considering effect minimisation during sensitive times such as indigenous freshwater fish spawning and migration periods, and
  - d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and
  - e) 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
  - g) improving the public use, value or understanding to areas of indigenous biodiversity, and
  - 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.

## 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, or
- 2) the values ranked high in the:
  - a) Significant Ecological Areas, and
  - b) Significant Bird Areas, and
  - c) Significant Marine Mammal and Seabird Areas,

then the greatest extent of adverse effects reasonably predicted by science, must be given the most weight.

---



## D.3 Air

### D.3.1

#### General approach to managing air quality

When considering resource consent applications for discharges to air:

- 1) 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 'Chimney height requirements' when assessing the best practicable option for stack discharges, and
- 3) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on the surrounding environment, and
- 4) take into account the New Zealand Ambient Air Quality Guidelines 2002 when assessing the effects of the discharge, and
- 5) take into account the cumulative effects of air discharge and any constraints that may occur from the granting of the consent on the operation of existing activities, and
- 6) recognise that discharges to air may have adverse effects on natural character, and
- 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 discharge including effects, and
  - b) regional and local benefit, and
  - c) location including 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, and
  - b) Good Practice Guidance on Dust, 2016, and
  - c) Good Practice Guidance on Industrial Emissions, 2016.

### D.3.2

#### Burning and smoke generating activities

When considering resource consent applications for the burning of waste or burning associated with an energy generation process:

- 1) avoid **outdoor burning** of waste materials in **urban areas** unless:
  - a) there is a significant public benefit, or
  - b) alternative options have been explored, are demonstrated to be impractical and adverse effects are no more than minor, and
- 2) recognise that air discharges from crematoria and the cremation of human remains can be culturally sensitive to tangata whenua, and

- 3) recognise the need for the security of supply of energy in the region, which may include non-renewable sources, and
- 4) require that a smoke management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and offensive discharges of smoke across the property boundary of where the activity is to take place. The smoke management plan must include:
  - a) a description of adjacent [smoke sensitive areas](#), and
  - b) details of materials to be burnt, and
  - c) expected weather conditions, and
  - d) approximate length of time the burn will take, and
  - e) how the burn will be attended, and
  - f) details of good management practice that will be used to control smoke to the extent that adverse effects from smoke at the boundary of the site are managed.

### D.3.3

#### Dust and odour generating activities

When considering resource consent applications for discharges to air from dust and/or odour generating activities:

- 1) require a dust and/or odour management plan to be produced where there is a likelihood that there will be objectionable and offensive discharges of dust and/or odour across the property boundary of where the activity is to take place. The dust and/or odour management plan must include:
  - a) a description of dust/odour generating activities, and
  - b) adjacent [dust sensitive areas](#) and/or [odour sensitive areas](#), and
  - c) details of good management practice that will be used to control dust and/or odour to the extent that adverse effects from dust and/or odour at the boundary of the site are managed, 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](#).

### D.3.4

#### Spray generating activities

When considering resource consent applications for discharges to air from spray generating activities:

- 1) avoid [aerial agrichemical spraying](#) in [urban areas](#) unless:
  - a) there is a significant public benefit, or
  - b) alternative options have been explored, are demonstrated to be impractical and adverse effects are no more than minor, and
- 2) require that a spray management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and offensive discharges of spray across the property boundary of where the activity is to take place. The spray management plan must include:
  - a) a description of the application methods, and
  - b) chemicals to be used, and
  - c) qualification of the applicators, and
  - d) adjacent [spray sensitive areas](#), and
  - e) details of good management practice that will be used to control spray to the extent that adverse effects from spray at the boundary of the site are managed.

### D.3.5

#### Activities in the Marsden Point airshed

The Marsden Point Air Quality Strategy must be taken into account when considering resource consent applications for discharges to air in the Marsden Point airshed as shown in I 'Maps'.

---

## D.4 Land and water

### D.4.1

#### Water quality standards for rivers

A discharge of a contaminant into a river or any surface water flowing to a river must not cause any of the following river water quality standards to be exceeded:

**Table 11**

Attribute	Unit	Compliance metric	Outstanding rivers	Other rivers
Nitrate (toxicity)	mg NO <sub>3</sub> -N/L	annual median	≤1.0	≤1.0
		annual 95 <sup>th</sup> percentile	≤1.5	≤1.5
Ammonia (toxicity)	mg NH <sub>4</sub> -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 lakes

A discharge of a contaminant into a lake or any surface water flowing to a lake must not cause any of the following lake water quality standards to be exceeded:

**Table 12**

Attribute	Unit	Compliance metric	Shallow lakes (≤ 10m)	Deep lakes (>10 m)
Phytoplankton (chl-a)	mg Chl-a/m <sup>3</sup>	Annual median	>5 and ≤12	>2 and ≤5
		Annual maximum	>25 and ≤60	>10 and ≤25
Total nitrogen	mg/m <sup>3</sup>	Annual median	>500 and ≤800	>160 and ≤350
Total phosphorus	mg/m <sup>3</sup>	Annual median	>10 and ≤20	≤10

Attribute	Unit	Compliance metric	Shallow lakes ( $\leq 10\text{m}$ )	Deep lakes ( $> 10\text{m}$ )
Ammonia (toxicity)	mg $\text{NH}_4\text{-N/L}$	Annual median	$\leq 0.03^*$	$\leq 0.03^*$
		Annual maximum	$\leq 0.05^*$	$\leq 0.05^*$

\*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 standards

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			
			Hæta 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	$^{\circ}\text{C}$	Maximum change	$3^{\circ}$	$3^{\circ}$	$3^{\circ}$	$3^{\circ}$
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

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hătea river	Tidal creeks	Estuaries	Open coast
Total nitrogen	mg/L	Median	<0.860	<0.600	<0.220	No change from natural state
Nitrite-nitrite-nitrogen	mg/L	Median	<0.580	<0.218	<0.048	No change from natural state
Ammoniacal-nitrogen	mg/L	Median	<0.099	<0.043	<0.023	No change from natural state
Copper	mg/L	Maximum	0.0013			0.0003
Lead	mg/L	Maximum	0.0044			0.0022
Zinc	mg/L	Maximum	0.0150			0.0070
Faecal coliforms	MPN/100mL	Median	Not applicable		≤14	≤14
		90th percentile	Not applicable		≤43	≤43
Enterococci	Enterococci/100mL	95th percentile	≤500	≤200	≤200	≤40

#### D.4.4

##### Coastal sediment quality standards

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			
			Hătea 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		

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hatea River	Tidal Creeks	Estuaries	Open Coast
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

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.

#### 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.

#### D.4.7

##### Wastewater discharges to water

An application to discharge [wastewater](#) to water will generally not be granted unless:

- 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.

#### D.4.8

##### Zone of reasonable mixing

When determining what constitutes a reasonable mixing zone, use the smallest zone necessary to achieve the required water quality in the receiving water and ensure that the mixing zone is free from contaminant concentrations and levels of dissolved oxygen that cause acute toxicity.

#### D.4.9

##### Transitional policy under the National Policy Statement for Freshwater Management

- 1) When considering an application for a discharge, the consent authority must have regard to the following matters:
  - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
  - b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge will be avoided.
- 2) When considering an application for a discharge the consent authority must have regard to the following matters:
  - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary 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.

#### D.4.10

##### Discharge of hazardous substances to land or water

- 1) Where a substance is approved under the Hazardous Substances and New Organisms Act 1996 to be discharged to land or water, good management practices must be used to avoid, as far as practicable, adverse effects on:
  - a) non-target organisms, and
  - b) the use and consumption of water by humans or livestock, and
  - c) accidental spillage, and
- 2) where a substance is not approved under the Hazardous Substances and New Organisms Act 1996 to be applied to land or into water, activities involving the use, storage or disposal of hazardous substances must be undertaken using the best practicable options to:
  - a) as a first priority, avoid a discharge (including accidental spillage) of hazardous substances onto land or into water, including reticulated stormwater systems, and
  - b) as a second priority, ensure, where there is a residual risk of a discharge of hazardous substances, including any accidental spillage, it is contained on-site and does not enter surface water bodies, groundwater or stormwater systems.



#### D.4.11

##### Discharges from landfills

The adverse effects on surface water, groundwater, and coastal water from discharges to land associated with landfills must be minimised by ensuring landfill design, construction, operation and maintenance include:

- 1) methods for leachate management, collection, treatment and disposal, and
- 2) methods for stormwater capture and control from both off-site and on-site sources, and
- 3) maintenance and monitoring to minimise contamination of the receiving environment, and
- 4) ensuring landfills are managed in accordance with site-specific landfill management plans, and
- 5) 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 outcomes

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 rivers

Apply the following [minimum flows](#) for Northland's rivers, unless a lesser [minimum flow](#) is approved under D.4.19 'Exceptions to minimum flows or levels':

- 1) for [outstanding rivers](#), 100% of the seven-day mean annual low flow, and
- 2) for [coastal rivers](#), 90% of the seven-day mean annual low flow, and
- 3) for [small rivers](#), 80% of the seven-day mean annual low flow, and
- 4) for [large rivers](#), 80% of the seven-day mean annual low flow.

## D.4.15

### Minimum levels for lakes and wetlands

Apply the following [minimum levels](#) for Northland's lakes and [natural wetlands](#), unless a lesser [minimum level](#) is approved under D.4.19 'Exceptions to minimum flows or levels':

- 1) for [deep lakes](#) (greater than 10 metres in depth), median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state, and
- 2) for [shallow lakes](#) (less than or equal to 10 metres in depth), median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state, and
- 3) for [natural wetlands](#), there is no change in their seasonal or annual range in water levels.

## D.4.16

### Allocation limits for rivers

- 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 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 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 unauthorised takes that existed at the notification date of this plan.

**Table 13 Default allocation limits for rivers**

River water quantity management unit	Default allocation limit
<a href="#">Outstanding rivers</a>	10 percent of the seven-day mean annual low flow
<a href="#">Coastal rivers</a>	30 percent of the seven-day mean annual low flow
<a href="#">Small rivers</a>	40 percent of the seven-day mean annual low flow
<a href="#">Large rivers</a>	50 percent of the seven-day mean annual low flow

## D.4.17

## Allocation limits for aquifers

- 1) The allocation limits in Clause 2 apply to:
  - a) rules in this plan that permit any activity involving the taking and use of fresh water from aquifers, and
  - 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 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 quantities of fresh water that can be taken from aquifers must not exceed:
  - a) for the [Aupouri aquifer](#), the [catchment-specific allocation limits](#) in Table 14 'Allocation limits for the Aupouri aquifer management unit', and
  - b) for [coastal aquifers](#), an [allocation limit](#) of whichever is the greater of:
    - i) a [default allocation limit](#) of 10 percent of the average annual recharge, or
    - ii) the quantities authorised to be taken by:
      - 1) permitted rules in this Plan, and
      - 2) resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
      - 3) resource consents for unauthorised takes that existed at the notification date of this Plan, and
  - c) for [other aquifers](#), an [allocation limit](#) of whichever is the greater of:
    - i) a [default allocation limit](#) of 35 percent of the average annual recharge, or
    - ii) the quantities authorised to be taken by:
      - 1) permitted rules in this Plan, and
      - 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 14 Allocation limits for the Aupouri aquifer management unit

Sub-aquifer	Allocation limit	
	m <sup>3</sup> /year	% annual average recharge
Aupouri-Waihopo	1,278,200	15
Aupouri-Houhora	2,141,300	11
Aupouri-Motutangi	1,069,600	10
Aupouri-Waiparera	2,312,200	10
Aupouri-Paparore	3,787,500	35
Aupouri-Waipapakauri	1,192,800	20
Aupouri-Awanui	4,640,400	12

Sub-aquifer	Allocation limit	
	m <sup>3</sup> /year	% annual average recharge
Aupouri-Sweetwater	4,675,000	35
Aupouri-Ahipara	922,500	12
Aupouri-other	Not applicable	15

#### D.4.18

##### Conjunctive surface water and groundwater management

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.4.19 'Exceptions to minimum flows or levels'.

#### D.4.19

##### Exceptions to minimum flows or levels

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 for:
  - a) the health of people as part of a [registered drinking water supply](#), or
  - b) the sole purpose of preventing the death of permanent viticulture or horticulture crops (excluding pasture species, animal fodder crops, and maize), or
- 2) a different [minimum flow](#) or [minimum level](#) has been set for the water body in a resource consent.

#### 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 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. The annual volume calculated using the model must meet the following criteria:

- 1) an irrigation application efficiency of at least 80 percent, and
- 2) demand conditions that occur in nine out of 10 years.

**D.4.21****Reasonable and efficient use of water - group or community water supplies**

An application for a resource consent to take or use water for group or community drinking water supplies must include a water management plan to demonstrate efficiency and must set out the current and likely future demand for water that addresses:

- 1) the number and nature of the properties that are to be supplied, and
- 2) how the water supplier will manage water availability during summer flow periods and drought events, and
- 3) the effectiveness and efficiency of the distribution network.

**D.4.22****Reasonable and efficient use of water - other uses**

A resource consent application to take water for any other use of water must include an assessment of reasonable and efficient use by demonstrating that water will not be wasted and identify any opportunities for re-use or conservation.

**D.4.23****Conditions on water permits**

Water permits 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) require that the water take is metered and information on rates and total volume of the take is provided electronically to the regional council, and
- 3) 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 occur to ensure compliance with freshwater water quantity limits 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, agrichemical or nutrients, and
- 6) specify when and under what circumstances the permit will be reviewed pursuant to Section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment.

**D.4.24****Transfer of water permits**

An application to transfer a water permit, permanently or temporarily, pursuant to Section 136 of the RMA will generally be granted if:

- 1) both sites are in the same catchment (either upstream or downstream) or aquifer, and
- 2) other authorised takes are not adversely affected, and
- 3) there is no increase in the level of adverse effects on the health of aquatic ecosystems.

**D.4.25****Activities affecting flood control schemes**

Avoid activities that are likely to:

- 1) compromise the functional integrity of flood control schemes, or
- 2) impede access to flood control schemes for maintenance purposes.

**D.4.26****New land drainage**

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, and
- 5) recognise the values of existing wetlands, and
- 6) maintain existing fish passage and where possible, encourage development of new fish passage opportunities.

**D.4.27****Wetlands – requirements**

Activities affecting a wetland must:

- 1) maintain the following important functions and values of wetlands:
  - a) water purification, and
  - b) contribution to maintaining stream flows during dry periods, and
  - c) peak stream flow reduction, and
  - d) habitat for indigenous flora and fauna, and
- 2) avoid, remedy, or mitigate effects, or provide biodiversity offsetting or environmental biodiversity compensation, so that residual adverse effects are no more than minor.

**D.4.28****Wetland – values**

When considering resource consents for activities in wetlands, recognise:

- 1) the benefits of wetland creation, restoration and enhancement of wetland functions, and
- 2) the values of induced wetland or reverted wetland are likely to relate to:

- a) the length of time the wetland has been in existence (ecological values are generally lower in newly established wetlands), and
  - b) whether long-term viability of the wetland relies on maintenance works to maintain suitable hydrological conditions (wetlands that don't require maintenance are of greater value), and
- 3) that the consent duration should be as long as the time it takes for the wetland to reach its expected end state.

#### D.4.29

##### Freshwater fish

When considering resource consent applications for activities in freshwater bodies recognise:

- 1) that in the absence of alternative evidence, most Northland rivers and some lakes and wetlands provide habitat for threatened indigenous fish species, and
- 2) that some fish species are sensitive to habitat disturbance, changed water flow and degraded water quality, particularly increased turbidity or sedimentation, and
- 3) the need to maintain the ability for non-pest fish species to effectively move up and downstream of the activity site, and
- 4) opportunities to reduce the risk of spreading or introducing pest species, and
- 5) the benefits of avoiding:
  - a) impact during migration periods, and
  - b) spawning habitat disturbance, particularly during spawning periods.

#### D.4.30

##### Benefits of freshwater structures, dams and diversions

Recognise the significant benefits activities in water bodies can provide to local communities, Māori and the region, including:

- 1) socio-economic well-being and resilience of communities or industry, or
- 2) regionally significant infrastructure, or
- 3) enhanced fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, or
- 4) flood protection and the safeguarding of public health and safety, or
- 5) public access along, over or in the water body.

#### D.4.31

##### Managing the effects of land-disturbing activities

Earthworks, vegetation clearance and cultivation must:

- 1) be done in accordance with established good management practices, and
- 2) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on:
  - a) human drinking water supplies, and
  - b) areas of high recreational use, and
  - c) aquatic receiving environments that are sensitive to sediment or phosphorus accumulation.

#### D.4.32

##### Exceptions to livestock exclusion requirements

When considering an application for a resource consent to allow [livestock](#) access to the bed of a lake or a permanently flowing river, a permanently flowing drain, a natural wetland, or the coastal marine area, have particular regard to:

- 1) any relevant priorities and recommendations in a farm plan prepared or approved by the regional council, 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 mitigations such as constructed wetlands to avoid or minimise losses of sediment and faecal microbes to downstream water bodies and coastal waters.
-



## D.5 Coastal

### D.5.1

#### Aquaculture – benefits

Recognise the significant benefits aquaculture can provide to local communities, Māori and the region, including:

- 1) social, cultural and economic benefits, including local employment and enhancing Māori development (for example, by involvement in the aquaculture industry), particularly in areas of Northland where alternative opportunities are limited, and
- 2) supplementing natural fish and shellfish stocks by an alternative source of fish and shellfish, and
- 3) providing improved information about water quality, and
- 4) the significant opportunity [marae-based aquaculture](#) provides for Māori to enhance their well-being (through improving traditional customary kaimoana provision for marae), and
- 5) as a method Māori can use for the management and enhancement of Māori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986).

### D.5.2

#### Aquaculture – avoid adverse effects

Aquaculture activities must avoid adverse effects (after taking into account any remediation or mitigation) on:

- 1) areas of the coastal marine area where a marine reserve has been established or publicly notified under the Marine Reserves Act 1971, and
- 2) residential activities in significant urban areas provided for in operative district plans, which activities are existing at 1 September 2017, [authorised](#) by unexercised resource consents or enabled by operative district plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, and
- 3) significant tourism and/or recreation areas, and
- 4) [recognised navigational routes](#), and
- 5) anchorages referred to in cruising guides, pilot books and similar publications as being suitable for shelter in adverse weather, and
- 6) port or harbour approaches, and
- 7) existing aquaculture (either because there is no or limited space, or the area is at its production or ecological carrying capacity), and
- 8) the use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables, and
- 9) defence exercise areas, and
- 10) access lanes, as referred to by the Navigation Safety Bylaw, and
- 11) the management purpose or objectives of:
  - a) [tāiapure](#) or [mataitai](#), and
  - b) areas for which fisheries restriction methods have been established under the Fisheries Act 1996 and regulations, including any Māori Oyster Reserve or set netting ban, and
  - c) protected customary rights and customary marine titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011, and
  - d) wildlife refuges established under the Wildlife Act 1953, and
  - e) areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977, and

- f) areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971<sup>(12)</sup>, and
- g) any marine park established by or through statutory or regulatory processes.

### D.5.3

#### Aquaculture – avoid significant adverse effects

Aquaculture activities should avoid significant adverse effects on:

- 1) the integrity, functioning and resilience of coastal processes and ecosystems, and
- 2) public access to and along the coast, and
- 3) use or functioning of coastal reserves and conservation areas.

### D.5.4

#### Aquaculture – general matters

New aquaculture activities should:

- 1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure where required, and
- 2) provide for the integrated management of the associated activities, including any required land-based facilities and operations, and
- 3) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing and/or harvesting of shellfish where the aquaculture is for the purpose of 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, 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.

<sup>12</sup> The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

## D.5.6

**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
- 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.

## D.5.7

**Coastal commercial zone**

Development in the Coastal Commercial Zone will generally be appropriate provided it is consistent with:

- 1) existing development in the Coastal Commercial Zone, and
- 2) existing development on adjacent land above mean high water springs, and
- 3) development anticipated on the land above mean high water springs by the relevant district plan.

Development that is inconsistent with 1) to 3) will not necessarily be inappropriate.

## D.5.8

**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 itself or in combination with existing moorings in the same bay or inlet, result in more than minor adverse effects, and
- 3) not be allowed where the [mooring](#) will more likely than not set a precedent for additional new moorings in the same bay or inlet, and
- 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 unless it is directly associated with a maritime related commercial enterprise, and
- 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' )
  - a) Areas of Outstanding Natural Character, or
  - b) Historic Heritage Areas, or
  - c) Nationally Significant Surf breaks, or

- d) Outstanding Natural Features, or
- e) Regionally Significant Anchorage, unless
  - f) the mooring is associated with a property that is only legally accessible by water, or
  - g) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
  - h) the mooring is associated with a maritime related commercial enterprise that could not otherwise be located within a Mooring Zone.

### D.5.10

#### New moorings in Mooring Zones with limited shore-based facilities

Manage moorings in Mooring Zones with limited shore-based facilities by:

- 1) Recognising that shore-based facilities to serve moorings are limited or at capacity in the following mooring areas:

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

- 2) Only granting coastal permits for moorings in these locations if the applicant can demonstrate that:
  - a) adequate parking and dinghy storage is available to serve the existing moorings and the proposed mooring at all times of the year, or
  - b) adequate parking, toilet facilities, refuse disposal and dinghy storage from are provided at all times of the year at their own private property near the proposed mooring, and
  - c) where an applicant demonstrates provision of adequate parking, toilet facilities, refuse disposal and dinghy storage at their private property in accordance with clause 2.2, the coastal permit must include a condition limiting the transfer of the mooring to new owners of the property.

## D.5.11

**Regionally Significant Anchorages**

Manage Regionally Significant Anchorages (refer I 'Maps') by:

- 1) recognising the value of Regionally Significant Anchorages to the to the boating community as anchorages that are critical refuges during bad weather, and
- 2) avoiding **structures** that have adverse effects on the ability of vessels to anchor in a Regionally Significant Anchorage, except **structures** installed to reduce the environmental impact of repetitive anchoring and that are freely available for public use.

## D.5.12

**Recognised Anchorages**

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding and / or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publication.

## D.5.13

**Marinas – managing the effects of marinas**

Marinas must:

- 1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:
  - a) refuse from vessels, and
  - b) sewage and sullage from vessels, and
  - c) recyclable material including waste oils, and
  - d) spills from refuelling operations and refuelling equipment, and
  - e) the discharge of stormwater generated from the marina complex, and
- 2) provide for shore-based facilities, including parking, public toilets, boat racks, public access, and
- 3) mitigate for any loss of public access to, along and within the coastal marine area, including providing facilities such as public boat ramps and alternative access for other users, and
- 4) take into account the benefits of landscaping and urban design treatment, and
- 5) take into account any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

## D.5.14

**Marinas – recognising the benefits of marina development**

Recognise the benefits of marina development include:

- 1) efficient use of water space for boat storage, and
- 2) responding to demand for boat storage and associated services, and
- 3) opportunities to enhance public facilities and access to the coastal marine area, and
- 4) socio-economic opportunities through construction and ongoing operation.

**D.5.15****Marina Zones – purpose**

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

**D.5.16****Marina Zones – structures**

When considering coastal permit applications for [structures](#) (including moorings) in Marina Zones, decision-makers must have regard to;

- 1) whether granting a coastal permit would hinder the development of a marina in that part of the Marina Zone, and
- 2) the need for conditions to limit the duration of a consent to enable marina development to proceed.

**D.5.17****Marinas and moorings in high demand areas**

Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand Mooring Zones. Therefore, high density on-water boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on-water boat storage in:

- 1) Mangonui, and
- 2) Kerikeri, and
- 3) Russell, and
- 4) Ōpua, and
- 5) Tutukaka, and
- 6) Mangawhai.

**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.5.19****Disposal of dredge spoil material**

Discourage the disposal of dredge spoil and other waste in the coastal marine area, unless:

- 1) it is for beach replenishment or ecological restoration, or

- 2) it is for restoration or enhancement of natural coastal defences that provide protection against coastal hazards, or
- 3) it is associated with a reclamation.

The disposal of dredge spoil or other waste that is inconsistent with clauses 1 -3 above may be appropriate, if it is demonstrated that the location is the best practicable option, given the type of material to be disposed of.

#### D.5.20

##### Dredging, disturbance and deposition – effects on areas with significant values

When considering a resource consent application for dredging, disturbance or deposition that is likely to have an adverse effect on any mapped (refer I 'Maps'):

- 1) Area of 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 the best practicable option is being used to minimise noise, and

- 2) in the case of marine seismic surveying, demonstrate compliance with *Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Surveying Operations* (Department of Conservation, 2013), and
- 3) require an acoustic assessment where the activity may cause significant adverse effects on marine animals, and
- 4) demonstrate that there are no more than minor adverse effects on marine mammals.

## D.5.22

### Mangrove removal – purpose

Resource consent for mangrove removal:

- 1) may be granted when it is necessary to maintain, restore or improve one or more of the following:
  - a) biodiversity and ecological values, natural features, scheduled historic places, or
  - b) public recreation and walking access to, or along, the coastal marine area, or
  - c) connections with reserves or publicly owned land and the coast, or
  - d) public use and public amenity values, or
  - e) water access for vessels and navigation, or
  - f) public health and safety, including sightlines and traffic safety, or
  - g) access to the coast from marae, or to areas of traditional use, or
  - h) ongoing authorised activities, or
  - i) infrastructure, or
  - j) maintenance of drainage channels, control of flooding or erosion caused by mangroves, or
  - k) tidal flows, or
  - l) scientific research, and
- 2) must not be granted where it is for the purpose of improving private views.

## D.5.23

### Mangrove removal – outcome

If the desired outcome of the mangrove removal is a return to sandy conditions, or maintain or enhance ecological values, then the resource consent applicant must scientifically demonstrate how the desired outcome will be achieved.

## D.5.24

### Mangrove removal – adverse effects

When considering resource consents for mangrove removal, recognise that mangrove removal can result in a range of adverse effects, in particular:

- 1) effects on ecological values including:
  - a) disturbance, displacement or loss of fauna and habitat including rare, threatened, at risk species, and
  - b) disturbing ecological sequences, corridors, and
  - c) areas important for linking significant ecological areas, and
  - d) restricting faunal migration and movement and to shorebird breeding and feeding, and



- e) removal of a buffer to sensitive ecological areas, and
  - f) disturbance of the foreshore and seabed, effects of compaction, sediment redistribution, mangrove biomass deposition and storage, and
- 2) increased coastal erosion where mangroves provide a buffer against coastal processes causing erosion, and
  - 3) effects on tangata whenua cultural values, and
  - 4) amenity impacts from removal and disposal including noise, smoke, odour and visual impacts, and
  - 5) short and long term effects on local sediment characteristics and hydrodynamics.

## D.5.25

### Marine pests

Protect Northland from the adverse effects from [marine pests](#) by:

- 1) recognising that the introduction or spreading of [marine pests](#) could have significant and irreversible adverse effects on Northland's marine environment, and
- 2) recognising that the main risk of introducing and spreading of [marine pests](#) is from the movement of vessels, structures, equipment, marine livestock and materials, and
- 3) decision makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of [marine pests](#), and
- 4) putting conditions in resource consents requiring that best practicable option measures are implemented so that there is a very low risk of introducing or spreading [marine pests](#) as a result of the consented activity.

## D.5.26

### Significant surf breaks

Provide for the use and enjoyment of Nationally and Regionally Significant Surf Breaks (refer: I 'Maps' )by ensuring that:

- 1) resource consent applications for activities within the coastal marine area that are within a one kilometre radius of a Nationally Significant Surf Break or a Regionally Significant Surf Break are accompanied by an assessment of environmental effects of the activity on the identified values of the surf break, and
- 2) significant adverse effects on Regionally Significant Surf Breaks are avoided, and
- 3) access to Regionally Significant Surf Breaks is maintained or enhanced.

## D.5.27

### Managing effects on surf breaks

Have regard to the following effects on mapped surf breaks (refer I 'Maps');

- 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:
  - a) [regionally significant infrastructure](#), or
  - b) 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 hard protection structure was not built, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.

### D.6.2

#### Design and location of hard protection structures

New [hard protection structures](#) must:

- 1) be located as far landward as possible in order to retain as much of the existing natural defences as possible, and
- 2) be designed and constructed by a suitably qualified and experienced professional, and
- 3) incorporate the use of soft protection measures where practical, and
- 4) be designed to take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time-frame, including the projected effects of a sea level rise of one metre by 2115 (100 years).

### D.6.3

#### Re-building of materially damaged or destroyed buildings in high risk hazard areas

Resource consent may only be granted for the re-building of [materially damaged](#) or destroyed buildings in [high risk flood hazard areas](#) and [high risk coastal hazard areas](#) if the natural hazard risk to the building is demonstrated to be reduced (compared with the risk to the building previously) and hazard risk to other property is not increased.

### D.6.4

#### Flood hazard management – flood defences

Recognise the significant benefits that [flood defences](#) play in reducing flood hazard risk to people, property and the environment.

## D.6.5

### Flood hazard management – development within floodplains

Development in flood hazard areas and rivers (including high risk flood hazard areas) must not increase the risk of adverse effects from flood hazards on other property or another person's use of land or property.

---

# E Catchments

The following rules are from Catchment Management Plans developed for the Doubtless Bay, Waitangi, Mangere, Whanagrei Harbour and Pouto catchments. Catchment-specific rules take precedence over other rules (whether more or less restrictive).

## Doubtless Bay catchment

### E.0.1

#### Erosion control plans in the Doubtless Bay catchment - controlled activity

Pastoral land use after 1 January 2025 on [high sediment yielding land](#) in the Doubtless Bay catchment (I 'Maps') is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

#### Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.

#### The RMA activities this rule covers:

- Restrictions on use of land (s9(2)).

### E.0.2

#### Water takes from Lake Waiporohita - discretionary activity

The taking and use of fresh water from Lake Waiporohita for any purpose is a discretionary activity, provided:

- 1) water is not taken when a flow or water level is below a [minimum flow](#) or [minimum level](#), and
- 2) any new take (after the notification date of this plan) does not cause an [allocation limit](#) to be exceeded.

#### The RMA activities this rule covers:

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

## Poutō catchment

### E.0.3

#### Water takes from a lake in the Poutō catchment - permitted activity

The taking and use of water from a lake in the Poutō catchment (refer I 'Maps') (other than for reasonable stock drinking or domestic needs) is a permitted activity, provided:

- 1) there is only one take per property, and
- 2) the take is from a lake that is two hectares or more in area, and
- 3) the total daily take does not exceed:
  - a) from Outstanding Freshwater Bodies (lakes) (refer I 'Maps'), 10 cubic metres or 200 litres per hectare, up to a maximum of 20 cubic metres, or
  - b) from other Poutō lakes, 10 cubic metres or 200 litres per hectare up to a maximum volume of 50 cubic metres, and

- 4) water is not taken when the lake water level is below a [minimum level](#), and
- 5) the take does not adversely affect the reliability of any existing [authorised](#) take, and
- 6) a screen must cover the intake structure of surface water takes and have a minimum aperture (mesh size) of 1.5 millimetres to protect native fish species, and the velocity across the screen must not exceed 0.3 metres per second, and
- 7) the take does not lower the water level in a [natural wetland](#), and
- 8) the reticulation system is constructed and maintained to minimise leakage and wastage, and
- 9) the water user must provide the regional council with:
  - a) their name, address, and phone number, and
  - b) the location of the water take, and
  - c) the nature of the water use, and
- 10) at the written request of the regional council, a water meter is installed and water use records are provided to the regional council.

The RMA activities this rule covers:

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

#### E.0.4

##### New plantation forestry in the Poutō Forestry Restriction Area - restricted discretionary activity

New [plantation forestry](#) that exceeds five hectares per property in the Forestry Restriction Area - Poutō catchment (refer I 'Maps'), 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.

The RMA activities this rule covers:

- Restrictions on use of land (s9(2)).

#### E.0.5

##### New plantation forestry within 20 metres of outstanding Poutō Lakes - restricted discretionary activity

New [plantation forestry](#) within 20 metres of the bed of an [outstanding lake](#) in the Poutō catchment (refer I 'Maps') 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.

## Waitangi catchment

### E.0.6

#### Erosion control plans in the Waitangi catchment - controlled activity

Pastoral land use after 1 January 2025 on [high sediment yielding land](#) in the Waitangi catchment (refer I 'Maps') is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

#### Matters of control:

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 3) Information and monitoring requirements.

#### The RMA activities this rule covers:

- Restrictions on use of land (s9(2)).

## Mangere catchment

### E.0.7

#### Access of livestock to the bed of a water body or permanently flowing watercourse in the Mangere catchment – permitted activity

The access of [livestock](#) to a [natural wetland](#), the bed of a lake or a [permanently flowing river](#), or a [permanently flowing drain](#) in the Mangere Catchment (refer I 'Maps') is a permitted activity, provided:

- 1) native wetland vegetation in a [natural wetland](#) is not damaged or destroyed, and
- 2) other than at a [livestock crossing point](#), [livestock](#) are [effectively excluded](#) from the full extent of the water body or drain in accordance with the requirements in the following table, and
- 3) [livestock crossing points](#) used by [livestock](#) more than once per week must be bridged or culverted by the dates in the following table, and
- 4) at a [livestock crossing point](#) that is not required to be bridged or culverted, [livestock](#) are:
  - a) actively driven across the river or drain, and
  - b) [effectively excluded](#) from the river or drain between crossings by the dates in the following table.

**Table 15 Dates when livestock must be effectively excluded from water bodies and permanently flowing drains in the Mangere Catchment .**

Livestock type	Permanently flowing rivers, streams and drains greater than 1m wide and 30cm deep*	All permanently flowing rivers, streams and drains	Natural wetlands (excluding significant wetlands)	Lakes (>1ha) and significant wetlands
Pigs and dairy cows	Excluded from the date this rule becomes operative.	Excluded from 1 January 2023.	Excluded from three years after date this rule becomes operative.	Excluded from the date this rule becomes operative.

Livestock type	Permanently flowing rivers, streams and drains greater than 1m wide and 30cm deep*	All permanently flowing rivers, streams and drains	Natural wetlands (excluding significant wetlands)	Lakes (>1ha) and significant wetlands
Beef cattle, dairy support cattle and deer	Lowland areas and Hill country areas as mapped in I 'Maps': Excluded by 1 January 2025.	Lowland and Hill Country areas as mapped in I 'Maps': Excluded from 1 January 2030.	Lowland areas as mapped in I 'Maps': Excluded from 1 January 2025.  Hill country areas as mapped in I 'Maps': No exclusion required.	Excluded from the date this rule becomes operative.

**Note:**

Where the conditions of this rule cannot be met C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity' applies.

**The RMA activities this rule covers:**

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

**E.0.8****Erosion control plans in the Mangere catchment - controlled activity**

Pastoral land use after 1 January 2025 on high sediment yielding land in the Mangere catchment (I 'Maps') is a controlled activity, if an erosion control plan has not been developed for the land.

**Matters of control:**

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion.
- 3) Information and monitoring requirements.

**The RMA activities this rule covers:**

- Restrictions on use of land (s9(2)).

**Whangārei Harbour catchment****E.0.9****Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity**

The access of livestock to a natural wetland, the bed of a lake or a permanently flowing river, or a permanently flowing drain in the Whangārei Harbour Catchment (refer I 'Maps') is a permitted activity, provided:

- 1) native wetland vegetation in a natural wetland is not damaged or destroyed, and



- 2) other than at a **livestock crossing point**, **livestock** are **effectively excluded** from the full extent of the water body or drain in accordance with the requirements in the following table, and
- 3) **livestock crossing points** used by **livestock** more than once per week must be bridged or culverted by the dates in the following table, and
- 4) at a **livestock crossing point** that is not required to be bridged or culverted, **livestock** are:
  - a) actively driven across the river or drain, and
  - b) **effectively excluded** from the river or drain between crossings by the dates in the following table.

**Table 16 Dates when livestock must be excluded from water bodies in the Whangarei Harbour catchment.**

Livestock type	Permanently flowing rivers, streams and drains greater than 1m wide and 30cm deep*	All permanently flowing rivers, streams and drains	Natural wetlands (excluding significant wetlands)	Rivers upstream of swimming sites on Hātea and Raumanga rivers (refer I 'Maps')	Lakes (>1ha) and significant wetlands
Pigs and dairy cows	Excluded from date this rule becomes operative.	Excluded from three years after the date this rule becomes operative.	Excluded from three years after date this rule becomes operative.	Excluded from two years after the date this plan becomes operative.	Excluded from the date this rule becomes operative.
Beef cattle, <b>dairy support cattle</b> and deer	<b>Lowland areas</b> as mapped in I 'Maps': Excluded by 1 January 2025.  <b>Hill country areas</b> as mapped in I 'Maps': No exclusion required.	<b>Lowland areas</b> as mapped in I 'Maps': Excluded from 1 January 2030.  <b>Hill country areas</b> as mapped in I 'Maps': No exclusion required.	<b>Lowland areas</b> as mapped in I 'Maps': Excluded from 1 January 2030.  <b>Hill country areas</b> as mapped in I 'Maps': No exclusion required.	Excluded from two years after the date this plan becomes operative.	Excluded from the date this rule becomes operative.

**Note:**

Where the conditions of this rule cannot be met C.8.1.2 'Access of livestock to rivers, lakes, and wetlands – restricted discretionary activity' applies.

**The RMA activities this rule covers:**

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

**E.0.10****Erosion control plans in the Whangārei Harbour catchment - controlled activity**

Pastoral land use after 1 January 2025 on [high sediment yielding land](#) in the Whangārei Harbour catchment (refer I 'Maps') is a controlled activity, if an [erosion control plan](#) has not been developed for the land.

**Matters of control:**

- 1) The effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion, and
- 2) The location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion, and
- 3) Information and monitoring requirements.

**The RMA activities this rule covers:**

- Restrictions on use of land (s9(2)).
-

# F Objective

## F.0.1

### Objective

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.



# G Administrative matters

## G.1 Cross-river coastal marine area boundary

The cross-river coastal marine area boundary is shown on the maps - refer I 'Maps'.

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'), 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'), and which enter the sea through estuaries, inlets or harbours:

- 1) Where those rivers *are* shown on the Land Information New Zealand Topo 50 Series, the cross-river coastal marine area boundary is the point at the seaward end of the river where on the applicable map, the river is marked as beginning to widen from a single blue line, and
- 2) Where those rivers *are not* shown on the Land Information New Zealand Topo 50 Series, the coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point where the width of the river begins to exceed three metres, as shown in the following diagram:



Where it is necessary to fix the width of the river for the purposes of determining the cross-river coastal marine area boundary, the width of a river is the shortest distance between the banks of the river at mean high water springs.

## G.2 Statutory acknowledgements

It is a legal requirement <sup>(1)</sup> to attach statutory acknowledgements to regional plans and regional policy statements. Rather than attaching statutory acknowledgements to the Regional Plan and Regional Policy Statement, the approach taken is to have a single companion document recording all statutory acknowledgements – *Te Ture Whakamana ngā Iwi o Taitokerau: Statutory acknowledgements in Northland*. This can be viewed on the regional council's website.

### What is a statutory acknowledgement?

The Treaty of Waitangi is considered the founding document of New Zealand. It recognises the special relationship between Māori and the Crown. It is the basis from which Māori and the Crown negotiate terms to address grievances in relation to omissions and acts by the Crown which are contrary to the Treaty principles. One mechanism used (to address grievances) in settlement legislation that has an impact for local government is through statutory acknowledgements.

A statutory acknowledgement is a formal acknowledgement by the Crown recognising the mana of tangata whenua in relation to a specified area. It recognises the particular cultural, spiritual, historical, and traditional association of an iwi or hapū with the statutory area.

Statutory acknowledgements are only over Crown-owned land and may apply to rivers, lakes, wetlands, landscapes estuaries/harbours and other coastal areas. Where a statutory acknowledgement is noted in regards to a river, lake, wetland or coastal area, the acknowledgement only applies to the bed, being Crown-owned.

Statements associated with a statutory acknowledgement are set out in Treaty of Waitangi settlement legislation. The text for each statutory acknowledgement includes:

- identification and description of the statutory area,
- a statement of association detailing the relationship between the relevant iwi or hapū with the statutory area, and
- the specific requirements of the statutory acknowledgement.

Statutory acknowledgements enhance the ability of iwi and hapū to participate in Resource Management Act 1991 processes. It includes requirements for council to:

- have regard to effects on statutory acknowledgment areas when determining notification of resource consent applications, and
- provide summaries of resource consent applications to the iwi or hapū.

<sup>1</sup> Set out in the relevant Treaty of Waitangi settlement legislation.



## G.3 Financial contributions

**Note: From 18 April 2022, resource consents will no longer be able to include a condition requiring a financial contribution <sup>(2)</sup>.**

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 17 Circumstances and purposes for financial contributions**

Circumstance	Purpose
<p><i>Aquatic habitats of indigenous species</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem values.</p>	<ol style="list-style-type: none"> <li>1) Restore or enhance aquatic habitats at the site, or to provide an offset or environmental compensation by restoring or enhancing aquatic habitat characteristics at another suitable location where avoiding, remedying or mitigating adverse effects at the site is not practicable or effective, or</li> <li>2) Provide for research and/or protection to enhance aquatic habitats.</li> </ol>
<p><i>Wetlands</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on any ecosystem, water quality, water quantity, soil conservation or flood mitigation values of a wetland.</p>	<ol style="list-style-type: none"> <li>1) Offset effects by enhancing another suitable wetland of similar habitat where such a wetland is available, or</li> <li>2) Offset effects by creating a new wetland at an appropriate site, or</li> <li>3) Enhance another part of the wetland that is adversely affected, including if appropriate, cost associated with maintaining the original state of the wetland.</li> </ol>

<sup>2</sup> Resource Legislation Amendment Act 2017



Circumstance	Purpose
<p><i>Discharges</i></p> <p>Where a resource consent is granted for a discharge that does not meet environmental standards in this Plan because it is not cost-effective or practicable to do so.</p>	Provide on-site mitigation or remediation measures, or works in other areas to mitigate or offset the effects of the discharge.
<p><i>Disturbance to the foreshore or seabed and margins</i></p> <p>Where the activity for which a resource consent is granted is likely to cause or contribute to adverse effects on the foreshore, seabed or margins.</p>	Mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the foreshore, seabed or margins, including, but not limited to, maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and including contribution to such measures elsewhere in the same general locality.
<p><i>Public access to, along and within the coastal marine area</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>	Provide for alternative public access in the vicinity of the activity or at another similar location.
<p><i>Exclusive occupation of space</i></p>	Enhance public access or facilities in another similar location.
<p><i>General works</i></p> <p>Where the activity for which a resource consent is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.</p>	Provide works for the purpose of offsetting the adverse effects of the activity, including protecting, restoring or enhancing natural and physical resources elsewhere in the same general locality.
<p><i>Structures in the coastal marine area</i></p> <p>Where the structure may cause a risk to navigational safety or public health and safety or cause adverse effects on the environment if abandoned, damaged or derelict.</p>	<ol style="list-style-type: none"> <li>1) The removal of abandoned or derelict structures, or</li> <li>2) The reinstatement of the environment, or</li> <li>3) Any emergency repairs or rescue undertaken by the regional council on behalf of the consent holder in the event of any part of the structure breaking loose or causing a potential navigational hazard.</li> </ol>

### **Amount of contribution**

The amount of financial contribution must be an amount determined on a case-by-case basis by the regional council to be fair and reasonable. The amount must not exceed the reasonable cost of funding positive environmental effects required to offset the net adverse effects caused directly by the activity.

For the purposes of this section, 'net adverse effects' means a fair and reasonable assessment of the level of adverse effects after taking into account:

- 1) the extent to which significant adverse effects will be avoided, remedied or mitigated by other consent conditions, 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.

## G.4 Coastal occupation charging

Section 64A of the RMA requires the Regional Plan to implement a coastal occupation charging regime <sup>(3)</sup> or state that there will be no coastal occupation charging. At this stage, 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.

<sup>3</sup> to persons occupying any part of the common marine and coastal area

# H Appendices

## 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.

## 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 registered contaminated sites, 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.

## H.3 Chimney height requirements

### *Scope of the requirements*

- 1) This appendix is intended to provide a relatively simple method of calculating the approximate chimney height commonly desirable in normal circumstances.
- 2) This method is regarded as a general guide rather than a mathematically precise and absolute way of reaching a decision on chimney height. It may need to be modified or more appropriate methods used such as computer modelling in the light of particular local circumstances, such as a chimney in a narrow valley or near tall buildings or when emissions of contaminants not covered by this method are present.
- 3) the requirements are not applicable to all chimneys. In respect of this plan, it is applicable only to discharges from the operation of fuel burning equipment covered by C.7.1.6 'Burning for energy (electricity and heat) generation more than 40KW – permitted activity'. The regional council should also have regard to these requirements when assessing the 'best practicable option' for any resource consent for a stack discharge which involve contaminants covered by this method.

### *General requirements*

#### General

- 4) The method of calculation is based on the amount of flue gases the chimney is expected to emit as a function of the maximum rate of emission of sulphur dioxide. Modification of the result obtained may be necessary where there is a potential for pollution by gaseous emissions other than normal products of combustion.
- 5) Prejudice to health or nuisance from smoke, grit and dust should not occur where chimney heights are so calculated and where the other relevant requirements of the RMA are given effect to. It should be noted that non-compliance with grit and dust requirements cannot be avoided solely by increasing the height of a chimney. Dust arrestment plant may also be necessary in order to achieve compliance with rules in this Plan.
- 6) For small- and medium-sized oil-fired boilers, experience has shown that an insulated stack is necessary to avoid acid smut problems.
- 7) In Figures 1 to 6 below (the 'nomographs'), the chimney height has been calculated to ensure dispersion of the gases to achieve a theoretical maximum ground level concentration of 400 milligrams per cubic metre (about 0.16 parts per million by volume) of sulphur dioxide. This is less than the generally accepted threshold of odour for this gas of 1.1 milligrams per cubic metre (about 0.5 parts per million by volume).
- 8) This will also be taken by the regional council as demonstrating compliance with exposure levels for:
  - sulphur dioxide of 500 milligrams per cubic metre (ten minute time - weighted average exposure),
  - 350 milligrams per cubic metre as the hourly average of 10 minute means,
  - 125 milligrams per cubic metre as the 24 hour average and
  - 50 milligrams per cubic metre as the annual average

These figures are guideline air quality values for sulphur dioxide in New Zealand.

#### Efflux velocity

- 9) The diameter of a chimney top should be as small as possible in order to increase the efflux velocity of the flue gases. If the efflux velocity is insufficient, the plume tends to flow down the outside of the stack on the lee side and the effective chimney height is thus reduced. Efflux velocities of about 15 metres per second will avoid this downwash.
- 10) Such a velocity is impracticable for small boilers, but boilers equipped with forced draft fans only should have a chimney efflux velocity of not less than 5 metres per second at full load. Boilers equipped with induced draft fans should have a chimney efflux velocity of not less than 8 metres per second at full load

for boilers rated up to 13,600 kilograms per hour, increasing to a maximum of 15 metres per second at full load for boilers rated at 204,000 kilograms per hour.

- 11) The method of calculation assumes that the appropriate efflux velocity will be achieved.

#### Combining of emissions

- 12) Where there are several adjacent furnaces in the same works, there are advantages in combining the waste gases, if possible, and discharging them through a common chimney. The larger volume from the combined emissions has a higher thermal rise than the discharges from separate chimneys and the concentration of the flue gases reaching the ground is smaller.

#### Fuel types

- 13) For liquid or solid fuels, including untreated wood, the calculations of chimney height should be based on the maximum sulphur content of any fuel to be burned. It is also recommended that the minimum sulphur content of any fuel used in the calculations be 0.5 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<sub>x</sub>) 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 18 Uncorrected height guidance**

Heat release (MW)	Required height (metres)
6	9
9	12
10	13

- 16) For processes receiving mixed fuels, the height should be based on one percent sulphur in the absence of further consideration of fuel types.

#### Dust emissions

- 17) The stack height is also based on the assumption that little dust or grit is produced in combustion or that an effective grit arrestor is fitted. It should be noted that when grit arrestors are fitted to wood burning plants, performance is likely to be less effective than on solid fuels because of the lower density of the material to be collected.

### Method of calculating chimney heights

#### 'Uncorrected chimney height' and 'final chimney height'

- 18) The first stage is the calculation of the 'uncorrected chimney height'. This is the height appropriate for the relevant maximum rate of sulphur dioxide emission when account has been taken of neighbouring sources of pollution, the local background level of pollution and the general character of the district.
- 19) The second stage is the calculation of the 'final chimney height'. This is the uncorrected chimney height amended if necessary to allow for the dispersal from the chimney being affected by the supporting building and by neighbouring buildings.

#### Calculation of 'uncorrected chimney height' - consideration of locality

- 20) The initial step is to consider the character of the surrounding district which for this purpose should be regarded as falling into one of the following categories.



**Table 19 Categories for the character of the surrounding district**

Category	Description
A	Rural area, where background pollution is low, and where there is no industrial development within one kilometre of the new chimney.
B	A partially-developed area with scattered houses, low background pollution, and no other comparable industrial emissions within one kilometre of the new chimney.
C	A built-up residential area with only moderate background pollution and without other comparable background emissions.
D	An urban area of mixed industrial and residential development, with considerable background pollution and with other comparable industrial emissions within half a kilometre of the new chimney.
E	Heavy industrial or dense residential areas.

Note: Of the categories listed above, categories A, C and D are those considered to be generally applicable in Northland, covering rural, urban residential and industrialised areas respectively. Category E is applicable in areas where comparable emissions occur in close proximity and cumulative effects are significant.

- 21) In situations of existing significant air quality degradation, the regional council may choose to apply the more stringent requirements of category E to prevent or minimise further degradation.

#### Amount of sulphur dioxide emissions

- 22) The amount of sulphur dioxide likely to be emitted will be calculated as follows.

**Table 20 Sulphur dioxide emission calculations**

Fuel	Calculation
Coal or solid fuel	Weight of sulphur dioxide emitted = $18 \times W \times S$ kg/hr where $W$ = maximum burning rate ('000 kg/hr) and $S$ = % sulphur content
Oil fuel	Weight of sulphur dioxide emitted = $20 \times W \times S$ kg/hr where $W$ = maximum burning rate ('000 kg/hr), (1 tonne oil = 1,050 litres) and $S$ = % sulphur content
Natural gas or LPG	Weight of NO <sub>x</sub> emitted = $3.2 \times G$ kg/hr where $G$ = maximum burning rate ('000 m <sup>3</sup> /hr). Note: Weight of NO <sub>x</sub> emission is substituted for SO <sub>x</sub> emission in nomographs

- 23) When it has been decided into which of the categories the surrounding district falls, reference is then made to the relevant chart in Figures 1 to 4, which relate to various mass emission rates of discharges. A line starting from the relevant sulphur dioxide emission on the left hand side of the appropriate chart and produced through the points A, B, C, D or E (representing the category into which the district falls) will indicate on the right hand side of the chart the appropriate uncorrected chimney height so indicated in order to allow for the average reduction in thermal lift compared with that of a similar emission of sulphur dioxide from coal firing.

#### Example 1

A new chimney is needed for a plant burning coal and emitting 127 kilograms of sulphur dioxide per hour. What is the uncorrected chimney height in a district category C and district category E? Reference to Figure 3 will show that the respective uncorrected chimney heights are 33 metres and 37.5 metres.

### **Calculation of final chimney height**

- 24) An uncorrected chimney height not less than 2.5 times the height of the building to which the chimney is attached or of any other building in the vicinity does not need to be corrected to allow for the effect of the building. In that case, the final chimney height is the same as the uncorrected chimney height, and no further calculation is necessary.
- 25) Corrections for the effects of buildings are, however, necessary when the uncorrected height is less than 2.5 times the height of such buildings and these establish in the final chimney height.
- 26) The correction is partly based on the ratio between the greatest length and height of the building (to the ridge), since the relationship between the greatest length and height influences the effect of down-draughts.
- 27) In a closely built-up area where the plant building is lower than adjacent buildings, the chimney should be regarded as being attached to an infinitely long building whose height is the average level of the roof tops in the immediate vicinity.
- 28) Reference is then made to the chart in Figure 5. A line starting from the relevant uncorrected chimney height on the left-hand side is produced through the point representing the building height to the reference line. From this point on the reference line, another line produced through a point representing the height of the building or its greatest length, whichever is lower, will indicate on the right-hand side of the chart the final chimney height, subject to any adjustment that may be necessary to ensure that this is never less than three metres above the ridge of the building, nor less than the uncorrected chimney height.

#### *Example 2*

A chimney whose uncorrected height is 37 metres is attached to a building 31 metres in height to the ridge of the roof. What will the final chimney height have to be if the maximum width of the building is (a) 31 metres or more, (b) 15 metres and (c) 7 metres? Reference to Figure 5 will show the three cases represented by dotted lines and the corresponding final heights are 52 metres, 43 metres and 38 metres.

#### *Example 3*

A chimney whose uncorrected height is calculated as 18 metres is associated with a building 24 metres in height to the ridge of the roof. What should the final chimney height be if the maximum width of the building is (a) more than 24 metres and (b) nine metres? Reference to Figure 5 will show the corresponding final heights to be 34 metres and 25 metres. The final heights are therefore 34 metres and 27 metres respectively, since they must be at least three metres above the ridge of the roof.

Figure 1: Uncorrected chimney heights for very small discharges of sulphur dioxide (up to 14 kg/hour)

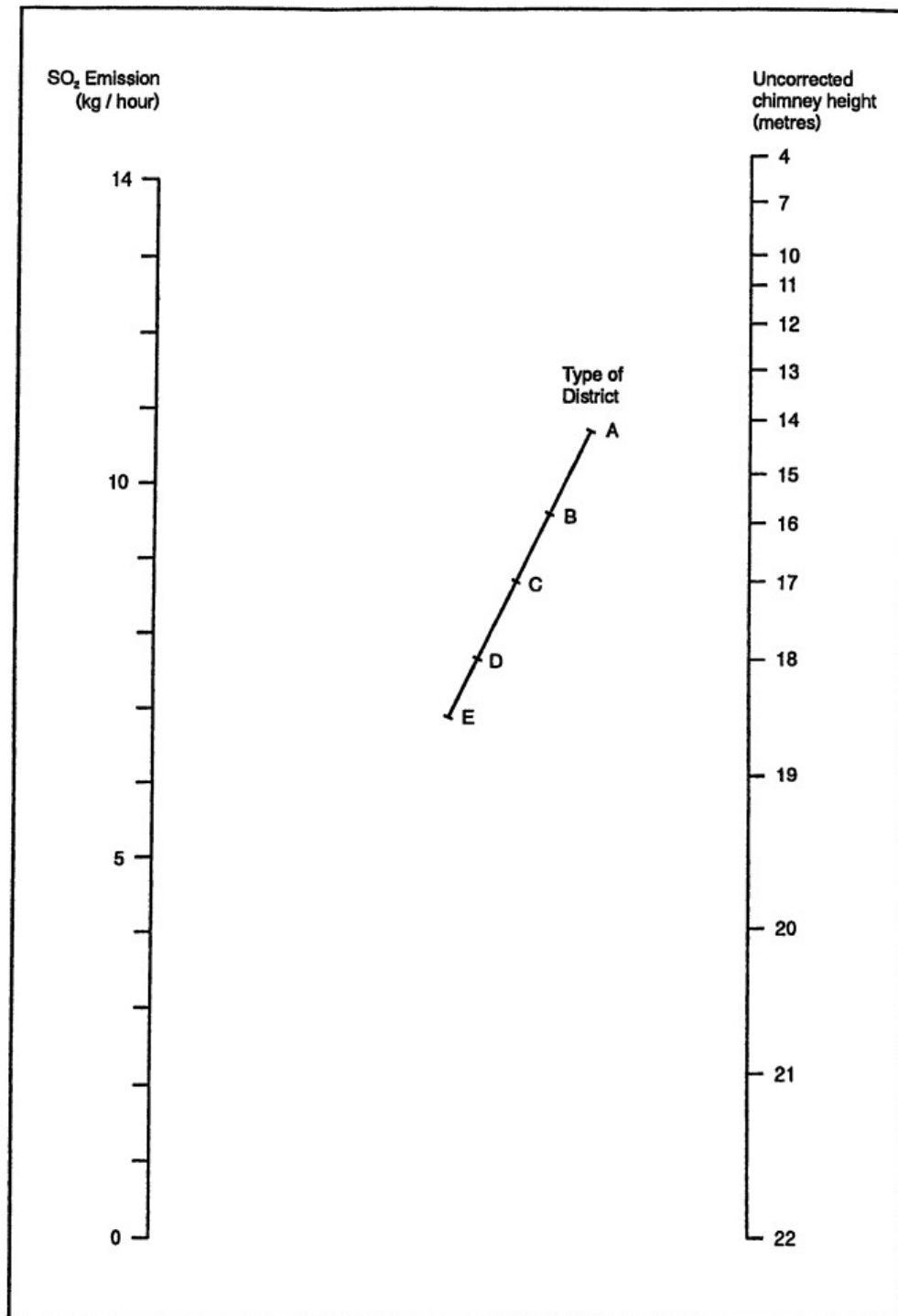


Figure 2: Uncorrected chimney heights for small discharges of sulphur dioxide (15–45 kg/hour)

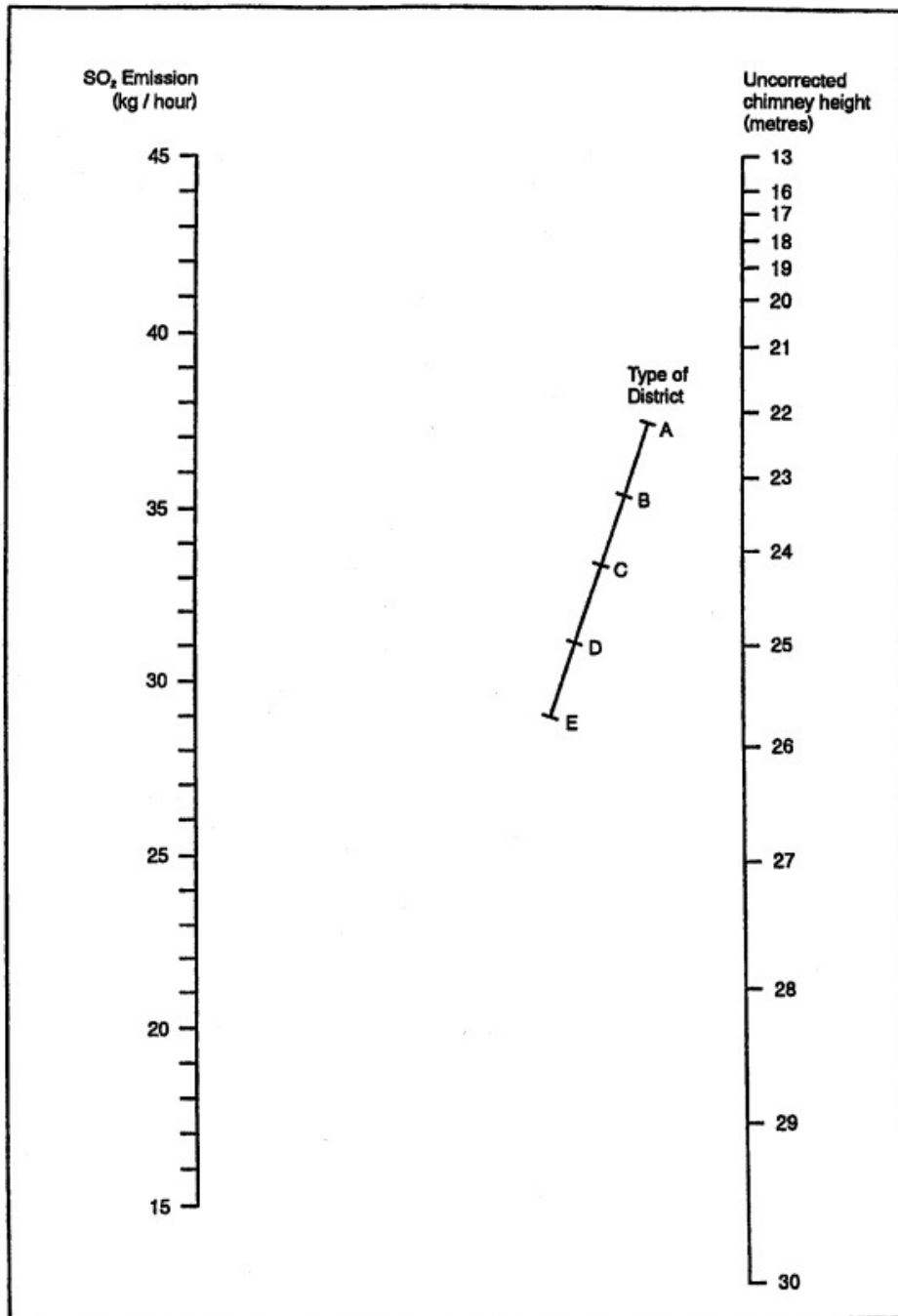


Figure 3: Uncorrected chimney heights for medium discharges of sulphur dioxide (50–180 kg/hour)

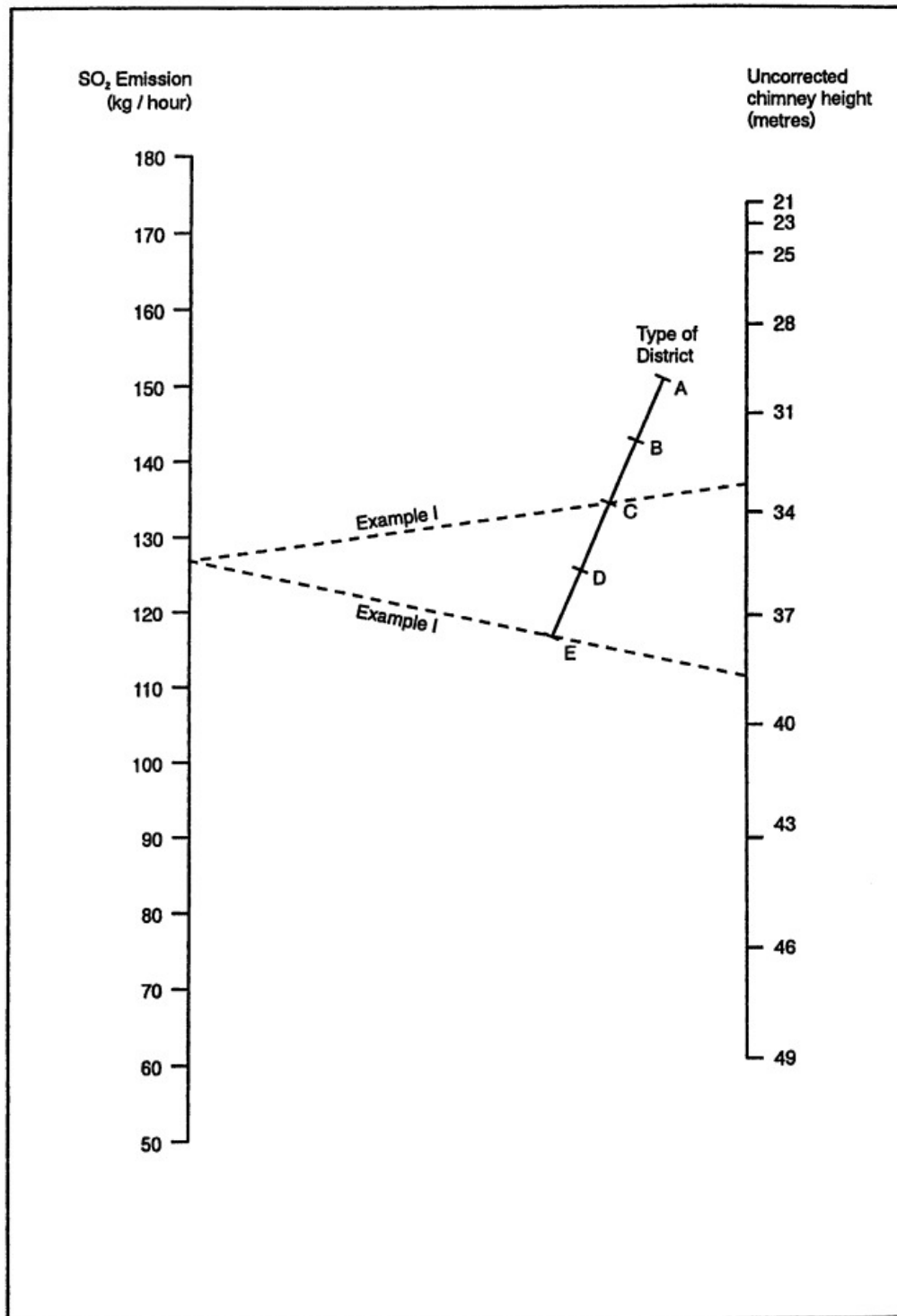


Figure 4: Uncorrected chimney heights for large discharges of sulphur dioxide (200–800 kg/hour)

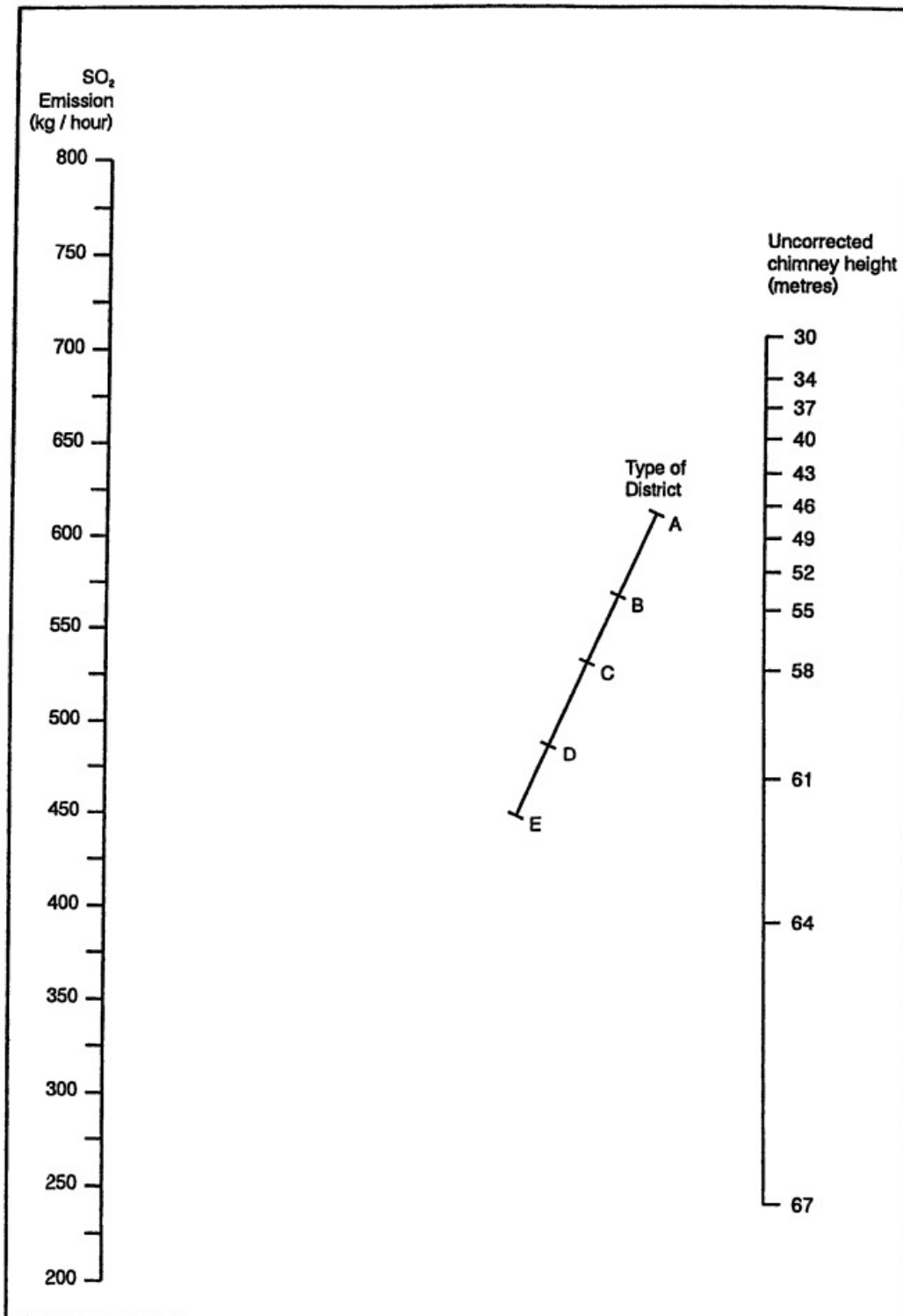


Figure 5: Final chimney heights

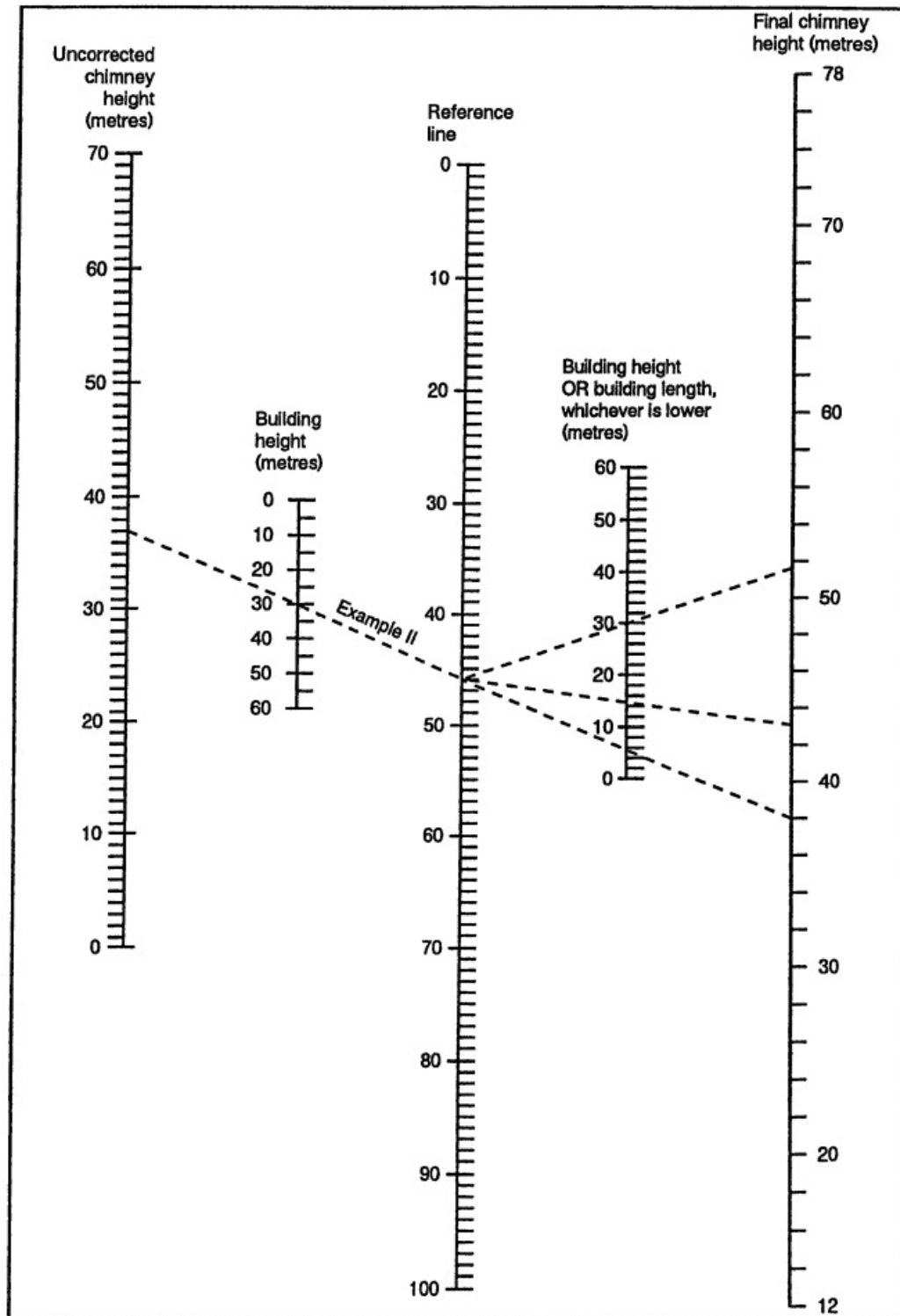
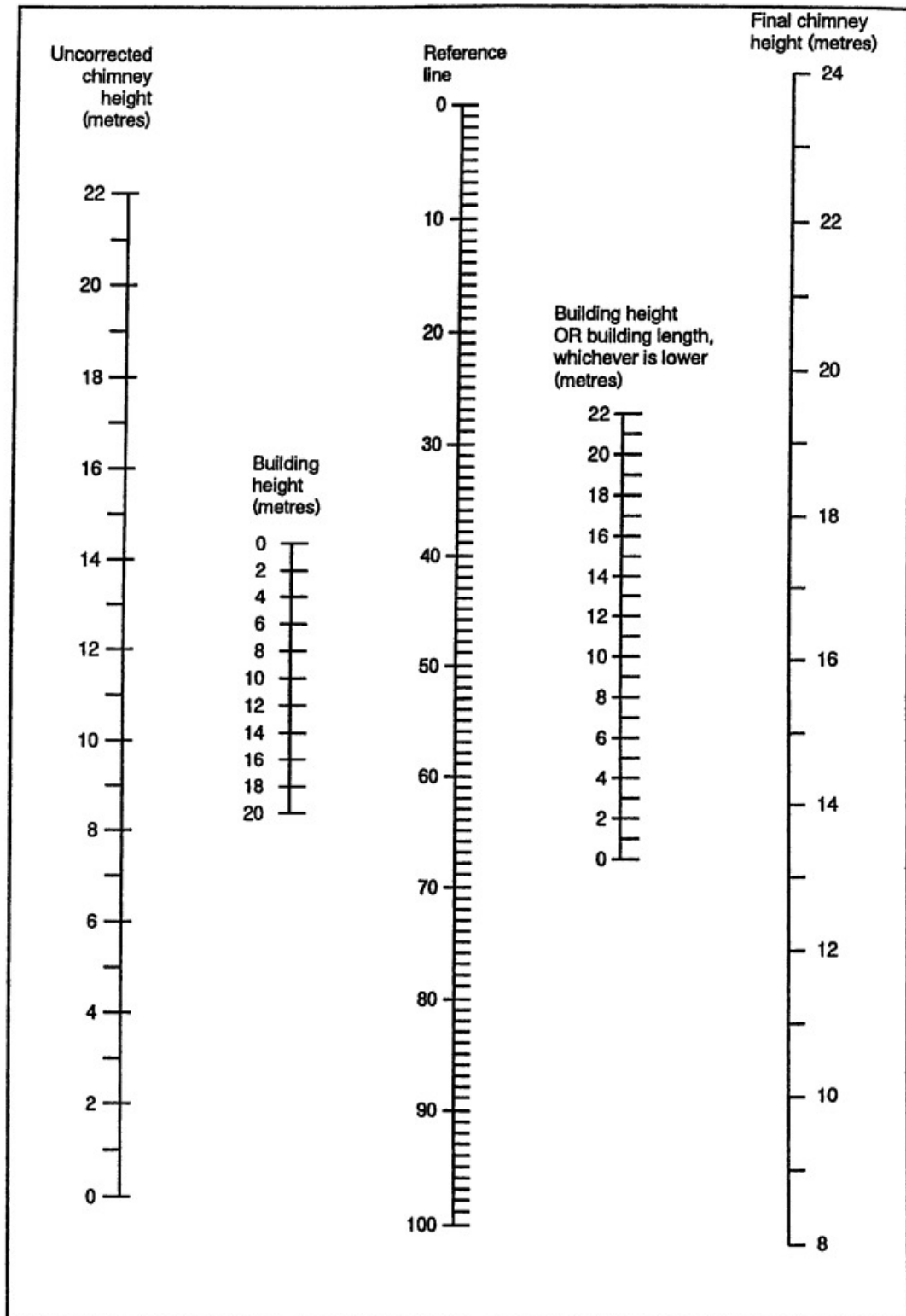


Figure 6: Final chimney heights for gas-fired processes





# I Maps

View the maps in a GIS viewer [here](#)

The maps are only available via the GIS viewer.

The map layers are described in the following tables.

## Coastal

Where the extent of a mapped layer in the coastal marine area coincides with the 'Indicative mean high water springs line', the mapped layer must be interpreted as extending up to actual mean high water springs - see following examples:

*Example of mapped layer coinciding with Indicative mean high water springs line:*



*Example of mapped layer not coinciding with Indicative mean high water springs line:*



Map layer	Description
Coastal zones:	Northland's coastal marine area is split into five zones:
<i>Coastal Commercial Zone</i>	<ul style="list-style-type: none"> <li>The Coastal Commercial Zone are locations within the coastal marine area where the primary purpose is to accommodate commercial activity. This zones includes existing ports as well as a number of wharf areas used for commercial operations.</li> </ul>
<i>Marina Zone</i>	<ul style="list-style-type: none"> <li>The Marina Zone are locations in the coastal marine are where the primary purpose is to accommodate or develop marina structures and/or activities.</li> </ul>
<i>Mooring Zone</i>	<ul style="list-style-type: none"> <li>The Mooring Zone are locations in the coastal marine area where the primary purpose is to accommodate and manage moorings.</li> </ul>
<i>Whangārei City Centre Marine Zone</i>	<ul style="list-style-type: none"> <li>The Whangārei City Centre Marine Zone is a 'spot zone', located upstream of the Te Matau a Pohe bridge in the hatea river. It includes all areas of the coastal marine area located upstream of the bridge that are not identified as either a marina zone or a mooring zone.</li> </ul>
<i>General Coastal Zone</i>	<ul style="list-style-type: none"> <li>The General Coastal Zone is the coastal marine area that is not zoned Coastal Commercial, Marina, Mooring or Whangārei City Centre Marine zones. This encompasses most of Northland's coastal marine area.</li> </ul>
<i>Significant Ecological Areas</i>	The mapping is based on reports by Vince Kerr and Associates drafted 2015/2016 and revised 2017, that identify known:
<i>Significant Bird Areas</i>	<ul style="list-style-type: none"> <li>Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</li> </ul>

Map layer	Description
<i>Significant Marine Mammal and Seabird Areas</i>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Areas set aside for full or partial protection of indigenous biodiversity under other legislation.</li> </ul> <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"> <li>1) Methodology Report – Mapping of significant ecological areas in Northland.</li> <li>2) Identification and Mapping of Significant Ecological Marine Areas in Northland - Project Brief and Guide to Assessment.</li> <li>3) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in harbours and estuaries:             <ol style="list-style-type: none"> <li>a) Hokianga Harbour Entrance and Lower Harbour Marine Values;</li> <li>b) Horahora Estuary Marine Values;</li> <li>c) Houhora Harbour Marine Values;</li> <li>d) Mangawhai Estuary Marine Values;</li> <li>e) Matapouri Marine Values;</li> <li>f) Ngunguru Estuary Marine Values;</li> <li>g) North Kaipara Harbour;</li> <li>h) Pārengarenga Harbour;</li> <li>i) Pataua Estuary Marine Values;</li> <li>j) Pickmere Channel shellfish Marine Values;</li> <li>k) Rangaungu Marine Values;</li> <li>l) Ruakaka Estuary Marine Values;</li> <li>m) Taiharuru Marine Values;</li> <li>n) Tangatapu Bay of Islands Marine Values;</li> <li>o) Te Haumi Estuary Marine Values;</li> <li>p) Waipū Estuary Marine Values;</li> <li>q) Waitangi Estuary Marine Values;</li> <li>r) Whananaki Estuary Marine Values;</li> <li>s) Whangārei Harbour Marine Values.</li> </ol> </li> <li>4) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in open coast areas (including toheroa beaches):             <ol style="list-style-type: none"> <li>a) Great Exhibition Bay Biogenic Habitat;</li> <li>b) Ahipara Banks;</li> <li>c) Berghan Point to Taupō Bay Coast;</li> <li>d) Black Rocks, Bay of Islands;</li> <li>e) Bland Bay Coast;</li> <li>f) Bream Head Coast;</li> <li>g) Cavalli Islands and coast;</li> <li>h) Doubtless Bay;</li> <li>i) Eastern Bay of Islands and Cape Brett Coast;</li> <li>j) Eastern Bay of Island Biogenic Soft Sediment Complex;</li> <li>k) Far North Special Biodiversity Area;</li> <li>l) Hen and Chicks Islands;</li> </ol> </li> </ol>

Map layer	Description
	<p>m) Kawerua Offshore Reef;</p> <p>n) Matapia Island Shallow Reefs;</p> <p>o) Mimiwhangata Coast;</p> <p>p) Poor Knights Islands;</p> <p>q) Takou Beach to Ninepin Coast;</p> <p>r) The Bluff, Ninety Mile Beach;</p> <p>s) Toheroa Beaches, West Coast;</p> <p>t) Tutukaka to Taiharuru Coast;</p> <p>u) West Coast Shallow Reefs;</p> <p>v) Whananaki Coast;</p> <p>w) Whangaroa Coast.</p> <p>5) Assessment sheets for Significant Bird Areas and Significant Marine Mammal and Seabird Areas:</p> <p>a) Significant Ecological Estuarine Area Assessment Sheet for Wading and Aquatic Birds;</p> <p>b) SEA's coastal and island birds – Ecologically Significant Marine Area Assessment Sheet for Wading and Aquatic Birds;</p> <p>c) Northland Coastal Management Area – General marine values for highly mobile and dispersed species (marine mammals and seabirds).</p>
<i>Regionally significant anchorages</i>	Regionally significant anchorages are strategic anchorages that are heavily relied on during bad weather – usually also popular in times of lighter winds of appropriate direction.
<i>Marine pollution limits</i>	<p>The marine pollution limits are shown as a line, landward of which the rule restricting the discharge of sewage from vessels applies (C.6.9.7 'Discharges of untreated sewage from a ship or offshore installation – prohibited activity').</p> <p>The marine pollution limits include all coastal waters that are:</p> <ul style="list-style-type: none"> <li>• In any east coast harbour, are shallower than 5 meters;</li> <li>• Less than 500m from mean high water springs or less than 1000m from mean high water springs in the outer Bay of Islands, less than 500 meters from a Mātaitai reserve; and</li> <li>• Less than 200m from a marine reserve.</li> </ul> <p>The marine pollution limits are a combination of:</p> <ul style="list-style-type: none"> <li>• The default areas as set out in the Resource Management (Marine Pollution) Regulations, 1998 <sup>(1)</sup>; and</li> <li>• Extensions to the default areas <sup>(2)</sup>.</li> </ul>
<i>Enclosed waters</i>	These areas include all harbours, estuaries and inlets.

1 Section 11(1) and (2).

2 as allowed by Section 11(3) Resource Management (Marine Pollution) Regulations, 1998.

Map layer	Description
<i>Aquaculture exclusion areas</i>	<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"> <li>• Residential activities in significant urban areas provided for in operative District Plans, which activities are existing at 1 September 2017, authorised by un-exercised resource consents or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status;</li> <li>• Significant tourism and/or recreation areas;</li> <li>• Areas of outstanding natural landscapes (including seascapes);</li> <li>• <a href="#">Recognised navigational routes</a>;</li> <li>• Anchorages referred to in cruising guides, pilot books or similar publications as being suitable for shelter in adverse weather, and</li> <li>• Port or harbour approaches;</li> <li>• Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).</li> </ul>
<p>Surfbreaks:</p> <p><i>Nationally significant surf breaks</i></p> <p><i>Regionally significant surf breaks</i></p> <p><i>Other surf breaks</i></p>	<p>The Nationally Significant Surf Breaks are those listed in Schedule 1 of the New Zealand Coastal Policy Statement 2010.</p> <p>The Regionally significant surf breaks and Other surf breaks are based on;</p> <ul style="list-style-type: none"> <li>• Northland Regional Council, 2016. <i>Methodology – Identifying Regionally Significant Surf Breaks in Northland</i></li> <li>• Northland Regional Council, 2016. <i>Application of methodology Identifying Regionally Significant Surf Breaks in Northland</i></li> </ul> <p>These reports are available on the regional council's website.</p> <p>Regionally significant surf breaks are those with scores greater than the threshold for regional significance.</p> <p>Other mapped surf breaks are those breaks that are regularly surfed and were assessed by the Surf Break Working Party.</p>
<i>Marine pathways places</i>	<p>Places where restrictions apply to vessel movement between these places when hull fouling exceeds <a href="#">light fouling</a>.</p>
<i>Cross-river coastal marine area boundary</i>	<p>This is the administrative boundary for the coastal marine area on rivers. For more information refer to G.1 'Cross-river coastal marine area boundary'.</p> <p>Also shown with this layer is the Indicative mean high water springs line. It is not part of the plan and is only an approximation of the coastal marine area boundary (the line of mean high water springs). It is based on the NZ Mainland Coastlines and NZ Islands Coastlines produced by LINZ which is a component of the Topo50 maps (1:50,000 scale).</p>

### Natural, historic and cultural heritage - fresh and coastal waters

Mapped layers	Description
<i>Sites and areas of significance to tangata whenua</i>	<p>Sites and Areas of Significance to Tangata Whenua are mapped in accordance with policy D.1.5 'Places of Significance to Tangata Whenua'.</p> <p>They are a single resource or set of resources identified, described and contained in a mapped location.</p> <p>Worksheets for each mapped site or area are available on the regional council's website.</p>
<i>Outstanding natural features</i>	<p>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>.</p> <p>The maps show the 'dry' and 'wet' parts of the Outstanding Natural Features where they straddle the boundary between land and water. The 'dry' parts are shown in a lighter shade and are for information purposes only. The 'wet' parts are subject to rules in the regional plan. No rules apply to the 'dry' parts in the regional plan - these will be contained in the relevant district plan.</p>
<p>Natural character:</p> <p><i>Outstanding natural character</i></p> <p><i>High natural character</i></p>	<p>These areas have been assessed under criteria in Policy 13(2) of the New Zealand Coastal Policy Statement 2010. A complete series of worksheets describing the values of each natural character area are available on the regional council's website.</p> <p>Natural character attributes include:</p> <ol style="list-style-type: none"> <li>1) Natural elements, processes and patterns;</li> <li>2) Biophysical, ecological and geomorphological aspects;</li> <li>3) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</li> <li>4) The natural movement of water and sediment;</li> <li>5) The natural darkness of the night sky;</li> <li>6) Places or areas that are wild or scenic; and</li> <li>7) Experiential attributes, including the sounds and smell of the seas; and their context and setting.</li> </ol> <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</p>

Mapped layers	Description
	a number of freshwater bodies where the unit specifically delineates that freshwater body (E.g. dune lakes) and the values and characteristics of the unit relate specifically to freshwater.
Historic heritage: <i>Historic heritage areas</i>  <i>Historic heritage sites</i>	<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"> <li>• 5 historic heritage areas. <ul style="list-style-type: none"> <li>• 3 of these are water based areas that form part of a cultural heritage landscape in combination with land based historic sites. They have been assessed by Clough and Associates and are considered to be significant enough to include in the plan.</li> <li>• 2 waka landing sites that have been registered as Wahi Tapu areas by Heritage New Zealand have also been included.</li> </ul> </li> <li>• 17 historic heritage sites. These are buildings and structures that have been assessed by Clough and Associates (8 sites) and Clark L. (9 sites, peer reviewed by Heritage NZ) and are considered to be significant enough to include in the plan.</li> </ul> <p>Site and area reports are available on the regional council's website.</p>

### Water quality and quantity management units

Map layer	Description
Outstanding freshwater bodies:  <i>Rivers</i>  <i>Lakes</i>	<p>Outstanding freshwater bodies are lakes and rivers that have outstanding values as defined in the National Policy Statement for Freshwater Management 2014.</p> <p>The following rivers and section of rivers were identified as having outstanding natural values in the Regional Water and Soil Plan for Northland 2004 and have been identified as outstanding rivers in this plan:</p> <ul style="list-style-type: none"> <li>• Waipoua;</li> <li>• Waikohatu;</li> <li>• Wairau;</li> <li>• Whirinaki;</li> <li>• Waipapa; and</li> <li>• Mangamuka.</li> </ul> <p>The following lakes were identified as having outstanding natural values by Champion and de Winton (2012):<sup>(3)</sup></p> <ul style="list-style-type: none"> <li>• Morehurehu;</li> <li>• Ngatu;</li> <li>• Waihopo;</li> </ul>

<sup>3</sup> Paul Champion and Mary de Winton. 2012. *Northland Lakes Strategy: Part 1. Prepared for Northland Regional Council. NIWA Client Report No: HAM2012-121.*

Map layer	Description
	<ul style="list-style-type: none"> <li>• Waiporohita;</li> <li>• Wahakari;</li> <li>• Taharoa;</li> <li>• Waikare;</li> <li>• Kai-Iwi;</li> <li>• Humuhumu;</li> <li>• Kanono; and</li> <li>• Mokeno.</li> </ul>
<p>Groundwater management units:</p> <p><i>Aupouri aquifer</i></p> <p><i>Coastal aquifers</i></p> <p><i>Other aquifers</i></p>	<p>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The council has identified two broad aquifer management units (coastal aquifers and other aquifers) for the purposes of setting default allocation limits. They are largely based on the aquifer management units in the Regional Water and Soil Plan for Northland 2004, but consolidated. The council has also identified the Aupouri Aquifer system, which is comprised of 12 sub-aquifers, for the purposes of setting aquifer-specific (tailored) allocation limits.</p>
<p>River water quantity management units:</p> <p><i>Outstanding rivers</i></p> <p><i>Coastal rivers</i></p> <p><i>Small rivers</i></p> <p><i>Large rivers</i></p>	<p>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The coastal rivers, small rivers and large rivers management units were defined by Ton Snelder (2016)<sup>(4)</sup> and Susie Osbaldiston (2016)<sup>(5)</sup>.</p>

<sup>4</sup> Ton Snelder. 2016. *Defining Freshwater Management Units for Northland: A Recommended Approach*. Prepared for Northland Regional Council. LWP Client Report Number: 2015-004.

<sup>5</sup> Susie Osbaldiston. 2016. *Refining the Draft River Water Quantity FMUs for Northland*. Northland Regional Council.

Map layer	Description
Coastal water quality management units: <i>Open Coast</i> <i>Estuary</i> <i>Tidal Creek</i> <i>Hatea River</i>	Coastal water quality management units are areas of coastal waters that have been determined by the regional council as the appropriate spatial scale for applying water quality standards and for management purposes. Northland Regional Council has grouped the region's coastal waters into four management units based on the recommendations of Richard Griffiths (2016) <sup>(6)</sup> .

### Catchment specific layers

Map layer	Description
Priority catchments: <i>Doubtless Bay</i> <i>Mangere</i> <i>Pouto</i> <i>Waitangi</i> <i>Whangarei</i>	This map shows the catchment boundaries of the five priority catchments (Doubtless Bay, Mangere, Pouto and Whangarei) where catchment management plans have been developed. These catchments are subject to catchment specific rules in section E 'Catchments'.
<i>High sediment yielding land</i>	Areas of land predicted to have high sediment yield (high sediment yielding land) in the Doubtless Bay, Waitangi, Mangere and Whangarei Harbour catchments which are subject to a rule requiring Erosion Control Plans be developed by 1 January 2015. The thresholds for high sediment yielding land are 250 tonnes / km <sup>2</sup> / year or more in the Waitangi, Whangarei Harbour and Mangere catchments and 500 tonnes / km <sup>2</sup> / year or more in the Doubtless Bay catchment. See section E 'Catchments'.
Whangarei swimming sites stock exclusion areas: <i>Popular swimming sites</i> <i>Upstream catchments</i>	This map shows the swimming sites on the Hātea and Raumanga rivers in the Whangārei Harbour catchment and the upstream catchments where additional livestock exclusion rules apply (see Whangarei section in E 'Catchments').

6 Richard Griffiths. 2016. *Recommended Coastal Water Quality Standards for Northland*. Northland Regional Council.



Map layer	Description
<i>Forestry restriction area – Pouto catchment</i>	This map shows the surface water catchments of Outstanding Water Bodies (lakes) on the Poutō peninsula where new plantation forestry that exceeds 5 hectares per property is subject to a requirement for resource consent (See Pouto Section in E 'Catchments')

### ***Flood protection schemes and drainage districts***

Map layer	Description
<i>Flood protection schemes</i>	The regional council's flood protection schemes are designed to reduced river flood risk. The schemes involve such protection structures as stopbanks, spillways, floodgates and dams.
<i>Drainage districts</i>	These are statutorily recognised areas that district councils have rights and responsibilities for managing land drainage within. Land drainage activities include culverts, drains, flood gates, bunds and stop banks.

### ***Airsheds***

Map layer	Description
<i>Airsheds</i>	<p>Northland has five airsheds gazetted under the National Environmental Standards 2004. Airsheds are gazetted when there is the potential for local ambient air quality to exceed national standards. Northland has the following gazetted airsheds:</p> <ul style="list-style-type: none"> <li>• Whangārei – for PM<sub>10</sub></li> <li>• Marsden Point – for SO<sub>2</sub> and PM<sub>10</sub></li> <li>• Kerikeri – for PM<sub>10</sub></li> <li>• Dargaville – for PM<sub>10</sub></li> <li>• Kaitāia – for PM<sub>10</sub></li> </ul>

### ***Livestock exclusion***

Map layer	Description
<i>Livestock exclusion areas</i>	Land defined as having a dominant slope of between 0-15 degrees (lowland areas) and greater than 15 degrees (hill country areas). The areas were mapped using the NZLRI database at a 1:50,000 scale.

***Highly erodible land***

Map layer	Description
<i>Highly erodible land</i>	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.