Northland Regional Council Agenda

Meeting to be held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 16 April 2019, commencing at 10.30am

Recommendations contained in the council agenda are NOT council decisions. Please refer to council minutes for resolutions.

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<td>Horizons</td>
<td>Brand name of Manawatu-Wanganui Regional Council</td>
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<td>Invited Private Plan Change: a process to allow Aquaculture Management Areas to be established</td>
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<td>WWTP</td>
<td>Wastewater Safety Management Practices</td>
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Executive summary/Whakarāpopototanga

This report provides an overview of Health and Safety activity during the month of March 2019. No major events took place in March with the majority of work being focussed around reviewing and updating of our key H&S systems.

Recommendation

That the report ‘Health and Safety Report’ by Beryl Steele, Human Resources Manager and dated 1 April 2019, be received.

Background/Tuhinga

Summary of Events

- No incidents, accidents or near misses were reported in March.

Policy, Process and Documentation Review

- The H&S policy and process review and update continues. This includes a full review of the H&S Risk register and training matrix and a review of the new staff induction which once finalised will be put onto cognise (our e-learning platform).
- The H&S Strategy Steering Group are now meeting in April to finalise the strategy.

Other activities

- Flu vaccinations have been booked for May.

Traffic Management Plan

- The Traffic Management Plan process is taking longer than expected but a concerted effort will be made in April to ensure we are compliant.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Dave Tams
Title: Group Manager, Corporate Excellence
Date: 09 April 2019
CONFIRMATION OF MINUTES - 19 MARCH 2019

ID: A1180519
From: Chris Taylor, Governance Support Manager

Recommendation
That the minutes of the council meeting held on 19 March 2019 be confirmed as a true and correct record.

Attachments/Ngā tapihanga
Attachment 1: Council Minutes - 19 March 2019

Authorised by Group Manager
Name: Chris Taylor
Title: Governance Support Manager
Date: 04 April 2019
Northland Regional Council Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 19 March 2019, commencing at 10.30am

Present:

Chairman, Bill Shepherd
Deputy Chairman, David Sinclair
Councillors:
  John Bain
  Paul Dimery
  Mike Finlayson
  Penny Smart
  Rick Stolwerk
  Joce Yeoman

In Attendance:

Full Meeting
Independent Financial Advisor
Chief Executive Officer
GM - Governance and Engagement
GM - Environmental Services
GM - Regulatory Services
Financial Accountant
Governance Support Manager

Part Meeting
GM - Corporate Excellence
Organisational Project Manager
Natural Resources Policy Manager
Strategic Projects Manager
Finance Manager

The Chair declared the meeting open at 10.30am.

Apologies (Item 1.0)

Moved (Shepherd/Bain)

That the apologies from Councillor Blaikie for non-attendance be received.

Carried

Secretarial Note: The meeting stood and observed a minute of silence to honour the victims of the Christchurch shooting which occurred on Friday 15 March 2019.
Declarations of Conflicts of Interest (Item 2.0)
It was advised that councillors should make declarations item-by-item as the meeting progressed.

Supplementary Item for 19 March 2019 (Item 2.0A)
IDs: A1173736
Report from Finance Manager, Simon Crabb.
Moved (Shepherd/Sinclair)
That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987 the supplementary report (pertaining to Item 6.5 in the original agenda) be received.
Carried

Secretarial Note: It was noted there was an error in the Supplementary Agenda which made reference to Item 5.2.

Health and Safety Report (Item 3.0)
ID: A1170730
Report from Beryl Steele, Human Resources Manager
Moved (Sinclair/Dimery)
That the report ‘Health and Safety Report’ by Beryl Steele, Human Resources Manager and dated 5 March 2019, be received.
Carried

Confirmation of Minutes - 19 February 2019 (Item 4.1)
ID: A1169753
Report from Chris Taylor, Governance Support Manager
Moved (Yeoman/Stolwerk)
That the minutes of the council meeting held on 19 February 2019 be confirmed as a true and correct record.
Carried

Receipt of Action Sheet (Item 4.2)
ID: A1171230
Report from Chris Taylor, Governance Support Manager
Moved (Yeoman/Sinclair)
That the action sheet be received.
Carried
Working Party Updates and Chairpersons’ Briefings (Item 4.3)

ID: A1167741
Report from Chris Taylor, Governance Support Manager
Moved (Bain/Finlayson)

That the report ‘Working Party Updates and Chairpersons’ Briefings’ be received.
Carried

Secretarial Note: Further consideration to be given to the composition of the Risk and Health & Safety Working Party (governance) versus that of the Health and Safety Strategy Steering Group (operational).

Council Working Group Updates (Item 4.4)

ID: A1168878
Report from Nola Sooner, Land and Rivers Team Administrator/PA
Moved (Sinclair/Shepherd)

That the report ‘Council Working Group Updates’ be received.
Carried

Financial Report to 28 February 2019 (Item 5.1)

ID: A1170951
Report from Vincent McColl, Financial Accountant
Moved (Finlayson/Bain)

Carried

Secretarial Note: The Finance Manager provided a presentation detailing the actual results of council’s externally managed fund portfolio during February 2019 and the effect on work programmes going forward.

2018 Service Delivery Reviews (Item 6.1)

ID: A1166427
Report from Linda Harrison, Organisational Project Manager
Moved (Sinclair/Yeoman)

1. That the report ‘2018 Service Delivery Reviews’ by Linda Harrison, Organisational Project Manager and dated 21 February 2019, be received.

2. That council adopt the recommendations of the 2018 Service Delivery Reviews report to maintain the status quo delivery models for Governance, Māori Relationships, Community Engagement and investments due to the costs of any additional reviews likely to outweigh any benefits.
Carried
Planning Working Party - Terms of Reference (Item 6.2)
ID: A1169484
Report from Michael Day, Natural Resources Policy Manager
Moved (Yeoman/Smart)
2. That the proposed amendment to the Planning Working Party Terms of Reference is adopted.
Carried

Appointment of Trustee to the Northland Events Centre Trust (Item 6.3)
ID: A1170997
Report from Dave Tams, Group Manager, Corporate Excellence
Moved (Smart/Dimery)
1. That the report ‘Appointment of Trustee to the Northland Events Centre Trust’ by Dave Tams, Group Manager, Corporate Excellence and dated 6 March 2019, be received.
2. That Mr Alistair Wells be re-appointed to the Northland Events Centre Trust as the Northland Regional Council representative to 31 December 2019.
Carried

2019 Local Government New Zealand Conference (Item 6.4)
ID: A1171590
Report from Bill Shepherd, Chairman
Moved (Shepherd/Smart)
1. That the report ‘2019 Local Government New Zealand Conference’ by Bill Shepherd, Chairman and dated 7 March 2019, be received.
Carried
It was further moved (Bain/Sinclair)
2. That the Chairman, Chief Executive and Councillors Finlayson and Dimery represent the Northland Regional Council at the 2019 LGNZ Conference.
Carried
It was further moved (Stolwerk/Bain)
3. That the Chairman will be the council’s presiding delegate and Councillor Finlayson and Councillor Dimery will be the other delegates for voting purposes on behalf of the Northland Regional Council at the Annual General Meeting of Local Government New Zealand.
Carried
Regional Software Holdings Limited - Six Month Report to 31 December 2018 and Statement of Intent for 2020-2022 (Item 6.5 and Supplementary Item 6.5)

ID: A1172869 and A1173736
Report from Carol Cottam, Information Services and Technology Manager and Simon Crabb, Finance Manager

Moved (Shepherd/Sinclair)


2. That council receive the revised 2020-2022 Statement of Intent for Regional Software Holdings Limited.

Carried

Secretarial Note: Clarification was provided that forecast budgets remained a ‘matter of discussion’ and were dependent on how aggressively the Board elected to depreciate the IRS product.

Chair’s Report to Council (Item 7.1)

ID: A1169638
Report from Bill Shepherd, Chairman

Moved (Shepherd/Sinclair)

That the report ‘Chair’s Report to Council’ by Bill Shepherd, Chairman and dated 1 March 2019, be received.

Carried

Chief Executive’s Report to Council (Item 7.2)

ID: A1169144
Report from Malcolm Nicolson, Chief Executive Officer

Moved (Shepherd/Sinclair)

That the report ‘Chief Executive’s Report to Council’ by Malcolm Nicolson, Chief Executive Officer and dated 28 February 2019, be received.

Carried

Northland Inc. Ltd Report Against SOL 2018-21 for Period July to December 2018 (Item 7.3)

ID: A1169973
Report from Jon Trewin, Economic Policy Advisor

Moved (Finlayson/Bain)


Carried
Receipt of Committee Minutes (Item 8.0)
ID: A1167594
Report from Chris Taylor, Governance Support Manager
Moved (Bain/Dimery)

That the unconfirmed minutes of the:

☐ Regional Transport Committee – 13 February 2019
☐ Property Subcommittee – 13 February 2019
☐ Investment Subcommittee – 26 February 2019

be received.

Carried

Business with Public Excluded (Item 9.0)
Moved (Shepherd/Sinclair)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.

2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

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<th>Item Issue</th>
<th>Reasons/Grounds</th>
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<td>9.1</td>
<td>Confirmation of Confidential Minutes - 19 February 2019</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.</td>
</tr>
<tr>
<td>9.2</td>
<td>Receipt of Confidential Committee Minutes</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.</td>
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<tr>
<td>9.3</td>
<td>Human Resources Report</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).</td>
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<td>9.4</td>
<td>Purchase of a Whangārei CBD Property</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).</td>
</tr>
<tr>
<td>9.5</td>
<td>Whangārei CBD Property Demolition</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).</td>
</tr>
</tbody>
</table>

3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.

Carried
Council Meeting
19 March 2019

Conclusion
The meeting concluded at 11.51am.
TITLE: Receipt of Action Sheet
ID: A1181362
From: Chris Taylor, Governance Support Manager

Executive summary/Whakārapopototanga
The purpose of this report is to enable the meeting to receive the current action sheet.

Recommendation
That the action sheet be received.

Attachments/Ngā tapirihanga
Attachment 1: Council Action Sheet - April 2019

Authorised by Group Manager
Name: Chris Taylor
Title: Governance Support Manager
Date: 08 April 2019
### Outstanding Actions as at 4/04/2019

<table>
<thead>
<tr>
<th>Id</th>
<th>Meeting</th>
<th>Target Date</th>
<th>Description</th>
<th>Request Details</th>
<th>Most Recent Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4693</td>
<td>Council 11/12/2018</td>
<td>25/12/18</td>
<td>Invitation to the LGC</td>
<td>That the new Chair of the LGC be invited to address council in March/April 2019.</td>
<td>Followed up on the original invitation to the LGC Chair (on 28 March 2019). To note, government is proposing to disestablish the LGC. Council to consider whether it would like to continue with the invitation.</td>
</tr>
<tr>
<td>4964</td>
<td>Council 19/03/2019</td>
<td>2/04/19</td>
<td>Health and Safety Group Membership</td>
<td>That further consideration be given to the composition of the Risk and Health and Safety Working Party (governance) versus that of the Health and Safety Strategy Steering Group (operational). The ELT in first instance then a workshop with council</td>
<td>ELT has discussed the matter. Will be considered as part of the governance review.</td>
</tr>
</tbody>
</table>

### Actions Completed in the Last Month

<table>
<thead>
<tr>
<th>Id</th>
<th>Meeting</th>
<th>Date Completed</th>
<th>Description</th>
<th>Request Details</th>
<th>Most Recent Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4641</td>
<td>Council 18/09/2018</td>
<td>19/03/19</td>
<td>Reforecasting of budgets</td>
<td>That the Audit Working Party undertake a ‘reforecasting exercise’ to discuss best practice when there are changes to budgeted costs and revenue.</td>
<td>Complete. A presentation was made to council on 19-3-2019, illustrating the forecasted year end position incorporating the actual gains for February 2019, and the (conservatively) estimated gains for the rest of the financial year. The impact of this reforecast was, that at this stage of the year, no historical gains are anticipated to be required as general funding this financial year. The ongoing market conditions and externally managed funds gains will continue to be monitored on a monthly basis.</td>
</tr>
<tr>
<td>Action ID</td>
<td>Date Assigned</td>
<td>Date Rejected</td>
<td>Description</td>
<td>Status</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>---------------</td>
<td>---------------</td>
<td>-------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>4962</td>
<td>19/03/2019</td>
<td>4/04/19</td>
<td>Notification of abandoned land</td>
<td>Complete. Information circulated to councillors.</td>
<td></td>
</tr>
<tr>
<td>4966</td>
<td>19/03/2019</td>
<td>1/04/19</td>
<td>Financial Software Training</td>
<td>Complete. One on one Power BI User training has been scheduled (on 4 April 2019) for the Councillors Smart, Sinclair and Stolwerk. Revisions to reporting regime will be discussed with the CEO.</td>
<td></td>
</tr>
<tr>
<td>4968</td>
<td>19/03/2019</td>
<td>28/03/19</td>
<td>Planning Working Party - Terms of Reference</td>
<td>Complete. Terms of Reference updated accordingly.</td>
<td></td>
</tr>
</tbody>
</table>
Recommendation

That the report ‘Working Party Updates and Chairpersons’ Briefings’ be received.

Te Taitokerau Māori and Council Working Party
(Co-chairs: member Tipene, Cr Dimery)

The Te Taitokerau Māori and Council Working Party met on 14 March 2019. The topics for discussion included:

- A report from the Māori Technical Advisory Group about their mahi on Mana Whakahono a Rohe agreements.
- NRC Environmental Awards.
- Iwi and council governance to governance relationship agreement.
- Reports from other working parties and the December 2018 marae-based hui.
- Updates on:
  - Implementing the Long Term Plan - Pests, Water and Flooding
  - Inter-regional marine pest management discussion document
  - Annual Plan and Our Vision 2018–2028 | Te Pae Tawhiti 2018–2028
  - ‘Where’s your wai?’ online consultation and Ministry for the Environment’s ‘At Risk’ catchments programme
  - Provincial Growth Fund.

Following discussion, the Te Taitokerau Māori and Council Working Party provided advice on the following next steps:

- That MTAG be tasked with completing a draft, single hapū-based Mana Whakahone a Rohe (for multiparty hapū to join) for consideration by TTMAC at its May formal meeting.
- That TTMAC recommend to council that MTAG conduct a review of the working party in order to make recommendations to the incoming council.
- That TTMAC nominate Mike Kake as a member of the judging panel for the Northland Regional Council Environmental Awards.
- The Working Group agreed that the ‘Where’s your wai?’ online consultation should be run again over the 2019/2020 summer period and suggested that the ability to upload images would be helpful.

Natural Resources Working Party
(Chair: Cr Justin Blaikie)

The Natural Resources Working Party met on 6 March 2019. The topics for discussion included:

- Northern Wairoa FIF Update
- Summary of Farm Plan Phone Survey
- Dune Lakes FIF Update
• Awanui Long Term Plan River Works
• Waipu and Paparoa Flood Maps
• Wetland Mapping in Northland

Following discussion, the Natural Resources Working Party provided advice on the following next steps:
• Provide an update on wetland mapping at the next Natural Resources Working Party meeting.
• Provide information regarding carbon sequestration rates in wetlands.
• Provide an update to council on Wetland Condition Index Monitoring.

**Risk and Health & Safety Working Party**
(Chair: Cr Paul Dimery)

The working party met on 5 March 2019. The topics for discussion included:
• Investment Risks
• Review of the Risk Register

Following discussion, the working party provided advice on the following next steps:
• Update risks, add comments, re-order the Risk Register and split into manageable and non-manageable categories.
• Include comments on non-rating income in the register and reference to the Rogan court decision.
• Speak to IT & IS Manager to refresh phishing and cyber-attack training to staff.
• Invite the Harbourmaster to the next meeting to provide an update on ‘Unlimited Liability for Major Maritime Disaster’.
• Speak to the HR and H&S Manager to arrange a generic evacuation plan for visitors and members of the public.

**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 09 April 2019
Recommendation

That the report ‘Council Working Group Updates’ be received.

Poutō Catchment Stakeholder Advisory Group (Councillor Penny Smart - Chair)

The Poutō Catchment Stakeholder Advisory Group met on 12 February 2019. The topics for discussion included:

- Updating the Terms of Reference and membership of the advisory group
- Catchment Plan Implementation
- Allocation of the $10,000 NRC Catchment Group funding

Following discussion, the Poutō Catchment Stakeholder Advisory Group provided advice on the following next steps:

- Allocation of the $10,000 NRC Catchment Group funding towards plants for Lake Kanono (up to $4,000) and fencing as required on three lakes in priority order: Humuhumu, Rotopouua, Wainata (up to $6,000).
- The Poutō Catchment Stakeholder Advisory Group is considering a draft Terms of Reference for a Catchment Working Group. The purpose of the working group will be to implement the existing catchment plan objectives.
- New members will be invited to join the Poutō Catchment Working Group at the next meeting to be held on Monday 15 April 2019.

Authorised by Group Manager

Name: Bruce Howse

Title: Group Manager - Environmental Services

Date: 03 April 2019
Executive summary

This report is to inform council of the year to date (YTD) financial result to March 2019. Council has achieved a YTD surplus after transfers to and from reserves of $3.99M, which is $34K favourable to budget.

Recommendation


Report

<table>
<thead>
<tr>
<th>SUMMARY OPERATING RESULTS</th>
<th>000's ACTUAL YTD</th>
<th>000's BUDGET YTD</th>
<th>000's VARIANCE YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue (including other gains)</td>
<td>$34,170</td>
<td>$35,443</td>
<td>$(1,273)</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$29,262</td>
<td>$30,369</td>
<td>$1,107</td>
</tr>
<tr>
<td>NET (COST)/SURPLUS BEFORE TRANSFERS FROM/(TO) RESERVES</td>
<td>$4,909</td>
<td>$5,075</td>
<td>$(166)</td>
</tr>
<tr>
<td>Transfer From (To) Special Reserves</td>
<td>$(914)</td>
<td>$(1,114)</td>
<td>$200</td>
</tr>
<tr>
<td>NET (COST)/SURPLUS AFTER TRANSFERS FROM/(TO) RESERVES</td>
<td>$3,994</td>
<td>$3,961</td>
<td>$34</td>
</tr>
</tbody>
</table>

This financial report includes a $238K accrual for externally managed fund gains which results in the externally managed funds having an unfavourable impact of $632K on the bottom line. However, due to year to date savings of $655K council was in a favourable overall position to budget thus no historical gains have been required for operational funding for the nine months to March – refer Attachment 1.

Attachment 1 summarises the elements considered in the historical gains transfer process.
Year to date revenue is $34.17M, which is $1.27M or 3.6% below budget.

### YTD Revenue Variance Indicators by Revenue Type

<table>
<thead>
<tr>
<th>Revenue Type</th>
<th>FAV / (UNFAV)</th>
<th>%</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rates</strong></td>
<td>$284,312</td>
<td>1.4%</td>
<td>• A higher level of rating units / SUIPs were used for the rating strike versus what was in the LTP.</td>
</tr>
<tr>
<td><strong>User Fees and Sundry</strong></td>
<td>$81,198</td>
<td>2.2%</td>
<td>• Higher than budgeted consent application fees of $67K offsetting costs incurred (hearings, consultants and legal)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Higher than budgeted consent management fees of $132K</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Unbudgeted prosecutions of $39K</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Partially offset by:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Lower than budgeted fare box revenue of $134K</td>
</tr>
<tr>
<td><strong>Grants and Subsidies</strong></td>
<td>$65,743</td>
<td>2.5%</td>
<td>• Unbudgeted subsidies received for the Mycoplasma Bovis response of $92K</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Unbudgeted stop wild ginger subsidies offsetting costs with this project of $91K</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Unbudgeted EECA grants for an electric vehicle charging station of $59K offset by costs associated with this project.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Unbudgeted fan worm response subsidies of $43K offsetting costs incurred.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Partially offset by:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Lower than budgeted NZTA subsidies of $61K offset by lower than budgeted transport contract costs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Lower than budgeted revenue for FIF projects of $205K offsetting lower expenditure for these projects.</td>
</tr>
<tr>
<td><strong>Investment Interest Income</strong></td>
<td>($36,071)</td>
<td>(9.7%)</td>
<td>This is due to a change in IGR interest attribution where the IGR now resides in the STF.</td>
</tr>
<tr>
<td><strong>Investment Property Income</strong></td>
<td>($28,882)</td>
<td>(1.3%)</td>
<td></td>
</tr>
<tr>
<td><strong>Other Income</strong></td>
<td>$1,459</td>
<td>1.0%</td>
<td>• Lower than budgeted MMH dividends by half a cent ($0.0050) per share.</td>
</tr>
<tr>
<td><strong>Dividend Income</strong></td>
<td>($110,242)</td>
<td>(3.1%)</td>
<td></td>
</tr>
<tr>
<td><strong>Short Term Fund</strong></td>
<td>$29,203</td>
<td>62.9%</td>
<td>• Actual February YTD returns as per Eriksens Global of 3.0% (4.5% annually) are lower than the budgeted 3.17% (4.75% annually) but the STF has a higher fund balance than budgeted.</td>
</tr>
<tr>
<td><strong>Property Reinvestment Fund</strong></td>
<td>($685,157)</td>
<td>(74.4%)</td>
<td>• Actual February YTD returns of 1.3% (1.95% annually) are lower than the budgeted 5.0% (7.5% annually).</td>
</tr>
<tr>
<td><strong>Community Investment Fund</strong></td>
<td>($574,627)</td>
<td>(77.0%)</td>
<td>• Actual February YTD returns of 1.0% (1.5% annually) are lower than the budgeted 5.0% (7.5% annually).</td>
</tr>
<tr>
<td><strong>Infrastructure Investment Fund</strong></td>
<td>($299,846)</td>
<td>(43.5%)</td>
<td>• Actual February YTD returns of 2.2% (3.3% annually) are lower than the budgeted 3.8% (5.75% annually).</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>($1,272,911)</td>
<td>(3.6%)</td>
<td></td>
</tr>
</tbody>
</table>
Expenditure

Year to date expenditure is $29.26M, which is $1.11M or 3.6% below budget.

<table>
<thead>
<tr>
<th>YTD EXPENDITURE VARIANCE INDICATORS BY COUNCIL ACTIVITY</th>
<th>FAV / (UNFAV) $</th>
<th>%</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory Services</td>
<td>($131,133)</td>
<td>(3.1</td>
<td>%</td>
</tr>
</tbody>
</table>
| Environmental Services                                  | $395,100       | 5.4|% | ➢ Lower than budgeted natural hazards consultancy of $125K. Savings here are expected to be approximately $230K at year end.  
➢ Lower than budgeted FIF project expenditure (predominantly consultancy) of $343K offset by lower than budgeted income and reserve movements  
➢ Lower than budgeted other river works of $75K  
Offset by:  
• Unbudgeted stop wild ginger biocontrol expenditure (consultancy) of $91K  
Overall Environmental services favourable to budget by $352K |
| Governance and Engagement                               | $470,172       | 8.3|% | ➢ Lower economic development project grants than budgeted YTD of $334K offset with lower transfers from the IGR (Twin Coast cycle trail and Kawakawa Hundertwasser)  
➢ Lower than budgeted Northland Inc payments of $58K offset by lower transfers from the IGR  
➢ Lower than budgeted TTMAC member costs of $18K  
Offset by:  
• Unbudgeted expenditure for an electric vehicle charging station project of $64K offset with EECA subsidy.  
Overall Governance and Engagement favourable to budget by $186K |
| Customer Service and Community Resilience               | $230,739       | 4.0|% | ➢ Lower transport contract costs of $140K partially offset by lower than budgeted NZTA subsidies and farebox revenue  
➢ Budget timing differences on the Hatea River channel dredging of $121K. This is fully offset with lower than budgeted transfers from reserves.  
Offset by:  
• More than budgeted Emergency services grants of $54K offset by higher than budgeted transfers from reserves |
| Corporate Excellence                                    | $38,900        | 0.8|% | ➢ Lower than budgeted HR consultancy of $50K  
➢ Lower than budgeted net labour charged to HR of $113K  
➢ Lower than budgeted consultancy in relation to our internal audit program of $14K  
Offset by:  
• Higher than budgeted expenditure on council’s IaaS outsourced contract and other IT expenditure (e.g. licencing) of $189K |
| CEO Office                                              | $103,141       | 3.7|% | ➢ Lower than budgeted labour charged to the CEO Department of $110K  
➢ Lower than budgeted commercial property expenditure of $56K  
Offset by:  
• Higher than budgeted investment properties related expenditure of $71K partially offset by higher than budgeted recovery of tenants costs  
• Higher than budgeted building R&M of $19K |
| Total                                                   | $1,106,919     | 3.6|% | ➢ overall exponential variance of $1,106,919 or 3.6% compared to the budgeted $1,140,528.  
(UNFAV) = negative unfav variance over 10%
FAV / (UNFAV) = negative unfav variance under 10%
= positive favourable variance
Note that across council there is a $374K favourable salaries variance predominantly due to a deferral in the recruitment of positions identified in the LTP.

**Transfers to reserves**

For the year to date there has been a net transfer to reserves of $914K compared to a budgeted net transfer to reserves of $1.11M. This is predominantly due to:

- $862K lower than budgeted externally managed fund gains transferred to reserve

Offset by:

- $330K lower than budgeted transfers required from the IGR for Northland Inc. payments.
- $471K higher than budgeted operational transfers to reserves relating to the Whangārei and Far North bus reserves, FIF project funding from the land management reserve, Hātea River reserve, and river reserves.

**Capital Expenditure**

Capital expenditure of $2.45M (excluding commercial property purchases and commercial developments) is lower than budget by $417K. This is predominantly due to the timing of flood infrastructure work compared to budget and delays on hydrology capex.

At this stage we anticipate $358K of capital carry forwards at year end; being $300K for rating software and $58K of Hydrology capex (water level stations and ADCP flow tracker) being deferred to next year in order to bring forward LTP year 2 capex of $60K.

**Attachments**

Attachment 1: Externally managed funds for operational funding Mar 19

**Authorised by Group Manager**

- Name: Dave Tams
- Title: Group Manager, Corporate Excellence
- Date: 09 April 2019
UPDATE TO MAR 19 ACCRUED RESULT

Councils Externally Managed Fund Portfolio
Opening $53.9M

Historical Gains ($0.0M) *(crystallised)*
Reinvested $0.1M
Capital Losses 0
Historical Gains $0 *(non crystallised)*
Closing $54.0M*

Total GAINS $871K
General Funding $726K

CIF Gains Reinvested $145K

Identified Opex Savings $655K

$0 YTD Operational Loss

$0 YTD Total Internal Reported Loss

Northland Regional Council

*Historical Gains are limited to $10M. Excludes any other claimed withdrawals or deposits.

ID: A1183321
EXECUTIVE SUMMARY/WHAKARĀPOPOTOTANGA

The triennial local body election will be held by postal voting from 20 September 2019, culminating in Election Day on Saturday 12 October 2019.

This report seeks to:

i. Outline key election period dates and community awareness initiatives;

ii. Provide the opportunity for council to choose by resolution the order of candidate names appearing on voting documents; and

iii. Familiarise councillors with pre-election protocols during the three month pre-election period.

RECOMMENDATIONS

1. That the report ‘2019 Local Body Triennial Election’ by Chris Taylor, Governance Support Manager and dated 1 April 2019, be received.

2. That the report ‘2019 Triennial Election’ by the Electoral Officer and dated 12 March 2019, be received.


4. That council resolves for the 2019 triennial election to adopt the alphabetical order of candidate names on voting documents (in accordance with Regulation 31 of the Local Electoral Regulations 2001).

BACKGROUND/TUHINGA

Planning is well underway for the 2019 triennial local body elections. Dale Ofsoske of Independent Election Services has been reappointed as Electoral Officer for the Northland Regional Council. A report from the Electoral Officer is included as Attachment 1 which outlines the election process and also provides a timetable and fact sheet (pages 7 and 8 of the report, respectively); both of which are available on NRC’s website.

RAISING AWARENESS

Voter turnout in local elections has been declining since the 1980s. In 2016, voter turnout nationally was just 42 percent. This year Local Government New Zealand and SOLGM are joining forces to deliver the Vote 2019 campaign; the aim of which is to lift nationwide voter turnout in local elections, increase people’s engagement with their local council and ultimately have local government elected by a majority of New Zealanders.

Staff are currently considering how council can best leverage this programme to support our own community engagement initiatives to promote local body elections.
**Order of candidate names on voting documents**

Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for council to choose by resolution the order of candidate names appearing on the voting documents from three options – alphabetical, pseudo-random or random. If no resolution is made by council the default position is alphabetical order.

Of interest, the Northland District Health Board (NDHB), FNDC and WDC recently resolved to adopt the alphabetical option. KDC is yet to consider the matter. For the last four triennial elections (2007, 2010, 2013 and 2016) NRC resolved to adopt the alphabetical listing of names.

The Electoral Officer’s report provides greater detail on each option but in summary:

- **Random Order** – all candidate names are randomly selected by computer and the order of surnames is different on every voting paper.
- **Pseudo-Random Order** – the order of candidate names is randomly selected and appear on all voting documents in that order.
- **Alphabetical Order of surname** – candidates are simply listed alphabetically by surname and is the order traditionally used in local authority and parliamentary elections.

There is no cost difference between the three options.

**Pre-election period**

All candidates (whether current elected members or not) are impacted by the three month ‘pre-election period’ which comes into effect on 12 July 2019. This period is subject to the guidelines ‘Good Practice for Managing Public Communications by Local Authorities’ (accessible via the link [https://www.oag.govt.nz/2004/public-communications](https://www.oag.govt.nz/2004/public-communications)) issued by the Office of the Auditor General (OAG).

Council has also reviewed its protocols for candidates during the pre-election period and this is provided as Attachment 2 and recommended for council adoption. The purpose of this document is to provide greater clarity, guidance and direction of both candidates and council during the pre-election period.

Members are encouraged to be familiar with both documents and staff are available to discuss these at any time.

**Considerations**

<table>
<thead>
<tr>
<th>No.</th>
<th>Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Random Order</td>
<td>• Although there is no compelling evidence that candidates being listed first are more likely to be elected; it prevents any doubt in the process.</td>
<td>• May cause confusion amongst voters as they compare an alphabetical candidate handbook with the randomised ballot paper. This may impact negatively on voter turnout.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Possible voter criticism/confusion as specific candidate names are not easily found, particularly</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>
| 2 | Pseudo-Random Order | • Although there is no compelling evidence that candidates being listed first are more likely to be elected; it prevents any doubt in the process.  
• May cause confusion amongst voters as they compare an alphabetical candidate handbook with the randomised ballot paper. This may impact negatively on voter turnout.  
• Possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates.  
• NRC will be inconsistent with the NDHB, FNDC and WDC on voting documents. |
| 3 | Alphabetical Order of surname | • Voters are easily able to find candidate names for whom they wish to vote for.  
• The order of candidates on the voting documents match the order of candidates listed in the candidate directory that accompanies voting documents.  
• This will be consistent with the NDHB, FNDC and WDC on voting documents.  
• Nil |

The staff’s recommended option is Option 3: Alphabetical Order.

2. **Significance and engagement**

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance given it is an administrative matter and part of normal day to day operations of council.
3. Policy, risk management and legislative compliance

This report complies with section 31 of the Local Electoral Regulations 2001 which provides the opportunity for council to choose by resolution the order of candidate names appearing on voting documents from the three options; alphabetical order of surname, pseudo-random order or random order.

Being a purely administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

Attachments/Ngā tapihianga

Attachment 1: Report from Electoral Officer - 2019 Triennial Elections - dated 12 March 2019
Attachment 2: Local Authority Elections 2019 - Election Protocols for Candidates

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 03 April 2019
Report to the
Northland Regional Council
regarding the

2019 Triennial Election

From the
Electoral Officer

12 March 2019
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Narrative..................................................................................................................... 2
Recommendation ......................................................................................................... 6
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APPENDIX TWO ....................................................................................................... 8
APPENDIX THREE ..................................................................................................... 10
Outline
The 2019 triennial local government elections will occur on Saturday 12 October 2019. An update on preliminary matters relating to the election is provided to council, including consideration of the order of candidate names to appear on the voting documents.

Background
The 2019 triennial elections for local authorities are due to occur on Saturday 12 October 2019 and are required to be undertaken according to the Local Electoral Act 2001, the Local Electoral Regulations 2001, the New Zealand Public Health and Disability Act 2000 and, to a limited extent, the Local Government Act 2002.

Certain pre-election information and tasks are outlined in this report for council's information and attention.

The Local Electoral Regulations 2001 provides for council to resolve the order of candidate names to appear on the voting documents (alphabetical, pseudo-random or random order). If no decision is made, the order of names defaults to alphabetical.

Narrative
2019 Elections
In 2018, council undertook a representation arrangements review (review of constituencies, boundaries, number of elected members etc). The final proposal largely reflects the status quo but with four boundary changes (change to the Te Hiku constituency boundary, make the Coastal South constituency smaller, change the Whangārei Urban constituency boundary and change the Coastal Central constituency boundary). The proposed changes are subject the Local Government Commission determination due by 10 April 2019. Should the determination confirm council’s final proposal, elections will be required for the following positions:

- councillors (9)
  - Te Hiku constituency (1)
  - Hokianga-Kaikohe constituency (1)
  - Coastal North constituency (2)
  - Whangārei Urban constituency (2)
  - Coastal Central constituency (1)
  - Coastal South constituency (1)
  - Kaipara constituency (1)

2019 Election Timetable
With an election date of Saturday 12 October 2019, the following key functions and dates will apply:

Nominations open/roll open
Friday 19 July 2019

Nominations close/roll closes (noon)
Friday 16 August 2019
Delivery of voting mailers
From Friday 20 September 2019

Close of voting
Noon Saturday 12 October 2019

A more detailed timetable is attached Appendix 1.

2019 Election Fact Sheet

A 2019 Election Fact Sheet summarising the key functions of the election (Appendix 2) is also attached.

Electoral System

Council resolved in 2017 to retain the first past the post (FPP) electoral system for the 2019 triennial election.

Compilation of non-resident Ratepayer Roll

The compilation of the 2019 non-resident Ratepayer Roll is required to commence in early-mid 2019 by the three constituent territorial authorities. This will include:

- an insert detailing the qualifications and procedures for enrolment as a ratepayer elector to be included with a 2019 constituent territorial authority rates instalment notice (Appendix 3);
- a national Ratepayer Roll inquiry hotline operating between 15 April and 30 August 2019;
- a confirmation letter issued to all current constituent territorial authority ratepayer electors in April 2019;
- a national advertising campaign on the qualifications and procedures for enrolment as a ratepayer elector during May 2019.

The above are all required to be undertaken by the constituent territorial authorities, not the regional council.

Local Government Regulatory Systems Amendment Bill

One of the clauses of the Local Government Regulatory Systems Amendment Bill, soon to be enacted, is that the duty to facilitate and foster representative and substantial elector participation is placed on the chief executive of a local authority.

This new requirement would basically necessitate council to promote the election process and particularly to encourage greater public participation.

Order of Candidate Names

Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for council to choose the order of candidate names appearing on the voting documents from three options – alphabetical, pseudo-random (names drawn out of a hat in random with all voting documents printed in this order) or random order (names randomly drawn by computer with each
voting document different).

Council may determine which order the names of candidates are to appear on the voting documents, but if no decision is made, the order of names defaults to alphabetical.

Council has resolved to adopt the alphabetical order for previous triennial elections.

For council's information, following a recent analysis undertaken by Auckland Council, research showed there was no compelling evidence that candidates being listed first were more likely to be elected.

**Alphabetical Order**

Alphabetical order is simply listing candidate surnames alphabetically and is the order traditionally used in local and Parliamentary elections.

Comments regarding alphabetical order are:

- voters are easily able to find names of candidates for whom they wish to vote. Some candidates and voters over the years have argued that alphabetical order may tend to favour candidates with names in the first part of the alphabet, but in practice this is generally not the case – most voters tend to look for name recognition, regardless of where in the alphabet the surname lies;

- the order of candidate names on the voting document matches the order listed in the candidate directory (candidate profile statements).

**Pseudo-Random Order**

Pseudo-random order is where candidate surnames are randomly selected, and the same order is used on all voting documents for that position. The names are randomly selected by a method such as drawing names out of a hat.

Comments regarding pseudo-random order are:

- the candidate names appear in mixed order (not alphabetical) on the voting document;

- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates;

- the order of candidate names on the voting document does not match the order in the candidate directory (candidate profile statements).

**Random Order**

Random order is where all candidate surnames are randomly selected and are listed in a different order on every voting document. The names are randomly selected by computer so
that the order is different.

Random order enables names to be listed in a completely unique order on each voting document.

Comments regarding random order are:

- the candidate names appear in mixed order (not alphabetical) on the voting document;
- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates;
- the order of candidate names on the voting document does not match the order listed in the candidate directory (candidate profile statements).

There is no price differential in printing costs between the three orders of candidate names.

**Number of Electors**

The number of electors for the 2019 triennial elections in the Northland region is expected to be 122,000 (as at 28 February 2019 this was 121,340). This compares to 111,889 electors for the 2016 triennial election or +9% growth.

**Pre-Election Report**

Section 99A of the Local Government Act 2002 requires each local authority to prepare a pre-election report, whose purpose is to provide information to promote public discussion about the issues facing the local authority. The pre-election report is prepared by the chief executive, must contain financial and major project information, and must be completed by 2 August 2019 (two weeks before the close of nominations).

**Online Voting Trials**

Following a strong push by a number of local authorities (led by Auckland Council) in 2018 to trial online voting alongside postal voting for the 2019 local elections, the proposed trial was unfortunately halted due to costs. All security and delivery requirements for the online voting provider were met, but the cost involved forced the decision.

Work on a collaborative approach with relevant government sectors is continuing so as to deliver online voting for the 2022 local elections.
Recommendation

It is recommended that:

Council resolves for the 2019 triennial election, to adopt *either*:

(i) the alphabetical order of candidate names; or
(ii) the pseudo-random order of candidate names; or
(iii) the random order of candidate names

as permitted under regulation 31 of the Local Electoral Regulations 2001.

Author:

Dale Ofoske
Electoral Officer // Northland Regional Council
Election Services
# APPENDIX 1

## TIMETABLE
**Triennial election**
Northland Regional Council
**12 OCTOBER 2019**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday 2 March - Tuesday 30 April 2019</td>
<td>Ratepayer roll enrolment confirmation forms sent [Reg 10, LER]</td>
</tr>
<tr>
<td>Saturday 2 March - Saturday 6 July 2019</td>
<td>Preparation of ratepayer roll [Reg 10, LER]</td>
</tr>
<tr>
<td>May 2019</td>
<td>National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]</td>
</tr>
<tr>
<td>Monday 1 July 2019</td>
<td>Electoral Commission’s enrolment update campaign commences</td>
</tr>
<tr>
<td>Wednesday 17 July 2019</td>
<td>Public notice of election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]</td>
</tr>
<tr>
<td>Friday 19 July 2019</td>
<td>Nominations open / roll open for inspection [Sec 42, LEA]</td>
</tr>
<tr>
<td>Friday 16 August 2019</td>
<td>Nominations close (12 noon) / roll closes [Sec 5, 42, 55, LEA, Reg 21, LER]</td>
</tr>
<tr>
<td>Wednesday 21 August 2019</td>
<td>Public notice of day of election, candidates’ names [Sec 65, LEA]</td>
</tr>
<tr>
<td>by Monday 16 September 2019</td>
<td>Electoral officer certifies final electoral roll [Sec 59, LEA, Reg 22, LER]</td>
</tr>
<tr>
<td>Friday 20 September - Wednesday 25 September 2019</td>
<td>Delivery of voting documents [Reg 51, LER]</td>
</tr>
<tr>
<td>Friday 20 September - Saturday 12 October 2019</td>
<td>Progressive roll scrutiny [Sec 83, LEA]</td>
</tr>
<tr>
<td></td>
<td>Special voting period [Sec 81 LEA, Reg 35, LER]</td>
</tr>
<tr>
<td></td>
<td>Early processing period [Sec 80, LEA]</td>
</tr>
<tr>
<td>by Friday 11 October 2019</td>
<td>Appointment of scrutineers (12 noon) [Sec 60, LEA]</td>
</tr>
<tr>
<td>Saturday 12 October 2019</td>
<td>Election day [Sec 10, LEA]</td>
</tr>
<tr>
<td></td>
<td>Class of voting (12 noon) [Sec 84, LEA]</td>
</tr>
<tr>
<td></td>
<td>Progress and preliminary results available as soon as practicable after close of voting [Sec 85, LEA]</td>
</tr>
<tr>
<td>Saturday 12 October (pm) - Thursday 17 October 2019</td>
<td>Official count [Sec 84, LEA]</td>
</tr>
<tr>
<td>Thursday 17 October - Wednesday 23 October 2019</td>
<td>Declaration of result/public notice of declaration [Sec 86, LEA]</td>
</tr>
<tr>
<td>mid-December 2019</td>
<td>Returns of electoral donations &amp; expenses forms [Sec 112A, LEA]</td>
</tr>
</tbody>
</table>

LER = Local Electoral Act 2001
LEA = Local Electoral Regulations 2001

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**Northland Regional Council**

Te Kaumārae & Whare o Te Taumarumaru

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**Dale Digney, Electoral Officer**
Northland Regional Council
November 2018
APPENDIX 2

FACT SHEET
Triennial election
Northland Regional Council
12 OCTOBER 2019

GENERAL
Triennial elections for elected members of most local authorities throughout New Zealand are to be conducted, by postal vote, on Saturday 12 October 2019.

The elections will be conducted under the provisions of the Local Electoral Act 2002 and the Local Electoral Regulations 2002 and will be undertaken by Election Services, under contract to Northland Regional Council.

The elections are undertaken on behalf of the regional council by its three constituent territorial authorities (Far North District Council, Whangarei District Council and Kaipara District Council). In addition to their own elections (Mayor, Council etc.), each constituent territorial authority is required to undertake the regional council and district health board elections.

POSITIONS
During 2019, Northland Regional Council undertook a representation arrangements review (review of constituencies, boundaries, number of elected members etc.). The final proposal retained the existing number of elected members but with some slightly changed constituency boundaries.

The final proposal, subject to a Local Government Commission determination, will require elections for the following positions:

- Councillor (3)
  - Coastal Central Constituency (1)
  - Coastal North Constituency (1)
  - Coastal South Constituency (1)
  - Hokianga-Kaihoe Constituency (1)
  - Kaipara Constituency (1)
  - Te Hiku Constituency (1)
  - Whangarei Urban Constituency (2)

NOMINATIONS
Nominations for the above positions will open on Friday 19 July 2019 and close at noon on Friday 16 August 2019.

Nomination papers will be available during this period from:
- Council’s Whangarei Office, 36 Water Street, Whangarei;
- Council’s Dargaville Office, 42 Hokianga Road, Dargaville;
- Council’s Kaipara Office, 992 Commerce Street, Kaipara;
- Council’s Whangarei Office, Shop 9, 12 Kinet Lane, Whangarei;
- by accessing www.nrc.govt.nz;
- by telephoning the electoral office on 0800 922 822.

To be eligible to stand for election, a candidate must be:
- a New Zealand citizen (by birth or naturalisation ceremony); and
- enrolled as a Parliamentary elector (anywhere in New Zealand); and
- nominated by two electors whose names appear on the electoral roll within the respective area that a candidate is standing for.

Detailed candidate information handbooks will be available from the electoral office from May 2019.

ELECTORAL ROLL
Those eligible to vote in the election are all resident voters and non-resident ratepayer electors whose names appear on the electoral roll when it closes on Friday, 16 August 2019. The Preliminary Electoral Roll will be available for public inspection from Friday 19 July 2019 to Friday 16 August 2019 at the respective territorial authority offices and libraries within their districts.

Resident Roll: All parliamentary electors, including those on the Mixed Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

Any alterations to the Resident Roll (e.g change of address details, including new postal addresses) should be made by:
- completing the appropriate form at any post shop;
- phoning 0800 ENROLNOW (0800 267 656);

Ratepayer Roll: If a person is on the parliamentary roll in one area and pays rates on a property in another area, the person may be eligible to be enrolled on the non-resident ratepayer roll. A firm, company, corporation or society paying rates on a property may nominate one of its members or officers as a ratepayer elector (provided the nominated person resides outside the area). Ratepayer Roll enrolment forms are available at respective constituent territorial authority offices, websites or by phoning the electoral office on 0800 922 822.

ELECTORAL SYSTEM
The first past the post (FPP) electoral system will be used for the Northland Regional Council, Far North District Council and Whangarei District Council. For the Kaipara District Council and the Northland District Health Board, the single transferable voting (STV) electoral system will be used.

Page 8
VOTING PERIOD

Voting documents will be sent to all eligible electors by post, from Friday 20 September 2019.

The voting period is three weeks (Friday 20 September 2019 to noon Saturday 12 October 2019). Electors may post their completed voting documents back to the electoral officer using the orange pre-paid envelope sent with their voting document. Polling places for the issuing of special voting documents and for the receiving of completed voting documents will be available from Friday 20 September 2019 to noon Saturday 12 October 2019 at:

- Far North District Council’s Main Office (Memorial Avenue, Kaitaia);
- Kaipara District Council’s Main Office (42 Hokiaua Road, Dargaville);
- Whangarei District Council’s Office (Forum North, East Avenue, Whangarei).

To be counted, all completed voting documents must be in the hands of the electoral officer or an electoral official by noon Saturday 12 October 2019.

Progress results will be known early afternoon, and preliminary results will be known early on Sunday morning 13 October 2019. These will be accessible on Council’s website: www.ncc.govt.nz

CONTACT US

For further information regarding this election, please contact the electoral office:

Dale O’Riordan, Electoral Officer
Northland Regional Council
C/o PO Box 5135, Wellesley Street, Auckland 1141
Email: info@electionservices.co.nz
Phone: 0800 922 822
APPENDIX 3

DO YOU LIVE IN ONE AREA AND PAY RATES ON A PROPERTY IN ANOTHER?

Then you may qualify to vote more than once at the local authority elections on 16 October 2019:

- If you live and work in one council district, but also pay rates on a property in another district, you may be eligible to enrol on more than one voter register
- If you own a property in a community or local board established in a council district and you are a non-resident elector in one community or local board area, you may be eligible to enrol as a non-resident elector in that other council district
- If you own a property in a community or local board established in a council district and you pay rates on property in another community or local board area, you may be eligible to enrol as an owner elector in that other community or local board area
- If you are a company, trust, incorporations society (where rates are paid by the company, trust, incorporations society), or body politic and you own property in a council district and pay rates, you may be eligible to enrol as an owner elector in that council district

Eligibility to enrol or be nominated will depend on individual circumstances

In each case only one ratepayer elector can be nominated, irrespective of the number of properties owned by the same company, society, trust, partnership or individual in a council district.

New Ratepayer Electors

If you think you may be eligible to enrol or to nominate a new ratepayer elector for the ratepayer electoral roll, you will need to obtain an election form from the city or district council to whom you pay rates.

If you are on the parliamentary electoral roll you will automatically be on the local authority residential electoral roll.

If you want further information please phone toll free

0800 54 8683
0800 LG VOTE

(From 15 April 2019 to 30 August 2019)
Local Authority Elections 2019

Election Protocols for Candidates

On Saturday 12 October 2019, the Northland region will elect a new council. These protocols have been created to provide guidance on the use of council resources in the pre-election period for all candidates (whether current elected members or not).

Key dates

- **Friday 12 July 2019** – Pre-election period begins (three months prior to election day)
- **Friday 19 July 2019** – Nominations open
- **Friday 16 August 2019** – Nominations close at 12 noon
- **Friday 20 September to Wednesday 25 September 2019** – Voting documents delivered to households (voting starts)
- **Saturday 12 October 2019** – Voting closes at 12 noon, progress and preliminary results available as soon as practicable after close of voting.
- **Saturday 12 October to Tuesday 29 October 2019** – Period between election day and swearing in of new council.

Pre-election period

All candidates are impacted by the three month ‘pre-election period’. This period is the subject of the guidelines ‘Good Practice for Managing Public Communications by Local Authorities’ (accessible via the link [https://www.oag.govt.nz/2004/public-communications](https://www.oag.govt.nz/2004/public-communications)) issued by the Office of the Auditor General (OAG).

Candidates are encouraged to be familiar with this document, to ensure their own conduct during the pre-election period does not result in the guidelines being breached (or being perceived as having been breached). Relevant sections are as follows:

**Principle 12 – A local authority must not promote, nor be perceived to promote, the re-election prospects of a sitting member. Therefore, the use of council resources for re-election purposes is unacceptable and possibly unlawful.**

Promoting the re-election prospects of a candidate, directly or indirectly, advertently or inadvertently, is not the role of a local authority and could result in an election result being overturned.
An elected member standing for office may not use council resources of any kind for campaigning purposes. This includes, but is not limited to internet, email, telephone, faxes, stationery, photocopiers, stamps, business cards, council venues and council vehicles.

Other uses of council communications facilities during a pre-election period may also be unacceptable. For example, allowing members access to council resources to communicate with constituents, even in their official capacities as members, could create a perception that council is helping sitting members to promote their re-election prospects over other candidates.

**Principle 13 – A council’s communications policy should also recognise the risk that communications by or about members, in their capacities as spokespersons for council, during a pre-election period could result in the member achieving electoral advantage at ratepayers’ expense. The Chief Executive Officer (or his delegate) should actively manage the risk in accordance with the relevant electoral law.**

Ceasing all council communications during a pre-election period is not possible. Statutory council business must continue. However, care must be taken to avoid the perception, and the consequent risk of electoral irregularity. Two examples are:

- Journalistic use of photographic material or information that may raise the profile of a member in the electorate should be discontinued during the pre-election period; and
- Access to council resources for members to issue media releases, in their capacities as official spokespersons, should be limited to what is strictly necessary to communicate statutory council business.

As portfolio spokespeople (for example transport, environment, economic development), councillors often comment through media releases or in other ways on relevant issues of public interest.

However, to comply with legislative requirements, from the beginning of the pre-election period, councillors must not be quoted in media releases or other council communications unless it is for a statutory purpose. Councillor attendance at public events (for example, Enviroschools) and tools such as regional newsletters, publications, the Chairman’s Report or use of photographic material or information that may raise the profile of a member in the electorate will be suspended during the pre-election period.

Some mandatory and routine statutory council business can continue, such as the Annual Report, which would include information (including photos) about current councillors.

**Council staff**

Council staff should remain politically neutral at all times in their dealings with elected members and the public in general. This is even more important in the pre-election period when there is a heightened interest in council. Council staff will be briefed prior to the pre-election period to ensure they are familiar with the requirement for both councillors and staff.

It is not appropriate or acceptable for staff to align themselves to, or demonstrably support, a candidate in their capacity as an NRC employee. This could result in allegations of bias by council.

**Social Media**
A big part of being a councillor is engaging with the community – social media is a useful tool for this. However, during the election period, the following guidelines for candidates apply to your interactions with council social media channels.

**Commenting on and sharing council posts**
- Northland Regional Council (NRC) and Northland Inc (NINC) web and social media channels may not be used by anyone (candidates or members of the public) for campaigning or electioneering. These channels include (but are not limited to) Facebook, Twitter, LinkedIn, Instagram and Youtube. Any such comments will be deleted immediately.
- Any post (positive or negative) made on an NRC or NINC page by an individual specifically relating to his or her own (or someone else’s) nomination, intention to run for council or election campaign, will be removed immediately.
- Candidates cannot comment on NRC or NINC social media posts encouraging people to like or follow their own social media accounts (or their information on any other digital electioneering platform). Any posts or comments that do this will be removed immediately.
- Candidates must not share or tag NRC or NINC social media pages.
- Multimedia assets (e.g. Images, videos and graphics) publicly available on the council website may be used to educate or inform people about what council does. However, we will not supply original versions of these assets to candidates.

**Working with staff**
- No candidate should approach NRC staff (in their capacity as a staff member) for advice or support with the set up or management of their social media accounts.
- Candidates must not actively solicit social media sharing, posting or any other form of endorsement from staff (in their capacity as a staff member). Council staff must observe political neutrality when performing their duties as an employee of council.

**NRC and NINC channels will:**
- Unlike/unfollow all candidate pages for the pre-election and election period.
- Remain neutral during the election process but will encourage people to stand for election and encourage the general public to vote in the elections. These posts will not be associated with any candidates.

**Requests for information**
All requests for information should be lodged as official information requests (copied in to the relevant Group Manager) and will be treated as such.
**TITLE:** Proposed Regional Plan for Northland - Decisions on provisions and matters raised in submissions

**ID:** A1176915

**From:** Michael Day, Natural Resources Policy Manager

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**Executive Summary / Whakarāpopototanga**

The Proposed Regional Plan for Northland (Proposed Plan) was notified in September 2017. At the same time, council delegated authority to a Hearing Panel of three members (Councillor Yeoman and two independent commissioners - Rob van Voorthuysen and Miria Pomare) to conduct the hearing into submissions on the Proposed Plan and make recommendations to council on the Proposed Plan in response to submissions.

At its meeting on 20 March 2018, council withdrew the delegation to conduct the hearing for the submissions seeking the addition of provisions for genetically modified organisms. The effect of this was that full council heard those submissions.

The Hearing Panel have now considered all submissions on the Proposed Plan (excluding those that seek the addition of provisions for genetically modified organisms). Full council are still considering all submissions relating to genetically modified organisms and have not yet reached their decision.

This report therefore recommends that council accept the hearing panel recommendations (Attachment 1) and adopt them as the council decisions on the Proposed Regional Plan for Northland.

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**Recommendations**

1. That the report ‘Proposed Regional Plan for Northland - Decisions on provisions and matters raised in submissions’ by Michael Day, Natural Resources Policy Manager and dated 22 March 2019, be received.

2. That council accepts and adopts the recommendations of the Hearing Panel on decisions on provisions and matters raised in submissions to the Proposed Regional Plan for Northland (included as Attachment 1 pertaining to Item 6.2 of the 16 April 2019 council agenda) as the council’s decisions.


4. That public notification of the Council Decisions version of the Proposed Regional Plan for Northland (the provisions in Attachment 1) be on or before 4 May 2019.


---

1 Rob van Voorthuysen acted as Chair of the three-member Hearing Panel
Background / Tuhinga

Council began the process of preparing the new regional plan in 2014. It started with a review of the current three regional plans (Air, Water and Soil and Coastal), which included a series of workshops hosted by council and attended by over 100 people.

The Draft Regional Plan for Northland was released for public feedback in August 2016. Nearly 290 people and organisations provided feedback.

The Proposed Regional Plan for Northland (Proposed Plan) was publicly notified in September 2017, with further submissions notified in March 2018. Over 400 submissions and further submissions were received.

The Northland Regional Council delegated the function of hearing the submissions on the Proposed Regional Plan and making recommendations to the council to a Hearing Panel. The exception was the submissions seeking the addition of provisions for genetically modified organisms - the full council heard these submissions separately.

The Hearing Panel was made up of:
- Rob van Voorhuyzen (independent commissioner and chair)
- Joce Yeoman (councillor)
- Miria Pomare (independent commissioner).

Hearings on the Proposed Regional Plan (excluding genetically modified organisms) were held between August and October 2018. All the information presented to the Hearing Panel, including the staff Section 42A reports is on the council’s public website - https://www.nrc.govt.nz/your-council/about-us/council-projects/new-regional-plan/hearings-information/.

The Hearing Panel’s recommendations are included as Attachment 1.

Council has not yet formed its position on submissions seeking the inclusion of provisions for genetically modified organisms in the Proposed Regional Plan. Decisions on these provisions will therefore be made later this year.

Assuming council adopts the Independent Hearing Panel’s recommendations as the council decisions, the next step will be to publicly notify the decisions. This will be done in early May 2019. Submitters will then have 30 working days to lodge appeals (if they consider it necessary) with the Environment Court.

There are legal constraints on the council’s ability to reject or otherwise depart from the Hearing Panel’s recommendations. If council does not agree with the recommendations, or some of the recommendations, they would need to reheat all evidence and submissions considered by the Hearing Panel that relate to those recommendations. This would result in additional costs, delay the process, and likely result in council not meeting its statutory obligation to make decisions on submissions within two years of notifying the Proposed Regional Plan (by September 2019).

Considerations

1. Options

The options analysis below relates to whether to adopt the hearing panel’s recommendations as the council’s decisions.

<table>
<thead>
<tr>
<th>No.</th>
<th>Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Adopt the Hearing Panel’s</td>
<td>Council has invested significant time and resources into</td>
<td>None apparent.</td>
</tr>
<tr>
<td>Recommendations as Council decisions</td>
<td>Developing the Proposed Regional Plan. Individuals, businesses and the community have also invested significant time and their own resources into the process. Not adopting the recommendations would result in substantial extra costs (for council and submitters) and a delay in the decision-making process. The integrity and independence of the process has been addressed through significant engagement, transparency and the use of independent commissioners to undertake hearings. Adopting the recommendations of the Hearings commissioners avoids actual and perceived council and councillor predetermination of provisions.</td>
<td>This option would result in additional costs (both for council and submitters), delay the process, and likely result in council not meeting its statutory obligation to make decisions on submissions within two years of notifying the Proposed Regional Plan (by September 2019).</td>
<td></td>
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<tr>
<td>-------------------------------------</td>
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<td>------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>2 Reject the Hearing Panel’s recommendations and reheat all evidence and submissions</td>
<td>councillors, as elected representatives, are able to ensure they fully support the new Regional Plan provisions.</td>
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</tr>
</tbody>
</table>

Staff recommend option 1.

2. **Significance and engagement**

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council’s Significance and Engagement Policy, because it has previously been consulted on, is provided for in council’s Long Term Plan and is part of council’s day-to-day activities. As the Proposed Regional Plan has been prepared under the Resource Management Act 1991, it is subject to the Schedule 1 process, which involves a robust and thorough public consultative process.

Being of low significance under council’s Significance and Engagement Policy does not mean that this matter is not of significance to tangata whenua and/or individual communities, but
that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

3. **Policy, risk management and legislative compliance**

The preparation and notification of the Proposed Regional Plan, as well as the appointment of the Hearing Panel, was subject to various sections of the Resource Management Act 1991, including sections 30, 32, 34A, 39B, 63–70 and Schedule 1. The decisions being recommended are consistent with the relevant sections of the Resource Management Act.

Further considerations

4. **Community views**

The Proposed Regional Plan (Council Decisions version) will have a wide range of impacts on the community, noting that different sectors of the community will have differing views on the ‘balance’ the plan attempts to strike between environmental protection and enabling economic activity. The community have had a number of opportunities (both statutorily and non-statutorily) to provide feedback on the process to date.

People who formally submitted on the Proposed Regional Plan will have the ability to lodge an appeal to the Environment Court once the decisions have been publicly notified.

5. **Māori impact statement**

The Proposed Regional Plan (Council decisions version) will have a range of impacts on Māori and their taonga.

Māori have had a number of opportunities to share their views on the content of the Proposed Plan and have been involved in the decision making of the content. These have included:

- Seeking advice from Te Taitokerau Māori and Council (TTMAC) on how to engage with Māori.
- Three TTMAC representatives were involved in the council workshops on the preparation of the Proposed Regional Plan.
- TTMAC and the Iwi Local Government Agencies Chief Executive Forum were asked for advice on the appointment of an independent commissioner, with expertise on Māori values, for the hearings panel for the Proposed Regional Plan – Miria Pomare was the commissioner appointment with expertise on Māori values.
- One of the hearing venues for the Proposed Regional Plan was Otiria Marae, Moerewa.

6. **Financial implications**

There have been significant costs associated with preparing and notifying the Proposed Regional Plan. However, these costs have been accounted for in the Long Term Plan and procedurally, council was legally obliged to notify the plan and follow the process outlined in Schedule 1 of the Resource Management Act 1991.

7. **Implementation issues**

The Proposed Regional Plan (council decisions version) will have an implementation impact of several parts of the organisation – particularly the consents and compliance monitoring teams. However, this impact is not considered significant as the Proposed Regional Plan has had legal effect since September 2017.
Attachments/Ngā tapirihanga

Attachment 1: Report and recommendations of the Hearing Panel for the Proposed Regional Plan for Northland

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 09 April 2019
IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed Regional Plan for Northland

REPORT AND RECOMMENDATIONS

OF THE

HEARING COMMISSIONERS

April 2019
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Appendix A: Schedule of recommended decisions on submissions
Appendix B: pRPFN Incorporating Recommended Amendments
Section 1
Introduction

[1] On 6 September 2017 the Northland Regional Council (‘the Council’ or ‘NRC’) notified the Proposed Regional Plan for Northland (‘the Plan’ or ‘pRPFN’). The pRPFN replaces three existing regional plans¹ and it includes regulatory components from five catchment plans developed by local catchment groups.² The pRPFN contained definitions, rules, policies and (at the time of notification) a single objective.³ It deliberately contained very little optional content such as issues, explanations, methods (other than rules) and assessment criteria.

Appointment of hearing commissioners

[2] The Council, acting under s34A of the RMA, appointed us the undersigned, as hearing commissioners to hear, consider and make recommendations to it on the submissions on the pRPFN. The Council delegated to us all its functions, powers and duties to hear and consider the submissions, including requiring and receiving reports under s42A and exercising powers conferred by ss41B and 41C of the RMA⁴.

[3] For the avoidance of doubt, we affirm that throughout the performance of our duties we have been entirely independent and objective in considering and making recommendations on the submissions.⁵

Hearing of submissions

[4] A total of 316 submissions on the Plan were received. A Summary of Decisions Requested was notified on 10 March 2018 and 95 further submissions were eventually received.

[5] We received reports under s42A on the pRPFN and the submissions on it. Expert evidence from submitters was circulated prior to the hearing. We conducted public hearings for the submitters who wished to be heard in Whangārei, Kerikeri, Kaitāia and Otiria Marae (Moerewa). On 6 November 2018 we reconvened at the Council offices in Whangārei for the s42A authors to publicly deliver their reply to the matters presented by the submitters. In total the public hearings occupied 23 days.

¹ Regional Air Quality Plan for Northland (operative March 2003), Regional Coastal Plan for Northland (operative 1 July 2004) and Regional Water and Soil Plan for Northland (operative 28 August 2004).
² Mangere, Doubtless Bay, Waitangi, Port6 and Whangārei.
³ In response to submissions the Section 42A report authors recommended the inclusion of further objectives. We discuss this further in Section 5 of this Report.
⁴ The exception was the hearing and considering of submissions requesting the inclusion of provisions for managing the use of genetically modified organisms. This function was retained by the Council and was addressed through a separate hearing process.
⁵ Commissioner Yeoman played no role in the consideration of the submissions of Marsden Maritime Holdings and Northport Limited, given NRC’s position of majority shareholder in Marsden Maritime Holdings.
Only 73 of the 152 submitters who requested speaking time actually attended the hearing. Disappointingly, a further 74 submitters who had requested speaking time did not attend the hearing and gave no prior notice of their non-attendance.  

During the hearings, we asked questions of submitters to enhance our understanding of their requests, the grounds for them, and advice given in the s42A reports. We endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for fairness to all submitters. An audio recording of the proceedings was made available on the Council's webpage as the hearing proceeded. Following the completion of the public hearings, we deliberated on the matters raised in the submissions and formulated our recommendations to Council.  

Many of the submissions requested amendments to the pRPFN and gave reasons for requesting those amendments. In addition, the authors of the s42A reports made successive detailed recommendations regarding wording improvements to the Plan’s provisions, including in their reply report.  

Some submitters questioned the pRPFN’s style and layout, in particular the unorthodox ordering of the rules, policies and objective(s). We consider that the Plan’s format is generally suitable for its purpose and so we have retained it as notified. We note that the format may need to be amended in the future to conform with National Planning Standards, but we do not consider that to be our responsibility. Also, reordering the layout of the Plan now could create confusion for submitters.  

We are grateful for all the requests and suggestions by submitters and their witnesses and by the s42A report authors. We acknowledge that the requested and suggested amendments, including those we do not recommend, and the evidence relating to them, have substantially assisted us in our deliberations and in reaching our recommendations to Council. The submissions and reports have all contributed to an effective and fair process for which Part 1 of Schedule 1 of the RMA provides.  

This report  

In the main body of this report we firstly state, in narrative form, our findings about the law and superior instruments applicable to the process; tangata whenua values and interests; and about issues raised by submitters. Further, we consider the extent to which the pRPFN, amended as we recommend, would give effect to relevant directions of applicable higher...
order instruments. As directed by s32AA of the RMA, we also evaluate our recommended amendments to the Plan.

[12] The decisions we recommend on the points raised in the submissions are set out in Appendix A to this report. In Appendix B we show the content of the pRPFN incorporating our recommended amendments to it.

[13] To avoid unnecessary duplication and repetition we affirm that, except to the extent that we expressly address matters in this report and its Appendix A, we adopt the ‘discussion’ and ‘recommendations’ of the s42A authors as our ‘reasons’ and ‘recommendations’. Consequently, the initial (July 2018) and Reply (November 2018) versions of the s42A reports should be read as forming part of this report. We discuss this in more detail in Section 4 of this report.
Section 2

The Resource Management Act

[14] In this Section, we briefly discuss provisions of the RMA that are relevant to the pRPFN and our consideration of submissions.

The purpose and principles of the RMA

[15] First, we understand that we are to refer to the version of the RMA that was current at the time that the pRPFN was notified in September 2017, namely the RMA as it was after the April 2017 commencement of the Resource Legislation Amendment Act 2017.

[16] Having said that, we note that the RMA now no longer establishes a mandate for Council to address the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances given the repeal of ss30(1)(c)(v) and 31(b)(ii). We have also had regard to the fact that the RMA now contains s6(h) relating to the management of significant risks from natural hazards.

[17] Part 2 of the RMA states its purpose and principles. The overall objective of the Act, and the cornerstone of Part 2, is s5(1), which states the purpose of the Act is “to promote the sustainable management of natural and physical resources.” Section 5(2) describes the meaning of the term ‘sustainable management’:

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, and at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—
(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
(c) avoiding, remediating, or mitigating any adverse effects of activities on the environment.

[18] Section 5 contemplates environmental preservation and protection as an element of sustainable management of natural and physical resources, and protecting the environment from adverse effects of use and development is an aspect (though not the only one) of sustainable management. The other sections of Part 2 (ss6, 7 and 8) provide general principles elaborating on how s5 is to be applied.

[19] Section 6 of the RMA identifies matters of national importance and directs us to recognise and provide for them. All the matters listed in s6 are relevant to the pRPFN. Section 7 directs that, in achieving the purpose of the Act, we are to have particular regard to eleven matters, many

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7 Environmental Defence Society v NZ King Salmon [2014] NZSC 38 [151].
8 Environmental Defence Society v NZ King Salmon, cited above, [146].
9 Environmental Defence Society v NZ King Salmon, cited above, [248].
10 Environmental Defence Society v NZ King Salmon, cited above, [8], [149].
of which are relevant to the pRPFN. Section 8, the final section in Part 2 of the Act, directs us to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). We understand that this does not extend to principles that are not consistent with the scheme of the RMA.

[20] Important as Part 2 is, we understand that where specific, unqualified provisions are contained in a superior instrument\(^{11}\) by which Part 2 is given effect (the lawfulness and the meaning of which are not in dispute, and which ‘cover the field’), we are not able to ‘refer back’ to Part 2 to diminish the effect of the superior instrument.\(^{12}\)

Functions of Northland Regional Council

[21] Section 30 of the RMA lists Council’s functions that are relevant to our consideration of the pRPFN. Specifically, s65(1) of the RMA explicitly specifies the functions for which a regional council may prepare a regional plan:

A regional council may prepare a regional plan for the whole or part of its region for any function specified in section 30(1)(c), (e), (f), (fa), (fb), (g), or (ga).

[22] As the Plan addresses air, land and water, all of the parts of s30 referred to in s65(1) are relevant. Those parts state:

- (c) the control of the use of land for the purpose of—
  - (i) soil conservation;
  - (ii) the maintenance and enhancement of the quality of water in water bodies and coastal water;
  - (iii) the maintenance of the quantity of water in water bodies and coastal water;
  - (iiiia) the maintenance and enhancement of ecosystems in water bodies and coastal water;
  - (iv) the avoidance or mitigation of natural hazards;
  - (v) [Repealed]
- (ca) the investigation of land for the purposes of identifying and monitoring contaminated land;
- (e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—
  - (i) the setting of any maximum or minimum levels or flows of water;
  - (ii) the control of the range, or rate of change, of levels or flows of water;
  - (iii) the control of the taking or use of geothermal energy;
- (f) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water;
- (fa) if appropriate, the establishment of rules in a regional plan to allocate any of the following:
  - (i) the taking or use of water (other than open coastal water);
  - (ii) the taking or use of heat or energy from water (other than open coastal water);
  - (iii) the taking or use of heat or energy from the material surrounding geothermal water;
  - (iv) the capacity of air or water to assimilate a discharge of a contaminant;
- (fb) if appropriate, and in conjunction with the Minister of Conservation,—

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\(^{11}\) Such as a national policy statement or water conservation order.

\(^{12}\) Environmental Defence Society v NZ King Salmon, cited above, [80] and [88].
(i) the establishment of rules in a regional coastal plan to allocate the taking or use of heat or energy from open coastal water:

(ii) the establishment of a rule in a regional coastal plan to allocate space in a coastal marine area under Part 7A:

(g) in relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of—

(i) soil conservation;

(ii) the maintenance and enhancement of the quality of water in that water body:

(iii) the maintenance of the quantity of water in that water body:

(v) the avoidance or mitigation of natural hazards:

(ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity:

[23] As provided for in s64(2) of the RMA, the pRPFN also includes the regional coastal plan. The s30 functions of the NRC relevant to the regional coastal plan component of the pRPFN are:

(d) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of—

(i) land and associated natural and physical resources:

(ii) the occupation of space in, and the extraction of sand, shingle, shell, or other natural material from, the coastal marine area, to the extent that it is within the common marine and coastal area:

(iii) the taking, use, damming, and diversion of water:

(iv) discharges of contaminants into or onto land, air, or water and discharges of water into water:

(iv) the dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations:

(v) any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards;

(vi) the emission of noise and the mitigation of the effects of noise:

(vi) activities in relation to the surface of water:

[24] S68(1) enables the Council to include rules in the pRPFN as follows:

(1) A regional council may, for the purpose of—

(a) carrying out its functions under this Act (other than those described in paragraphs (a) and (b) of section 30(1)); and

(b) achieving the objectives and policies of the plan,—

include rules in a regional plan.

[25] As we noted in Minute 313 issued by the Panel, it came to our attention that the notified Plan contained provisions relating to certain matters (outside of the coastal marine area) and certain areas on the notified I Maps deriving from ss30(1)(a) and 30(1)(b) of the Act, rather than from those subsections of s30(1) under which a regional council may prepare a regional plan or include rules in a plan. We received advice on these matters from the s42A authors and we have generally accepted that advice. The result being that we have recommended the deletion of any regional rules that, outside of the coastal marine area, deal with Historic Heritage Areas and Sites and Outstanding Natural Landscapes. We have also endeavoured to ensure that rules dealing with Outstanding Natural Features, Areas of Outstanding Natural Character, Areas of High Natural Character and Sites and Areas of Significance to Tangata

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Whenua squarely fall within the scope of Council’s s30 functions as constrained by s68(1) of the RMA.

[26] We were also cognisant that s30 and 31 of the RMA establish potentially overlapping land use functions between the NRC and the region’s territorial authorities. In that regard, we were guided by Section 1.6 of the Regional Policy Statement for Northland 2016 (RPS) which sets out the respective roles and responsibilities of the regional and district councils as required by s62(1)(i) of the RMA. Of most relevance to our deliberations on the issues raised by submitters the RPS specifies that outside of waterbodies, the beds of rivers and lakes, and the CMA, the responsibility for controlling the use of land (including rules) to maintain indigenous biological diversity rests with the region’s territorial authorities. This means that the pRPFN cannot have general land use rules dealing with the management of terrestrial indigenous biodiversity. This includes indigenous vegetation in riparian areas adjacent to waterbodies, rivers and lakes but outside of the beds of those features. It also limits the ability of the NRC to control the clearance of terrestrial indigenous vegetation. We discuss this further in Sections 18 and 22 of this report.

Contents of the pRPFN

[27] Section 63(1) of the RMA states the purpose of a regional plan as being “to assist a regional council to carry out any of its functions in order to achieve the purpose of this Act.” Section 65(2) directs that the pRPFN is to be prepared in accordance with Schedule 1. Section 66(1) directs that the Council is to prepare the pRPFN in accordance with its functions under s30, the provisions of Part 2, its duties under s32, and any regulations. Section 66(2) stipulates that the Council is to have regard to any regional policy statement, management plans and strategies prepared under other Acts, to the extent that their content has a bearing on resource management issues of the region, and the extent to which it needs to be consistent with regional policy statements and plans of adjacent regional councils. Section 66(2A) directs that the Council is to take into account any relevant planning document recognised by an iwi authority, if lodged with the Council, to the extent that its content has a bearing on the resource management issues of the region.

[28] Section 67(1) of the RMA requires that the pRPFN state the objectives for the region; the policies to implement the objectives; and the rules (if any) to implement the policies. The notified Plan contained only one objective (Objective F.0.1) and that attracted numerous submissions. In response the s42A authors recommended the inclusion of a suite of additional

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14 RMA, s66(2)c(i).
15 RMA, s66(2)d.
objectives and policies, many of which were derived from the RPS. We return to this matter in Section 7 of this report.

[29] Section 67(2) lists other matters that may be included in the pRPFN. Section 67(3) directs that the pRPFN is to give effect to any national policy statement, any New Zealand coastal policy statement; and any regional policy statement. Section 67(4) stipulates that the pRPFN is not to be inconsistent with a water conservation order, or any other regional plan for the region. In that regard, we consider that this does not extend to the Council's operative antecedent plans discussed in paragraph [1] above, because the pRPFN is intended to replace those plans.

[30] Section 67(5) adds that if Council has allocated a natural resource under certain provisions of s30, the Plan is to record how it has done so.\^ Section 67(6) allows the pRPFN to incorporate material by reference under Part 3 of Schedule 1.

[31] We discussed s68 of the RMA above, and we note that it prescribes that in making a rule, Council is to have regard to the actual or potential effects (particularly an adverse effect) on the environment of activities; and relevantly in relation to the pRPFN, contains specific prescriptions for rules relating to levels or flows or rates of use of water, and minimum standards of water quality. We note that s68(5) provides that a rule may apply to only part of a region and may make different provisions for different parts of the region. This is relevant for the five suites of catchment-specific provisions contained in the Plan. Section 68(9) precludes the Plan from making certain dumping and incineration activities in the CMA permitted activities. We note the pRPFN does not do this.

[32] Section 68A states that no rule may be included in a regional coastal plan which authorises as a permitted activity any aquaculture activity in the coastal marine area. We note that the pRPFN does not contain any permitted activities for aquaculture. The most permissive rule is Rule C.1.3.1 relating to the reconsenting of aquaculture that does not involve fin fish.

[33] Section 69 addresses provisions on water quality, including prohibiting standards that may result in a reduction of the quality of water unless it is consistent with the purpose of the Act to do so. Section 70 applies to rules about discharges. Section 70(1) applies to rules that allow discharges as a permitted activity; and s70(2) applies to rules that require adoption of the best practicable option.

[34] We have carefully considered the application of the above sections of the RMA when assessing the submissions on the pRPFN.

\^ The provisions of section 30 referred to in s67(5) are s30(1)(fs) or (fb), and s30(4).
Procedure for preparing the pRPFN

[35] The procedure for preparing a regional plan is that prescribed in Schedule 1 to the RMA. Clause 5(1) requires the Council to prepare an evaluation report in accordance with s32, and have particular regard to that report when deciding whether to proceed with the Plan. Clause 10 gives directions on decisions on the Plan's provisions and matters raised in submissions, with reasons for accepting or rejecting them. Subclause 10(2) provides for Council's decisions on submissions to make necessary consequential alterations arising from the submissions and any other relevant matters arising from them. Subclause 10(4) stipulates that Council's decision is to include a further evaluation in accordance with s32AA, and it is to have particular regard to the further evaluation when making its decision. Clause 16(2) enables the Council to make amendments to the pRPFN that "alter any information, where such an alteration is of minor effect" and to "correct any minor errors."

[36] The Council must give its decisions on the matters raised in the submissions, however subclause 10(3) provides that it is not required to address each submission individually. So, in the main text of this report we address some of the more controversial issues arising from the submissions, including those where we have deviated from the recommendations of the s42A report authors; and in Appendix A we have grouped some submission points in the same manner as the s42A authors and according to specific provisions of the pRPFN. We discuss that in more detail in Section 4 of this report.

[37] Although not expressly stated in the Act, we understand that our consideration of submissions is to proceed on the basis that there is no presumption in favour of the notified provisions of the pRPFN; nor is there any onus on submitters to show that the notified contents of the pRPFN are inappropriate. Rather, our duty is to consider the submissions and evidence, and make recommendations as to what the most appropriate and suitable provisions of the pRPFN are; that is what we have done.

Evaluation report

[38] Section 32 of the RMA sets out the requirements for preparing and publishing evaluation reports. The Council has prepared a report under s32 and we have read that report. Under s32AA, a further evaluation is required for any recommended amendments to the pRPFN since

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17 RMA, s 65(3).
18 RMA, Sched 1, cl 10(1).
19 RMA, Sched 1, cl 10(2).
20 RMA, Sched 1, cl 10(2)(a).
21 RMA, Sched 1, cl 10(4)(a).
the original evaluation report was completed. We discuss this further in Section 26 of this report.
Section 3
Higher Order and other Relevant Instruments

*National policy statements and national regulations*

[39] We understand that the following national policy statements and regulations are potentially relevant to our consideration of the submissions on the PRPFN:

- National Policy Statement on Urban Development Capacity 2016 [NPSUDC]
- National Policy Statement for Freshwater Management 2014 (Updated in 2017) [NPSFM]
- New Zealand Coastal Policy Statement 2010 [NZCPS]
- National Policy Statement on Electricity Transmission 2008 [NPSET]
- Resource Management (National Environmental Standards for Air Quality) Regulations 2004
- Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007
- Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (came into effect on 1 May 2018)
- Resource Management (Marine Pollution) Regulations 1998
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
- Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

[40] We do not repeat the contents of those national documents here. We record that we have sought to give effect to the national policy statements and have had regard to the regulations, particularly where submitters addressed the contents of those documents. We refer to specific provisions of those documents in subsequent sections of this report where appropriate.

*Regional Policy Statement for Northland 2016*

[41] The Regional Policy Statement for Northland (RPS) was made operative on 9 May 2016. It contains objectives on 15 matters and policies on 8 matters. All its provisions are relevant to the contents of the PRPFN to a greater or lesser degree. Rather than listing the numerous objectives and policies of the RPS at length here, we simply record that we have ensured that our recommendations on the submissions give effect to the provisions of the RPS.
In elaboration of this approach, in the narrative sections of this report we refer to specific provisions of the RPS where it is appropriate to do so. We note that the s42A authors also did that and we have in many cases adopted the ‘discussion’ and ‘recommendations’ of those authors, including therefore their conclusions on giving effect to the RPS.

**Water conservation orders**

There are no water conservation orders in Northland.

**Iwi authority recognised plans**

We discuss the relevant planning documents recognised by the Northland iwi authorities in Section 6 of this report. We record here that we have dealt with those planning documents to the extent that their content has a bearing on the resource management issues of the region.

**Management plans under other Acts**

We must also have regard to management plans under other Acts. Accordingly, we have had regard to the Northland Fish and Game Council Sportsfish and Game Management Plan. That plan establishes a framework which provides direction for Fish and Game to manage, maintain and enhance the sports fish and game resource in the recreational interests of anglers and hunters. We have also had regard to the objectives and policies of the Northland Conservation Management Strategy 2014 – 2024 (NCMS) prepared under the Conservation Act 1987. That Strategy sets out how the Department of Conservation (DOC) proposes to manage the natural, historical and cultural heritage values and recreational opportunities within the Northland Conservancy. We note the objectives and policies of the NCMS, where relevant and not relating to the management of conservation estate or to DOC advocacy actions, do not in our view provide substantial policy guidance over and above that contained in the NPSFM and NZCP5.

**Instruments of adjacent regional councils**

Under s66(2)(d) of the RMA, we must have regard to the extent to which the pRPFN needs to be consistent with the Auckland Unitary Plan promulgated by the Auckland Council. That Council helpfully made a submission on the pRPFN and we have paid particular attention to issues of inter-regional consistency raised by that submission. We also note that in many instances, when assessing submissions, the s42A authors referred to comparable provisions in the Auckland Unitary Plan. We are satisfied that the pRPFN is appropriately consistent with the Auckland Unitary Plan where it needs to be.
Section 4
Our Recommendation Report Format

[47] In subsequent sections of this report we only discuss substantive matters, and then only where we either depart from the ‘discussions’ and ‘recommendations’ of the s42A authors regarding the wording of the pRPFN’s Objectives, Policies and Rules; or where we wish to specifically address key matters raised by submitters.

[48] We had no substantial disagreement with the ‘discussion’ and ‘recommendations’ of the s42A authors for the remaining matters raised in the submissions and nor do we wish to highlight any key matters raised by submitters regarding those matters.

[49] In our Appendix A we state our Reasons and Recommendations on some specific submission points. We have used what we colloquially call an ‘exception-based’ approach where we only address submission points where we disagree with the s42A authors. Explaining what we mean by that, we note that most of the topic-based s42A reports included both an assessment in narrative form of key issues raised in submissions and an appendix where the respective authors provided, in tabular form for certain relevant provisions, a ‘Summary of main submission points’, a ‘Discussion’ of them and a ‘Recommendation’. We have adopted that same approach in our Appendix A.

[50] However, in our Appendix A we also only address submission points where we disagree with the s42A author’s tabulated ‘Recommendation’ and where we make a different ‘Recommendation’ with an accompanying ‘Reason’ written by us, provided of course that the s42A author did not change their original recommendation to us. In that regard, we note that in some cases the detailed recommendations made in the initial s42A reports were changed in the s42A authors’ answers to our written questions; in the Staff Reply Report dated 26 October 2018; or in the “Errata to staff reply report, November 2018” and “Supplementary to staff reply report, November 2018” documents (both of those latter documents were tabled at our Reply hearing). We have generally adopted those changed Recommendations.

[51] If we have not included a ‘Summary of main submission points’ in our Appendix A that is because, either:

(i) other than as discussed in subsequent topic-based sections of this report, we agree with and adopt the tabulated Discussion and Recommendations of the s42A authors as set out

26 Other minor matters are dealt with in Section 25 of this report or in the ‘reasons’ we include in Appendix A.
27 Including Hearing Panel s42A questions and council staff responses, Hearings for the Proposed Regional Plan for Northland, 17 August 2018; Legal advice from Wynn Williams Lawyers titled “Proposed Regional Plan for Northland—Ability to Address Effects on Land-Based Values” dated 23 August 2018; and Staff opening statements August 2018, Hearings for the Proposed Regional Plan for Northland, 23 August 2018.
in the appendices of their respective s42A reports or in the Staff Reply Report. We note that in those cases the author’s ‘Discussion’ is to be read as our ‘Reason’. The s42A report topics where this is the case are:

- Aquaculture;
- Coastal – Reclamations;
- Coastal Works – General Conditions;
- Coastal – Policies;
- Land Drainage and Flood Control;
- Managing the Access of Livestock Access to Waterways and the Coastal Marine Area;
- Other Discharges of Contaminants to Land and Water;
- Solid Waste;
- Stormwater Discharges;
- Wastewater Discharges; and
- Water Quality Management – General Matters; or

(ii) the initial s42A report for a topic did not include a tabulated appendix. Those s42A report topics are:

- Acid Sulphate Soils; Catchments; Re-building of Materially Damaged or Destroyed Buildings (these topics are not addressed in our report as we agree with all of the s42A authors’ recommendations);
- General Approach (see Sections 5 and 7 of our report);
- Mangrove Management (see Section 8 of our report); and
- Regionally Significant Infrastructure, Renewable Energy, and Economic Wellbeing (see Section 9 of our report).

[52] For the sake of certainty, we have also listed in our Appendix A the 34 submissions that, in our view, were unclear as to the relief being sought. These submissions are all rejected.

[53] Due to the ‘exception-based’ approach outlined above, our Appendix A (comprising only eight pages) is relatively short compared to similar schedules contained in other recent regional plan recommendation reports that we are familiar with.27

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26 Including the undated document titled “Errata to Proposed Regional Plan for Northland – S42A recommended changes” issued in July 2018.
27 Including those in Canterbury and Southland.
[54] Importantly, we record that if the narrative reasoning and recommendations contained in Sections 5 to 25 of this report differ in principle or substance from the s42A authors' discussion of any matter (whether it be in the body of an initial s42A report, an initial s42A report's appendix, answers to our written questions, or in the Staff Reply Report), then the reasoning in our report should be read as superseding and replacing the respective 'discussion' in the respective s42A material.
Section 5
Council’s Approach to the Plan

[55] The Council’s approach to the format and content of the pRPFN is described in the Section 32 Report. It notes that NRC considers the purpose of the Plan to be a rule book and a set of policies to guide resource consent processes. The Plan consequently contains very little optional content such as issues, explanations, methods (other than rules) and assessment criteria. We are comfortable with this approach and have generally recommended declining submissions seeking the inclusion of ‘optional’ content such as issues, non-regulatory methods, explanations, environmental results anticipated, monitoring policies and methods, and information to be included in resource consent applications.

[56] We conclude that much of that optional material is best included in documents external to the Plan, so that it can be more easily adapted and changed as circumstances demand. We also note that the Plan is already very long and it would not benefit from being ‘padded out’ with optional material that is of no real benefit to resource users or the decision-makers implementing it.

[57] The exception is the need to include additional objectives in the Plan, together with additional policies to implement those objectives, and we discuss that in Section 7 of this report.

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23 Section 1.3 titled “Structure and content of the Proposed Regional Plan”.
24 Noting that the ‘issues’ the Plan addresses are well set out in the Section 32 Report.
Section 6
Tangata whenua

[58] In this section, we discuss matters of relevance to the tangata whenua provisions in the pRPFN. A total of 34 submitters made submissions on these provisions, including a number of tangata whenua groups represented by the following entities:30

- Ngati Ruamahue;
- Hāaitaianrangai Marae;
- Patuharakeke Te Iwi Trust;
- Te Hiku Iwi Collective;
- Te Rarawa Ananga Mua; and
- Tinopai RMU.

[59] The final hearing for submitters to present their views on the pRPFN (prior to Council's Reply hearing) took place on 11 October 2018, at Otiaria Marae, in Moerewa. This hearing provided the opportunity for iwi and hapū to present their submissions on the marae, in a culturally appropriate location, and in a context where tikanga Māori prevailed. We consider the marae venue for the hearing was of mutual benefit to both the submitters and the Panel, and wish to extend our appreciation to Ngati Hine for their manaakitanga throughout our visit to Otiaria Marae.

[60] Part 2 of the RMA imposes the following obligations on all people exercising powers and functions under the Act in relation to Māori values and interests:

- to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (s6(e));
- to have particular regard to kaitiakitanga (s7(a)); and
- to take into account the principles of the Treaty of Waitangi (s8).

[61] Protected customary rights are identified and provided legal status under the Marine and Coastal Area Takutai Moana Act 2011. However, s6(g) of the RMA also requires that customary rights are “recognised and provided for” as a matter of national importance. At the time of writing this decision, there have been no protected customary rights orders granted in Northland although a number of applications have been lodged by iwi or hapū and, if successful, will become a relevant RMA consideration in future planning and consenting processes.

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30 Section 42A Hearing Report, Tangata Whenua Provisions; page 5.
Statutory acknowledgements are legal instruments that can enhance the ability of tangata whenua to exercise kaitiakitanga over their ancestral land, water, sites, wāhi tapu and other taonga. They usually take the form of statements in Treaty of Waitangi settlements between the Crown and tangata whenua (generally iwi) which are intended to recognise the mana of tangata whenua groups in relation to identified sites or areas in Crown ownership or control. Statutory acknowledgements have been included within Treaty of Waitangi Settlement legislation for several iwi and hapū within the Northland region. In terms of RMA processes, statutory acknowledgements have implications for resource consent applications and planning processes, including the preparation of regional plans. Accordingly, Council has developed a single companion document recording all statutory acknowledgement areas titled “Te Ture Whakamana nga Iwi o Te Taitokerau; Statutory Acknowledgements in Northland” which can be found on the Council’s website.

When preparing regional plans, regional councils are also required to “...take into account any relevant planning document recognised by an iwi authority and lodged with council” under s66(2A)(a) of the RMA. Iwi or hapū management plans provide a vision of how the management and protection of natural and physical resources can be achieved based on the cultural and spiritual values of tangata whenua. We understand that the following iwi or hapū management plans have been formally lodged with the Council and were taken into account in the development of the pRPFN:

- Te Iwi o Ngatiwai Iwi Environmental Policy Document 2007;
- Ngatiwai Aquaculture Plan 2005;
- Ngati Rehia Environmental Management Plan 2007;
- Patuharakeke Te Iwi Trust Board Hapu Environmental Management Plan 2015;
- Nga Tikanga mo te Taiaro o Ngati Hine 2008;
- Kororareke Marae Environmental Hapū Management Plan 2009;
- Te Uri o Hau Kaitiakitanga o Te Taiaro 2012;
- Whakatako Kaupapa Mo Te Hapu o Ngati Kuta ki Te Rawhiti 2014;
- (Ngati Korokoro, Ngati Wharara, Te Pouka) Hapū Environmental Management Plan 2008;
- Kia Matau, Kia Mohia e ora ana Te U Kaipo 2011;
- Ngati Hau Environmental Management Plan 2016; and
- Te Iwi O Ngai Takoto Environmental Plan 2017

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32 These iwi and hapū include Te Uri o Hau, Te Roroa, Ngati Manuwiri, Ngati Kuri, Te Aupouri, Ngai Takoto and Te Rarawa.
[64] We note that a suite of tangata whenua provisions was developed on the basis of advice sought from iwi authorities during the initial development phase of the pRPFN.\textsuperscript{33} The provisions also respond to issues identified by tangata whenua in the RPS and iwi or hapū planning documents lodged with the council.\textsuperscript{34} The key provisions of the Plan of relevance to tangata whenua values and interests are:

- Policy D.1.1 Criteria determining when an analysis of effects on tangata whenua and their taonga is required;
- Policy D.1.2 Requirements of an analysis of effects on tangata whenua and their taonga;
- Policy D.1.3 Affected persons;
- Policy D.1.4 Managing effects on Places of Significance to Tangata Whenua; and
- Policy D.1.5 Places of Significance to Tangata Whenua.

[65] We understand that these policies are intended to provide a Northland-specific context to Schedule 4 of the RMA which requires an assessment of cultural effects as part of any application for resource consent. Without a clearly defined process for the engagement of tangata whenua and assessment of cultural effects, priority resources and activities of concern to tangata whenua can easily be overlooked, resulting in the potential for adverse cultural effects and the risk of challenges and delays during the consent process. Policies D.1.1 and D.1.2, in particular, are intended to refine the need for cultural analysis to assist applicants and decision-makers to determine what types of effects on tangata whenua and their taonga are most relevant and how the effects should be assessed.\textsuperscript{35}

[66] Submissions from iwi and hapū in relation to the tangata whenua provisions were generally supportive. However, there were a number of key matters raised in submissions both by iwi and hapū and others, including the Oil Companies and Transpower, requesting that the tangata whenua policies be changed into other types of provisions (for example, information requirements or methods) and that the policies be amended so that they required consideration of only ‘significant’ and not all effects on tangata whenua values. We reject such submissions because they would unjustifiably weaken the pRPFN and reduce its effectiveness in achieving the purpose of the Act and for giving effect to the superior instruments, including the RPS.

[67] In response to submissions and the evidence presented by iwi and hapū submitters at Otiria Marae, the s42A authors (both initially and in Reply) provided a thorough analysis of the key matters raised and recommended several changes to the tangata whenua policies. We have adopted the recommendations and reasons of the s42A authors.

\textsuperscript{33} Section 32 Analysis Report, Volume 1: page 12.
\textsuperscript{34} Ibid; page 12.
\textsuperscript{35} Section 42A Hearing Report: page 6, para 19.
Additionally, we recommend further amendments including corrections to errors in both the introductory karakia and mihi, as well as minor changes to improve the wording of the tangata whenua policies. We also recommend that Policy D.1.2(3) is amended to include a requirement for the relevant tangata whenua to be requested, in the first instance, to undertake the assessment of cultural effects. In circumstances where the tangata whenua may lack the capacity or capability to complete cultural assessments themselves, the applicant will retain the ability to engage a suitably qualified cultural expert to undertake this work in consultation with tangata whenua.

Patuharakeke Te Iwi Trust Board requested additional sites or areas of significance in the CMA be added to the pRPFN maps and provided supporting information as appendices to their statement of evidence presented at Otoria Marae. The Trust Board assessed each additional proposed site against the criteria set out in Policy D.1.5. We were impressed with the level of detail and quality of the information provided in support of the assessment, and accept their submission as meeting the standards required in Policy D.1.5 for sites to be included as “Places of significance to Tangata whenua” in the Plan. We recommend the inclusion of the four Patuharakeke Mahinga Mataitai areas for inclusion in the I Maps. Unfortunately, the Te Poupouwhenua Cultural Area and the Tahuna Tohora site are located on land and so cannot be included in the pRPFN.

Two other submitters sought the inclusion of sites of cultural significance in the Plan under Policy D.1.5. These sites were assessed against the relevant criteria by s42A author Keir Volkerling. Unfortunately, the information provided in relation to these sites was not sufficient to meet the criteria outlined in Policy D.1.5 and therefore they cannot be included at this time. However, we understand that the Council intends to work closely with tangata whenua to identify sites of cultural significance for inclusion in the Plan, which we understand will be by way of a future plan change.

Overall, we are satisfied that the tangata whenua provisions, as amended following our adoption of the s42A author’s recommendations and our additional recommended amendments, are appropriate as they are consistent with Part 2 requirements of the RMA and they give effect to the RPS and national policy statements. Furthermore, we find the provisions explicitly take into account iwi and hapū management plans, as well as giving clear direction for implementation of Schedule 4 and providing a framework for protection of tangata whenua values.

36 Mangawhatu, Te Poupouwhenua (Mair and Marsden Bank), Ruakaka Estuary and Takahiwai Mahinga Mataitai areas.
37 Outside the CMA or the bed of a river, lake or wetland.
38 Te Runenga o Whaingaroa and Trina Upperton.
Proportionate to the scale and significance of the matter of including tangata whenua provisions in the pRPFN, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to include the amended policies or not; and we have identified that including them is reasonably practicable and within the scope of submissions; and that including them would better assist with achieving the purpose of the Act and for giving effect to s67(1) of the RMA.
Section 7
Additional Objectives and Policies (General Approach)

[73] As we have already observed, as notified the Plan contained only one objective F.0.1 which read:

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, remediating, or mitigating any adverse effects of activities on the environment.

[74] The ‘one objective’ approach was criticised by numerous submitters. We note that under s67(1)(a) of the RMA there is a need for the Plan to explicitly state the objectives for the region. In our view Objective F.0.1 of the Plan as notified did not do that. It simply parroted s5 of the RMA in a way that was not particular to the Northland Region. However, we note that the RPS already clearly states resource management objectives for the region, a fact that was also highlighted by some submitters.

[75] In response to submissions, the s42A authors recommended including thirteen additional objectives dealing with freshwater quantity; freshwater quality; indigenous ecosystems and biodiversity; enabling economic wellbeing; regionally significant infrastructure; security of energy supply; use and development of the coastal marine area; tangata whenua role in decision-making; natural hazards risk; improving Northland’s natural and physical resources; natural character, outstanding natural features, historic heritage and places of significance to tangata whenua; air quality; and hazardous substances and contaminated land.

[76] The s42A authors advised that the additional objectives were for the most part based on, or were a copy of, the RPS objectives, except for the objectives for water quality. The authors noted that the notified Plan provisions (arguably) already implemented the RPS objectives (in other words, there is no need to change the Plan provisions because of the additional objectives); the objectives now recommended for inclusion in the Plan have been tested through the RPS’s Schedule 1 process; they are specific to the region; and they cover most of the matters addressed by the Plan (other than air quality which is not a significant issue addressed by the RPS).39

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We acknowledge the practical and administrative advantages of the s42A authors' recommendation to base additional Plan objectives on those already contained in the RPS.

Consequently, we somewhat reluctantly accept the s42A authors' recommendations to include the additional objectives. We say 'reluctantly' because we are loathe to include additional provisions that simply parrot higher order instruments without adding any specificity to guide resource users or decision-makers. Nevertheless, we do not consider it our role to conjure up objectives different to those now recommended to us. We have however carefully considered the wording of the additional objectives, both in light of Council’s functions under s30 of the RMA and by having regard to alternative suggestions from submitters.

We have reflected on recommendations regarding additional policies to implement the objectives as required by s67(1)(b) of the RMA. We have included several new policies that were recommended to us by either the s42A authors or by submitters. We have done so subject to the same caveats outlined in the paragraph above.

A number of submitters; including for example the Minister of Conservation, Northport, Ravensdown, Royal Forest and Bird Protection Society, and Refining NZ; considered that the Plan did not give effect to the provisions of higher order national instruments such as the NZCPS or NPSFM as is required by s67(3) of the RMA.

Having considered the evidence on these matters we are of the view that the Plan does not need to parrot the national higher order instruments in order to give effect to them. Instead, the Plan can (and has) spatially delineated areas (as shown in the Plan’s accompanying IMaps) where use and development is appropriate and areas where the protection or maintenance of a range of matters (including biodiversity, natural character, natural features and water quality) is warranted. We note that the IMaps (which form part of the Plan) helpfully include a description of the values or attributes underpinning each delineated area.

We note that in the CMA, this approach is one way of giving effect to Policy 7 of the NZCPS.

Numerous rules and accompanying polices in the Plan then give effect to the resource protection, use, and development outcomes sought to be achieved in each of the spatially delineated areas. We consider that in this way the Plan provisions appropriately give effect to both the RPS and the higher order national instruments. Indeed, the Plan does so in a concise and an easily comprehensible manner that we consider would be of assistance to Plan users and decision-makers.

It also appears to us that some submitters (including those listed above) have failed to consider that under s104(1)(b) of the RMA decision-makers on resource consent applications
must have regard to the provisions of the relevant higher order statutory instruments. The need for decision-makers to do so has been recently and clearly stated by the High Court.\textsuperscript{40} Including additional objectives and policies in the Plan that merely parrot the higher order national instruments will not, in our view, assist decision-makers. In fact, doing so could hinder decision-making by adding a further unnecessary layer of objectives and policies that may differ, even albeit slightly or inadvertently, from the provisions of the higher order national instruments. We instead view the provisions of the Plan as a consolidated whole, and so we have taken the approach of considering whether or not the Plan, when read as a whole (including the additional objectives and policies referred to in paragraphs [78] and [79] above, the I Maps, and external codes and standards that are referred to by way of cross-reference) gives effect to those instruments. Subject to the amendments that we recommend to the Plan’s notified provisions, we are satisfied that it does.

[85] Additionally, upon examination of the higher order national instrument’s provisions commonly referred to by submitters, it appears to us that many of them apply to plan development, namely they would have, in our view, guided the spatial delineation of the I Map areas discussed above. The higher order instruments’ provisions have therefore already largely achieved their purpose; they have been given effect to, they do not need to be parroted in the Plan, and indeed doing so would serve no useful resource management purpose.

[86] Having said that, we have been conscious of the need to carefully examine the wording of the provisions that were included in the Plan as notified (together with additional or amended provisions recommended to us by the s42A authors), to ensure that they deliver on the requirements of the higher order instruments (and Part 2 of the Act) and that the intent of those provisions ‘is not lost in the telling’. We affirm that we did not close our mind to assessing whether additional Plan provisions were required in that regard, particularly when additional specific wording was suggested to us by submitters, and we have in fact recommended some of that additional wording.

[87] Proportionate to the scale and significance of the matter of including additional objectives in the pRPFN together with additional policies to implement them, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to include additional objectives and policies or not; and we have identified that including additional objectives and policies is reasonably practicable and within the scope of submissions; and have assessed that including additional objectives and policies would better assist with achieving the purpose of the Act and for giving effect to s67(1) of the RMA.

\textsuperscript{40}CIV-2017-470-000057 [2017] NZHC 3080 Royal Forest and Bird Protection Society of New Zealand Incorporated vs Bay of Plenty Regional Council.
Section 8
Mangroves

[88] The management of mangroves is a controversial subject and it is obvious that submitters have polarised views on the value of mangroves. Some submitters sought their outright protection while others sought amendments to the Plan to more easily allow for their removal. Mangrove removal is addressed primarily under Policies D.5.22 and D.5.24 and Rules C.1.4.1 to C.1.4.5.

[89] Having considered the evidence presented to us, we find that the provisions recommended to us in Reply strike an appropriate balance between the polarised and competing submitter views referred to above. In that regard, we largely adopt the recommendations and reasons of the s42A authors on the submissions dealing with these provisions.

[90] In particular, we consider that mangrove removal around existing structures and infrastructure needs to be enabled so that the use of those facilities is not unduly impeded. In that regard, we find it necessary to exclude mangroves being pruned or removed for one of the purposes listed in Policy D.5.22 from the coastal environment, indigenous biodiversity ‘protection’ Policy D.2.7(1A)(b)(i).

[91] We note that the Mangawhai Harbour Restoration Society (MHRS) sought extensive amendments to the mangrove management and removal provisions for Mangawhai Harbour and presented comprehensive evidence in support of their requests. The amendments sought were generally intended to facilitate ongoing mangrove clearance in the harbour. We understand that the harbour areas that have been recently cleared of mangroves were authorised through a contested resource consent process. Our site inspection revealed that some of those areas appeared to be recovering well (the central Sand Island area) while others (such as the embayment bordered by Insley Street and Black Swamp Road) appeared to be in a very poor condition (due to what we understand to be limited tidal flushing) and we question whether mangroves should have been removed from them. Consequently, we find that the existing mangrove removal provisions, as we recommend they be amended, are appropriate because under them any future mangrove removal proposal of a scale similar to that previously undertaken in Mangawhai would be thoroughly tested and assessed on its merits through a Rule C.1.4.5 discretionary activity resource consent process.

[92] Having said that, we note that such a process would be guided by Policies D.5.22 and D.5.24. In acknowledgement of the submissions and evidence of the MHRS, among others, regarding the spread of mangroves into habitats where they did not previously exist, we have recommended amending Policy D.5.22 to refer to maintaining, restoring or improving habitats that have been

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81 Notified Policy D.5.23 is recommended to be deleted.

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displaced or colonised by mangroves (including rush marsh, salt marsh and intertidal flats) and areas within which mangroves have previously been lawfully pruned or removed.

[93] In response to the submissions of conservation interests, we have also recommended amending Policy D.5.4 to refer to adverse effects from disturbing or displacing birds classified as Threatened or At Risk under the New Zealand Threat Classification System (which would of course include the endangered New Zealand Fairy Tern), particularly within Significant Bird Areas; and to adverse effects arising from changes to natural character. We have also recommended the deletion of clauses (1)(c) and (d) of Policy D.5.24 which contained unnecessary duplication.\textsuperscript{42}

[94] Proportionate to the scale and significance of the matters raised by submitters on the mangrove removal provisions, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose of the Act, would better mitigate adverse environmental, social and economic effects, while still giving effect to the higher order instruments.

\textsuperscript{42} For example, clause (1)(c) appeared to duplicate clause (1)(b) and clause (1)(d) would duplicate recommended new clause (1)(aa).
Section 9
Regionally Significant Infrastructure

[95] A number of submissions requested the inclusion of additional objectives and policies to recognise the benefits of regionally significant infrastructure and renewable energy and to promote economic wellbeing. In response, the s42A authors recommended three additional objectives and an additional policy requiring decision-makers to have particular regard to the benefits of national, regionally and locally significant infrastructure.

[96] The s42A authors also recommended a new policy allowing minor adverse effects arising from the establishment and operation of regionally significant infrastructure to be managed; a new policy allowing adverse effects arising from the maintenance and upgrading of regionally significant infrastructure; a new policy providing direction on the appropriateness of regionally significant infrastructure if adverse effects specified in the preceding two policies are exceeded; a new policy regarding new use and development activities that could adversely affect the ongoing operation, maintenance, upgrade or development of regionally significant infrastructure; and including reference to the operation, maintenance, upgrade or development of regionally significant infrastructure in new and amended policies dealing with the benefits of dredging, disturbance and deposition activities, dumping of dredge spoil, underwater noise, and the appropriateness of hard protection structures in the CMA.

[97] We find that the additional objective and policy provisions appropriately respond to the need for the Plan to enable the effective development, operation, maintenance, repair, upgrading and removal of regionally significant infrastructure and renewable energy generation facilities, thereby giving effect to s5(2) of the RMA and the NPSREG 2008 and NPSREG 2011. The new and amended provisions also appropriately address the issues raised by infrastructure submitters including Transpower, Northpower, First Gas Limited, NZTA and Refining New Zealand, among others. Given the breadth of the additional provisions, we are not persuaded that further amendments referring to specific types of infrastructure, such as the national power grid (as was sought by Transpower), are necessary. Having said that, we have recommended additional

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43 Objective F.1.5 regarding regionally significant infrastructure, Objective F.1.6 regarding security of energy supply and Objective F.1.4 regarding enabling economic wellbeing.
44 Policy D.2.2C.
45 D.2.2D.
46 D.2.2DA.
47 Policy 2.2.DB.
48 Policy D.2.2.E.
49 Policy D.5.18A.
50 Policy D.5.19.
51 Policy D.5.21.
52 Policy D.6.1.
explanatory notes for rules C.1.1.9 and 2.1.4 regarding increases in voltage for transmission lines being covered by the NESETA.

[98] Also, in addition to the s42A recommendations, and in light of the legal submissions\(^5^3\) from Transpower, we consider that Policy D.2.2DA(1) should allow for adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure if those effects are temporary or transitory.

[99] In order to give effect to the new objectives and policies, and in response to submissions, the s42A authors recommended amendments to a number of the Plan’s rules and the insertion of several new rules.\(^5^4\) We have considered each of those recommended amendments and we find them to be appropriate, efficient and effective in terms of either enabling the ongoing operation, maintenance, upgrade or development of regionally significant infrastructure or for ensuring that decision-makers are able to consider the potential adverse effects of other activities (such as earthworks) on regionally significant infrastructure.

[100] Proportionate to the scale and significance of the provisions relating to regionally significant infrastructure, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act, would better provide opportunities for economic growth and employment, and would give better effect to the higher order instruments.

\(^5^3\) Paragraph 20 and its associated footnote.
\(^5^4\) Including C.1.1.3(6), C.1.1.18, C.1.3.1, C.1.3.2, C.1.3.3, C.1.3.4, C.1.8, C.2.2.2, C.7.2.6, C.7.2.6A, C.7.2.6B and C.8.3.2.
Section 10
Water quality guidelines and standards

[101] The NPSFM requires Council to set freshwater objectives for freshwater management units by 2025, or by 2030 if certain circumstances apply. Part CA (National Objectives Framework) of the NPSFM sets out the approach that Council must follow when establishing freshwater objectives for national values and any other water quality dependent values identified in the region’s waterbodies. In March 2018, the Council published a Progressive Implementation Programme indicating that a plan change will be promulgated in 2021 to give effect to the water quality requirements of the NPSFM.

[102] As notified the pRPFN contained numeric water quality standards for ammonia and nitrate toxicity in rivers; and chlorophyll a (a measure of phytoplankton biomass), total nitrogen, total phosphorus and ammonia toxicity for two lake management units. These ‘standards’ were not water quality limits as defined by the NPSFM. However, the pRPFN was generally silent on the management of diffuse discharges, because Council considered that the management of diffuse sources of nutrients, sediment and faecal microbes in Northland was best done within a NPSFM freshwater quality objectives and limits-based planning framework, to be developed as part of the 2021 plan change. This reflects the fact that, in the absence of appropriate monitoring and research data, it would be difficult to accurately account for sources of nutrients and, in particular, fine sediments and faecal microbes at a property or sub-catchment scale, and to understand how those contaminants are attenuated within catchments or within waterbodies.\textsuperscript{35}

[103] We note that water quality data collected by the Council shows that over the period January 2007 to December 2016 there were more improving trends in river water quality than decreasing trends. Similarly, water quality data from Council’s Coastal Water Quality Monitoring Network showed that over the five-year period until 2014 water quality improved at most of the sites monitored.\textsuperscript{16}

[104] The above paragraphs set out the context for our consideration of the submissions on water quality matters.

[105] As with other topics addressed by the pRPFN, in response to numerous submissions the s42A authors recommended the insertion of an additional objective\textsuperscript{57} (noting that it was not a NPSFM compliant water quality objective) and several new or amended policies\textsuperscript{58} dealing with freshwater quality management. We find those recommended provisions to be appropriate in terms of giving

\textsuperscript{35} Water quality management – General matters, Recommendations in response to submissions on the Proposed Regional Plan for Northland - Section 42A hearing report, paragraphs 52 to 54.
\textsuperscript{16} Ibid, paragraphs 40 and 41.
\textsuperscript{57} Objectives F.1.2.
effect to the NPSFM and RPS and for addressing the water quality issues raised by submitters, while also having regard to Council’s NPSFM Progressive Implementation Programme.

[106] As notified, the Plan contained Policies D.4.1 to D.4.4 which set out, respectively, water quality standards for rivers, water quality standards for lakes, coastal water quality standards and coastal sediment quality standards that were not to be exceeded because of discharges of contaminants. The standards for lakes and rivers were derived from Appendix 2 of the NPSFM prior to its amendment in August 2017. The standards for coastal waters were based on an independent technical assessment.59

[107] A number of submitters were concerned that the ‘standards’ were expressed as policy.60 In response, the s42A authors recommended deleting Policies D.4.1 to D.4.4 and moving the ‘standards’ tables into a new Appendix H.5. We find that relocating the provisions into an Appendix is appropriate and is consistent with the approach taken in regional plans in other parts of New Zealand that we are familiar with.61

[108] Some submitters (including the Minister of Conservation) wanted the ‘standards’ to be expressed as ‘limits’, but we are not persuaded of the appropriateness of that because, as outlined above, Council will be undertaking its water quality limit setting process as part of the development of the plan change signalled for 2021. In that regard, we also agree with the s42A authors that a ‘freshwater objective’ describes the water quality conditions (expressed in relation to specified NPSFM attribute states) necessary to support water quality dependent values within a freshwater management unit, whereas a ‘limit’ states the maximum amount of resource use that can occur that will allow that state to be achieved. The notified water quality ‘standards’ are clearly not those type of ‘limits’.

[109] In response to submissions, the initial s42A report recommended that, given the August 2017 changes to the NPSFM and the absence of water quality limits and controls on diffuse sources in the pRPFN, the ammonia and nitrate toxicity standards for rivers and TN, TP, chlorophyll a and ammonia toxicity standards for lakes should be deleted. That recommendation was strongly opposed by several submitters at the hearing, including the Minister of Conservation and Northland Fish and Game in particular. We were similarly concerned with the initial recommendation and so we were heartened when the s42A authors recommended the reinstatement of those ‘standards’ in their Reply report.

[110] We agree that the notified ‘standards’ should be retained and be included in Appendix H.5. We also recommend that it be clarified that the freshwater provisions apply to Northland’s continually

60 Including Bay of Islands Maritime Park Inc., New Zealand Transport Agency, GBC Winstone, the Oil Companies and the Egg Producers Federation of New Zealand.
61 Including those in Canterbury, Southland, Manawatu-Whanganui and the Bay of Plenty.
or intermittently flowing rivers, and to lakes, and that they apply after allowing for reasonable mixing. We are satisfied that the freshwater provisions should continue to be expressed as ‘standards’, noting this avoids confusion regarding the future ‘freshwater objectives’, ‘limits’ and perhaps ‘targets’ that will be set via the 2021 plan change.

With regard to the coastal ‘standards’, and noting that the NPSFM does not apply to coastal waters, we are also satisfied that the water quality provisions should continue to be expressed as ‘standards’ to be met after allowing for reasonable mixing. However, in response to submissions, and recognising that the coastal sediment ‘standards’ derive from the ANZECC guidelines and Canadian Environmental Quality Guidelines (CCQG) guidelines, we consider it more correct to express the coastal sediment provisions as ‘guidelines’ and we recommend accordingly. We note this was also the recommendation of the s42A authors in Reply.

Returning to the matter of expressing the water and sediment quality ‘standards’ and ‘guidelines’ in policy as opposed to rules, we have no qualms about doing so. We agree with the s42A authors that the ‘standards’ or ‘guidelines’ should not apply to permitted activity discharges (as they do not meet the tests of certainty required for permitted activity conditions) and they should instead be used to guide resource consent decision-makers exercising their discretion under s104 of the RMA. This is the role of policy and we note that a policy can be directive and either flexible or inflexible or broad or narrow. Accordingly, we accept the s42A authors’ Reply recommendation that the subcomponents of new Appendix H.5 should be explicitly expressed as policies.

A number of submitters, including the Minister of Conservation and Northland Fish and Game in particular, sought the inclusion of additional water and sediment quality ‘standards’. In Reply the s42A authors undertook a very detailed and comprehensive assessment of the submitter requests. In conclusion, the authors recommended the inclusion of additional river water quality standards for temperature, dissolved oxygen and pH. We agree this is the most appropriate way to achieve the new water quality objective F.1.2 at this point in time, again having regard to Council’s NPSFM Progressive Implementation Programme.

Regarding other water quality parameters sought by submitters, having carefully considered and weighed the respective technical evidence of the submitters and the s42A authors, we generally prefer the authors’ advice and recommend rejecting submissions seeking the insertion of additional ‘standards’. In particular we find that:

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82 Including refining water and GAC Westmore.
83 For the Hākia River, which has sediment metal contaminant levels exceeding the CCQG values.
84 Staff reply report, Hearings for the Proposed Regional Plan for Northland, November 2016, pages 102 to 134.
85 Primarily that of Dr Adam Canning and Kathryn McArthur.
the 542A authors have more relevant knowledge and experience with the state and flow regimes of Northland’s fresh and coastal waterbodies and the environmental monitoring data pertaining to them;

- catchment geology and topography are strong drivers of water quality variation in Northland;\(^\text{66}\)
- Council had insufficient periphyton data in 2017 to grade its periphyton monitoring sites, and in turn robustly set numeric periphyton objectives for the region’s rivers;\(^\text{67}\)
- it is more appropriate to set numeric freshwater quality objectives for periphyton, DIN and DRP via the 2021 plan change as it will take time to analyse the periphyton and water quality data collected by the Council to date;\(^\text{68}\)
- ANZECC default values for DIN and DRP are not related to periphyton abundance or thresholds and they instead represent general reference conditions in a small number of mainly South Island lowland rivers;\(^\text{69}\)
- in any case most of Northland’s rivers have fine substrates (i.e., soft-bottoms), which will not support conspicuous amounts of periphyton and the NPSFM periphyton attribute was developed using scientific information derived exclusively from hard-bottom streams and rivers;\(^\text{70}\)
- Macroinvertebrate Community Index (MCI) is affected by a wide range of variables, not just water quality, and for that reason setting MCI ‘standards’ is inappropriate;\(^\text{71}\)
- macrophyte cover and biomass are influenced by multiple factors (including river bed substrates, nutrients, light availability, and hydrological disturbance parameters) and the relationships between nutrient concentrations and macrophyte growth in Northland are complicated so it is not appropriate to include macrophyte ‘standards’ in the Plan;\(^\text{72}\)
- Ms McArthur’s recommended ‘numeric water clarity goals for Northland Rivers’ do not appear to be relevant to Northland’s rivers and nor do they appear to be achievable based on Council’s River Water Quality Monitoring Network data;\(^\text{73}\)
- Government has announced that it will likely amend the NPSFM in 2020 by including attributes for sediment, of which deposited sediment is likely to be one, and so setting deposited sediment standards in the Plan at this stage would be premature;\(^\text{74}\)
- numeric freshwater quality objectives for cyanobacteria using the attribute states (expressed as mm\(^3\)/L biovolume of cyanobacteria) will be included in Council’s 2021 plan change; and

\(^{66}\) Staff reply report, Hearings for the Proposed Regional Plan for Northland, November 2016, paragraph 426.
\(^{67}\) Ibid, paragraph 429.
\(^{68}\) Ibid, paragraphs 434 and 451.
\(^{69}\) Ibid, paragraph 475.
\(^{70}\) Ibid, paragraph 471.
\(^{71}\) Ibid, paragraph 492.
\(^{72}\) Ibid, paragraphs 499 and 501.
\(^{73}\) Ibid, paragraph 516.
\(^{74}\) Ibid, paragraph 518.
Ms McArthur’s recommended ‘goals’ for *E.coli* appear to be based on the NPSFM attribute states. We understand that the ‘goals’ are unlikely to be achieved without potentially changing land uses at significant cost. Consequently, the inclusion of *E.coli* provisions is best achieved as part of the 2021 plan change.

[115] Proportionate to the scale and significance of the matters addressed by the water quality provisions of the prPFN, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act and for giving effect to the higher order instruments, in particular the NPSFM.

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75 Ibid, paragraphs 526 and 527.
Section 11
Public water supply takes

[116] Under the pRPFN water takes associated with public drinking water supplies in overallocated freshwater management units that require rates or volumes of take above those already consented are treated as non-complying activities under rules C.5.1.11 and C.5.1.12. The Far North District Council and Whangarei District Council were concerned this would potentially affect their ability to fulfil their obligations under s130 of the LGA to maintain potable water supplies to communities.

[117] In response to our questions, the territorial authorities advised that, while they accepted that the broad criteria for establishing allocation and flow limits in Appendix H.6 were appropriate at a regional scale, given the uncertainty associated with what they termed "these hydrological rules-of-thumb", at the scale of individual reaches or catchments they considered that it would be appropriate for the pRPFN to include scope within its policy framework to allow for alternative allocation limits, provided it could be demonstrated that any such limits were not likely to affect instream values or other water takes.

[118] We have carefully considered this suggestion, particularly because public water supplies are essential to the health and wellbeing of people and communities. However, we are not persuaded that such an approach is the most appropriate way of achieving Objective F.1.1 of the Plan, nor for giving effect to the NPSFM. Instead, if a territorial authority, after considering all possible alternative water supply and demand management options, considers it necessary to exceed an allocation limit in a river, then we find it would be more appropriate for that to be achieved by way of a privately initiated plan change that sought to establish, based on sound evidence of acceptable effects, an alternative allocation limit.

[119] We say this because we do not think that the directive nature of the NPSFM Objective B2 and Policy B5, requiring the avoidance of any further over-allocation of fresh water, enables the approach suggested by the territorial authorities. In that regard we agree with the evidence of Gerard Willis who stated that “...Council cannot set allocable flows and then create “exceptions” to them. By definition, that involves “over-allocating” which is contrary to NPSFM Policy B5.”

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76 Water takes below a minimum flow or water level.
77 Water takes that will exceed an allocation limit.
78 Supplementary Evidence of Ruben Wylie and Jessica Crawford, Response to Panel Questions, 2 October 2018, paragraphs 83 to 97.
[120] In saying this, we note that NPSFM Policy B8 directs us to enable communities to provide for their economic well-being, including productive economic opportunities, but that is to occur while managing within limits.

[121] However, we consider that there should be some flexibility for decision-makers to set alternative minimum flow take cessation thresholds for public water supply takes solely for the purpose of ensuring the health of people as part of a registered drinking water supply, as was provided for by Policy D.4.19 as notified. We understand that limiting the take in that way will necessitate the territorial authorities instituting water conservation measures to avoid the abstracted water being used for other urban purposes; including for aesthetic, recreational or commercial purposes.

[122] Proportionate to the scale and significance of enabling public water supply takes to exceed the Plan’s allocation limits and flows, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to allow allocation limits to be exceeded as sought by the territorial authorities; and we have identified that doing so would not give effect to the NPSFM. However, we also record that allowing a public water supply take to continue below a minimum flow threshold for the sole purpose of providing for the health of people appropriately reflects s5(2) of the RMA.
Section 12
Water allocation limits and minimum flows

[123] The NPSFM requires Council to establish freshwater objectives and to set freshwater quantity flows and/or levels for all freshwater management units in its region. As we have noted previously, in response to submissions the s42A authors recommended a range of new objectives, including Objective F.1.1 for water quantity. This new objective was based on notified Policy D.4.13 (which was consequently recommended for deletion), but included amendments in response to submissions from conservation interests, iwi and resource users. We find that the version of Objective F.1.1 recommended to us in Reply appropriately gives effect to Part B of the NPSFM and the issues raised by submitters.

[124] The pRPFN as notified contained several policies setting minimum flows for rivers, minimum levels for lakes and wetlands, allocation limits for rivers, and allocation limits for aquifers.\textsuperscript{80} Consistent with the approach taken to water quality, the s42A authors recommended deleting these policies and relocating the provisions into a new Appendix H.6. We agree with this approach and again we find it to be consistent with the approach taken in other regional plans that we are familiar with and have referred to previously.

[125] As we did for water quality, we find that the Appendix H.6 water quantity provisions should be expressed as policies.

[126] Several submitters queried whether the allocation limits included s14(3)(b) takes. The s42A authors advised that they did,\textsuperscript{81} but that those takes were not materially significant. Nevertheless, we recommend that in Appendix H.6, Policies H.6.3 and H.6.4 explicitly state that the allocation limits include s14(3)(b) takes. We also consider that, as was sought by several submitters (including Fonterra), the allocation limits for rivers and aquifers should explicitly not apply to non-consumptive takes as they do not impact on water quantity.

[127] The initial s42A report advised that the minimum flows and allocation limits in the notified Plan were based on information specific to Northland’s rivers and an assessment of different combinations of limits using a computer model called Environmental Flows Strategic Allocation Platform (EFSAP). Minimum flows and allocation limits were then selected by Council based on an analysis of trade-offs between protecting in-stream values and enabling resource use.

[128] The minimum flows and allocation limits for rivers are based on a percentage of the mean annual 7-day low flow. The selected percentages were set out in tabular form on page 122 of the Section 32 Report and are now included in Appendix H.6 of the pRPFN. The Plan also established allocation

\textsuperscript{80} Policies D.4.14 to D.4.17.

\textsuperscript{81} Allocation and use of water, Recommendations in response to submissions on the Proposed Regional Plan for Northland - Section 42A hearing report Paragraphs 87, 89 and 201.
limits for coastal aquifers comprising 10 percent of the average annual recharge of the aquifer, and 35 percent of the average annual recharge of other (non-coastal) aquifers. We note that the percentages outlined above are generally consistent with those set out in the draft NES on Ecological Flows and Water Levels.\textsuperscript{82}

[129] We are satisfied that the 'percentage' approach is appropriate in the circumstances of the Northland region. For example, we received no credible evidence that it was either necessary or practical to set river-specific minimum flows and allocation limits for the over 1,500 source-to-sea surface water catchments in Northland.

[130] Somewhat predictably, submitters sought either more conservative percentages (conservation interests\textsuperscript{83}) or less conservative percentages (resource users\textsuperscript{84}). The s42A author considered that, while the values advocated for by these submitters were valid alternatives, the Plan's notified limits struck an appropriate balance between enabling resource use and protecting in-stream ecological values, and by default other related values like natural character and mahinga kai.\textsuperscript{85} We agree and observe that the competing alternative percentages sought by the respective submitters indicates that the notified percentages (being generally in the middle of the sectorial interest groups' advocated alternatives) supports a finding that the notified provisions strike an appropriate balance.

[131] As an exception to the above general approach, allocation limits for the Aupōuri aquifer management unit were based on a specific technical assessment undertaken in 2015. In response to submissions,\textsuperscript{86} the s42A author recommended that the Aupōuri limits be amended to 15% of mean annual recharge, where mean annual recharge is 38% of mean annual rainfall, provided that minimum groundwater levels along the coastal margin are maintained to prevent adverse effects associated with saline intrusion. We find this to be appropriate and recommend accordingly.

[132] In response to submissions, including those of the Oil Companies and TEL, the s42A author also recommended that aquifer limits should not apply to the taking of water for temporary dewatering (as the water is generally returned to the environment) nor to the take and use of geothermal water and associated heat and energy (as that is not fresh water as defined in the RMA). We also agree and recommend accordingly.

\textsuperscript{83} Including the Minister of Conservation, Royal Forest and Bird Protection Society of New Zealand and Northland Fish and Game.
\textsuperscript{84} Including Dairy NZ and Federated Farmers.
\textsuperscript{85} Ibid, paragraph 74.
\textsuperscript{86} Including Hayward Family Trust, Horticulture New Zealand, Honeytree Farms Ltd, and Motutangi Waitarara Water User Group.
Proportionate to the scale and significance of the matters addressed by the water quantity provisions of the pRPFN, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act and for giving effect to the higher order instruments, in particular the NPSFM.
Section 13
Northport SEA

[134] Northport intends to extend its existing reclamation to the west. It first began discussing this proposal in 2015 and included it in the 'Vision for Growth' consultation document released publicly in October 2017. To facilitate this, Northport has sought an extension of the Marsden Point Port Zone (MPPZ) and removal of the Significant Ecological Area (SEA), Significant Bird Area (SBA), and Significant Marine Mammal and Sea Bird Area (SMMBA) overlays from the extended MPPZ. Under the Plan as we now recommend it, should the SEA not be uplifted as sought, under Rule C.1.6.3 the proposed extension of the Northport reclamation would be a non-complying activity, as would any dredging of that area under Rule C.1.5.14. Granting the relief sought by Northport would mean that reclamations and dredging would be discretionary activities under Rules C.1.6.4 and C.1.5.12 respectively.

[135] The assessment sheet for the One Tree Point to Marsden Bay SEA notes that it contains scallops in most years and regenerating seagrass beds. However, Mr Hood (planning consultant for Northport) advised us that investigations carried out by Mark Poynter in 2018 demonstrated that there is no 'eelgrass' (seagrass) within or even particularly close to the proposed western extension to the MPPZ.

[136] As also noted in the evidence of Brett Hood there is already a 60-65m strip running parallel to the western edge of the existing reclamation which is not proposed as being a SEA or SBA. Mr Hood advised that extending the MPPZ to the west as proposed (given its triangular shape) would only reduce the 198ha One Tree Point to Marsden Bay SEA by approximately 5.1ha. This equates to approximately 2.6% of that particular SEA and around 0.01% of all the SEAs in Whangārei Harbour.

[137] Northport, including the adjoining land used for the movement and storage of cargo, is defined in Appendix 3 of the RPS as regionally significant infrastructure. We observe that the future of the upper North Island ports, including whether Ports of Auckland should be relocated to Northport, will be considered as part of a wider transport and logistics strategy, announced by the Associate Minister of Transport Shane Jones in early 2018. In that regard, Northport is undoubtably also nationally significant infrastructure.

[138] We also note Policy 9 of the NZCPS is to “Recognise that a sustainable national transport system requires an efficient national network of safe ports … including by … considering where, how and when to provide in … plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.”

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87 NZCPS Policy 9(a) and (b), page 15.
Accordingly, we find that categorising the proposed expansion of Northport as a non-complying activity would be disproportionately onerous when weighed against uplifting a very small portion of the One Tree Point to Marsden Bay SEA. We consider that providing for the Northport proposal to be assessed instead as a discretionary activity\textsuperscript{as} is a more appropriate means of promoting the sustainable management of the regionally (and probably nationally) significant Northport physical resource.

In saying this, we acknowledge and respect the opposition of Patuharakeke Te Iwi Trust Board to the relief sought by Northport. Patuharakeke stated in evidence that the extension to the MPPZ sought by Northport would likely further impact on significant ecological and cultural values in that general area. We observe that such matters can and should be thoroughly assessed in a discretionary activity consent process.

We are not persuaded that the SBAs need to be similarly uplifted because Rules C.1.6.4 and C.1.5.12 do not list SBAs as areas within which the discretionary activity reclamation and dredging rules do not apply. Therefore, we envisage that potential adverse effects on any seabirds classified as Threatened or At Risk under the New Zealand Threat Classification System will similarly be considered through a discretionary activity consent process. We discuss the issues of the SMMBA in section 14 of this recommendation report.

\textsuperscript{as} By uplifting the very small portion of the One Tree Point to Marsden Bay SEA and extending the MPPZ as sought.
Section 14
NZ Refining Company

[142] The New Zealand Refining Company (NZRC) submitted on numerous provisions of the Plan. In general, we have adopted the s42A authors' recommendations and reasons on those submissions. However, there are three specific matters that we wish to address, and we do so below. At the outset we acknowledge that NZRC's Marsden Point Oil refinery is regionally and nationally significant infrastructure.

[143] Firstly, NZRC sought that the pRPFN include an 'Outline Plan' for activities undertaken at its Marsden Point site, thereby introducing specific provisions into the pRPFN to recognise and provide for activities at the refinery through a detailed policy and rule framework tailored to the on-going and proposed operations of the refinery. We understand the motivation behind this request but consider that a more appropriate way of achieving new Objective F.1.5 (regionally significant infrastructure) is to ensure that the policy and rule provisions of the pRPFN are appropriately enabling of all regionally significant infrastructure. This is what our recommended amendments to the Plan seek to achieve, as informed by the submissions of various infrastructure providers.

[144] Having said that, we support the s42A authors' recommendations to include a Marsden Point Port Zone that recognises that new regionally significant infrastructure therein, associated with either NZRC or Northport, will generally be considered appropriate. We do not however consider that the Marsden Point Port Zone should be extended landward, as was advocated for by Bridgette Munro for NZR.99 Ms Munro referred to similar land-based zones in Gisborne and Auckland, but we observe that both of those locations are serviced by unitary authorities whereas in Northland the land-based components of both NZRC and Northport are regulated by the Whangarei District Council.

[145] Secondly, NZRC sought the removal of the SEA status from Mair Bank. NZRC's evidence was that, while Mair Bank continued to have avifauna and natural character values, due largely to a relatively recent decrease in the extent of a large pihi bed, Mair Bank no longer contained ecological values that warranted its inclusion within a SEA overlay. We are not persuaded by this evidence. We prefer the evidence of the Patuharakeke Te Iwi Trust Board90 who informed us that although the pihi population was currently in a fragile state, they did not consider it required less protection. Indeed, Patuharakeke considered that the site has never been more in need of protection than at present. Patuharakeke advised that up until the recent collapse of Mair and Marsden Banks those mahinga kai were the "last bastion" — providing an easily accessible, plentiful and clean supply of kaimoana. As kaitiaki, Patuharakeke considered that their ability to

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99 Statement of Evidence of Bridgette Munro, 10 August 2018, paragraph 6.20.
90 Statement of Evidence of Juliane Chetham, On Behalf of Patuharakeke Te Iwi Trust Board, 10th August 2018.
turn the banks’ degradation around was paramount. In that regard, with the recent establishment of a rāhui on shellfish collection, Patuherakeke had started to see those mahinga kai beginning to replenish over the last 12 months. Their 2017 survey programme showed an encouraging trend in the juvenile recruitment of pipi on both Mair and Marsden Banks.

[146] We conclude that removing the SEA status from Mair Bank as sought by NZRC would not assist in achieving Objectives F.1.4, F.1.8 and F.1.11 of the Plan.

[147] Thirdly, NZRC sought to remove the Significant Marine Mammal and Seabird Area (SMMSA) overlay from the Plan. The SMMSA is referenced in Policy D.2.7(1) but it does not feature in any of the rules. Nevertheless, the implication of Policy 2.7(1) is that all areas within the SMMSA are to be considered RMA s6(c) areas. Section 6(c) requires those areas to be protected. Importantly, s6(c) does not refer to protection only from inappropriate development, as do s6(a),(b) and (f), for example. We are cognisant that the SMMSA covers the entire Northland coastal marine area, in contrast to the SEA overlay which refers to discrete areas, albeit sometimes large ones. We are therefore concerned that Policy D.2.7(1) as recommended to us by the s42A authors in Reply could have the unintended consequence of imposing a veto on any use and development in the entire Northland coastal marine area. Consequently, in response to the issue raised by the NZRC we recommend that Policy D.2.7(1) not refer to Significant Marine Mammal and Seabird Areas.

[148] However, we are satisfied that the SMMSA overlay can remain in the Plan’s I maps to serve as an information source for future resource consent decision-makers. As noted in the s42A Reply report, the assessment sheets that are referenced to this overlay provide easy access to useful lists of Threatened and At Risk species.

[149] Proportionate to the scale and significance of the matters raised by NZRC, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not, and we have identified that the amendments we recommend are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act and for giving effect to the higher order instruments, in particular the NZCPS.
Section 15
Dust from roads

[150] The issue of particulate matter (dust) from rural unsealed roads and the adverse health effects it can have on people residing close\(^{91}\) to those roads was raised by several submitters including the Pipiwi Titoki Advocacy for Community Health and Safety Group and the Public and Population Health Unit of Northland District Health Board.

[151] The relevant pRPFN provision is Rule C.7.2.5 which, as notified, permitted the discharge of dust from public roads provided the relevant road controlling authority had a current programme in place that set out the priority sites in the district for mitigating the effects of dust on dust sensitive areas. Submitters concerned about the effects of the dust sought that the rule be amended to refer to the NESAO\(^{92}\) and to effectively require consent for activities resulting in more than 20 to 50 heavy vehicles (specifically logging trucks) per day on an unsealed road.\(^{93}\) The submitters sought that the rule be amended to require “activities” to “avoid, remedy or mitigate any adverse effects on dust sensitive areas where people may reasonably be exposed.”

[152] The territorial authorities, while acknowledging the issue, sought the deletion of rule C.7.2.5 as they considered that the management of dust from unsealed roads was a Land Transport Act and Local Government Act issue, not a Resource Management Act issue.\(^{94}\) We reject that submission and find that rule C.7.2.5 should be retained.

[153] The territorial authorities also advised that in terms of avoiding or mitigating the adverse effect (of dust) there were only two options available, as they could not stop vehicles using public roads. The first was chemical treatment\(^{95}\) and the second was sealing.\(^{96}\) Road sealing is considered to be the most cost-effective option in the long term, however it is very expensive and simply cannot occur without NZTA funding assistance. We were advised that very few Northland roads meet the NZ Transport Agency (NZTA) funding criteria set out in NZTA General Circular – Investment 16/04.

[154] Addressing this issue is therefore problematic. In response to our questions, the territorial authorities suggested that Rule C.7.2.5 be amended to require information to be provided to NRC on request regarding the NZTA funding criteria applicable to the mitigation of dust as well as a list of sites where such funding had been sought. In Reply, the s42A authors endorsed that approach.

\(^{91}\) Less than 50 metres from the road.
\(^{92}\) Specifically, the ambient air quality standard for particulate matter less than 10 micrometres in diameter (PM\(_{10}\)) in Schedule 3 of the NESAO.
\(^{93}\) Statement of Evidence of Louise Wickham, Air Quality Specialist, on Behalf of Public and Population Health, Northland District Health Board, 22 August 2018, paragraph 4.18. The number of logging trucks targeted would vary depending on vehicle speed and whether or not the road was watered regularly.
\(^{94}\) Statement of Jeffrey Thomas Devine (CMEnz) on behalf of the Whangarei District Council and the Far North District Council, 14 August 2018.
\(^{95}\) Ibid. Costing up to $50,000 per kilometre and lasting up to two months.
\(^{96}\) Costing up to $450,000 per kilometre.
but recommended that rule C.7.2.5 also include a full list of roads which have been assessed for dust against NZTA criteria and that this list be publicly available and up-to-date (i.e. published on district council websites). We agree with those suggestions and recommend accordingly.

[155] We appreciate that amended rule C.7.2.5 will likely not satisfy the submitters’ concerns regarding dust from unsealed rural roads, but given the very high cost of road sealing and the ineffectiveness of other road treatment alternatives, we see no other practicable option.

[156] Proportionate to the scale and significance of the matters raised by submitters concerned about dust from unsealed roads and the territorial authorities in their capacity as road controlling authorities, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to rule C.7.2.5 outlined above or not; and we have identified that the amendments we recommend are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act and for giving effect to the higher order instruments, in particular the NESAO.
Section 16
Aquaculture

[157] The management of aquaculture is a significant issue in Northland. Submitter interest in this topic was heightened by Council’s relatively recent promulgation of Plan Change 4 to the Regional Coastal Plan relating to aquaculture, which was made operative in May 2016 following the final Environment Court decision on it in June 2015.

[158] As noted in the initial s42A report,97 the aquaculture provisions attracting the greatest attention related to the extent of the coastal marine area within which new aquaculture was prohibited by virtue of rule C.1.3.14. The section 42A author noted that the Environment Court in its interim decisions on Plan Change 4 accepted that prohibition was an acceptable planning response and the author accordingly recommended that the activity status for rule C.1.3.14 remain as prohibited. We agree and note that no submitter evidence persuaded us otherwise. Nor were we persuaded that the areas within which rule C.1.3.14 applies should be altered, by either including additional areas or removing some of the areas presently listed in the rule. With regard to the former, we were not persuaded on the evidence that any additional areas meet the requisite threshold of ‘outstanding’ in relation to natural character, landscape, features or intrinsic and amenity values.98

[159] We note that the pRPFN contains exceptions to the prohibition on new aquaculture, namely those relating to realignments and extensions,99 and small-scale and short duration aquaculture.100 We are satisfied that those exceptions should be retained. However, to address the concerns expressed to us by submitters, we recommend that the matters of discretion in Rule C.1.3.3 are amended to refer to the qualities that make the areas listed in rule C.1.3.14 either outstanding or significant. Regarding rule C.1.3.12, we are satisfied that its continued status as a non-complying activity will ensure that any new aquaculture enabled by it will be rigorously scrutinised.

[160] In response to submitter evidence101 the s42A Reply report recommended that the relocation of aquaculture in the Waikare Inlet and Parengarenga (originally rule C.1.3.11) be amended from non-complying to discretionary. We have reviewed the submitter evidence and agree with the s42A author. For example, we note the evidence of James Dollimore102 was that while the industry accepted the need to prevent further extensions of existing marine farming in the Waikare Inlet, it was desirable to ensure the best productivity was achieved while retaining the same total

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98 Ibid, paragraph 33.
99 Rules C.1.3.3 and C.1.3.9
100 Rule C.1.3.12
101 Aquaculture NZ Ltd, The NZ Oyster Industry Association and Moana NZ Ltd.
102 Paragraph 11.
consented area. It therefore made sense to enable existing farms to be moved to more productive locations, subject to an assessment of effects.

[161] With regard to submissions on the aquaculture policies, we generally adopt the recommendations and reasoning of the s42A author. However, based on the evidence of Richard Turner,\textsuperscript{103} we recommend the inclusion of new Policy D.5.1A providing support for the continued operation of existing aquaculture activities (including their realignment and extension) and for aquaculture research trials and experimental aquaculture activities. We find that this new policy will be of assistance to future resource consent decision-makers.

[162] Proportionate to the scale and significance of the provisions relating to aquaculture, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act, would better provide opportunities for economic growth and employment, and would better effect to the higher order instruments, particularly Policy 8 of the NZCPS.

\textsuperscript{103} Statement of Evidence of Richard Jonathon Turner on Behalf of Aquaculture New Zealand Limited, New Zealand Oyster Industry Association and Moana New Zealand Limited, Dated this 10th day of August 2018, paragraphs 45 to 53.
Section 17
Contaminated land

[163] The management of contaminated land was addressed by rules C.6.8.1 to C.6.8.4 in the Plan as notified. In response to submissions, including from the Oil Companies, the s42A authors recommended the insertion of new Policy D.4.10A dealing with discharges from contaminated land. That new policy would allow contaminants to remain in the ground provided they would not pose an unacceptable risk to human health and adverse effects on potable water supplies and aquatic ecosystem health were respectively mitigated or avoided, remedied or mitigated. We find that to be an appropriate means of achieving the objectives of the Plan.

[164] Submitters, particularly the Oil Companies, provided extensive submissions and evidence on the issue of contaminated land remediation and the content of rules C.6.8.1 to C.6.8.4. In response to submissions the s42A authors recommended new rules to enable the remediation of contaminated land\(^{104}\) and the re-consenting of passive discharges from contaminated land\(^{105}\). The Oil Companies then provided evidence on how those new rules could be simplified in light of their extensive experience in dealing with contaminated sites. In Reply, the Council provided further advice from Simon Hunt on these and other contaminated land matters.

[165] We found the submissions and evidence to be helpful.

[166] We have adopted the relief sought to omit explicit references to perfluorooalkyl substances (PFAS) perfluorooctane sulfonate acid (PFOS), perfluorohexane sulfonate (PFHxS), and perfluorooctanoic acid (PFOA) from rule C.6.8.2 given that we understand that the Government is soon to issue guidance on the management of those substances. We understand, as advised by the s42A authors in Reply\(^{106}\), that this amendment will result in passive discharges of these substances from up to nine sites in Northland requiring resource consent under rule C.6.8.4. We do not consider that to be an overly onerous requirement.

[167] We agree that the Plan should contain definitions of 'contaminant of concern' and 'suitably qualified and experienced practitioner' as sought respectively by Horticulture NZ and the Oil Companies and we recommend accordingly.

[168] However, we do not consider it necessary to insert a new policy dealing with identifying and recording the details of land containing elevated levels of contaminants in a public register as was sought by some submitters, as that relates more to the executive functions of the Council. Nor have we amended rule C.6.8.2 to rely on an expert based 'lines of evidence approach' (apart from light and dense non-aqueous phase liquids in certain circumstances) because, while a 'lines of

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\(^{104}\) Rule C.6.8.3A, a controlled activity.
\(^{105}\) Rule C.6.8.3B, also a controlled activity.
\(^{106}\) Ibid, paragraph 218.
evidence’ approach is suitable for consented activities, for permitted activities more certainty is generally required in the form of objective and measurable standards. For that reason, we recommend the retention of references in rule C.6.8.2 to the Drinking Water Standards for New Zealand 2005 (revised 2008) and Table 3.4.1 Trigger Values for toxicants at alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water. We have however recommended simplifying those provisions based on the evidence presented.

[169] Proportionate to the scale and significance of the provisions relating to the management of contaminated land, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act, and would give better effect to the higher order instruments.
Section 18
Cultivation, Earthworks and Vegetation Clearance

[170] The pRPFN contains rules relating to cultivation\(^{107}\) (now to be termed ‘land preparation’), earthworks\(^{108}\) and vegetation clearance.\(^{109}\) Policy D.4.3.1 addresses all three of these activities and it assists with achieving new Objective F.1.2 Water Quality which in turn addresses the management of the use of land and discharges to land and water.

[171] As we discussed in section 2 of this report, the Council is restricted in the matters it can address in the pRPFN by ss30(1), 65(1) and 68(1) of the RMA. We accept that under s30(1)(ga) the Council could, on the face of it, include objectives, policies and methods in the Plan for maintaining terrestrial indigenous biological diversity. However, section 1.6 of the operative RPS states regional and district responsibilities where there is potential overlap between the functions of the councils under ss30 and 31 of the Act.

[172] The RPS very clearly states that for all land outside of water bodies, the beds of lakes and rivers, and the coastal marine area, the responsibility for specifying objectives, policies, methods and rules on indigenous biological diversity resides with the region’s district councils. We therefore reject all submissions (including for example those of the Royal Forest and Bird Protection Society and the Whangarei District Council) seeking that rules in the pRPFN promulgated under s9(2) of the RMA (particularly those relating to stock exclusion, cultivation, earthworks and vegetation clearance) or the policies in Section D be amended to address effects on terrestrial indigenous biological diversity.

[173] We accept that the rules can and should address the matters listed in s30(1)(c) as appropriate (soil conservation, water quality and quantity, and aquatic ecosystems) and aquatic indigenous biological diversity (an element of s30(1)(ga)). However, we recommend deleting references to ‘avoiding significant adverse effects on aquatic life’ (or similar) from the permitted activity rules. We find that requirement to be too subjective for a permitted activity condition. We are also satisfied that other elements of the rules, for example, the specification of buffer distances from water bodies\(^{110}\) and the need to undertake activities in accordance with, or with reference to, industry guidelines\(^{111}\) will achieve that outcome for aquatic life.

[174] We have carefully considered the application of the rules in relation to ephemeral rivers. Applying the rules to ephemeral rivers would in most cases be impractical and unnecessary. We have therefore generally limited the application of the rules to continually or intermittently flowing

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\(^{107}\) Rules C.8.2.1 and C.8.2.2.
\(^{108}\) Rules C.8.3.1 to C.8.3.3.
\(^{109}\) Rules C.8.4.1 to C.8.4.3.
\(^{110}\) For example, five metres from waterbodies including natural wetlands in rule C.8.2.1.
\(^{111}\) For example, the Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand) and the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (GD05).
rivers. We note that ‘intermittently flowing river’ is appropriately a defined term in the Plan whereas a ‘continually flowing river’ is clearly understandable upon its plain reading in the absence of a definition.

[175] With regard to other matters raised in submissions and wording amendments sought by submitters, we have adopted the recommendations and reasons of the s42A authors, observing that many of the amendments they recommend improve the clarity and certainty of the provisions. In particular, we accept the s42A reply recommendation that the definition of vegetation clearance and the associated rules for that activity should apply to all forms of vegetation excluding grasses, scattered trees, shrubs, agricultural and horticultural crops, and certain other excluded activities.112 We say this because the purpose of the vegetation clearance provisions are solely to maintain and enhance water quality, noting that achieving that outcome will also protect aquatic ecosystem health.

[176] We also accept the s42A authors’ Reply recommendation118 that Condition 2 of Rule C.8.2.1, which does not permit land preparation within the catchments of outstanding lakes, should be amended to refer to all dune lakes with outstanding and high ecological value,119 because dune lakes are sensitive to phosphorus which is strongly correlated with sediment runoff. As a consequence of this recommendation, we also find that the Plan should include a list of these dune lakes in the Definitions section. Doing so will provide certainty for Plan users and decision-makers.

[177] Proportionate to the scale and significance of the matters addressed in the land preparation, earthworks and vegetation clearance provisions of the Plan, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that the amendments we recommend are reasonably practicable; would better provide opportunities for economic growth and employment; and have assessed that making them would better assist with achieving the purpose and principles of the Act and for giving effect to the higher order instruments.

112 Ibid, paragraph 236.
113 Ibid, paragraph 239.
114 As sought by Dairy NZ.
Section 19

Chimney heights

[178] The Plan as notified contained Appendix H.3 specifying requirements for chimney heights. We understand Appendix H.3 was simply ‘rolled over’ from the antecedent Air Quality Plan 2004. Appendix H.3 is only referred to in Policy D.3.1 and permitted activity rule C.7.1.6. That rule is for burning coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a device of more than 40KW for energy generation. Two submitters sought that Appendix H.3 be amended to take an approach that was more simple and consistent with that used in other regions, such as Nelson and Canterbury, removing unnecessary aspects that would result in very high chimney heights.

[179] In response, the s42A authors commissioned Pattle Delamore Partners Ltd (PDP) to develop a tabular set of chimney heights for the burning devices to which rule C.7.1.6 applies. PDP undertook dispersion modelling to test potential air quality effects of various burning appliances and fuel types. On that basis they recommended a two-pronged approach, firstly a simple table of chimney heights, or alternatively a height determined by expert dispersion modelling.

[180] The s42A authors endorsed the PDP recommendation but noted that its application would result in higher chimneys than the notified version of Appendix H.3. Given the apparent low environmental impact of existing burning devices and the potential cost to upgrade them to comply with the new version of Appendix H.3, the authors recommended that existing chimney heights could be retained provided there was no increase in the scale or change to the type of discharge. We find this to be a sensible approach.

[181] Accordingly, we adopt the s42A authors' recommendation with regard to the amendment of Appendix H.3 and the wording of rule C.7.1.6. Given the limited application of Appendix H.3, we also consequently recommend that clause 2) of Policy D.3.1 is amended to provide more specific guidance to decision-makers.

[182] Proportionate to the scale and significance of specifying chimney heights for fuel burning devices exceeding 40KW capacity, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that the amendments we recommend are reasonably practicable; would better provide opportunities for economic growth and employment; and have assessed that making them would better assist with achieving the purpose and principles of the Act.

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112 Bioenergy Association and Fontarra.
113 Supplementary to staff Reply report, November 2018, pages 3 to 6.
Section 20
Livestock exclusion

[183] As with most contemporary regional plans, the pRPFN as notified contained provisions requiring the exclusion of stock from water bodies. The Plan contained region-wide stock exclusion rules in section C.8.1.117 and additionally contained catchment-specific rules for the Mangere catchment118 and the Whangārei Harbour catchment.119 Policy D.4.32 set out exceptions to the mandatory provisions of the rules, including where a farm environment plan had been prepared or other mitigation measures, such as constructed wetlands, were being implemented.

[184] We note that prior to the notification of the pRPFN the Government released its Clean Water consultation document120, which included draft national regulations to exclude dairy and beef cattle, farmed deer, and farmed pigs from water bodies in a staged manner. While Council was not required to act in accordance with the draft regulations,121 it sensibly, in our view, framed the Plan’s rules around the content and format of the draft regulations. Unfortunately, Government has not yet progressed the draft regulations.

[185] The pRPFN’s livestock exclusion rules are framed around excluding stock from water bodies by certain dates based on the livestock type and the slope category of the land on which they are grazed.122 Importantly, rule C.8.1.3 makes the access of livestock to outstanding freshwater bodies and the coastal marine area a non-complying activity.

[186] There were numerous submissions on the stock exclusion provisions, with submitters querying (among other things) the types of animals the rules applied to, the types of water bodies covered by the rules, the timeframes for exclusion, and whether or not the rules should require riparian buffers or setbacks.

[187] The livestock exclusion rules apply to dairy cattle (cows and dairy support), beef cattle, deer and pigs, consistent with the Land and Water Forum’s recommendations.123 We find this to be appropriate as we understand that those are the main types of stock that cause significant damage to water bodies. We reject submissions seeking the inclusion of other stock types such as sheep and goats as we received no persuasive evidence that those stock were significant contributors to

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117 Permitted activity rule C.8.1.1, restricted discretionary rule C.8.1.2 and non-complying activity rule C.8.1.3.
118 Permitted activity rule E.3.4.1.
119 Permitted activity rule E.3.5.1.
120 Clean Water, 90% of rivers swimmable by 2040, New Zealand Government, February 2017.
121 Compared to operative regulations. Under section 66(1)(f) of the RMA a regional plan must be prepared in accordance with regulations.
122 Beef cattle, dairy support and deer are not required to be excluded from continually flowing waterbodies or natural wetlands in hill country areas (land with a slope greater than 15 degrees, as mapped in the New Zealand Land Resource Inventory database).
water quality degradation in Northland. In making this finding we also note the increased costs of fencing required to exclude sheep and goats compared to cattle.

[188] The provisions apply to natural wetlands, lakes and continually flowing water bodies. We find this to be a sensible and practical approach. We reject submissions seeking that the provisions additionally apply to ephemeral and intermittently flowing water bodies. It would be impractical and prohibitively expensive to exclude livestock from those water bodies, given the large areas of productive farmland that would arguably be captured by such an approach. Our finding on that matter leads us to conclude that the Plan should be very explicit about the livestock provisions not applying to ephemeral or intermittently flowing water bodies. We therefore adopt the s42A authors' Reply recommendation to insert new rule C.8.1.1A into the Plan.

[189] In response to submissions124 the s42A authors recommended that the requirement to exclude livestock from significant wetlands be replaced with a minimum size criterion (2,000m²) for natural wetlands. The authors advised that this would capture all significant wetlands except fens, ephemeral wetlands and seepages greater than 0.05 hectares (all of which are not as sensitive to disturbance). The authors also advised, based on technical advice, that it was not necessary nor practical to exclude stock from smaller wetlands and that wetlands in hill country areas are generally not sensitive to extensively farmed animals.125 We find those recommendations to be sensible and pragmatic and we adopt them.

[190] In making this finding we note that we queried some conservation interest witnesses126 about the practicality of fencing wetlands smaller than 2000m², particularly in Northland's hill country, and record that none of those witnesses appeared to have given that much in-depth thought.

[191] In response to the submissions and evidence127 of the territorial authorities we recommend that rule C.8.1.1 is amended to exclude livestock from water bodies for a distance of 1,000 metres upstream of a public water supply intake servicing more than 25 people. The reason being that livestock access can degrade the water quality and increase the potable water treatment costs for those authorities.

[192] In response to the submissions and evidence128 of the Minister of Conservation we recommend that rule C.8.1.1 is amended to exclude livestock from inanga spawning sites, noting similar requirements have been adopted in other regions, including Canterbury. In making this

124 Including Federated Farmers.
125 Managing the access of livestock access to waterways and the coastal marine area, Recommendations in response to submissions on the Proposed Regional Plan for Northland - Section 42A hearing report, July 2018, paragraph 46.
126 Including Natasha Petrove for the Minister of Conservation and Shona Myers for Northland Fish and Game.
127 Supplementary Evidence of Ruben Wylie and Jessica Crawford, Response to Panel Questions, 2 October 2018, paragraph 60, page 12.
128 Statement of evidence of Natasha Katherine Petrove on behalf of the Minister of Conservation, 10 August 2018.
recommendation we anticipate that the Council will identify inanga spawning sites as part of its 2021 plan change process, which we referred to earlier in this report.

[193] The pRPFN rules do not require fences to be set back from water bodies and nor do they require vegetated riparian buffers. We understand this approach is based on the very high costs of creating riparian buffers, coupled with their ineffectiveness in reducing *E. coli* and nitrogen runoff to water bodies in Northland.\(^\text{119}\) We were not persuaded by submissions seeking setbacks or riparian buffers at this point in time and note that none of the submitters requesting such relief had quantified the opportunity cost of lost production land that would result. We consider that achieving livestock exclusion is a practical first step and that the need for vegetated riparian setbacks from specific water bodies can also be considered as part of Council’s 2021 plan change.

[194] In terms of the timeframes for livestock exclusion, rather predictably some conservation interest group submitters sought shorter timeframes while other farming sector submitters sought longer timeframes. We have considered those various submissions and the evidence presented in support of them. On balance, we find the notified timeframes to be appropriate.

[195] We recommend that the catchment-specific livestock exclusion provisions are amended to be consistent with the provisions in section C.8.1.

[196] Proportionate to the scale and significance of the pRPFN’s livestock exclusion provisions, for the purpose of section 32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make the further amendments outlined above or not; and we have identified that those amendments are reasonably practicable; they implement the Plan’s objectives while taking into account the nature of Northland’s extensively grazed areas of land (particularly its extensive hill country); and so we assess that making them would more fully serve the provisions of the Act and its subordinate instruments than not making them.

\(^{119}\) Ibid, paragraph 67.
Section 21
Marine pests

[197] The issue of marine pests was dealt with in the pRPFN under rules C.1.7.1 to C.1.7.7. The Plan did not initially contain any policies on this matter.

[198] There were a number of submissions on the marine pest provisions. Boating interest groups generally sought less stringent controls while comprehensive submissions from the Minister of Conservation and the Ministry of Primary Industries respectively made requests seeking numerous new rules and changes to align with the Australian/New Zealand Anti-fouling and in-water cleaning guidelines April 2015 and greater alignment with the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand May 2014.

[199] As noted by the s42A author, controls on the level of fouling and movement between designated pathways places are replicated between the pRPFN and the Northland Regional Pest and Marine Pathway Management Plan 2017-2027 (promulgated under the Biosecurity Act 1993). The primary reason for this was to give Council the ability to issue infringement notices (fines) under the RMA.120

[200] We were impressed with level of expertise and depth of analysis provided in the evidence of the ministry officials. Consequently, we have recommended the adoption of much of the relief they seek, including the deletion of rules C.1.7.1 and C.1.7.6, for the reasons stated by them. However, we do not recommend amending rule C.1.7.2 to require the anti-foul coating on the vessel, niche area or moveable structure to not exceed its planned in-service life, as specified by the manufacturer, with that to be demonstrated by the provision of a receipt showing the date of anti-foul coating application. Instead, we prefer the evidence of the s42A authors. They advised in Reply that such an approach was not practical in Northland, because not all vessels (and few structures) have an anti-foul coating, and when monitoring the activity of 'in-water cleaning', Council officers were focused on marine pest or hazardous substance release and seeking proof of an anti-foul application date would be problematic.131

[201] We also have not amended the rules to limit in-water cleaning to only slime layers or goose barnacles as was sought by the ministries. We accept the advice of the s42A authors in Reply that barnacles can colonise hulls in the Bay of Islands in three weeks and mud or sediment can be present on boat hulls within one month in the Mangonui Harbour. Consequently, as Council

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131 Ibid, paragraph 279 and 280.
wishes boat owners to keep their vessels clean to prevent biofouling reaching a threshold where marine pest species could be present, we accept that this needs to remain as ‘light fouling’.\footnote{132}

[202] In response to the submissions and evidence of the boating interests\footnote{133} we have recommended that rule C.1.7.2 be amended to allow the in-water cleaning of vessels or structures in a Coastal Commercial Zone, a Marina Zone, a Mooring Zone, a consented grid (inter-tidal poles), or within 50 metres of a Mooring Zone. However, we find that rules C.1.7.2 and C.1.7.3 should both preclude in-water cleaning within 50m of a SEA in order to protect the values of those areas.

[203] Finally, we accept the s42A authors’ recommendation that, primarily in response to the submissions of the Minister of Conservation, new Policy D.2.2G is inserted into the Plan. We consider this additional policy will provide appropriate guidance to decision-makers exercising their discretion under rules C.1.7.3 to C.1.7.5 and C.1.7.7.

[204] Proportionate to the scale and significance of the pRPN’s provisions dealing with the management of marine pests, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that the amendments we recommend are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act and the superior instruments, including the NZCPS.

\footnote{132}{Ibid, paragraph 283.}
\footnote{133}{Including the Mangonui Cruising Club.}
Section 22
Wetlands

[205] As is the case in all regions within NZ, the management of wetlands is an important issue in Northland. Historically there has been a dramatic decline in the extent of natural wetlands throughout the country and we understand that Northland is no exception.

[206] Wetland management is primarily dealt with in the Plan in rules C.2.2.1 to C.2.2.5 and explicitly in Policies D.4.27 (specifying requirements for activities in wetlands) and D.4.28 (detailing wetland values). The pRPFN defines six different types of wetland; namely ‘wetland’, ‘constructed wetland’, ‘induced wetland’, ‘reverted wetland’, ‘natural wetland’ and ‘significant wetland’. The different types of wetland are treated differently in the Plan’s rules.

[207] The definitions listed above were of concern to some submitters\(^{154}\) who found them potentially confusing. We considered rationalising the definitions but noting the advice of the s42A authors\(^{156}\) that the ability to amend them was very limited as they are incorporated into the RPS, we have instead recommended (in light of submissions and the s42A authors’ advice) a number of amendments to them so that it is clear and certain what each definition includes and excludes.

[208] Additionally, we have adopted the s42A authors’ recommendation to include a new appendix H.8 titled “wetland definitions relationships” which further explains the relationships between the various types of wetlands. This includes a ‘Venn diagram’ showing those relationships in graphical form.

[209] In response to submissions we have recommended a number of improvements to the rules, including clarifying that a number of the more restrictive rules should apply only to natural wetlands. On the other hand, we recommend that rule C.2.2.2 is amended to be more permissive of the construction, maintenance and use of regionally significant infrastructure, maimai and game bird shooting structures within wetlands. Similarly, we recommend that rule C.2.2.3 more explicitly allows the erection, placement and use of a structure to form a constructed wetland, in recognition of the water quality and aquatic biodiversity benefits of such wetlands that were identified by many submitters.

[210] Some submitters\(^{156}\) sought that significant wetlands be mapped and that those maps be included in the Plan. We understand the rationale for that request but observe that submitters generally did not provide any such maps in support of their requests and we cannot ourselves develop

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\(^{154}\) Including NZTA, Horticulture NZ and Federated Farmers.


\(^{156}\) Including Fonterra, Northland Fish and Game, and Top Energy.
them.\footnote{We note Ngāwhā Generation Ltd to be an exception to that and in response the I Maps have been recommended to be amended as sought by that submitter.} We also note it would be more appropriate to include such maps by way of a further plan change, as we anticipate there would be a wide degree of community interest in such an exercise.

[211] Proportionate to the scale and significance of the pRPFN’s provisions dealing with the management of wetlands, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that the amendments we recommend are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act and the superior instruments, including the NPSFM.
Section 23
Definitions

[212] Some submissions sought that words or terms defined in the RMA be repeated in the pRPFN. That serves no useful purpose and amounts to unnecessary duplication. It also risks the provisions in the pRPFN having limited ‘shelf life’ should the definitions in the RMA be amended. We support the inclusion of a note at the start of the Glossary that specifies that words or terms defined in the RMA have the same meaning when used in the pRPFN.

[213] In response to submissions the s42A authors recommended the insertion of a number of additional definitions and the amendment of others. We have carefully considered each of those recommendations and record that we find them to be appropriate.

[214] We have additionally recommended that part of the definition of ‘marae-based aquaculture’ be recast as a note.
Section 24
RMA Activities

[215] As stated in the Section 32 Report, the notified Plan uses rule bundling to combine several permissions which may be required under s9 and ss12 to 15C of the RMA into one rule. This approach was supported by a number of submitters. Often, but not always, the chapeau of the rule specified the bundled activities. Additionally, each rule contained a list of the relevant sections of Part 3 of the RMA invoked by the rule under a title that read “The RMA activities this rule covers”. The intention was to make it clear what RMA permissions each rule covered. There were several submissions on this general approach and the relevant parts of particular rules.

[216] These parts of the rules are important as they define in legal terms the range of activities that each rule covers. Because the Plan uses ‘rule bundling’, these parts of each rule also define the range of activities that are associated with, or are incidental to, the primary activity. For example:

- the primary activity might be the discharge of contaminants onto or into land from compost (s15(1) if an ‘industrial or trade premise’ and s15(2A) otherwise) but there is also an associated ongoing discharge or odour and dust to air (also s15(1) if an ‘industrial or trade premise’ or s15(2A) otherwise); or
- the primary activity may involve the excavation of the bed of a river (s13(1)) but the rule also authorises the incidental discharge of sediment to water caused by that bed excavation (s15(1)).

[217] An unintended consequence of errors or omissions in these parts of the rules is that resource users may need to apply for additional consents to authorise associated or incidental activities that the Plan always intended to authorise.

[218] We wish to retain the Council’s approach to making the Plan as simple and concise as possible (to aid its ease of use) and so we have carefully examined each rule and recommended that:

- the chapeau of each rule refers to the primary activity and any associated ongoing activities using relevant language from Part 3 of the RMA, whereas the bullet point list

138 Ibid, section 1.5 Structure and content of the Proposed Regional Plan.
139 Including Bay of Islands Planning Limited, Carrington Resort Jade LP and Broadpectrum NZ Ltd.
141 We understand that the text under each of the headings “The RMA activities this rule covers” is intended to form part of the rule and not simply an advisory note.
of 'RMA activities' captures all the relevant\textsuperscript{142} incidental activities, which are often temporary construction related activities;

- when activities are mentioned in the chapeau of the rule, they are also covered within the bullet point list of 'RMA activities' to ensure that the rule can lawfully cover those particular activities;

- the headings "The RMA activities this rule covers:" are amended to read "For the avoidance of doubt this rule covers the following RMA activities:" to make it clear that the bullet point list of incidental activities forms part of each rule;

- the relevant primary RMA Part 3 clause is referred to in each bullet point, but references are not made to sub-clauses. For example, reference would be made to s12(1) but not to s12(1)(c));

- where a condition of a permitted activity rule refers to 'General Conditions' (such as 'C.2.3 General Conditions') the condition reads, for example, "... complies with all relevant conditions of C.2.3 General Conditions" in acknowledgment of the fact that not all of the general conditions will apply to each permitted activity. We appreciate that this creates some uncertainty (limited by the fact that the 'general conditions' are often grouped under activity-specific headings\textsuperscript{143}) but consider this is preferable to the risk of imposing unnecessary constraints on permitted activities, which in practice have relatively benign adverse effects; and

- catchall activity rules (such as rule 'C.1.5.12 Dredging, deposition and disturbance activities') are amended to include the words "... that is not the subject of any other rule in this Plan ..." to avoid the unintended outcome of a catchall rule over-riding (or generating uncertainty about) the authorisation of 'incidental activities' cited in the bullet point lists of 'RMA activities' in activity specific rules.

[219] The version of the Plan contained in Appendix B includes the amendments that implement our recommendations on these matters.

[220] In addition, we recommend that the Plan includes an explanation at the beginning of the rules section explaining how the rules are drafted and clarifying that the bullet points under the amended headings reading "For the avoidance of doubt this rule covers the following RMA activities:" form part of the rules.

[221] We are satisfied that the amendments to the Plan that we recommend fall within the scope of the general issues raised by submissions\textsuperscript{144} seeking clarification of the bunding approach or

\textsuperscript{142} We have sought to ensure that the rules do not inadvertently regulate a wider set of activities, such as disturbance of the seabed that is not incidental to the erection of a structure.

\textsuperscript{143} For example, 'C.1.8 Coastal works general conditions' contains the headings 'Structures and disturbance' and 'Mangrove removal and pruning'.

\textsuperscript{144} Including Northpower, NZ Defence Force, Moana NZ, NZ Oyster Industry Association, and the Minister of Conservation.
corrections to the lists of bullet point RMA activities in the rules, or otherwise fall within the ambit of Clause 16(2) of Part 1 of Schedule 1 to the RMA.

[222] Proportionate to the scale and significance of the matters discussed above regarding the RMA Part 3 activities covered by each rule in the Plan, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to those parts of each rule or not; and we have identified that the amendments we recommend are reasonably practicable; and have assessed that making them is the most appropriate way to achieve the objectives of the Plan, and that the amended provisions are more effective and efficient than the provisions that were either notified or recommended to us in the Staff Reply Report. Making the amendments will avoid unintended costs for resource users that might otherwise arise should they be required to seek additional consents for activities that are associated with or incidental to the primary activities covered by each rule. We consider there is a real and significant risk of that occurring if we do not recommend the amendments.
Section 25
Minor Amendments

[223] Under Clause 10(2)(b) of Part 1 of Schedule 1 to the RMA our recommendations may include matters relating to any consequential alterations necessary to the pRPFN arising from the submissions. Under Clause 16(2) of Part 1 of Schedule 1 to the RMA our recommendations may include amendments to the pRPFN to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

[224] Under those Schedule 1 provisions we have recommended numerous amendments to the pRPFN including, among other things:

(i) making consequential amendments to policies to give effect to the recommended new objectives;
(ii) making consequential amendments to rules to give effect to the recommended new policies;
(iii) correcting incorrect terms or references within definitions;
(iv) recasting the wording of some definitions as ‘Notes’ as the wording did not properly form part of the definition;
(v) omitting definitions (or parts thereof) that are either redundant, unnecessary or are not actually used in the Plan;
(vi) making consequential amendments to definitions or including new definitions because of changes to other definitions or provisions in the Plan;
(vii) updating the tables containing the index and guide to the rules of each section of the Plan so that the tables refer to the amended rules’ titles and rule numbers;
(viii) inserting the transitional policy required under Policy B7 of the NPSFM,
(ix) inserting new rules to explicitly provide for activities that were intended to be covered by the ‘catch all’ rules, but the wording of the ‘catch all’ rule does not cover the activity;\(^{146}\)
(x) amending the wording of ‘catch all’ rules to clarify that if the activity is explicitly covered by another rule then it is not captured by the ‘catch all’ rule;\(^{147}\)
(xi) clarifying the nature of the activities covered by a rule;
(xii) amending the chapeau of a rule so that the activities identified in the chapeau reflect the notified conditions in the rule;

\(^{146}\) For example, the definition of “deep lake” as the depth of the lake is always stated where that term is used.

\(^{146}\) This relates to new Rule C.1.2.7A to permit the removal of moorings because the rules in section C.1.1. of the Plan do not apply to moorings; and new text at the start of C.1.3 Aquaculture which has the effect of Rules C.1.1.7 (reconstruction, replacement, maintenance etc) and C.1.1.10 (removal and demolition etc) applying to aquaculture when they did not previously do so.

\(^{147}\) This applies to the chapeau in Rules C.1.1.14, C.1.1.15, C.1.1.16, C.1.1.22, C.1.2.9, C.1.2.10, C.1.3.6, C.1.3.8, C.1.3.14, C.1.4.3, C.1.4.4, C.1.4.5, C.1.5.12, C.1.7.5, C.2.1.13, C.2.1.15, C.2.2.4, C.2.2.5, C.3.1.6, C.3.1.7, C.1.3.9, C.4.1.6, C.5.1.8, C.5.1.10, C.5.1.11, C.5.1.12, C.6.1.5, C.6.3.5, C.6.4.3, C.6.5.5, C.6.6.3, C.6.7.7, C.6.8.4 AND C.7.1.8.
(xiii) omitting the requirement to comply with General Conditions (for example, Rule C.1.8 ‘Coastal works general conditions’) as a prerequisite for activities requiring resource consent (for example, Rule C.1.2.8). It is inevitable that activities requiring consent will fail to comply with one or more of the suite of General Conditions, thereby nullifying the respective rule. Compliance with the General Conditions is only appropriate for permitted activity rules;

(xiv) referring to the “identified values” of mapped Sites and Areas of Significance to Tangata Whenua where those areas are listed in rules;

(xv) using the phrase “effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer ‘Maps JNgā mahere matawhenua’) places outstanding or significant” in rules requiring resource consent decision-makers to have regard to effects on those mapped ‘special areas’. The amended phrase provides more appropriate direction to those decision-makers, which was noted as being desirable by several submitters; 148

(xvi) ensuring consistency of permitted activity conditions; 149

(xvii) ensuring consistency in the matters of discretion for restricted discretionary activity rules within the same topic-based section of the Plan; 150

(xviii) deleting conditions in rules that essentially duplicated other conditions in the same rule 151 or that are covered by other rules; 152

(xix) making consequential amendments to conditions of rules because of amendments to other parts of rules (including Tables);

(xx) making consequential amendments to rules so that they are consistent with related rules;

(xxi) omitting references to adverse effects on aquatic life from permitted activity rules as that wording is too subjective for a permitted activity condition;

(xxii) including new Notes beneath some rules to clarify their relationship with other rules;

(xxiii) amending Notes and provisions so that they are more specific about relevant sections of the RMA and other statutes;

(xxiv) correcting spelling;

(xxv) correcting grammar;

(xxvi) correcting formatting;

(xxvii) changing the numbering format of rules C.3.1 and C.4.1. to match the rest of the Plan; 153

(xxviii) using macrons on Māori words;

(xxix) correcting punctuation, including the use of commas, colons, semicolons, brackets and hyphens;

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148 Including CEP Services Matawhiti Limited.
149 For example, Rule C.6.5.1 Table 6.
150 Such as Rule C.1.2.8.
151 For examples conditions 3(a) and 3(b) of Rule C.6.3.1.
152 For example, Rule C.3.4 condition 4).
153 For example, C.3.3 becomes C.3.1.3.
using abbreviations for some commonly used terms;
modernising language, including for example by replacing “shall” with “must”;
ensuring the words “and” and “or” are used correctly in the provisions;
making consequential amendments to Plan Appendices because of changes to provisions in the Plan;
merging Rules C.1.2.6 and C.1.2.7 into Rule C.1.2.4;
clarifications required to ensure that provisions are within the scope of Council’s s30 RMA functions, for example, deletion of Rule C.2.1.3 condition 11 because it controlled the alteration, damage or destruction of any mapped Historic Heritage Site; whereas the management of these activities falls outside Council’s functions.

In the version of the pRPFN contained in Appendix B to this report we have shown these amendments using the conventional strikeout and underlining, except where the change is very minor (for example, where a lower case letter is replaced with an upper case letter). However, we have not assigned endnotes to these amendments as they are not attributable to particular submission points.
Section 26
Evaluation and Recommendations

[226] As we have noted previously, in compliance with s32 and clause 5 of Schedule 1 of the RMA, the Council prepared and publicly notified a pRPFN evaluation report dated September 2017 ('the Section 32 Report'). We have had particular regard to the Section 32 Report.\textsuperscript{154} Section 32AA of the RMA requires a further evaluation of any changes made to the pRPFN after the initial evaluation report is completed. The further evaluation can be the subject of a separate report, or it can be referred to in the decision-making record.\textsuperscript{155} If it is referred to in the decision-making record, it should contain sufficient detail to demonstrate that a further evaluation has been duly undertaken.\textsuperscript{156}

[227] If our recommendations in this report are adopted by the Council, this report (including Appendices A and B) is intended to form part of the Council’s decision-making record. Therefore, in compliance with Schedule 1,\textsuperscript{157} and electing the second option in s32AA(1)(d), we have included in this report a further evaluation of the amendments to the pRPFN that we are recommending.

[228] In the initial s42A reports each of the authors included an evaluation under s32AA of the RMA of the amendments they recommended in response to submissions. Where we have adopted the authors’ recommendations and their reasons, we also adopt their accompanying evaluation under s32AA.

[229] Where we have departed from the s42A report author’s recommendations we have undertaken our own evaluation of the amendments we recommend. In doing so we have, to the extent practicable and applicable, applied the criteria contained in s32. We note that many of the submission points on the pRPFN related to provisions that do not stand alone, but are part of an integrated body of provisions that is intended to be understood, and to be implemented, as a coherent whole. To the extent that they do, we have also evaluated the whole by reference to the s32 criteria.

[230] An assessment of the efficiency and effectiveness of amendments to the pRPFN must involve identifying and assessing the benefits and costs of the anticipated effects of implementing them, including opportunities for economic growth and employment.\textsuperscript{158} If practicable, the assessment should quantify those benefits and costs;\textsuperscript{159} and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject-matter.\textsuperscript{160} We note that, without expert

\textsuperscript{154} RMA, s66(1)(e).
\textsuperscript{155} RMA, s32AA(1)(d) and (2).
\textsuperscript{156} RMA, s32AA(1)(d)(iii).
\textsuperscript{157} RMA, Schedule 1, cl 10(2)(ab).
\textsuperscript{158} RMA, s32(2)(a).
\textsuperscript{159} RMA, s32(2)(b).
\textsuperscript{160} RMA, s32(2)(c).
evidence, it would be generally problematic for us to attempt to quantify benefits and costs of amendments to the pRPFN provisions in money’s worth. Accordingly, we have made assessments that are more broad and conceptual, rather than analytical and calculated.

[231] We have considered and deliberated on the pRPFN; the submissions lodged on it; and the reports, evidence and submissions made and given at our public hearings. In reaching our recommendations we have sought to comply with all applicable provisions of the RMA. We have had particular regard to the further evaluation of the amendments to the pRPFN we are recommending. The relevant matters we have considered, and our reasons for them, are summarised in the main body of this report and in Appendix A. We are satisfied that the amendments we recommend are the most appropriate for achieving the purpose of the RMA and for giving effect to the higher-order instruments, including in particular the NPSFM and the NZCPS.
We therefore recommend the amendments to the Proposed Regional Plan for Northland contained in Appendix B for the reasons set out in the main body of the report and in Appendix A.

Joce Yeoman

Miria Pomare

Robert van Voorthuysen (Chair)
Appendix A
Recommended Decisions on Submissions

See section 4 of the main body of this Recommendation Report for an explanation of Appendix A.

<table>
<thead>
<tr>
<th>Agrichemicals Provision</th>
<th>Summary of main submission points</th>
<th>Reason</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition of ground-based spraying</td>
<td>Horticulture New Zealand seeks amendments to the definition of ground-based spray.</td>
<td>We agree that the requested amendment to the definition would assist understanding of the intended meaning of the term and we recommend accordingly, subject to some minor wording improvements.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.6.5.1(1)(f)</td>
<td>A and R LaBonte are seeking an exemption to public notification where a landowner is spraying the road corridor outside their own property.</td>
<td>In response to this submission we recommend an amendment to Rule C.6.5.1(1)(f)(ii), for the reasons in the original submission and advanced in the submitter’s evidence.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.6.5.1</td>
<td>Forest and Bird seek new conditions 2) x) “The discharge is not undertaken where it can affect a significant ecological area”.</td>
<td>We were not persuaded that the use of agrichemicals within or in close proximity to a SEA should be precluded. However, in response to submissions we recommend new clause 2A where the activity is undertaken within 100 meters of a spray sensitive area.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.6.5.2</td>
<td>Northland Fish and Game Council have requested that the words ‘excluding pest species’ are deleted from 2) h).</td>
<td>For the reasons set out in the body of this Report, we recommend the deletion of rule C.6.5.2(2)(h).</td>
<td>Accept in part.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Air Quality Provision</th>
<th>Summary of main submission points</th>
<th>Reason</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>Definition of ambient air quality</td>
<td>Fonterra, GBC Winstone and Horticulture NZ are seeking a minor change to the definition of ambient air quality.</td>
<td>We agree that the requested amendment to the definition would assist understanding of the intended meaning of the term and we recommend accordingly, however, we do not agree with the s42A author that the word ‘activities’ should be replaced with ‘sources’.</td>
<td>Accept in part.</td>
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# Air Quality

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<thead>
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<tbody>
<tr>
<td>Definition of community controlled organisations</td>
<td>Johnston J is seeking an amendment to the definition of “community controlled organisations”</td>
<td>We recommend the deletion of this term as it is not used in the Plan.</td>
<td>Reject.</td>
</tr>
<tr>
<td>New definition</td>
<td>First Gas is seeking a definition of flaring (combustion method to dispose of gas).</td>
<td>While we recommend that a new rule relating the flaring of gas is inserted in the Plan, we do not consider the term ‘flaring’ requires definition.</td>
<td>Reject.</td>
</tr>
<tr>
<td>New definition</td>
<td>The Egg Producers New Zealand and Tegel Foods Ltd are seeking a definition of poultry hatchery.</td>
<td>We consider that Rule C.7.2.4 should be amended to refer to poultry hatcheries and so we agree that this term should be defined.</td>
<td>Accept.</td>
</tr>
<tr>
<td>New rule</td>
<td>New Zealand Transport Agency and Kiwi Rail are seeking additional rules permitting the discharge of contaminants from rail tunnels.</td>
<td>While we are not persuaded that new rules are required, in response to this submission we recommend that discharges from motor vehicles, aircraft, trains, or vessels are excluded from the requirement rule C.7.2.6(1) to avoid noxious, dangerous, offensive or objectionable odour, smoke emissions.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>New rules and C.7.2.4</td>
<td>Tegel Foods Ltd are seeking several new rules and definitions relating to poultry farming.</td>
<td>In response to this submission, and for the reasons therein and the evidence produced in support of it, we recommend that Rule C.7.2.4 is amended to include a poultry hatchery or poultry feed mill.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.7.1.6</td>
<td>Tegel Food Limited seeks the deletion of condition 4 which relates to chimney height.</td>
<td>We recommend that Rule C.7.1.6(4) is amended to refer more specifically to amended Appendix H.3. See also the section of this Report titled ‘Chimney heights’.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.7.2.4</td>
<td>Balance Agri-Nutrients Limited and Ravensdown Limited are seeking amendments to rule C.7.2.4 to make mixing fertiliser a permitted activity.</td>
<td>In response to evidence provided in support of this submission, we recommend that Rule C.7.2.4(22) is amended to include the ‘mixing’ of fertiliser.</td>
<td>Accept.</td>
</tr>
<tr>
<td>Policy D.3.1</td>
<td>Balance Agri-Nutrients Limited and Refining NZ seek the deletion of clause 8.</td>
<td>The amendments requested would unjustifiably weaken the Plan and reduce its effectiveness in</td>
<td>Reject.</td>
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</table>
### Air Quality

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<tr>
<td>Policy D.3.4</td>
<td>The Minister of Conservation seeks the following addition; “The activity is for significant environmental and biodiversity protection”.</td>
<td>Achieving the purpose of the Act or giving effect to the superior instruments.</td>
<td>Reject.</td>
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</table>

### Allocation and use of Water

<table>
<thead>
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<tr>
<td>New definition</td>
<td>Horticulture New Zealand requested a definition be included for directly or highly connected aquifers.</td>
<td>Recommended new Appendix H.7 addresses these matters.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.5.1.5</td>
<td>The Oil Companies requested a note under Rule C.5.1.5 that the associate discharge of groundwater can be permitted under C.6.9.5.</td>
<td>The request is constructive and will help people use the Plan more efficiently.</td>
<td>Accept.</td>
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</table>

### Coastal – Structures

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<thead>
<tr>
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<tbody>
<tr>
<td>Rule C.1.1.7</td>
<td>Fonterra, GBC Winstone and Refining NZ requested changes to conditions 2 and 3 to allow for minor percentage, non-material increases or minor upgrades.</td>
<td>In response to evidence in support of these submissions, we recommend amending Rule C.1.1.7 by providing an exception in condition (2) for dimension increases resulting from routine maintenance or repair activities.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.1.1.8</td>
<td>Hayes I requested to amend the rule to refer to existing structures (as opposed to authorised) and to remove the requirement for giving 10 working days notice.</td>
<td>The requested amendment is disproportionately onerous. Future structures will also require maintenance and repair.</td>
<td>Reject.</td>
</tr>
<tr>
<td><strong>Contaminated Land</strong></td>
<td><strong>Provision</strong></td>
<td><strong>Summary of main submission points</strong></td>
<td><strong>Reason</strong></td>
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<td>Definition of sensitive groundwater</td>
<td>The Oil Companies are seeking amendments to the definition of sensitive groundwater.</td>
<td>We agree that the third part of the definition should be amended to address the matters raised by this submission.</td>
</tr>
<tr>
<td></td>
<td>Definition of potentially contaminated land</td>
<td>Horticulture New Zealand sought an amendment to the definition.</td>
<td>We agree that the requested amendment to the definition would assist understanding of the intended meaning of the term and we recommend accordingly.</td>
</tr>
<tr>
<td></td>
<td>Definition of registered contaminated site</td>
<td>The Oil Companies seek amendments to the appendix to remove potential confusions around the term registered contaminated site.</td>
<td>In response to other submissions, we recommend the deletion of Appendix H.2.</td>
</tr>
<tr>
<td>Rule C.6.8.1</td>
<td>Balance Agri-Nutrients Limited is seeking that C.6.8.2 is deleted entirely.</td>
<td>In response to the evidence presented, we recommend deleting condition (4) and making consequential amendments to condition (1).</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.6.8.3</td>
<td>Top Energy and Refining NZ sought clarification of the rule or amendments to it.</td>
<td>In response to the evidence presented, we recommend deleting Rule C.6.8.3.</td>
<td>Accept in part.</td>
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<thead>
<tr>
<th><strong>Dredging, Disturbance and Disposal</strong></th>
<th><strong>Provision</strong></th>
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<tbody>
<tr>
<td>Rule C.1.5.6 and C.1.5.8</td>
<td>Kaipara District Council and Whangarei District Council requested the deletion of condition 3) and 5) respectively relating to bird nesting sites.</td>
<td>In response to these submissions, we recommend deleting the conditions, noting that bird nesting sites are covered in C.1.8 Coastal Works - General Conditions.</td>
<td>Accept.</td>
<td></td>
</tr>
<tr>
<td>Rule C.1.5.11</td>
<td>Heritage NZ has requested an additional matter of discretion relating to historic heritage.</td>
<td>In response to the evidence of the submitter, we recommend an additional matter of discretion (7) dealing with historic heritage.</td>
<td>Accept.</td>
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</tbody>
</table>
### Earthworks, Cultivation (Land Preparation), Vegetation Clearance, and Bores

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<tr>
<td>Rule C.8.3.1</td>
<td>Bay of Islands Planning Ltd, Broadspectrum NZ Ltd, Carrington Resort Jade LP and GBC Winstone opposed the requirement in rule C.8.3.1 that erosion and sediment control measures must be implemented in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region 2016.</td>
<td>In response to the submissions and evidence presented in support of them, we recommend that condition 2) is amended to refer to measures &quot;equivalent to those set out in&quot; the Auckland guidelines.</td>
<td>Accept in part</td>
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</table>

### Marine Pests

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<tr>
<td>Definition of “vessel”</td>
<td>Yachting NZ requests the definition of &quot;Vessel&quot; is deleted, and instead adopt a definition of “Ship” Section 2 of the Maritime Transport Act 1994.</td>
<td>In response to this submission, we recommend deleting part of clause (8) which referred; “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” as we agree that it is too uncertain.</td>
<td>Accept in part</td>
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</table>

### Moorings and Anchorages

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<tr>
<td>Rule C.1.2.8</td>
<td>Far North District Council and Kaipara District Council seek an additional matter of discretion relating to the integrated management of any associated land use effects outside the CMA and the effects on community uses.</td>
<td>In response to this submission and the evidence of the KDC, we recommend amending matter of discretion (1) to refer to effects “on land-based facilities associated with a mooring” as we agree those are relevant effects to consider.</td>
<td>Accept in part</td>
</tr>
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</table>
### Significant Natural and Historic Heritage

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<tr>
<td>Policy D.2.7</td>
<td>Bay of Islands Planning Limited sought an amendment to clause 2 to refer to “potential” adverse effects.</td>
<td>We agree that the policy should be amended as sought, so as to be consistent with clause (3).</td>
<td>Accept in part.</td>
</tr>
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</table>

### Tangata Whenua Provisions

<table>
<thead>
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<tr>
<td>Policy D.1.4</td>
<td>Transpower requested that the following words are deleted: “Resource consents will only be granted”. Kaipara District Council and Whangarei District Council sought that the policy be clarified.</td>
<td>In response to these submissions, we recommend that the word “generally” is inserted before the words “only be granted”. This provides discretion to decision-makers to consider exceptions to the policy in appropriate circumstances.</td>
<td>Accept in part.</td>
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### Wetlands, Beds of Lakes and Rivers, Damming and Diverting Water

<table>
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<tbody>
<tr>
<td>Rule C.2.1.1</td>
<td>Federated Farmers requests Condition 4 amendment, to delete ‘no’ and introduce a lesser standard of ‘minimal’ erosion (as a result of planting).</td>
<td>In response to this submission, we recommend that Condition (4) of this rule is amended to refer to “no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream”, as this wording is more capable of practical implementation and is consistent with other provisions.</td>
<td>Accept in part.</td>
</tr>
<tr>
<td>Rule C.2.1.3</td>
<td>Kaipara District Council and Whangarei District Council have requested to remove the contradiction between conditions 6), which enables channels to be widened by up to 20% and 7), which states that modification must be within the bank full edge.</td>
<td>While we adopt the “Discussion” in Appendix A of the S42A report, we have also recommended a minor amendment to Condition (7) to clarify that the restriction applies to the bank full edge of the river bed.</td>
<td>Accept in part.</td>
</tr>
</tbody>
</table>
### Council Meeting

**ITEM: 6.2**

**16 April 2019**

**Attachment 1**

| **Wetlands, Beds of Lakes and Rivers, Damming and Diverting Water** |
|---|---|---|---|
| Rule C.2.1.11 | Northland Fish and Game has requested to amend the rule to refer to maintaining public access. | Notwithstanding our adoption of a recommended similar amendment to rule C.2.1.3, in this case an amendment is not necessary because Rule C.2.1.11 is subject to General Condition (17) which refers to public access. | Reject. |
| C.2.3 New Condition | The Minister of Conservation requested a new condition stating that “the activity does not occur in identified inanga spawning areas or threatened species habitat”. | While we adopt the ‘Discussion” in Appendix A of the S42A report regarding C.2.3, we have recommended that the livestock exclusion rules refer to inanga spawning sites (see the main body of this Report) as we understand stock grazing to be the main threat to those sites. | Accept in part. |
| C.2.3(10) and (11). | Northland Fish and Game request additional controls on erosion and scour. | In response to this submission, and noting the S42A recommendation, we recommend amending Condition (12) to be consistent with Condition (6(b)) as the amended wording is more certain and capable of practical implementation. | Accept in part. |
| C.2.3(21) | The Minister of Conservation requested deletion of 21 b). | We note the S42A recommendation, which we have adopted, is to delete Condition (21) and include an amended Condition (22). | Accept in part. |
| Policy D.4.27 | Northland Fish and Game requested the listing of additional values. | In response to the evidence of this submitter (Wilson paragraph 28) we recommend adding recreation and amenity values to new clause (1)(e). | Accept in part. |

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<thead>
<tr>
<th><strong>Unclear submissions</strong></th>
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<tr>
<td>Alan Agnew</td>
<td>These submissions did not provide precise details of any specific amendments to the pRFN provisions, as is required by RMA Schedule 1, subclause (6(3) and Form 5 prescribed in the Resource Management (Forms, Fees and Procedures) Regulations 2003.</td>
<td>Reject.</td>
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<tr>
<td>Unclear submissions</td>
<td>Reason</td>
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<tr>
<td>Deborah Stone</td>
<td>Some of these submissions were stated in such general terms that it was not evident whether a specific amendment to the pRPFN was being asked for at all, or if it was, what form any such amendment should take.</td>
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</tr>
<tr>
<td>Dr Mere Kepa</td>
<td></td>
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<td>Frances Goulton</td>
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<td>Heeni Hoterene</td>
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<td>Jeff Wagener</td>
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<td>John Sanderson (for spray drift submission point)</td>
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<td>Karyn Nikora-Kerr</td>
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<td>Rueben Taipari</td>
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<td>Rui Valadares</td>
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<td>Shane Clarkson</td>
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<td>Stephen Rush</td>
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<tr>
<td>Zelka Grammar (for non-GMO submission points)</td>
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</tbody>
</table>
Appendix B

Proposed Regional Plan For Northland Incorporating Recommended Amendments
Appendix B

Proposed Regional Plan for Northland

Commissioners’ Recommendations Version
COVER & CONTENTS PAGE TO BE ADDED
Purpose of this Document

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

Guide to recommended changes

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

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

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

He karakia ki ngā atua
Ko Rangi
Ko Papa
Ka puta
Ko Rongo
Ko Tāne Māhuta
Ko Tangaroa
Ko Tūmatauenga
Ko Haumietiketike
Ko Tāwhirimātea
Ko Rūamoko
Tokona te Rangi ki runga
Te Papa ki raro
Ka puta te Ira Tangata
Ki te Whai Ao
Ki te Ao Mārama
E rongo whakairia ake ki runga
Tūturu whakamaua kia tīnāi Tīnāi Haumi e, hui e!
Tāiki e!

A prayer to Māori gods
There is Rangi
There is Papa
Then the birth
Of Rongo
Of Tāne Māhuta
Of Tangaroa
Of Tūmatauenga
Of Haumietiketike
Of Tāwhirimātea
Of Rūamoko
Separate the sky above
And the land below
Humanity is born
Into the physical world
The world of light
Let peace be raised back above
Bind us together
Let it be so.

Whakatauaki

Toitū te marae a Tane mahuta
Toitū te marae a Tangaroa
Toitū te tangata

If the land is well
If the sea is well
The people will thrive
Mihi

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

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

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

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

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

Ko tēnei whakatauki e tautoko ana i te hiahia o tenei mahere "Tiaikina te tiaio, tiakina te iwi e".

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

Tēnā koutou, tēnā koutou, tēnā tautou katoa.

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

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

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

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

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

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

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

Greetings to you, greetings to us all.
A Introduction | Timatanga Kōrero

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abrasive blasting</td>
<td>The cleaning, smoothing, roughening, cutting or removing of part of the surface of any article <strong>using</strong> 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.</td>
</tr>
<tr>
<td>Ablative point</td>
<td>A paint designed to create a hull coating which ablates (wears off) slowly, exposing a fresh layer of paint.</td>
</tr>
<tr>
<td>Adaptive management¹</td>
<td>A means of managing activities whose effects are uncertain and the outcome of methods to avoid, remedy or mitigate those effects is also uncertain; primarily through the setting of consent conditions that enable activities to be managed in response to monitoring of the effects of the activity.</td>
</tr>
<tr>
<td>Addition (in relation to a Historic Heritage Site)²</td>
<td>An extension or increase in floor area, number of stories, or height of a building or structure. It includes the construction of new floors, walls, ceilings, roofs and <strong>seismic upgrading</strong>. It does not include <strong>Historic Heritage Site repair or maintenance</strong>.</td>
</tr>
<tr>
<td>Aerial application</td>
<td>The application of a substance taking place from any aircraft, including remotely controlled aircraft.</td>
</tr>
<tr>
<td>Aids to navigation</td>
<td>All marks and signs in aid of marine navigation, including navigation aids and ski access lane markers. A device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and/or vessel traffic.²</td>
</tr>
<tr>
<td>Agrichemical</td>
<td>Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and or fauna, including agricultural compounds. 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 excluding fertilisers, <strong>vertebrate toxic agents</strong> and oral nutrition compounds.³</td>
</tr>
<tr>
<td>Alteration (in relation to a)</td>
<td>Means any changes to the fabric or characteristics of a structure or building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally.</td>
</tr>
<tr>
<td><strong>Historic Heritage Site</strong>&lt;sup&gt;2&lt;/sup&gt;</td>
<td>and includes any sign attached to the structure or building and seismic upgrading. It does not include Historic Heritage Site repair or maintenance.</td>
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<tr>
<td><strong>Ambient air quality</strong></td>
<td>The general quality of the surrounding air, reflecting the cumulative effect of all existing&lt;sup&gt;4&lt;/sup&gt; activities, both anthropogenic and natural.</td>
</tr>
<tr>
<td><strong>Anchoring</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Anti-fouling</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Archaeological site</strong>&lt;sup&gt;7&lt;/sup&gt;</td>
<td>A place in New Zealand (including a building, structure or shipwreck) that was associated with pre-1900 human activity where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.</td>
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<td></td>
<td>Notes:</td>
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<td></td>
<td>1) Under the RMA definition of Historic Heritage, the term Archaeological Site is not limited to pre-1900 activity and may include evidence of archaeological significance such as sites of later activity of heritage interest (e.g. World War 2 army camps).</td>
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<td>2) Installing signs on or into pre-1900 built heritage sites may require an authority from Heritage New Zealand.</td>
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<td>19th Century buildings and structures above and below ground are archaeological sites and may also require an authority depending upon the nature of the works proposed.</td>
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<tr>
<td><strong>Artificial watercourse</strong></td>
<td>A man-made channel constructed in or over land for carrying water and includes an irrigation canal, roadside drains and water tables,&lt;sup&gt;4&lt;/sup&gt; water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river, or stream or natural wetland.&lt;sup&gt;9&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>Aupouri Aquifer management unit</strong>&lt;sup&gt;10&lt;/sup&gt;</td>
<td>A groundwater quantity management unit.</td>
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<tr>
<td></td>
<td>Note: The management unit is depicted in [Maps](Ngā mahere matawhenua).</td>
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<tr>
<td><strong>Authorised</strong></td>
<td>Expressly allowed by a:</td>
</tr>
</tbody>
</table>
|                                      | 1) national environmental standard or other regulations, or 
<table>
<thead>
<tr>
<th>Bank full edge&lt;sup&gt;12&lt;/sup&gt;</th>
<th>The highest point at which a river can rise without overtopping the bank.</th>
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<tbody>
<tr>
<td>Beach scraping</td>
<td>The transfer of material (generally sand) and other loose material, such as stones and shells, from the lower part of the foreshore (beach), usually by mechanical equipment, to re-distribute the sand to the upper beach/dune system, in order to repair or restore natural dune protection.&lt;sup&gt;12&lt;/sup&gt;</td>
</tr>
<tr>
<td>Biofouling</td>
<td>The accumulation of aquatic organisms such as micro-organisms, plants and animals on surfaces and structures immersed in or exposed to the aquatic environment.</td>
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<tr>
<td>Biogenic habitat&lt;sup&gt;11&lt;/sup&gt;</td>
<td>Habitat on the seabed created by the physical structure of living or dead organisms, or by their interactions with the seabed.</td>
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<tr>
<td>Biosolid</td>
<td>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.</td>
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<tr>
<td>Bore</td>
<td>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.</td>
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<tr>
<td>Catchment plan</td>
<td>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.</td>
</tr>
</tbody>
</table>
| Catchment-specific allocation limit<sup>14</sup> | An allocation limit that has been set for a specific river or aquifer, and can be based on:  
1) the total allocation from the river or aquifer that exceeds a default allocation limit as determined under Policy D.4.16 ‘Allocation limits for rivers’ and Policy D.4.17 ‘Allocation limits for aquifers’, or  
2) waterbody-specific information. |
| Cleanfill material | Natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:  
1) combustible or putrescible components apart from up to 10 percent untreated timber and up to five percent green waste by volume in each load, and |
<table>
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<tr>
<th>Term</th>
<th>Definition</th>
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</table>
| **Coastal aquifer** | A groundwater quantity management unit.  
*Note: The management unit is depicted in ‘I Maps |Ngā mahere matawhenua’.* |
| **Coastal hazard riparian and foredune** | Coastal hazard riparian and foredune management area is:  
1) any land within a horizontal distance of 10 metres landward from the coastal marine area, or  
2) the land between the coastal marine area and the bottom of the landward side of the foredune, where the land adjacent to the coastal marine area is vegetated or unvegetated sand dunes. |
| **Coastal dune restoration** | 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, indigenous plant species. It does not include beach scraping (as defined in the plan) or works involving hard protection structures. |
| **Coastal river** | A river in the coastal river water quantity management unit.  
*Note: The management unit is shown depicted in ‘I Maps |Ngā mahere matawhenua’.* |
<p>| <strong>Compost</strong> | 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, other than as provided for in Rule C.6.3(7). |
| <strong>Composting operation</strong> | Any activity undertaken to produce compost. |</p>
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<tr>
<th><strong>Community Controlled Organisation</strong></th>
<th>includes but is not limited to: not-for-profit corporations, incorporated societies, charitable bodies, organised clubs, sports clubs, religious groups and education providers.</th>
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<tbody>
<tr>
<td><strong>Conspicuous change in colour or visual clarity</strong></td>
<td>Means more than a 40 percent reduction in the colour or visual clarity above background levels in rivers, artificial watercourses and wetlands; except for lakes and coastal waters where it means more than a 20 percent reduction in the colour or visual clarity.</td>
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</tbody>
</table>
| **Constructed wetland** | A wetland developed deliberately by artificial means or constructed on a site where:  
1) a wetland has not occurred naturally previously, and or  
2)—the current wetland vegetation cover cannot be delineated as indigenous, or  
3)—a wetland has been previously constructed legally.  
This does not include induced wetland, reverted wetland 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  
1)—an effluent treatment and disposal system, or  
2)—stormwater management, or  
3)—an artificial water storage facility, detention dam, reservoir for firefighting, domestic and community water supply, or  
4)—other artificial wetland and water bodies including open drainage channels (that are authorised, such as those in drainage schemes) and engineered soil conservation structures.  
Artificial water storage facilities; detention dams; reservoirs for firefighting, irrigation, domestic or community water supply; engineered soil conservation structures including sediment traps; and roadside drainage channels are also not constructed wetlands or natural wetlands.  

Notes:

1) A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and seadas.

2) Examples of wetlands created for conservation purposes include those created as a requirement of a resource consent, land management agreement registered under the Land Transfer Act 1952 (or 2017) or protected private land (under Reserves Act 1977, Queen Elizabeth the Second National Trust Act, or Conservation Act 1987).  

Note:
<table>
<thead>
<tr>
<th><strong>Contaminants of concern</strong>&lt;sup&gt;24&lt;/sup&gt;</th>
<th>Contaminants that may be present in contaminated land, at concentrations that pose a potential human health risk or environmental risk, that have been identified through site investigations.</th>
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</thead>
<tbody>
<tr>
<td><strong>Contractor (in relation to agrichemical application)</strong></td>
<td>Any person or organisation who that, by agreement with the 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 of or an owner, occupier or manager (whether a person or company).&lt;sup&gt;25&lt;/sup&gt;</td>
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<tr>
<td><strong>Core local infrastructure</strong>&lt;sup&gt;26&lt;/sup&gt;</td>
<td>District parks and reserves, network infrastructure and public roads maintained by local authorities.</td>
</tr>
<tr>
<td><strong>Cultivation</strong>&lt;sup&gt;27&lt;/sup&gt;</td>
<td>The disturbance of earth by machinery in preparation for planting or replanting pasture or crops, but does not include: 1) direct drilling and no-till practices, or 2) mechanical land preparation associated with plantation forestry.</td>
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<tr>
<td><strong>Dairy support cattle</strong></td>
<td>Dry cows and dairy replacement cattle.</td>
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<tr>
<td><strong>Dam</strong></td>
<td>A structure intended primarily to retain or control surface water flows to form a reservoir, including a weir, but excluding a stopbank.</td>
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<tr>
<td><strong>Dam crest</strong></td>
<td>The elevation of the uppermost surface of the dam excluding any curbs, parapet walls, railings or other structures that are not part of the water retaining structure.</td>
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<tr>
<td><strong>Dam height</strong></td>
<td>The vertical distance from the dam crest to: 1) in the case of a dam across a river, from the natural bed level&lt;sup&gt;28&lt;/sup&gt; of the river at the lowest downstream outside limit of the dam, or 2) in the case of a dam not across a river, from the lowest elevation at the outside limit of the dam.</td>
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<tr>
<td><strong>Deep lake</strong></td>
<td>A lake with a maximum depth of greater than 10 metres.</td>
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<tr>
<td>Deep soaking system</td>
<td>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.</td>
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<tr>
<td>Default allocation limit[^29]</td>
<td>An allocation limit that applies to multiple rivers or aquifers.</td>
</tr>
<tr>
<td>Deposition of material for beneficial purposes[^10]</td>
<td>The placement of sand, shell, shingle or other natural material (taken from within the coastal marine area in the coastal marine area or on land, where the intended design purpose is associated with one of more of the following beneficial end uses: 1) beach replenishment or renourishment, or 2) environmental or ecological enhancement, or 3) restoration or enhancement of natural coastal defences from coastal hazards. It excludes: 1) deposition of dredged material or solid matter for reclamation purposes, and 2) dumping (deliberate disposal) of waste or other matter, and 3) creation of hard protection structures.</td>
</tr>
<tr>
<td>Dewatering</td>
<td>The removal of groundwater from an excavation that has perforated below the groundwater table, in an aquifer.</td>
</tr>
</tbody>
</table>
| Demolition (in relation to a Historic Heritage Site)[^31] | To damage and demolish a building or structure resulting in complete or significant loss of heritage form and fabric.  
*Note: The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute demolition or partial demolition.* |
| Domestic type wastewater | Wastewater originating from toilets, kitchens, bathrooms, showers, baths, basins, and laundries from residential dwellings, commercial, industrial or other premises. It does not include industrial or trade wastewater from an industrial or trade premises[^32]. |
| Dune lake with outstanding or high ecological value[^33] | The following dune lakes are classified as having outstanding or high ecological values:  
**Aupōuri Peninsula**  
1) Te Werahi Lagoon  
2) Te Paki dune  
3) Te Kahika  
4) Morehurehu |
<table>
<thead>
<tr>
<th>5) Wahakari</th>
</tr>
</thead>
<tbody>
<tr>
<td>6) Waihono</td>
</tr>
<tr>
<td>7) Waiparera</td>
</tr>
<tr>
<td>8) Ngakapua</td>
</tr>
<tr>
<td>9) Ngatu</td>
</tr>
<tr>
<td>10) Rotorua</td>
</tr>
</tbody>
</table>

**Kai Iwi lakes and north Dargaville**

| 11) Waiporohita      |

**Poutō Peninsula**

<table>
<thead>
<tr>
<th>12) Waikare</th>
</tr>
</thead>
<tbody>
<tr>
<td>13) Taharoa</td>
</tr>
<tr>
<td>14) Kai-iwi</td>
</tr>
<tr>
<td>15) Karaka</td>
</tr>
<tr>
<td>16) Humuhumu</td>
</tr>
<tr>
<td>17) Mokeno</td>
</tr>
<tr>
<td>18) Rotokawau</td>
</tr>
<tr>
<td>19) Kanono</td>
</tr>
<tr>
<td>20) Kahuparere</td>
</tr>
</tbody>
</table>


**Dust-sensitive area**

1) Residential buildings and associated garden areas, and  
2) school, hospital buildings and care facilities and grounds, and  
3) amenity areas where people congregate, including parks and reserves, and  
4) community buildings and grounds, including places of worship and marae, and  
5) orchards, sensitive-crops and commercial growing areas, and  
6) water bodies used for the supply of drinking water and for stock drinking, and  
7) apiaries, and  
8) natural wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional...
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earth</td>
<td>Any matter constituting the land, such as soil, clay, sand, or rock.</td>
</tr>
<tr>
<td>Earthworks</td>
<td>The mechanical disturbance of the surface of the land <strong>earth</strong> by excavation, cutting and filling, blading, ripping, contouring, quarrying, or placing or replacing <strong>earth</strong> or <strong>cleanfill material</strong>, but does not include:</td>
</tr>
<tr>
<td></td>
<td>1) earthworks associated with a plantation forestry activity, or 2) the placement of <strong>cleanfill material</strong>, or 3) cultivation <strong>land preparation</strong>, or 4) construction, repair, alteration or maintenance of <strong>bores</strong>, or 5) the maintenance of walking and other recreational tracks and farm tracks, or 6) the placement of roading aggregates during road and track works, or 7) directional drilling, boring or thrusting up to 250mm diameter, or 8) digging post holes, or 9) planting trees.</td>
</tr>
<tr>
<td>Effectively excluded</td>
<td>Effectively barred from access to the beds of lakes and rivers, drains, natural wetlands, and the coastal marine area either through a natural barrier (such as a cliff), a permanent fence including a single polymer wire fence, or new technologies such as a 'virtual' GPS fence. Temporary fencing may be used in flood-prone areas.</td>
</tr>
<tr>
<td>Effluent</td>
<td>Liquid waste or liquid containing waste solids.</td>
</tr>
<tr>
<td>Note: In this plan, the term is used interchangeably with wastewater.</td>
<td></td>
</tr>
<tr>
<td>Ephemeral river or stream</td>
<td>Reaches with a natural bed level above the water table at all times, with water only flowing during and shortly after rain events, and which do not meet the definition of an intermittently flowing river.</td>
</tr>
<tr>
<td>Erosion control plan</td>
<td>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 and meets the requirements of Appendix H.4. For the purposes of preparing Erosion Control Plans, &quot;suitably qualified professional&quot; means a person who: 1) has at least five years' experience in the management of pastoral, horticultural or arable farm systems, and</td>
</tr>
</tbody>
</table>
2) has completed advanced training or has tertiary qualifications in soil conservation, soil science or sediment management, or
3) is a Northland Regional Council Land Management Advisor.  

### Erosion-prone land

Land defined as Land Use Capability (LUC) units 6e17, 6e19, 7e1 - 7e10, 8e1 - 8e3, and 8s1. The LUC units are generally depicted in the New Zealand Land Resource Inventory (NZLRI) and are also shown in ‘Maps Ngā mahere matawhenua’.

### Farm wastewater

All wastewater from a farm dairy, dairy yard, feed pad, standby 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 standby, 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. It does not include horticultural wastewater.

### Farm wastewater storage facilities

Facilities, including include ponds and tanks, for storing or treating farm wastewater, but does not include including sumps, milk vats, feed storage bins, vats or silos, or storage vessels for cleaning products.

### Fertiliser

A substance or biological compound or mix of substances or biological compounds that is suitable for sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of:

1) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients,
2) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients, or
3) fertiliser additives, and
4) includes non-nutrient attributes of the materials used in fertiliser.

It does not include substances that are plant growth regulators that modify the physiological functions of plants.

### Flood defence

Means any structure or equipment, including any bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock or erosion protection structure or groyne, that is designed to have the effect of stopping, diverting, controlling, restricting or otherwise regulating the flow, energy or spread of floodwater, including floodwaters, in or out of a water body or artificial watercourse.

### Flood hazard area

Land that has a one percent chance in any year of being inundated due to high river flows.
<table>
<thead>
<tr>
<th><strong>Council Meeting</strong></th>
<th>16 April 2019</th>
<th><strong>ITEM: 6.2</strong></th>
<th><strong>Attachment 1</strong></th>
</tr>
</thead>
</table>

**Note:** In catchments where the spatial extent of these areas have *has* 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.

**Fully allocated**:<sup>10</sup> Where the total volume of fresh water permitted by a rule in this plan and consented to be taken is equal to a catchment-specific allocation limit or exceeds a default allocation limit for a river by more than 10 percent of the seven-day mean annual low flow or a default allocation limit for an aquifer by more than five percent of the annual average recharge. Catchment-specific allocation limits and default allocation limits are set in Policy D.4.16 ‘Allocation limits for rivers’ and Policy D.4.17 ‘Allocation limits for aquifers’.

**Functional need**
When an activity or network (including structures) is dependent on a particular location to operate, or is required to traverse, locate or operate in a particular environment due to its technical or operational requirements, or 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.

*Note:* This excludes dwellings and guest houses, hotels, motels, cafes, restaurants and shops.<sup>51</sup>

**Geothermal surface feature**<sup>52</sup>
A surface manifestation of geothermal processes or discharges, including geothermal springs, steam-fed features, geothermal mineral deposits and landforms that are remnants of geothermal processes or discharges, such as hydrothermal eruption craters.

**Good management practice**<sup>53</sup>
A set of tools or practical measures promoted by an industry sector or council to help minimise the effects of activities on the environment.

**Greywater**
Domestic type wastewater from a kitchen, bath, shower, laundry, sink, other than toilet or urinal wastes. Also termed ‘sullage’.

**Ground-based spraying**
Spraying taking place at ground level but does not include hand-held spraying. Any method of spray application using ground-based equipment, but excluding hand-held spraying equipment.<sup>54</sup>

**Grounding**
The act of placing a vessel in contact with the land whether deliberately or unintentionally.

**Hand-held spraying**
Any spraying where the part of the spraying equipment that emits the agrochemical is held by the applicator and includes manual or motorised pumping methods. Such an application must be applied directly to the target species.
| **Hard protection structure** | A seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure that has the primary purpose of protecting property an activity from a coastal hazard, including erosion. |
| **High-risk coastal hazard area** | Locations land that has have been assessed (and mapped) as being at a 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% percent chance that coastal erosion will reach the landward extent of the setback line by 2065. For coastal inundation, the high-risk coastal hazard area zone is based on a 2% two percent annual exceedance probability event for the year 2065. Notes: 1) These are This land is commonly referred to as a Coastal Hazard 1 Zones in district plans. 2) The extent of coastal hazard mapping by the Regional Council is limited to the areas covered by LIDAR survey. Mapped areas are available to view on the Regional Council’s public website. |
| **High-risk industrial and or trade premises** | An industrial or trade premise used for any of the following purposes and that stores, uses or generates hazardous substances contaminants in the industrial or trade process at the site which on-site that are exposed to rain or and can be entrained in stormwater, including: 1) boat construction and maintenance, and 2) port activities including dry docks, and 3) commercial cement, concrete or lime manufacturing or storage, and 4) chemical manufacture, formulation or bulk storage, recovery, processing or recycling, but excluding bulk storage of chemicals for on-site use by manufacturing processes not specified in 1) to 9) of this definition, and 5) fertiliser manufacture or bulk storage, and 6) storage of hazardous wastes including waste dumps or dam tailings associated with mining activities, and 7) petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, but excludes service stations, truck stops and refuelling facilities that comply with: Ministry for the Environment. 1998, Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand, and |
| **High-risk flood hazard area** | Land where there is at least a 10 percent chance of river flooding occurring annually. *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.* |
| **High sediment yielding land** | Land in the Doubtless Bay, Waitangi, Mangere and Whangārei Harbour catchments identified as having high sediment yield as shown in '1 Maps | Ngā mahere matawhenua'. The thresholds for high sediment yielding land are: land that has an estimated sediment annual average yield of 250 tonnes / km² / year or more in the Waitangi, Mangere and Whangārei Harbour catchments and 500 tonnes / km² / year or more in the Doubtless Bay catchment. |
| **Highly erodible land** | Land defined as land use capability units V19, V11, V10, V1, V12, V13, and V14. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition, and also shown in Maps. |
| **Historic Heritage Area** | A historic heritage seascape that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in '1 Maps | Ngā mahere matawhenua'. *Note: Historic heritage areas may also be separately listed under the Heritage New Zealand Pouhere Toāanga Act 2014.* |
| **Historic Heritage Site** | A historic heritage site that has been assessed under Policy 4.5.3 of the Regional Policy Statement for Northland and is shown in '1 Maps | Ngā mahere matawhenua'. *Note: Historic heritage sites may also be separately listed under the Heritage New Zealand Pouhere Toāanga Act 2014.* |
| **Horticulture wastewater** | Wastewater from vegetable washing and greenhouses which may include sediment and residues from the activity, but does not include animal effluent or animal products. |
| **Household waste** | 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. |

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<table>
<thead>
<tr>
<th>Hull and niche areas(^{63})</th>
<th>The immersed surfaces of a vessel including areas(^{64}) on a vessel or movable structure more susceptible to biofouling accumulation due to different hydrodynamic forces, susceptibility to anti-fouling coating wear or damage or absence of anti-fouling coatings. They include, but are not limited to, waterline, sea chests, bow thrusters, propeller shafts, inlet gratings, jack-up legs, moon pools, bollards, braces and dry-docking support strips.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious area</td>
<td>An area with a surface that prevents or significantly retards the soakage of water into the ground, and includes: 1) roofs, and 2) paved areas and sealed or compacted parking areas or patios, and 3) sealed or compacted metal roads and driveways, and 4) layers engineered to be impervious, such as compacted clay. Impervious areas do not include: 1) grass and bush areas, and 2) gardens and other vegetated areas, and 3) porous or permeable paving and living roofs, and 4) permeable artificial surfaces, fields or lawns, and 5) slatted decks.</td>
</tr>
<tr>
<td>Incineration device</td>
<td>A device made from non-combustible materials designed to burn waste that: 1) contains all embers and sparks, and 2) has a grate and lid or spark arrestor, and 3) is not used to generate energy.(^{65})</td>
</tr>
<tr>
<td>Indigenous vegetation(^{66})</td>
<td>Vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance.</td>
</tr>
<tr>
<td>Induced wetlands</td>
<td>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. Does not include a constructed wetland.(^{67}) Notes: 1) Induced wetlands are a type of natural wetland.</td>
</tr>
</tbody>
</table>
### Industrial or trade wastewater

Wastewater containing contaminants from an industrial or trade process.

### In-stream

Located in the bed of a continually or intermittently flowing or permanent, river or lake.

### In-water hull cleaning

The cleaning of a vessel hull below the water level when the boat is afloat.

### Intermittently flowing river or stream

A river that is naturally dry at certain times of the year and has two or more of the following characteristics:

1. it has natural pools, and
2. it has a well-defined channel, such that the bed and banks can be distinguished, and
3. it contains surface water more than 48 hours after a rain event which results in river flow, and
4. rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel, and
5. it appears as a blue line on topographical maps at 1:50,000 scale.

### Land drainage

The activity of lowering the water level in the soil to achieve productive land use, and to facilitate the stability of land or structures.

### Land drainage scheme

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.

### Landfill

Class 1, 2, 3 and 4 landfill as defined in Waste Management Institute of New Zealand. 2018. Technical guidelines for the disposal to land of residual waste and other material (WasteMINZ, June 2013).

### Land preparation

The disturbance of earth by machinery for planting, replanting, tending or harvesting pasture or crops. It includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with the activity but does not include direct drilling.

### Large river

A river in the large river water quantity management unit.

*Note: The management unit is shown depicted in 'Maps | Ngā mahere matawhenua'.*
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leachate</strong></td>
<td>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).</td>
</tr>
<tr>
<td><strong>Light fouling</strong></td>
<td>A slime layer, and any extent of barnacles and small patches (up to 100mm in diameter) of visible macrofouling totalling less than five percent of the normally wetted hull and niche areas.</td>
</tr>
<tr>
<td><strong>Livestock (where used in livestock exclusion provisions in this Plan)</strong></td>
<td>Dairy cows, dairy support cattle, beef cattle, pigs, and deer.</td>
</tr>
<tr>
<td><strong>Livestock crossing point</strong></td>
<td>A location where livestock cross a water body or artificial watercourse, a river, drain, or foreshore or seabed as part of normal farming operations. The entry and exit points are not more than 20 five metres wide and are associated with an access track.</td>
</tr>
<tr>
<td><strong>Macrofouling</strong></td>
<td>Biofouling with large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms and fronds of algae.</td>
</tr>
</tbody>
</table>
| **Mahinga kai** | 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.  
*Note: These are important for iwi and hapū identity and mana. Food gathering practices are an important aspect of the way Māori interact with the natural world. Māori use 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.* |
| **Maintenance (in relation to a Historic Heritage Site)** | Means the ongoing protective care of a place. It does not include seismic upgrading. |
| **Maintenance dredging** | Excavating material from the bed of the coastal marine area and removing the excavated material, where the excavation is for the purpose of removing accumulated sediment so that the seabed is returned to previously approved (consented) levels. |
| **Marae-based aquaculture** | Aquaculture with the following attributes:  
1) the purpose of the aquaculture activities is to improve traditional customary kaimoana provision for marae, and  
2) the farmed kaimoana is not for sale, and |
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3) the organisations entitled to hold coastal permits for marae-based aquaculture are:

a) a marae committee of a Māori reservation gazetted for the purposes of a marae, in accordance with Te Ture Whenua Māori Act 1992, or

b) a marae committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Māori Fisheries Act 2004), and

4) the area of occupation is no more than one hectare per marae, and

5) the area of occupation is within the area traditionally harvested by the marae.

1Sale includes:

1) every method of disposition for valuable consideration, including barter, and

2) the disposition to an agent for sale on consignment, and

3) offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale, and

4) disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003), and

5) the use by a person of fish, aquatic life, or seaweed as bait in that person’s commercial fishing operations, and

6) any other use by a person of fish, aquatic life, or seaweed as part of that person’s commercial activities.

(Sourced from the Māori Commercial Aquaculture Claims Settlement Act 2004 definition of “sale”.)

Note:

The organisations entitled to hold coastal permits for marae-based aquaculture are:

1) a marae committee of a Māori reservation gazetted for the purposes of a marae, in accordance with Te Ture Whenua Māori Act 1992, or

2) a marae committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Māori Fisheries Act 2004).

Marine pest

Any identified or suspected aquatic organism listed in the Northland Regional Pest Management Plan, in the Unwanted Organisms Register held by the Ministry for Primary Industries, or any aquatic organism which, if introduced, may adversely affect the environment or
<table>
<thead>
<tr>
<th align="left"><strong>Council Meeting</strong></th>
</tr>
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<tbody>
<tr>
<td align="left"><strong>ITEM: 6.2</strong></td>
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<tr>
<td align="left">16 April 2019</td>
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<tr>
<td align="left"><strong>Attachment 1</strong></td>
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</tbody>
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<tr>
<th align="left"><strong>ID:</strong> A1183321</th>
</tr>
</thead>
</table>

| **Mataaitoi** | As defined in the Fisheries [Kaimoana Customary Fishing] Regulations 1992 Act 1996. |
| **Mātauranga Māori** | In the traditional context means The knowledge, comprehension or understanding of everything visible or invisible that exists across the universe. **Note:** This meaning is related to the In a modern context it can include as Māori research, science and technology principles and practices. (Sourced from: Molbi, C., 1993. Mātauranga Māori—A National Resource. A paper prepared for the Ministry of Research, Science and Technology, 1993, pp1-3.) |
| **Materially damaged** | 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. |
| **Median flow** | The flow in a river that is equal to or exceeded half the time over the period of analysis. |
| **Microfouling / slime layer** | Microscopic organisms including bacteria and diatoms and the slimy substances that they produce. Biofouling comprised of only microfouling is commonly referred to as a slime layer. |
| **Minimum flow** | See ‘H.5 Environmental flows and levels’. Minimum flows set in this plan are in Policy D.4.14 ‘Minimum flows for rivers’ and Policy D.4.15 ‘Minimum levels for lakes and wetlands’. |
| **Minimum level** | See ‘H.6 Environmental flows and levels’. Minimum levels set in this plan are in Policy D.4.15 ‘Minimum levels for lakes and wetlands’. |
| **Mooring** | Any weight, pile or article placed in or on the foreshore or seabed, or bed of any lake, river or stream, to secure a vessel, raft, aircraft, or floating structure. Includes any float, wire, rope, or other device attached or connected to such a weight, pile or article. Excludes: 1) an anchor normally removed with a vessel, raft, aircraft, or floating structure when it leaves a site or anchorage, and |

**Note:** Marine pests are sometimes referred to as invasive aquatic species or harmful aquatic organisms.
2) the non-permanent laying and relaying of buoys. For the purposes of this plan, moorings only include swing moorings, pile moorings and trot moorings.

| Native Indigenous dune vegetation | Indigenous plant species vegetation that grows naturally in a particular dune system. 

*Note: This varies around the region and within different parts of the dune system. On Northland foredunes, the key species are spinifex and pingao. Other species that might be found naturally on Northland’s foredunes include: sand tussock; sand sedge and sand convolvulus; 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: *pohehue; sand coprosma; sand daphne; speckled sedge; *wiwi – knobby club rush; *gjai – jointed wire rush; flax; New Zealand spinach; sand wind grass; toetoe; and *kākākō – cabbage tree. |

| Natural bed level¹⁰ | The lowest vertical point on a river bed at a particular location. |

| Natural wetland | Any wetland including an induced wetland and a reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include: |
| | 1) a constructed wetland, or |
| | 2) wet pasture, damp gully heads, or |
| | 3) areas where water temporarily ponds after rain, or |
| | 4) pasture containing patches of rushes. |
| | *Notes: |
| | 1) The Regional Council’s wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council’s website. |
| | 2) The relationship between the various types of wetlands is shown in: H.8 ‘Wetland definitions relationships’.¹⁰ |

| Noise sensitive activity¹⁰ | Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care facility, care centre, lecture theatre in a tertiary education facility, classroom in an education facility, and a healthcare facility with an overnight stay facility. |
| **Non-consumptive take**<sup>52</sup> | A take where:
1) water is used but not taken from a water body, or
2) water is taken from a water body and the same volume, minus any water lost by evaporation, is returned:
   a) to the same water body in the same sub-catchment as near as practicable to the point of abstraction or upstream of the point where the take occurs, and
   b) at the same time or within a timeframe as near as practicable to when the take is operating. |
| **Obstructions** | Includes trees, plants, *earth*, stone, timber, and material of all kinds. |
| **Odour sensitive area** | 1) Residential buildings and associated garden areas, and
2) schools, hospital buildings and care facilities and grounds, and
3) amenity areas where people congregate including parks and reserves, and
4) community buildings and grounds, including places of worship and marae. |
| **Off-stream** | Not located in:
1) an *intermittently flowing* or permanent river, or
2) lake. |
| **Oil contaminants**<sup>53</sup> | Petroleum-based contaminants which have the potential to contaminate water. |
| **Operational need**<sup>56</sup> | The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints. |
| **Other aquifer** | A groundwater quantity management unit.
*Note: The management unit is depicted in ‘*Maps *Ngā mahere matawhenua*’. |
| **Other property** | 1) Means Any
2) any land or buildings, or part of any land or buildings, that are:
   a) not held under the same allotment, or
   b) not held under the same ownership or management<sup>55</sup>, and
3) includes a road. |
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor burning</td>
<td>Burning that takes place outside of a building or fully enclosed indoor area but includes <strong>including in an incineration device.</strong></td>
</tr>
<tr>
<td>Outfall</td>
<td>The end point of any pipe, conduit, or drain from which a discharge enters a receiving environment.</td>
</tr>
<tr>
<td>Outstanding freshwater body</td>
<td>Has the same meaning as in the National Policy Statement for Freshwater Management. <strong>Note:</strong> Outstanding freshwater bodies in Northland are <em>shown depicted in 1 Maps Ngā mahere matawhenua</em>.</td>
</tr>
<tr>
<td>Outstanding lake</td>
<td>Is a type of <strong>outstanding freshwater body.</strong></td>
</tr>
<tr>
<td>Outstanding river</td>
<td>Is a type of <strong>outstanding freshwater body.</strong></td>
</tr>
<tr>
<td>Overland flow path</td>
<td>The path taken by surface <strong>stormwater crossing a property comprising they</strong> low points in the terrain (outside of streams not including rivers and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.</td>
</tr>
<tr>
<td>Partial demolition in relation to a Historic Site</td>
<td><strong>Demolition of a substantial part of any building or structure. Partial demolition includes facade retention, which normally involves the demolition of the rear or a substantial part of a building or structure and the retention of the front or main facade, and the construction of a new building or structure behind the preserved facade.</strong> <strong>Note:</strong> The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute <strong>demolition or partial demolition.</strong></td>
</tr>
<tr>
<td>Passive discharge</td>
<td>The movement of contaminants from contaminated land that are entrained in soil or groundwater from the location of a discharge to another property through groundwater or surface water movement or the movement of soil gas vapour.</td>
</tr>
<tr>
<td>Pastoral land use</td>
<td>Means effective grazing area and includes all contiguous land areas in herbaceous species including isolated trees. It excludes those land in pastoral cover including isolated trees, but excluding forested areas which achieve 100% percent canopy closure or other woody vegetation which prevents pastoral growth.</td>
</tr>
<tr>
<td>Permanently flowing river or drain</td>
<td>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.</td>
</tr>
<tr>
<td>Pest or Pest organism</td>
<td>These include:</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>2) any organism listed in the Northland Regional Pest Management Plan, and or</td>
</tr>
<tr>
<td></td>
<td>3) any organism listed in the Unwanted Organisms Register held by the Ministry for Primary Industries, and</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

| Plantation forestry | Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. |
| Plantation forestry-activity | Has the same definition as in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. |

<table>
<thead>
<tr>
<th>Potentially contaminated land</th>
<th>Land on which either:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1) an activity or industry described in the current edition of the Hazardous Activities and Industries List, Wellington, Ministry for the Environment (HAIL) is being undertaken, or</td>
</tr>
<tr>
<td></td>
<td>2) an activity or industry described in the HAIL has been undertaken.</td>
</tr>
</tbody>
</table>

The part of a site where an activity or industry described in the Ministry for the Environment’s Hazardous Activities or Industries List has been or is being undertaken but excludes any site where a detailed site investigation has been completed and reported and which demonstrates that any contaminants in or on the site are at, or below, background concentrations. 

<table>
<thead>
<tr>
<th>Poultry hatchery^2</th>
<th>A commercial operation where eggs are incubated and hatched in a controlled environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary production^3</td>
<td>Any agricultural, pastoral, horticultural, forestry or aquaculture activities undertaken for the purpose of commercial gain or exchange, and</td>
</tr>
<tr>
<td></td>
<td>1) includes any land and auxiliary buildings used for the production of the products that result from the listed activities, but</td>
</tr>
</tbody>
</table>

---

2. 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.
| **ITEM: 6.2** |
| Council Meeting |
| 16 April 2019 |
| **Attachment 1** |
| ID: A1183321 |

| **Primary treatment** | The first stage of wastewater treatment involving the removal of a proportion of floatable and settleable solids and oils and grease. |
| **Property** | One or more allotments contained in a single certificate of title, and adjacent land under that is in the same ownership or management but contained in separate certificates of title. |
| **Public amenity area** | Includes any park or reserve and area set aside freely for public use, (including a track, walkway, lookout, play area, picnic area, lawn, carpark, camping area or reserve where the public has unrestricted access), but excludes a road or rail reserve and any nature reserve, scientific reserve, or wildlife management area which require access permits. |
| **Public stormwater network** | 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. |
| **Quarrying** | A place where open surface extraction of rock material from the ground occurs, including the removal and placement of overlying earth, and the stacking, crushing, conveying, storing, depositing and treatment of the excavated material and the removal and placement of unwanted materials. |
| **Reclamation** | 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: |
|   | 1) land that has arisen above the line of mean high water springs as a result of natural processes, including accretion, or |
|   | 2) any infilling where the purpose is to provide beach nourishment, or |
|   | 3) structures such as breakwaters, moles, groynes or sea walls. |
| **Recognised navigational routes** | 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. |
| **Refuse** | Refuse means: |
|   | 1) Anything disposed of or discarded, and |
2) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste), and

3) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

<table>
<thead>
<tr>
<th>Regionally significant infrastructure</th>
<th>Note: See Appendix 3 of the Regional Policy Statement for Northland for a list of identified regionally significant infrastructure. Regionally significant infrastructure extends to the site-related components that enable the asset to function.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered drinking water supply</td>
<td>Has the same meaning as in the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.</td>
</tr>
<tr>
<td>Repair (in relation to a Historic Heritage Site)</td>
<td>Means the restoration to good or sound condition of any existing structure or building (or any part of an existing structure or building) for the purpose of its maintenance. It does not include seismic upgrading.</td>
</tr>
</tbody>
</table>
| Reservoir capacity | The maximum volume of water that can be held by a dam using the dam crest level as the maximum height of the dam.  
**Note:** For advice on reservoir capacity calculations, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZSOLD. |
| Reverted wetlands | Where a wetland that has reverted back to its natural state reverts over time (for example, stock exclusion allows a wetland to revert to a previous wetland state). In this instance, the wetland has not been purposefully constructed by mechanical change to hydrological conditions. Does not include a constructed wetland.  
**Notes:**  
1) A reverted wetland has not been purposefully constructed by mechanical change to hydrological conditions. Reverted wetlands are a type of natural wetland.  
2) The relationship between the various types of wetlands is shown in: H.8 “Wetland definitions relationships.” |
<p>| Root stock survival water | Water provided for the survival of root stock, including permanent horticulural crops (e.g. kiwifruit, avocado, stonefruit, p/pfruit) and hydroponic glasshouse crops, but excluding annual crops. |
| Secondary containment system | A system that is specifically designed and capable of containing deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site and preventing those contaminants from being entrained in stormwater discharges. |</p>
<table>
<thead>
<tr>
<th><strong>Secondary treatment</strong></th>
<th>The further treatment of primary treated wastewater involving anaerobic or aerobic biological or chemical or physical treatment to remove the bulk of organic contaminants.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sediment quality standard</strong>&lt;sup&gt;104&lt;/sup&gt;</td>
<td>See Policy D.4.4 ‘Coastal sediment quality standard’.</td>
</tr>
<tr>
<td><strong>Seismic upgrading</strong>&lt;sup&gt;105&lt;/sup&gt;</td>
<td>Means structural works required to meet relevant earthquake prone buildings legislation and related Council policy.</td>
</tr>
</tbody>
</table>
| **Sensitive groundwater**<sup>106</sup> | **Sensitive groundwater** is groundwater in which is:  
1) not artesian, and  
2) less than 10 metres below the source or suspected source of contamination (or greater depth below ground surface where the geology suggests contamination may readily migrate to greater depth), for example, clean sands or gravels, fractured basalts; and  
3) currently used or is of a quality appropriate for use and can yield water at a useful rate; or  
4) where the source of contamination is less than 100 metres from a sensitive surface water body (that is, a surface water body where limited dilution is available to mitigate the impact of contaminated groundwater discharging into the surface water body). |
| **Seven-day mean annual low flow (MALF)**<sup>107</sup> | The mean of the lowest average flow for any consecutive seven-day period for each year of record. |
| **Sewage holding tank** | A permanently fixed on-board sewage system which is:  
1) constructed in impermeable materials, and  
2) plumbed to a toilet, and  
3) incorporates a sewage tank with a discharge outlet. |
| **Shallow lake** | A lake with a maximum depth of equal to or less than 10 metres. |
| **Significant wetland** | A natural wetland that triggers the significance criteria in the Regional Policy Statement, Appendix 5—“Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments”. This includes natural wetlands comprising indigenous vegetation exceeding any of the following area thresholds: |

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<sup>104</sup> As measured up gradient or based on water quality before groundwater is impacted by hazardous substances  
<sup>105</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.
1) saltmarsh greater than 0.5 hectare in area, or
2) **lake margins and river beds** **with shallow water** (lake margins and rivers) less than two metres deep and greater than 0.5 hectare in area, or
3) swamp greater than 0.4 hectare in area, or
4) bog greater than 0.2 hectare in area, or
5) **pākūhi wet heathland**¹⁰⁹ (including gumland and ironstone heathland) greater than 0.2 hectare in area, or
6) marsh, fen, ephemeral wetlands or seepage flush greater than 0.05 hectares in area.

Notes:


2) 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 this Plan, regional plan.

3) The relationship between the various types of wetlands is shown in: H.8. Wetland definitions relationships.¹⁰⁹

| Slime layer | See microfouling. |
| Small river | A river in the small river water quantity management unit. *Note: The management unit is shown-depicted in 'Maps Ī Ngā mahere matawhenua'.* |
| Smoke-sensitive area | 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and 4) community buildings and grounds, including places of worship and marae. |
| Spray-sensitive area | 1) Residential buildings and associated garden areas, and 2) schools, hospital buildings and care facilities and grounds, and 3) amenity areas where people congregate including parks and reserves, and |
| **Suitably qualified and experienced practitioner (SQEP) (in rules relating to contaminated land)**<sup>12</sup> | A senior or principal scientist or engineer, with a relevant tertiary qualification and at least 10 years of contaminated land experience or holding a current Site Contamination Specialist certification under the Certified Environmental Practitioner Scheme. |
|**Stabilised earth (in rules for earthworks)** | Soil or earth that is protected or reinforced by measures such as vegetative or structural practices so that it is resistant to erosion, or that is naturally stable, for example, rock faces. |
| **Stormwater**<sup>11</sup> | Runoff that has been intercepted, channeled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure as a result of precipitation and includes any entrained contaminants. |
| **Stormwater collection system** | Any system designed to capture rainfall and to reticulate it within or beyond a site. This includes both open and channelled-drainage systems. This includes stormwater pipes, open channels, devices and associated ancillary structures used for conveying, diverting, storing, treating, or discharging stormwater. It does not include land drainage (as defined in this Plan).<sup>114</sup> |
| **Stormwater interceptor**<sup>15</sup> | A system that is specifically designed and capable of:

1) containing deliberate or accidental releases (spills) of hazardous substances or other contaminants used on the site from stormwater discharges, and
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. |
<table>
<thead>
<tr>
<th><strong>Stormwater treatment system</strong>&lt;sup&gt;116&lt;/sup&gt;</th>
<th>A system that is specifically designed to reduce concentrations of contaminants in <em>stormwater</em>, prior to its discharge.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structure (in rules relating to for activities in the coastal marine area)</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Supplementary allocation</strong>&lt;sup&gt;117&lt;/sup&gt;</td>
<td>Fresh water available for taking and use at times when the river is above the median flow. This water is not part of an catchment-specific allocation limit or default allocation limit set in this plan.</td>
</tr>
<tr>
<td><strong>Surface water</strong></td>
<td>All water, flowing or not, above the ground. It includes water in a continually permanently or intermittently flowing river, an artificial watercourse, an overland flow path, and a lake and or wetland; water impounded by a structure such as a dam; and water that inundates land during flood events. It does not include water in any form while in a pipe, tank or cistern.</td>
</tr>
<tr>
<td><strong>Swing mooring</strong></td>
<td>A <em>mooring</em> that allows the secured <em>vessel</em> to swing 360 degrees around the <em>mooring</em> under the influence of wind and tide.</td>
</tr>
<tr>
<td><strong>Tāiapure</strong></td>
<td>As defined in the Fisheries Act 1996.</td>
</tr>
<tr>
<td><strong>Taonga</strong></td>
<td>Treasure or; property that, <em>taenga</em> are prized and protected as sacred possessions of <em>tihi, hapū</em> or <em>whanau</em> a tribe.</td>
</tr>
<tr>
<td><strong>Temporary military training</strong>&lt;sup&gt;118&lt;/sup&gt;</td>
<td>A temporary training activity undertaken for defence purposes.</td>
</tr>
<tr>
<td><strong>Tertiary treatment treated wastewater</strong></td>
<td>Further treatment of secondary treated <em>wastewater</em> to further remove contaminants such as nutrients, organic matter, and microorganisms.</td>
</tr>
<tr>
<td><strong>Tikanga Māori</strong></td>
<td>Defined in the RMA as “Māori customary values and practices”.</td>
</tr>
</tbody>
</table>

<sup>116</sup> Council Meeting, 16 April 2019

<sup>117</sup> Attachment 1

<sup>118</sup> Department of Conservation.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Tikanga</em></td>
<td>A framework for rules that govern harvesting, the care and respect for customary resources and the environment.</td>
</tr>
<tr>
<td>Urban area</td>
<td>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.</td>
</tr>
</tbody>
</table>
| Vegetation clearance | The cutting, burning, crushing, removal or destruction of native woody vegetation or native dune vegetation, but does not include clearing:  
1. plantation forestry, or  
2. vegetation that is part of an understory of a plantation forest or immediately adjacent to a plantation forest, or  
3. hedges and amenity plants, or  
4. vegetation along fences and around dams and ponds, or  
5. vegetation around public network utilities networks, or  
6. vegetation that impedes or is likely to impede flood flows, or  
7. vegetation alongside for the maintenance of roads and tracks, or  
8. vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993. |
| Vertebrate toxic agent | Any substance, whether inorganic, human-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including possums; rats and mustelids. Includes vertebrate pest control products as identified (but not defined) in NZS 8409:2004 Management of Agrichemicals. Trade name products used to kill, control, or limit the viability of vertebrate pests such as rabbits and possums. Includes products that have a negative effect on reproduction, but it does not include attractant or repellent substances that are not toxic. |
| Vessel | Every description of boat or craft, regardless of whether or not it has any means of propulsion, and includes but is not limited to:  
1. a barge, lighter, raft, or other like vessel, and  
2. personal watercraft (jet ski) or paddle craft, and  
3. a sea plane, or hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of or against the surface of the water over which it operates, and |
| **Vessel hull anti-fouling maintenance** | The cleaning, scraping, sanding, blasting, painting or anti-fouling of a vessel hull on the foreshore when the vessel is not afloat. |
| **Wāhi tapu** | A sacred site.  
*Note: These are defined locally by the hapū and iwi which are kaitiaki for the wāhi tapu. Typically includes burial grounds and sites of historical importance to the tribe. In order to protect particular sites from interference and desecration, some tribes will refuse to disclose the exact location to outsiders.* |
| **Wastewater** | Liquid waste (and liquids containing waste solids), and includes (but is not limited to) industrial and trade wastewater, farm wastewater, domestic type wastewater, and greywater. |
| **Wastewater network** | A system of pipes and associated structures (including pump stations) to convey, divert, store, treat, or discharge wastewater, but does not include a wastewater treatment plant. |
| **Waste Transfer Station** | Collection and temporary storage point for refuse municipal solid waste prior to disposal at a landfill. |
| **Wet abrasive blasting** | Involve(s) The use of an abrasive such as sand, or bicarbonate of soda, which is forced out of a blasting nozzle at high pressure and where water is injected into the air stream forming what is effectively a slurry of the abrasive. |
| **Wetland** | 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.  
*Notes:*  
1) See also: **Constructed wetland, induced wetland, Natural wetland, Reverted wetland, and Significant wetland.**  
2) **Pakihi Wet heathlands** (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.  
3) The relationship between the various types of wetlands is shown in:  
H.8 ‘Wetland definitions relationships’.

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ID: A1183321
<table>
<thead>
<tr>
<th>Wetland enhancement</th>
<th>Action likely to increase the area or function of a natural wetland where there is either:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1) a net gain of ecological values, or</td>
</tr>
<tr>
<td></td>
<td>2) no net loss in ecological values and benefits to either water quality or hydrological flows.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone of reasonable mixing&lt;sup&gt;12R&lt;/sup&gt;</th>
<th>For the purpose of a discharge of a contaminant permitted by a rule in this Plan:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1) in relation to flowing surface water bodies, a distance downstream of the point of discharge that is the lesser of:</td>
</tr>
<tr>
<td></td>
<td>a) 200 metres if the bed width of the surface water body is greater than 30 metres at the point of discharge, or</td>
</tr>
<tr>
<td></td>
<td>b) a distance equal to seven times the bed width of the surface water body, but which must not be less than 50 metres from the point of discharge, or</td>
</tr>
<tr>
<td></td>
<td>2) in relation to a lake, wetland or coastal water, a distance 20 metres from the point of discharge.</td>
</tr>
</tbody>
</table>

For the purpose of a discharge of a tracer permitted by rule C.6.9.2 'Discharge of tracers – permitted activity', the zone of reasonable mixing is the extent of the waters for which the tracer is used to define.

For the purpose of activities that require resource consent, the zone of reasonable mixing will be determined consistent with 1) or 2) above unless the nature or scale of the discharge requires that a case-by-case basis determination is more appropriate, in which case the extent of departure from the zone defined under 1) or 2) above will be determined in accordance with policy D.4.8 'Zone of reasonable mixing'.
C Rules | Ngā ture

Legal effect of rules

Under Section 868 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 (a permitted activity) or whether it requires a resource consent. The rules may also make some activities prohibited, which means a resource consent application cannot be made for that activity applied for (that is, the activity cannot be done). An activity needs to comply with all relevant rules in the Regional Plan, unless the rule states otherwise.

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

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

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

To make it easier to apply for resource consents and to reduce the number of separate resource consents required to undertake any particular activity, this Plan has 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 bundling rule. However, an application under a bundled rule would still result in separate consents being granted for each Section 9 and Sections 12 to 15 (RMA) permission required. For example, a land use consent (Section 9) for earthworks and a discharge permit (Section 15) for associated discharges.

The rules are drafted as follows:

- All rules include a section “For the avoidance of doubt this rule covers the following RMA activities”. It lists all the activities and the relevant sections of Part 3 of the RMA covered by the rule.

- The title of the rule is a summary of the primary activity covered by the rule.

- The introductory text (or chapeau) of each rule refers to the primary activity and any associated activities. Associated activities are ongoing and arise as a result of the primary activity. For example, the discharge of wastewater to land is the primary activity and discharge of odour is the associated activity.

- Incidental activities are not referred to in the introductory text (or chapeau) of each rule. Incidental activities are minor unavoidable temporary activities that may occur as a result of the primary activity (for example, the disturbance of the seabed as a result of building a jetty).
• All activities (primary, associated and incidental) are listed in each section “For the avoidance of doubt this rule covers the following RMA activities”. If an activity is not listed then the rule does not cover that activity (whether a primary, associated or incidental activity).

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

Controlled and restricted discretionary activities

All controlled and restricted discretionary activities in this Plan are subject to the following matters of control (for controlled activities) and discretion (for restricted discretionary activities):
• the duration of the resource consent, and
• the circumstances when the resource consent conditions are reviewed, and
• the requirement for the holder of a resource consent to supply to the consent authority information relating to the exercise of the resource consent.

Definitions

Words defined in \[8 \text{Definitions} \mid \text{Whakamāramatanga}\] are written in blue font and look like this - example.

**National Environmental Standards**

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

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

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

<table>
<thead>
<tr>
<th>National Environmental Standard</th>
<th>Details on which rules are more lenient or stringent than the NES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource Management (National Environmental Standards for Air Quality Regulations 2004 (NES-AQ))</td>
<td>A rule in this Plan prevails over a standard in the NES-AQ if it is more stringent than a standard.</td>
</tr>
<tr>
<td>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ETA)</td>
<td>No rules in this Plan prevail over a standard in the NES-ETA.</td>
</tr>
<tr>
<td>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF)</td>
<td>A rule in this Plan prevails over a standard in the NES-PF if it is more stringent than a standard in limited circumstances. In this Plan the rules that are more stringent are:</td>
</tr>
<tr>
<td>Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-SHDW)</td>
<td>A rule in this Plan prevails over a standard in the NES-SHDW if it is more stringent than a standard.</td>
</tr>
<tr>
<td>Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF)</td>
<td>A rule in this Plan prevails over a standard in the NES-TF if it is more stringent than a standard in limited circumstances. In this Plan the rules that are more stringent are:</td>
</tr>
<tr>
<td></td>
<td>• Rules regulating specific telecommunication facilities in, on or over rivers and lakes (Rules: C.2.1.4, C.2.1.9, C.2.1.10, C.2.1.12, C.2.1.13, C.2.1.15, C.2.2.2, C.2.2.4 and C.2.2.5), and</td>
</tr>
<tr>
<td></td>
<td>• Rules regulating earthworks associated with specific telecommunication facilities (Rules: C.8.3.1, C.8.3.2 and C.8.3.3).</td>
</tr>
</tbody>
</table>
## C.1 Coastal activities

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

### C.1.1 General structures

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.1.1.1</td>
<td>Existing structures – permitted activity</td>
</tr>
<tr>
<td>C.1.1.2</td>
<td>Minor structures in a Commercial Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity</td>
</tr>
<tr>
<td>C.1.1.3</td>
<td>Temporary coastal structure – permitted activity</td>
</tr>
<tr>
<td>C.1.1.4</td>
<td>Aids to navigation – permitted activity</td>
</tr>
<tr>
<td>C.1.1.5</td>
<td>Signs – permitted activity</td>
</tr>
<tr>
<td>C.1.1.6</td>
<td>Monitoring and sampling equipment – permitted activity</td>
</tr>
<tr>
<td>C.1.1.7</td>
<td>Reconstruction, replacement, maintenance or repair of a structure – permitted activity</td>
</tr>
<tr>
<td>C.1.1.8</td>
<td>Maintenance, repair or removal of hard protection structures – permitted activity</td>
</tr>
<tr>
<td>C.1.1.9</td>
<td>Additions and or alterations to structures – permitted activity</td>
</tr>
<tr>
<td>C.1.1.10</td>
<td>Removal or demolition removal of structures - permitted activity</td>
</tr>
<tr>
<td>C.1.1.10A</td>
<td>Additions or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone - controlled activity</td>
</tr>
<tr>
<td>C.1.1.11</td>
<td>Structures for scientific, research, monitoring or education purposes – controlled activity</td>
</tr>
<tr>
<td>C.1.1.12</td>
<td>Structures in the Whangārei City Centre Marine Zone –controlled activity</td>
</tr>
<tr>
<td>C.1.1.13</td>
<td>Existing authorised structures in a Commercial Coastal Commercial Zone, Marsden Point Port Zone or Marina Zone – controlled activity</td>
</tr>
<tr>
<td>C.1.1.13A</td>
<td>Works to a Historic Heritage Site within the scope of a historic heritage management plan – restricted discretionary activity</td>
</tr>
<tr>
<td>C.1.1.13B</td>
<td>Structures in the Marsden Point Port Zone - restricted discretionary activity</td>
</tr>
<tr>
<td>C.1.1.13C</td>
<td>Existing hard protection structures - discretionary activity</td>
</tr>
<tr>
<td>C.1.1.14</td>
<td>Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity</td>
</tr>
</tbody>
</table>
### C.1.1.14A Laying cables - discretionary activity

### C.1.1.15 Existing structures (other) – discretionary activity

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

### C.1.1.17 Hard protection structures – discretionary activity

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

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C.1.1 General Structures

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

C.1.1.1 Existing structures – permitted activity

The occupation of the common marine and coastal area by the following structures in the coastal marine area that:

1) existed at 30 June 2004, or
2) were previously authorised, or
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 electricity line and telecommunications line structures, including any support structures power cables, and
8) suspended and submarine pipelines, and
9) jetties up to 10 square metres in area, and
10) hard protection structures in the coastal marine areas within enclosed waters (Maps Ngā mahēre matawhenua), and
11) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and
12) dinghy skids used solely for private boat launching and retrieval, and
13) steps, and
14) wharves, and jetties, boat ramps, concrete spillways and mooring dolphins in the Coastal Commercial Zone and Marsden Point Port Zone, and
15) non-habitable buildings and structures on and attached to wharves and jetties in the Coastal Commercial Zone and Marsden Point Port Zone provided:
16) the structure complies with all relevant conditions of C.1.8 Coastal works general conditions, and
17) the structure is not within a Marina Zone, and
18) the structure owner can provide, if requested by the Regional Council:
   a) clear written or photographic evidence the structure existed at 30 June 2004, or
b) a copy of the necessary authorisation(s) approval(s) for the authorisation of the structure.

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

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

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

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

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

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

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

C.1.1.3 Temporary coastal structure – permitted activity

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

1) the temporary coastal structure is not for aquaculture activity activities, and
2) the Regional Council’s compliance manager and the Regional Council’s harbourmaster are given at least 10 working days’ notice (in writing or by email) of the start date of construction or placement of the structure, and
3) other than for activities involving the repair or maintenance of regionally significant infrastructure, the temporary coastal structure does not exceed an area of 10 square metres (excluding any anchor(s) and anchor line(s) and any structure being used for construction, repair or maintenance purposes), and

4) the temporary coastal structure does not exceed a two metre vertical projection above mean high water springs the surface of the water or the foreshore (excluding any structure being used for construction or maintenance purposes), and

5) the temporary coastal structure does not include advertising or marketing signage, and

6) other than for temporary scaffolding, weather protection wrap or fencing associated with the repair or maintenance of regionally significant infrastructure, the temporary coastal structure is not in the coastal marine area for a period exceeding a total of 30 days or part days during a 12 month period, inclusive of the placement and removal, and

7) the temporary coastal structure is removed within seven days of the completion of the event or use, and

8) the temporary coastal structure does not prevent existing public access to and along the foreshore, and

9) the temporary coastal structure is not in a mapped Site or Area of Significance to Tangata Whenua (refer Maps | Ngā mahere matawhenua), and

10) it complies with all relevant conditions of C.1.8 Coastal works general conditions are complied with.

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

- Erection, or placement, alteration or extension of structures a structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b)).

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

- Damage, destruction or disturbance of the foreshore or seabed (s12(4)(e), (e) and (g)).

C.1.1.4 Aids to navigation – permitted activity

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

1) is owned and operated by:
   a) the Regional Council or its agents, or
   b) Northport, or
   c) Refining NZ, or
   d) Maritime New Zealand or its agents, and

2) is not in a mapped Site or Area of Significance to Tangata Whenua (refer Maps | Ngā mahere matawhenua), and
3) the Regional Council’s harbourmaster is given at least 10 working days’ notice (in writing or by email) of the start date of construction or placement of the structure, and

4) complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

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

C.1.1.5 Signs – permitted activity

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

1) by a statutory authority central or local government agency (or their agent) directly relating to information or safety matters concerning the coastal marine area, or

2) to fulfil a regulatory or legislative requirement, or

3) by the operator of a port facility displaying information and safety material relating to the safe and efficient operation of the port facility in the Coastal Commercial Zone, Marsden Point Port Zone or a Marina in the Marina Zone, displaying information and safety material relating to the safe and efficient operation of the facility, 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, are is a permitted activities activity, provided:

5) it complies the activities comply with all relevant conditions of C.1.8 Coastal works general conditions, and

6) if the sign is on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure, then:

   a) the total area of signs per enterprise or activity must not exceed 1.25 square metres, and

   b) except for road signage installed by a road controlling authority, the sign (or any part of the sign) must not be reflective, flashing or neon, and

   c) the bottom of the sign must not be more than four metres above deck level, and

   d) the bottom of the sign must be at least 2.4 metres above walkways, and

   e) the total combined area of all signs (under this rule) on the structure must not exceed five square metres.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
C.1.1.6 Monitoring and sampling equipment – permitted activity

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

1) it is not for an aquaculture activity activities, and

1A) it is not located in a mapped (refer Maps Ngā mahere matawhenua Regionally Significant
Anchorages) anchorage, and

2) the monitoring or sampling equipment does not exceed a two metre vertical projection
above mean high water springs the surface of the water or the foreshore, and

3) the monitoring or sampling equipment does not exceed (excluding any anchor(s) and
anchor line(s)):
   a) three square metres, or
   b) 10 square metres and is not in place for a period exceeding a total of 365 days or part
days during a two year period, inclusive of the placement and removal, and

4) the monitoring or sampling equipment does not obstruct access by over water to, or the
use of, any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and

5) the monitoring or sampling equipment does not prevent public access to and along the
foreshore, and

6) any surface buoys are clearly labelled with the owner’s name and a 24-hour free phone
contact number, 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 all relevant conditions of Coastal works general conditions, and are
complied with, and

9) the Regional Council’s compliance manager and the Regional Council’s harbormaster are
given at least 10 working days’ notice (in writing or by email) of each deployment of the
monitoring or sampling equipment and the notice must includes:
   a) location details of proposed deployment(s), and
   b) proposed date(s) and approximate time(s) of deployment, scheduled maintenance and
retrieval, and
   c) an image and description of the type of equipment to be deployed and its purpose,
d) details of who is responsible for the deployment.

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

- Erection, or placement, alteration or extension of structures monitoring or sampling equipment in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b)).

- Occupation of space in the common marine and coastal area with monitoring or sampling equipment (s12(2)(e)).

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

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

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

1) the structure is authorised, and

2) there is no increase in the authorised structure’s footprint, length, width and height other than that resulting from routine maintenance or repair activities, and

3) there is no change to the authorised location and form of the structure, and

4) it is not a reconstruction of a Historic Heritage Site (refer Maps | Ngā mahere matawhenua), and

5) in the case of maintenance and repair of a Historic Heritage Site (refer Maps | Ngā mahere matawhenua), work must be within scope of what is defined in this Plan as Historic Heritage Site Repair and Historic Heritage Site Maintenance and must not result in any of the following: the materials used for maintenance and repair of the structure must match the existing structure in form and appearance, and

a) changes to the existing surface treatment of fabric, painting of any previously unpainted surface, or the rendering of any previously unrendered surface, or

b) the use of abrasive or high-pressure cleaning methods, such as sand or water blasting, or

c) the affixing of scaffolding to the building or structure, or

d) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure, or

e) the use of materials in the fabric other than those that are the same as the original or their closest equivalent, or

f) disturbance of the foreshore or seabed where there is a registered archaeological site and no archaeological authority has been granted, and

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* Fabric refers to doors, windows, and exterior walls and surfaces of a building or structure.
* Rendering generally refers to the application of plastering material.
6) the reconstruction, replacement, maintenance or repair complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

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

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

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

1) the Regional Council's compliance manager is given at least 10 working days' prior notice (in writing or by email) of the start date of activities involving either the use of vehicles on the foreshore or seabed, or the removal of hard protection structures, work starting and

2) where the activity is within the coastal marine area, the maintenance or repair or removal complies with all relevant conditions of C.1.8 'Coastal works general conditions', and

3) the maintenance or repair is contained within the form of the existing authorised structure and there is no increase in length, width, or height of the structure, other than to provide for the settlement of earthen stopbanks, and

4) the hard protection structure is authorised (unless the hard protection structure is being removed).

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

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

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

An addition to, or alteration of, the following structures in the coastal marine area and the occupation of the common marine and coastal area by the addition or alteration, are is a permitted activities activity:
1) aerial and submarine telecommunications cables or aerial or electricity transmission lines provided, and\(^1\)\(^5\)
   a) the additions or alterations will not require additional support structures as a result of any increase in the design voltage, and\(^1\)\(^6\)
   b) the new or altered cables or aerial lines will not be lower in height above the foreshore or seabed, and
2) insulators, circuits, earth wires, earth peaks and lightning rods, and
3) bridge footpaths, bridge side rails, bridge road seals, bridge road signs, bridge road lighting, and cables or pipes attached to bridges, provided:
4) the structure to be altered or added to is authorised, and
5) the addition or alteration complies with all relevant conditions of C.1.8 Coastal works general conditions, and
6) the addition or alteration does not cause an increase in flood levels for a 1% one percent annual exceedance probability flood event.

Note: clause 1 of Rule C.1.1.9 relating to an increase in the design voltage does not apply to an existing (as at 14 January 2010) National Grid line as that activity is covered by Regulation 10 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).\(^1\)\(^7\)

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

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

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

The removal or demolition of a structure (excluding a hard protection structure) in the coastal marine area is a permitted activity, provided:\(^1\)\(^8\)

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

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

- Removal or demolition of structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
C.1.1.10A Additions or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone – controlled activity

The addition to or alteration of a structure in the Coastal Commercial Zone or Marsden Point Port Zone, the use of the addition or altered part of the structure, and any occupation of the common marine and coastal area by the addition or alteration, that is not a permitted activity under rule C.1.1.9 Additions and or alterations to structures – permitted activity, are controlled activities provided:

1) the structure to be altered or added to is authorised, and

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

Matters of control:

1) Effects on coastal processes, including effects on shoreline stability in the vicinity.

2) Effects on public access to and along the coastal marine area.

3) Effects on aquatic ecosystem health.

4) Effects on public open space and visual amenity.

5) Height of the addition or alteration to the structure.

6) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.

7) Use of the addition or alteration to the structure.

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

- Addition to or alteration of a structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).

- Occupation of the common marine and coastal area with the addition or alteration to a structure (s12(2)).

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

C.1.1.11 Structures for scientific, research, monitoring or education purposes – controlled activity

The use, erection, placement, alteration or extension of a structure for scientific, research, monitoring or education purposes in the coastal marine area and any occupation of the common marine and coastal area by the structure that is not a permitted activity under C.1.1.6 Monitoring and sampling equipment – permitted activity, is a controlled activities activity, provided it:

1) the structure does not exceed an area of 10 square metres (excluding any anchors and anchor lines), and
2) The structure is not in a mapped Site or Area of Significance to Tangata Whenua (refer Maps Ngā mahere matawhenua) and
3) complies with C.1.8 'Coastal works general conditions'.

Matters of control:

1) Effects on public access to and along the coastal marine area.
2) Effects on natural coastal processes, including effects on shoreline stability in the vicinity.
3) Height of the structure above mean high water springs or the foreshore.
4) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer Maps Ngā mahere matawhenua) places outstanding or significant:
   a) Nationally Significant Surfbreaks.
   b) Regionally Significant Surfbreaks.
   c) Outstanding Natural Features.
   d) Areas of Outstanding Natural Character.
   e) Significant Ecological Areas.
   f) Historic Heritage areas.
   g) Regionally Significant Anchorages.

4A) Effects on the characteristics, qualities and values that contribute to a mapped (refer Maps Ngā mahere matawhenua) Historic Area or Site.

5) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.

Notification:

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

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

- Erection, or placement, alteration or extension of structures a structure for scientific, research, monitoring or education purposes in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b)).
- Occupation of space in the common marine and coastal area with a structure for scientific, research, monitoring or education purposes (s12(2)(a)).
- Use of a structure in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(4)(c), (e) and (g)).

C.1.1.12 Structures in the Whangārei City Centre Marine Zone — controlled activity
The use, erection, placement, alteration or extension of a jetty, boat ramp, pontoon, walkway, board walk or viewing platform in the Whangārei City Centre Marine Zone and any occupation of the common marine and coastal area by the structure that is not a:

1) permitted activity under rule C.1.1.1 Existing structures – permitted activity, or
2) permitted activity under rule C.1.2 Minor structures in a Commercial Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity

is a controlled activities activity, provided:

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

Matters of control:

1) Effects on natural coastal processes including effects on shoreline stability in the vicinity.
2) Effects on public access to and along the coastal marine area.
3) Effects on public open space and visual amenity.
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: For the avoidance of doubt this rule covers the following RMA activities:

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

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

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

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

**Matters of control:**

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

**Notification:**

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

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

- Erection, placement, replacement or alteration of structures, (s12(4)(b)).
- Occupation of space in the common marine and coastal area with an existing authorised structure, (s12(2)(a)).
- Use of a structure in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of the foreshore or seabed, (s12(3)(c), (e) and (g)).

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

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

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

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

**Matters of discretion:**

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

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

- Erection, reconstruction, placement, alteration, extension, removal, or demolition of any historic heritage site or any part of a historic heritage site that is fixed in, on, under, or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed, (s12(3)).
- Occupation of the common marine and coastal area with a structure, (s12(2)).
• Use of a **structure** in the coastal marine area (s12(3)).

**C.1.1.13B** Structures in the Marsden Point Port Zone – restricted discretionary activity**\(^{162}\)**

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

**Matters of discretion:**

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

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

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

**C.1.1.13C** Existing hard protection structures – discretionary activity**\(^{163}\)**

The occupation of the common marine and coastal area by a **hard protection structure** in the coastal marine area, that is not a permitted activity under **C.1.1 Existing structures – permitted activity** and:

1. existed at 30 June 2004, or
2. is or was previously **authorised**, and the use of the **hard protection structure**, are discretionary activities, provided:

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

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

• Occupation of the common marine and coastal area with a **hard protection structure** (s12(2)).
• Use of a **structure** in the coastal marine area (s12(3)).
C.1.1.14 Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity

The use, erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a structure in the coastal marine area a
1) structure, or
2) replacement of a structure, or
3) addition or alteration to a structure, or
4) removal of a structure,
in a Marina Zone, Coastal Commercial Zone or the Whangārei City Centre Marine Zone and any occupation of the common marine and coastal area by the structure that is not a permitted, controlled, or non-complying activity in Section C.1.1 of this Plan:
6) permitted activity under C.1.1.12 ‘Minor structures in a Commercial Coastal Commercial Zone and the Whangārei City Centre Marine Zone – permitted activity’, or
7) controlled activity under C.1.1.12 ‘Structures in the Whangārei City Centre Marine Zone – controlled activity’, or
8) controlled activity under C.1.1.13 ‘Existing structures in a Commercial Coastal Zone or Marine Zone – controlled activity’
are is a discretionary activities activity.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
- Erection, reconstruction, placement, alteration, addition, maintenance, repair, removal or demolition of a structure and any incidental disturbance of the foreshore or seabed (s12(1)(a) and s12(3)).
- Occupation of space in the common marine and coastal area with a structure (s12(2)(a)).
- Use of a structure in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

C.1.1.14A Laying cables – discretionary activity

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

For the avoidance of doubt this rule covers the following RMA activities:
- Placement of a cable in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a cable (s12(2)).
C.1.1.15 Existing structures (other) – discretionary activity

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

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

are is a discretionary activities activity.

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

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

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

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

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

11) it is not in a mapped (refer [Maps | Ngā mahere matawhenua]):
   a) Nationally Significant Surfbreak, or
   b) Regionally Significant Anchorage, or
   c) Outstanding Natural Feature, or
   d) Area of Outstanding Natural Character, or
   e) Site or Area of Significance to Tangata Whenua, or
   f) Historic Heritage Area, and

12) there is no removal, demolition, partial demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer [Maps | Ngā mahere matawhenua]), and

13) the structure has a functional or operational need to be located in the coastal marine area.¹⁸⁷

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

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

C.1.1.17 Hard protection structures — discretionary activity

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

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

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

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

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

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

The use, erection or placement of a hard protection structure that is directly associated with

1) the protection of existing regionally significant infrastructure, or
2) core local infrastructure, or
3) a reclamations for regionally significant infrastructure,
and the occupation of the common marine and coastal area by the hard protection structure, are
is a discretionary activities activity provided it is not located within a mapped [refer | Maps | Ngā
mahere matawhenua].

4) Outstanding Natural Feature in the coastal marine area, or

5) Area of Outstanding Natural Character in the coastal marine area, or

6) Nationally Significant Surfbreak.

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

• The erection or placement of a hard protection structure (s9(2)).

• Erection, or placement, replacement or alteration of structures a hard protection structure
in the coastal marine area in, on, under or over any foreshore or seabed and any incidental
disturbance of the foreshore or seabed (s12(1)(a)).

• Occupation of space in the common marine and coastal area with a hard protection
structure (s12(2)(a) and s12(3)).

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

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

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

1) discretionary activity under rule C.1.1.17 Hard protection structures – discretionary activity,
or

2) discretionary activity under rule C.1.1.18 Hard protection structures for reclamations
associated with regionally significant or core local infrastructure – discretionary activity,
are is a non-complying activities activity.

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

• Restrictions on the use of land: The erection, placement, alteration, extension, maintenance,
repair, removal or demolition of hard protection structures (s9(2)).

• Erection, placement, replacement, or alteration, extension, maintenance, repair, removal or
demolition of a hard protection structure in, on, under or over any foreshore or seabed in
the coastal marine area and any incidental disturbance of the foreshore or seabed
(s12(1)(c)).

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

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

• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
C.1.1.20 Removal, alteration, extension, demolition, partial demolition or replacement of a Historic Heritage Site – non-complying activity

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

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

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

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

The use, erection or placement of a structure Any:

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

with no functional need or operational need172 to occupy the common marine and coastal area by the structure, is are non-complying activities activity.

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

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

C.1.1.22 Structures within a significant marine area – non-complying activity
The erection, reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal or demolition of a structure in the coastal marine area and any occupation of the common marine and coastal area by the structure in the coastal marine area, any:

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

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

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

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

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

is a non-complying activities activity.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

- Erection, or reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal, demolition of structures a structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(b) and s12(3)).
- Occupation of space in the common marine and coastal area with a structure (s12(2)(e)).
- Use of a structure in the coastal marine area (s12(3)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
C.1.2 Moorings and anchorage

Note: the rules in C.1.1 do not apply to moorings.

C.1.2.1 Vessels not underway – permitted activity

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

Exclusions:
7) Clauses 4(a) and 4(b) and clause 6 do not apply to a vessel secured to an authorised mooring or marina berth, and
8) Clauses 4(a) and 4(b) above do not apply where a longer period is made necessary due to bad weather\(^1\), accident, or emergency.

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

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

\(^1\) For the purpose of this rule bad weather means wind conditions at the seaward boundary of the enclosed water exceed 25 knots and sea swells exceed three metres.
• Disturbance of the foreshore or seabed incidental to securing a vessel to land or to a structure s12(1).178

C.1.2.2 Vessels – sewage management – permitted activity

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

1) the vessel is equipped with:
   a) a sewage treatment system which is specified in Schedule 5 and or 7, or is compliant with Schedule 6, of the Resource Management (Marine Pollution) Regulations 1998 and which is installed, maintained and operated in accordance with the manufacturer’s instructions, or
   b) a sewage holding tank, and or
   c) a portable toilet, or174
   d) a composting toilet, and

2) no person stays overnight on the vessel with a sewage holding tank or composting toilet if one or more people have already stayed overnight on board the vessel for more than 10 preceding nights (consecutive or not), and within the 10 preceding nights the vessel has not:
   a) pumped out all of the sewage from the vessel's sewage holding tank at a sewage pump-out facility, or
   b) navigated into waters seaward of the marine pollution limit (refer Maps Ngā mahere matawhenua) and disposed of all its sewage into those waters, and

2A) no person stays overnight on the vessel with a portable toilet, if one or more people have already stayed overnight on board the vessel for more than 10 preceding nights (consecutive or not), and within the 10 preceding nights have not legally disposed of the sewage on land, and175

3) upon request of the Regional Council, the skipper and/or owner of the vessel, keeps and provides the Regional Council with:
   a) photographic evidence of the method of sewage containment, or
   b) a copy of written evidence from a boat builder or marine engineer detailing the method of sewage containment, and
   c) written or electronic records detailing the location(s) of and method of sewage disposal, and176

4) the vessel is not aground or secured to land or secured to a structure overnight within 500 metres from an authorised marine farm, except for:
   a) vessels associated with the operation of the marine farm, and
   b) a vessel attached to an authorised moorings, and
   c) the following marine farms, where anchoring up to 200 metres from the marine farm is permitted;
in the Waikare Inlet, any marine farm west of a line from 1703263mE 6092240mN to 1703691mE 6092173mN (all coordinates in New Zealand Transverse Mercator 2000), and

ii) adjacent to Stephenson Island.

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Mooring Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mangonui Harbour</td>
<td>All mooring zones</td>
</tr>
<tr>
<td>Whangaroa Harbour</td>
<td>Totara North</td>
</tr>
<tr>
<td>Kerikeri Inlet</td>
<td>Opito Bay</td>
</tr>
<tr>
<td>Ōpua</td>
<td>English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River</td>
</tr>
<tr>
<td>Russell</td>
<td>Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay</td>
</tr>
<tr>
<td>Te Rawhiti Inlet</td>
<td>Waipiro Bay and Te Uenga Bay</td>
</tr>
<tr>
<td>Whangaruru Harbour</td>
<td>All mooring zones</td>
</tr>
<tr>
<td>Mangawhai Harbour</td>
<td>Mangawhai</td>
</tr>
</tbody>
</table>
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

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

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

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

1A) the mooring is in a Mooring Zone, and

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

1) the activity complies with all relevant conditions of the C.1.8 Coastal works general conditions, and

2) the owner of the mooring holds a current- a mooring licence for the mooring has been obtained from the regional council’s Harbormaster, and

3) the mooring is not located in a designated channel or fairway, and

4) there is only one vessel attached to a swing mooring at any one time (except for dinghies), and moorings in the following areas were authorised at 1 September 2017:

<table>
<thead>
<tr>
<th>Location</th>
<th>Mooring Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mangonui Harbour</td>
<td>All-mooring-zones</td>
</tr>
<tr>
<td>Whangaroa Harbour</td>
<td>Taitara North</td>
</tr>
<tr>
<td>Kerikeri Inlet</td>
<td>Opito-Bay</td>
</tr>
<tr>
<td>Ōpua</td>
<td>English-Bay, Ōpua-Basin, Tapu-Point, Okiato-Point and Kawakawa River</td>
</tr>
<tr>
<td>Russell</td>
<td>Te-Wahapu Inlet, Pomare-Bay, Kororareka-Bay and Matawhi Bay</td>
</tr>
<tr>
<td>Te-Rawhiti Inlet</td>
<td>Waipiro-Bay and Te-Uenga-Bay</td>
</tr>
<tr>
<td>Whangaruru Harbour</td>
<td>All-mooring-zones</td>
</tr>
<tr>
<td>Mangawhai Harbour</td>
<td>Mangawhai177</td>
</tr>
</tbody>
</table>

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

[A license issued by Northland Regional Council under the relevant bylaw for moorings.]
Council Meeting
16 April 2019

ITEM: 6.2

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

The occupation of the common marine and coastal area with a mooring and associated moored vessels (s12(2)(a)).

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

* A license issued by Northland Regional Council under the relevant bylaw for moorings.
The relocation of a mooring as directed by the Regional Council’s Harbormaster, 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 Maps | Ngā mahere matawhenua):

1) Outstanding Natural Feature, or
2) Area of Outstanding Natural Character, or
2A) Significant Ecological Area outside a Mooring Zone, or 184
3) Regionally Significant Anchorage, or
4) Site or Area of Significance to Tangata Whenua, or
5) Marina Zone, or
6) Historic Heritage Area or Historic Heritage Site. 185

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

- Occupation of space in the common marine and coastal area (s12(2)(a)).
- Erection or placement Relocation of a mooring structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3))(g12(1)(b)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).

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

The maintenance and or repair of a mooring is a permitted activity provided:

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

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

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

C.1.2.7A Removal or demolition of a mooring

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

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

- Removal or demolition of a mooring in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
C.1.2.8 New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity

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

1) The mooring is in one of the following mooring zones:

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

2) There is only one vessel attached to the swing mooring at any one time (except for dinghies), and

3) The activity complies with C.1.8 ‘Coastal works general conditions’.

Matters of discretion:

1) Effects on land-based facilities associated with a mooring, including parking, toilet facilities, refuse disposal and dinghy storage.\textsuperscript{106}

2) The availability of space within the mooring area.

3) The location of the mooring.

4) The type, size and construction of the mooring.

5) Noise and lighting.

6) The positive effects of the activity.

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

- Erection or Placement of a mooring structures in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(a+b)).

- Occupation of space in the common marine and coastal area with a mooring and associated moored vessels (s12(2)(a)).
C.1.2.8A Mooring in a Coastal Commercial Zone or the Marsden Point Port Zone - restricted discretionary activity

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

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

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

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

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

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

1) permitted activity under rule C.1.2.3 ‘New swing moorings in a Mooring Zone—permitted activity’, or
2) permitted activity under rule C.1.2.4 ‘Existing mooring in a Mooring Zone—permitted activity’, or
3) permitted activity under rule C.1.2.5 ‘Existing swing mooring outside Mooring Zone—permitted activity’, or
4) permitted activity under rule C.1.2.6 ‘Relocation of a mooring by the — permitted activity’
5) permitted activity under rule C.1.2.7 ‘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’ are is a discretionary activity activity.

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

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

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

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

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

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

4) a permitted activity under rule ‘C.1.2.2 Vessels—sewage management—permitted activity’;

5) a permitted activity under rule ‘C.1.2.1 Vessels not underway—permitted activity’;

are is a discretionary activity activity.

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

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

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

The erection or placement of a new mooring in the coastal marine area, and any occupation of the common marine and coastal area with the mooring and a vessel using the mooring in the following areas (refer [Maps | Ngā mahere matawhenua]):
1) Outstanding Natural Feature, or
2) Area of Outstanding Natural Character, or
3) Regionally Significant Anchorage, or
4) Areas of significance to Tangata Whenua, or
5) Historic Heritage Site,

are is a non-complying activities activity.

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

- Erection or placement of a mooring structures in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)(a)).
- Occupation of space in the common marine and coastal area with a mooring and associated moored vessels (s12(2)(a)).
C.1.3 Aquaculture

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

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

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

1) it is not finfish aquaculture, and

2) no part of the area of occupation is in a mapped (refer Maps |Ngā mahere matawhenua):
   a) Significant Ecological Area, or
   b) Outstanding Natural Feature, or
   c) Area of Outstanding Natural Character, or
   d) Site or Area of Significance to Tangata Whenua, and

3) the application is made before the one-year anniversary of the coastal permit for the aquaculture activity expiring or lapsing, and

4) there is no change to the activities as authorised by the existing, expired or lapsed coastal permit (other than a decrease in the area of occupation).

Matters of control discretion:

1) Effects on marine mammals, birds and benthic habitat. Measures to minimise adverse effects on reefs and biogenic habitats.

2) Effects on food (plankton) availability in the water. Management practices to minimise marine mammal and seabird interactions with the marine farm, including entanglement.

3) The risk of introducing or spreading marine pests.

4) Lighting.

5) Noise.

6) Integrity of the structure.

7) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.

8) The need to upgrade, replace or remove any derelict or disused structures.

9) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.

10) Effects associated with the operation of the marine farm on public facilities and infrastructure.

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

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

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

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

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

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

is a restricted discretionary activity, provided:

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

Matters of discretion:

1) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer Maps Ngā mahere matawhenua) places outstanding or significant: outstanding natural character, outstanding natural features and significant marine ecology:

a) Areas of Outstanding Natural Character,
b) Outstanding Natural Features,
c) Significant Ecological Areas,
d) Sites and Areas of Significance to Tangata Whenua.
2) Effects on marine mammals, birds and benthic habitat. Effects on reefs and biogenic habitat.\textsuperscript{107}

3) Effects on food (plankton) availability in the water. Marine mammal and seabird interactions with the marine farm, including entanglement.\textsuperscript{108}

4) The risk of introducing or spreading marine pests.

5) Lighting.\textsuperscript{109}

6) Noise.

7) Integrity of the structure.

8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.\textsuperscript{110}

9) The need to upgrade, replace or remove any derelict or disused structures.

10) Effects on Sites and Areas of Significance to Tangata Whenua.

11) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.

12) Effects associated with the operation of the marine farm on public facilities and infrastructure.\textsuperscript{111}

13) The positive effects of the aquaculture.

14) The value of the investment in the existing aquaculture activity.\textsuperscript{112}

Notification:

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

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

\textbf{The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:}

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

\textbf{C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity}

The realignment of the area occupied by an authorised aquaculture activity is authorised to occupy in the common marine and coastal area, the associated erection or placement of a
structure, and any associated discharge, is a restricted discretionary activities activity, provided:

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

Matters of discretion:

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

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

Note:

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

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

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

C.1.3.4 Extensions to authorised aquaculture – restricted discretionary activity

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

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

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

1A) Effects on the characteristics, qualities and values that contribute to any mapped (refer 1 Maps | Ngā mahere matawhenua) Historic Heritage Area.

2) Effects on marine mammals, birds and benthic habitat. Effects on reefs and biogenic habitat. 212

3) Effects on food (plankton) availability in the water.

4) The risk of introducing or spreading marine pests.

5) Lighting. Marine mammal and seabird interactions with the marine farm, including entanglement. 213

6) Noise.

7) Integrity of the structure.

8) Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation. 214

8A) Effects on existing recreational activities.

9) The need to upgrade, replace or remove any derelict or disused structures.

10) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.

11) Effects associated with the extension and operation of the marine farm on public facilities and infrastructure. 215

12) The positive effects of the activity.

13) The value of the investment in the existing aquaculture activity. 226

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

- Erection or placement of the extended structure in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)). 227

- Deposition onto the foreshore or seabed (s12(1)).

- Occupation of space in the common marine and coastal area with aquaculture activities (s12(2)(a)).
• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
• Discharges of contaminants (including feed) or water into water (s15(1)(a)).

C.1.3.5 Re-consenting finfish aquaculture – discretionary activity

An application for a new coastal permit to replace a coastal permit for the occupation of the common marine and coastal area for the purposes of a finfish aquaculture activity, and any associated discharge, to replace a coastal permit is a discretionary activities activity, provided:

1) the application is made within one-year of the coastal permit for the aquaculture activity expiring or lapsing, and

2) there is no change to the activities as authorised by the existing, expired or lapsed coastal permit (other than a decrease in the area of occupation).

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

• Deposition of a substance onto the foreshore or seabed incidental to the activity (s12(1)(d)).
• Occupation of space in the common marine and coastal area by the aquaculture activity (s12(2)(a)).

• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
• Discharge of a contaminants (including feed) or water into water associated with the aquaculture activities (s15(1)(a)).

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

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

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

2) restricted discretionary activity under rule C.1.3.4 Extensions to authorised aquaculture – restricted discretionary activity,

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

3) Aquaculture Exclusion Area, or

4) Significant Ecological Area, or

5) Outstanding Natural Feature, or

6) Area of Outstanding Natural Character, or
7) Historic Heritage Area, or
8) Regionally Significant Anchorage, or
9) Mooring Zone, or
10) Coastal Commercial Zone, or
11) Site or Area of Significance to Tangata Whenua.

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

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

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

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

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

- Erection or placement of structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Occupation of space in the common marine and coastal area with aquaculture activities (s12(2)(a)).
- A change of species or farming method in an area aquaculture activities are authorised to occupy in the common marine and coastal area (12(3)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).
C.1.3.8 New Aquaculture in a Māori oyster reserve – discretionary activity

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

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

2) restricted discretionary activity under rule C.1.3.4 Extensions to authorised aquaculture – restricted discretionary activity;

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

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

- Erection or placement of structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).

- Deposition onto the foreshore or seabed (s12(1)(d)).

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

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

- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).

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

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

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

*Refer Fisheries (Auckland and Kermaidec Areas Amateur Fishing) Regulations 1986, Section 9.
6) Regionally Significant Anchorage, or
7) **Mooring** Zone, or
8) Coastal Commercial Zone, or
9) Site or Area of Significance to Tangata Whenua, is a **discretionary activities** activity, provided:
10) the new area is less than 25 **percent** of the existing **authorised** area, and
11) no part of the existing **authorised** area has been **authorised** in the last five years, and
12) the new area is contiguous to the existing **authorised** area, and
13) the aquaculture activity in the new area is the same as that approved for the existing **authorised** area.

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

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

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

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

1) Aquaculture Exclusion Area, or
2) Significant Ecological Area, or
3) Outstanding Natural Feature, or
4) Area of Outstanding Natural Character, or
5) **Historic Heritage Area**, or
6) Regionally Significant Anchorage, or
7) **Mooring** Zone, or
8) Coastal Commercial Zone,
is a discretionary activities activity.

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

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

C.1.3.11 Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour — non-complying discretionary activity

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

1) restricted discretionary activity under rule C.1.3.3 Realignment of existing aquaculture — restricted discretionary activity,

is a non-complying discretionary activities 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 609240mN to 1703003mE 6091467mN (all coordinates in New Zealand Transverse Mercator 2000).

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

- Erection or placement of the extended structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Occupation of space in the common marine and coastal area with aquaculture activities (s12(2)(a)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).
**C.1.3.12 Small scale and short duration aquaculture in areas**

**with significant areas values and development zones**

- non-complying activity

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

1) Aquaculture Exclusion Area, or

2) Significant Ecological Area, or

3) Outstanding Natural Feature, or

4) Area of Outstanding Natural Character, or

5) Historic Heritage Area, or

6) Regionally Significant Anchorage, or

7) Mooring Zone, or

8) Coastal Commercial Zone, or

9) Site or Area of Significance to Tangata Whenua,

that are is not a:

10) restricted discretionary activity under rule C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity, or

11) discretionary activity under rule C.1.3.9 Extensions to existing aquaculture in areas with significant values areas and development zones – discretionary activity, or

12) discretionary activity under rule C.1.3.8 New aquaculture in a Māori oyster reserve – discretionary activity, or

13) discretionary activity under rule C.1.3.10 Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity, or

are non-complying activities activity, provided:

14) the area of occupation (excluding the anchoring or mooring system) is less than 5000 square metres, and

15) the consent duration applied for is no longer than five years, and

16) the area of occupation has not been authorised for aquaculture activities any time in the past five years, preceding from the time the Council receives the application under this rule, and

17) no part of the area of occupation is within 200 metres of an existing area authorised for aquaculture activities.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Erection or placement of a structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)(b)).

• Deposition onto the foreshore or seabed (s12(1)(d)).

• Occupation of space in the common marine and coastal area by the aquaculture activity (s12(2)(e)).

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

• Discharge of contaminants (including feed) or water into water associated with the aquaculture activity (s15(1)(a)).

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

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

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

2) discretionary activity under rule C.1.3.9 Extensions to existing aquaculture in areas with significant values areas and development zones – discretionary activity, or

3) discretionary activity under rule C.1.3.8 New aquaculture in a Māori oyster reserve – discretionary activity, or

4) discretionary activity under rule C.1.3.10 Marae-based aquaculture in areas with significant areas values and development zones – discretionary activity.

is a non-complying activities-activity, provided:

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

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

• Erection or placement of a structure in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of a substance onto the foreshore or seabed (s12(1)(b)).

• Deposition onto the foreshore or seabed (s12(1)(d)).

• Occupation of space in the common marine and coastal area by the aquaculture activity (s12(2)(a)).

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

• Discharge of a contaminants (including feed) or water into water associated with the aquaculture activities (s15(1)(a)).
C.1.3.14 Aquaculture in areas with significant areas values and development zones — prohibited activity

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

1) Aquaculture Exclusion Area, or
2) Significant Ecological Area, or
3) Outstanding Natural Feature, or
4) Area of Outstanding Natural Character, or
5) Historic Heritage Area, or
6) Regionally Significant Anchorage, or
7) Mooring Zone, or
8) Coastal Commercial Zone, or
9) Site or Area of Significance to Tangata Whenua, that is not a restricted discretionary, discretionary or non-complying activity in section C.1.3 of this Plan:

10) restricted discretionary activity under rule C.1.3.2 ‘Re-consenting aquaculture (not finish) 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 finish 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 Māori oyster reserve — discretionary activity’, or
15) discretionary activity under rule C.1.3.9 ‘Extensions to existing aquaculture in areas with significant values areas and development zones — discretionary activity’, or
16) discretionary activity under rule C.1.3.10 ‘Marae-based aquaculture in areas with significant areas values and development zones — discretionary activity’, or
17) non-complying activity under rule C.1.3.11 ‘Relocation of aquaculture within the Waikare Inlet and Parengarenga Harbour — non-complying activity’, or
18) non-complying activity under rule C.1.3.12 ‘Small scale and short duration aquaculture in areas with significant values — non-complying activity’, or
19) non-complying activity under rule C.1.3.13 ‘New aquaculture in a Significant Ecological Area in the Kaipara Harbour — non-complying activity’,

is a are prohibited activities activity.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of the structures in, on, under or over any foreshore or seabed, any incidental disturbance of the foreshore or seabed, and any incidental deposition of substances onto the foreshore or seabed (s12(1)(b)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Occupation of space in the common marine and coastal area with aquaculture activities (s12(2)(a)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)(a)).
C.1.4 Mangrove removal

C.1.4.1 Mangrove seedling removal – permitted activity

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

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

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

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

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

C.1.4.2 Minor mangrove removal – permitted activity

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

<table>
<thead>
<tr>
<th>Authorised activity</th>
<th>Maximum allowable area of mangrove removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat ramps and jetties</td>
<td>Restricted to within:</td>
</tr>
<tr>
<td></td>
<td>2. the footprint of the structure, and</td>
</tr>
<tr>
<td></td>
<td>3. five-metres-10 metres around of the footprint of the structure, and226</td>
</tr>
<tr>
<td></td>
<td>4. a five-metre wide access channel between the structure and the nearest permanently navigable coastal waters.227</td>
</tr>
<tr>
<td>Wharves, and marina berths</td>
<td>Restricted to:</td>
</tr>
<tr>
<td></td>
<td>1. the footprint of the structure, and</td>
</tr>
<tr>
<td></td>
<td>2. 10-metres-within 10 metres around228 the footprint of the structure, and</td>
</tr>
<tr>
<td></td>
<td>3. a five-metre wide access channel between the structure and the nearest permanently navigable coastal waters.</td>
</tr>
<tr>
<td>Stormwater Authorised pipe outlets229</td>
<td>Restricted to:</td>
</tr>
<tr>
<td></td>
<td>1. five metres either side of the stormwater authorised pipe outlet, and</td>
</tr>
<tr>
<td></td>
<td>2. the lineal extent of the clearance is limited to that required220 to create a free-draining path from the stormwater authorised pipe outlet to coastal water.</td>
</tr>
<tr>
<td>Artificial watercourses and rivers</td>
<td>Restricted to:</td>
</tr>
<tr>
<td>(Also refer to:</td>
<td>1. the active channel or drain area, and</td>
</tr>
<tr>
<td>C.1.5.7 Clearing artificial water</td>
<td>2. five metres from each either side of the artificial watercourse, and</td>
</tr>
<tr>
<td>courses – permitted activity</td>
<td>3. the extent of the clearance is limited to that required to create a free-draining flow path to coastal water. and</td>
</tr>
<tr>
<td>‘C.1.5.7 Clearing tidal stream</td>
<td>4. sites where the adjacent or upstream land or infrastructure is likely to become unsafe, flooded or damaged if the mangroves are not removed, and</td>
</tr>
<tr>
<td>mouths – permitted activity, and</td>
<td>5. not exceeding an area of 200 m² within a mapped (refer 1 Maps Ngā mahere matawhenua Significant Ecological Area or Outstanding Natural Character Area, 221)</td>
</tr>
<tr>
<td>C.2.1.3 Maintenance of the free</td>
<td></td>
</tr>
<tr>
<td>flow of water in rivers and</td>
<td></td>
</tr>
<tr>
<td>mitigating bank erosion – permitted</td>
<td></td>
</tr>
<tr>
<td>activity, and</td>
<td></td>
</tr>
<tr>
<td>Roads, railway lines and bridges</td>
<td>Restricted to:</td>
</tr>
<tr>
<td></td>
<td>1. the footprint of the structure, and</td>
</tr>
</tbody>
</table>
1. five metres from either side of the edge of the formed road, railway line or bridge, or one metre from the base of the batter slope (whichever is the greater), or
2. removal or pruning of mangroves to achieve maintenance of sight clearance lines for road safety at all road intersections, roundabouts and horizontal curves must be in accordance with Guide to Road Design Part 3: Geometric Design. Edition 3.2 (Austroads, 2016).

<table>
<thead>
<tr>
<th>Electricity transmission structures</th>
<th>Restricted to within four metres of the footprint of the structure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity transmission lines and cables</td>
<td>Restricted to within two metres either side of the vertical projection of the line on the ground and not exceeding an area of 200 m².</td>
</tr>
<tr>
<td>Suspended telecommunication and power lines</td>
<td>Restricted to within four metres either side of the vertical projection of the cable on the ground.</td>
</tr>
<tr>
<td>All other structures and farm fencing</td>
<td>Restricted to within one metre of the footprint of the structure.</td>
</tr>
</tbody>
</table>

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

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

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)).
- Removing or pruning. Remove any natural material – mangroves in the coastal marine area from the foreshore or seabed (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and (s13(2A)(6–6)):
- Discharge of sediment into water incidental to the activity to the coastal marine area resulting from mangrove removal (s15(1)(a)).

### C.1.4.3 Mangrove removal – controlled activity

The removal or and pruning of mangroves in the coastal marine area or in the bed of a river to:
1) provide a single track of no greater than five metres wide where no other alternative publicly accessible track exists, and only to the extent necessary to provide public access to a marae, urupā or public land located outside of the coastal marine area, or

2) maintain existing navigable channels present at the date this Plan becomes operative, or

3) improve the use of private land where the area of removal and pruning is wholly within a freehold title, and involves an area no greater than 500 square metres; and any associated damage or disturbance to the foreshore, seabed or bed of a river, that is not a permitted activity in section C.1.4 of this Plan, or:

4) a permitted activity under rule C.1.4.1 ‘Mangrove seedling removal – permitted activity’, or

5) a permitted activity under rule C.1.4.2 ‘Minor mangrove removal – permitted activity’;

6) if an application for a new resource consent to remove or prune mangroves that will replace an existing resource consent, provided the application is made before the expiry of the existing resource consent and there is no change to the activities authorised by the existing resource consent;234

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

7) 200 square metres if the activity is located within a mapped (refer I Maps | Ngā mahere matawhenua):

   a) Significant Ecological Area, or

   b) Outstanding Natural Character Area, and235

8) 500 square metres in all other areas236, other than where clause 6) above applies.237

Matters of control:

1) Method, timing and extent of activities.

2) Effects on natural systems and indigenous biodiversity aquatic ecosystem health.

3) Navigation and safety.

4) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places significant any mapped (refer I Maps | Ngā mahere matawhenua):

   a) Historic Area or Site.

   b) Site or Area of Significance to Tangata Whenua.

   c) Area of Outstanding Natural Character.

   d) Significant Ecological Area.

   e) Significant Bird Area.

   f) Outstanding Natural Feature.

   g) Outstanding Natural Landscape.

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

6) Effects on tangata whenua cultural values.238
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

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

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

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

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

Matters of discretion:

1) Effects on natural systems and indigenous biodiversity in the coastal marine area or the bed of a river, including where it affects the ability of tangata whenua to carry out cultural and traditional activities.
2) Effects on navigation and safety.
3) Effects on visual amenity values.
4) Effects on indigenous biodiversity where it affects the ability of tangata whenua to carry out cultural and traditional activities.
5) Effects on historic heritage in the coastal marine area.
6) The positive effects of the activity.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

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

C.1.4.5 Mangrove removal – discretionary activity

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

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

is a are discretionary activities activity.

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

- Mangrove removal and disposal activities outside the coastal marine area (s9(2)).
- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Damage or disturbance of any foreshore or seabed associated with removing or pruning mangroves (s12(1)(e)).
- Removing or pruning any natural material mangroves in the coastal marine area from the foreshore or seabed (s12(3)).
- Disturbance of the bed of any river, associated with removing or pruning mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Mangrove removal and disposal activities outside the coastal marine area (s13(1)(b), (d) and (e) and (s13(2A)(a–d))).
• Discharge of sediment to the coastal marine area into water incidental to the activity resulting from mangrove removal (s15(1)(a)).
C.1.5  Dredging, disturbance and disposal

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

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

1) apart from emergency services vehicles providing an emergency response, there is no disturbance of, or damage to, seagrass meadows within mapped Significant Ecological Areas (refer 1 Maps 1 Ngā mahere matawhenua) and outside these areas, 244 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) apart from emergency services vehicles providing an emergency response, there is no disturbance of or damage to indigenous or migratory bird nesting or roosting sites, and 245

5) there is no disturbance of, or damage to, a mapped Site or Area of Significance to Tangata Whenua (refer 1 Maps 1 Ngā mahere matawhenua), and

6) there is no disturbance of, or damage to, a mapped Historic Heritage area (refer 1 Maps 1 Ngā mahere matawhenua), and246

7) apart from emergency services vehicles providing an emergency response, 247 vehicle access to the foreshore is only via authorised access points, and

8) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions, are complied with, and

9) apart from emergency services vehicles providing an emergency response, vehicles do not drive over pipi or cockle beds. 248

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

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

• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(a), (c) and (e));
• Disturbance of any foreshore or seabed by a vehicle or an activity not the subject of any other rule in this Plan (s12(1));
• The use of vehicles on the foreshore or seabed (s12(3)).
C.1.5.2 Small-scale sampling and scientific investigation — permitted activity

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

1. in a mapped Site or Area of Significance to Tangata Whenua or a mapped Historic Heritage Area (refer to Maps [Ngā mahere marawhenua]), no more than 0.2 cubic metres of sand, shingle, shell or other natural material is removed in any 24-hour period, and

2. in all other areas, no more than one cubic metre of sand, shingle, shell or other natural material is removed in any 24-hour period, and

3. the head size of any drilling equipment used does not exceed 250 millimetres in diameter, and

4. the activity complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

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

C.1.5.3 Sampling and scientific investigation — permitted 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 to Maps), and

4. the activity complies with C.1.8 Coastal works general conditions.

The RMA activities this rule covers:

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g));
- Deposition onto the foreshore or seabed (s12(1)(d));
- Discharge of contaminants (s15(1)(a)).
C.1.5.4 Removal of nuisance marine plant debris – permitted activity

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

1) the Regional Council’s compliance manager is notified (in writing or by email) at least 24 hours before the start of any removal, and

2A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer I Maps | Ngā mahere matawhenua), the relevant tangata whenua are notified at least 24 hours before the start of any removal, and 253

2) if the activity occurs within a Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between the months of 1 September and 28 February, a person with expertise in bird ecology needs to be 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 254

3) there is no disturbance of indigenous or migratory bird nesting sites, and 255

4) removed marine plant debris is disposed of outside the coastal marine area and at a location authorised to take such material, and

5) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

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

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

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

1) the Regional Council’s Harbormaster is notified (in writing or by email) at least 24 hours before the start of any removal or recovery, and
1A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer ‘Maps | Ngā mahere matawhenua’), the relevant tangata whenua are notified at least 24 hours before the start of any removal, and

2) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

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

C.1.5.6 Clearing of stormwater pipe outlets – permitted activity

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

1A) any removal of mangroves complies with the requirements of rule C.1.4.1 Mangrove seedling removal – permitted activity, and

1) the extent of the clearance is limited to that required to create a free-draining path from the stormwater outlet to coastal water the sea at mean low water springs, and

2) if the activity occurs in a mapped Significant Bird Area (refer ‘Maps | Ngā mahere matawhenua’) between the months of 1 September to 28 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 cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, 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

6A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer ‘Maps | Ngā mahere matawhenua’), the relevant tangata whenua are notified at least three working days prior to work being undertaken, and

7) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

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

C.1.5.7 Clearing artificial water courses – permitted activity

The clearing of material (excluding mangroves) from an artificial water course in the coastal marine area, including any associated disturbance of the foreshore or seabed and deposition of sediment on the foreshore or seabed, is a permitted activities 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
4A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer Maps | Ngā mahere matawhenua), the relevant tangata whenua are notified at least three working days prior to work being undertaken, 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) is not placed in individual sediment piles do not exceeding 25 square metres in area or 300 millimetres in height, and
   c) does not dam tidal water or stormwater outlets, and
5) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions.

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

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from an artificial water course and the deposition of material cleared (excluding mangroves) from the artificial water course onto the foreshore or seabed (s12(1)).
- Clearing material (excluding mangroves) from an artificial water course in the coastal marine area (s12(3)).
- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).
C.1.5.8 Clearing tidal stream mouths – permitted activity

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

1) the extent of the clearance is limited to that required to create a free-draining path from the stream to coastal water the sea at mean low water springs, and

2) the clearance is for the purpose of avoiding flooding of adjacent land, or for releasing impounded water which is stagnant or poses a contact recreation health risk, and

3) excavated material is not mounded, bunded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and

4) if the activity occurs in a Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between the months of 1 September to and 28 February, a person with expertise in bird ecology needs to be 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. 284

6) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and 285

7) the Regional Council’s compliance managers:

   a) is satisfied the clearance meets the purpose of Condition 2 and has provided written confirmation accordingly, or

   b) is provided a written statement from a chartered professional engineer or the Northland District Health Board outlining the need for the clearance in accordance with Condition 2, at least two working days before the start of work, and

7A) if the activity occurs within a mapped Site or Area of Significance to Tangata Whenua (refer I Maps | Ngā mahere matawhenua), the relevant tangata whenua are notified at least two working days before the start of work, and

8) the activity complies with all relevant conditions of the coastal marine area general conditions C.1.8 Coastal works general conditions.

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

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

• Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from a tidal stream mouth and the deposition of material cleared (excluding mangroves) from the tidal stream mouth onto the foreshore or seabed (s12(1)).

• Clearing material (excluding mangroves) from a tidal stream mouth in the coastal marine area (s12(3)).

• Deposition on the foreshore or seabed (s12(1)(d))

• Discharge of water or sediment into water incidental to the activity (s15(1)).
C.1.5.9 Burial of dead animals – permitted activity

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

1) the activity complies with all relevant conditions of the coastal marine area general conditions C.1.8 Coastal works general conditions, and

2) where practicable, burial does not occur within 100 metres of a tidal stream mouth, and

3) where practicable, adverse effects on indigenous vegetation are minimised.266

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

- Restrictions on the use of land: The burial of a dead animal (including a marine mammal) washed up on the foreshore (s9(2)).

- Disturbance of any foreshore or seabed associated with the burial of a dead animal (including a marine mammal) washed up on the foreshore and the deposition of material onto the foreshore or seabed resulting from the burial of a dead animal (including a marine mammal) washed up on the foreshore (s12(1)).

- Burying a dead animal (including marine mammals) washed up on the foreshore (s12(3)).

- Deposition onto the foreshore or seabed (s12(1)(a)).

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

C.1.5.10 Maintenance dredging – controlled activity

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

Matters of control:

1) The method used to carry out the activity.

2) The timing of the activity in relation to tides, seasons or other activities occurring in the area to be dredged.

3) Effects on natural coastal processes, including effects on the stability of the seabed and nearby shorelines.

4) Effects of the destruction, damage or disturbance of the foreshore or seabed, deposition and discharge associated with the dredging activity, and

5) Effects on indigenous biodiversity and aquatic ecosystems health in the coastal marine area, and

6) Navigation and safety (including requiring notification to the Regional Council’s Harbormaster and Maritime New Zealand), and

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

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

8) Effects on tangata whenua and their taonga.

Notification:

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

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

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Destruction, damage or disturbance of any foreshore or seabed resulting from maintenance dredging (s12(1)).
- Maintenance dredging in the coastal marine area (s12(3)).
- Discharge of water or sediment into water associated with maintenance dredging (s15(1)).

C.1.5.11 Beach scraping – restricted discretionary activity

The disturbance of the foreshore or seabed for Beach scraping in the coastal marine area, including associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on the foreshore or seabed, is a restricted discretionary activity.

Matters of discretion:

1) Volume and depth of material removed and deposited.
2) Methods used to carry out the activity.
3) Effects on natural coastal processes, including effects on the stability of the seabed and nearby shorelines.
4) Effects of the disturbance and deposition associated with the activity.
5) Effects on indigenous biodiversity and aquatic ecosystems health.
6) Effects on tangata whenua and their taonga.

5A) Effects on the characteristics, qualities and values that contribute to make any of the following any mapped (refer to Maps | Ngā mahere matawhenua) places outstanding or significant:
a) Nationally Significant Surf Break and Regionally Significant Surf break.
b) Outstanding Natural Feature.
c) Area of Outstanding Natural Character.
d) Historic Heritage Area or Site.
e) Site or Area of Significance to Tangata Whenua.
f) Significant Ecological Area.
g) Significant Bird Area.

7) Effects on the characteristics, qualities and values that contribute to any mapped (refer [Maps | Ngā mahere matawhenua] Historic Heritage Area or Site).

8) The positive effects of the activity.

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

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
- Destruction, damage or disturbance of any foreshore or seabed and the deposition of material on the foreshore or seabed associated with beach scraping, (s12(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.5.11A Deposition of material for beneficial purposes – restricted discretionary activity²⁷⁰

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

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

Matters of discretion:

1) Volume and location of material to be deposited.
2) Methods used to carry out the activity and timing of the activity.
3) Effects on coastal processes, including effects on the stability of the seabed and nearby shorelines.
4) Effects on the foreshore and seabed associated with the deposition activity.
5) Effects on indigenous biodiversity and aquatic ecosystem health.
6) Effects on tangata whenua and their taonga.
7) Effects on existing uses and activities undertaken in the area of deposition.
8) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer [Maps | Ngā mahere matawhenua]) places outstanding or significant:

a) Nationally Significant Surf Breaks.
b) Regionally Significant Surf Breaks.

c) Outstanding Natural Features.

d) Areas of Outstanding Natural Character.

e) Site or Area of Significance to Tangata Whenua.

f) Significant Ecological Area.

g) Significant Bird Area.

9) Effects on the characteristics, qualities and values that contribute to any mapped (refer to Maps [Ngā mahere matawhenua] Historic Area or Site).

10) The positive effects of the activity.

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

• Deposition of material for beneficial purposes onto land (s9(2)).

• Deposition of material for beneficial purposes in, on or under the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).

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

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

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material onto the foreshore or seabed, that is not the subject of any other rule of this Plan.

1) permitted activity under rule C.1.5.2 ‘Small-scale Sampling and scientific investigation—permitted activity’, or

2) permitted activity under rule C.1.5.4 ‘Removal of nuisance plant debris—permitted activity’, or

3) permitted activity under rule C.1.5.5 ‘Removal or recovery of wrecked vessels—permitted activity’, or

4) permitted activity under rule C.1.5.6 ‘Clearing of stormwater pipe outlets—permitted activity’, or

5) permitted activity under rule C.1.5.7 ‘Clearing of artificial water courses—permitted activity’, or

6) permitted activity under rule C.1.5.8 ‘Clearing tidal stream mouths—permitted activity’, or

7) permitted activity under rule C.1.5.9 ‘Burial of dead animals—permitted activity’, or

8) controlled activity under rule C.1.5.10 ‘Maintenance dredging—controlled activity’, or

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

9) Nationally Significant Surfbreak, or

10) Outstanding Natural Feature, or

11) Area of Outstanding Natural Character, or
12) **Historic Heritage Area** or **Site**, or

13) Significant Ecological Area, or

14) Site or Area of Significance to Tangata Whenua.

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

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

### C.1.5.13 Disposal-Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity

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

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

**Notes:**

1) This rule repeats the requirements of Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998, which specifies that these activities must be treated as a discretionary activity in a regional coastal plan. It therefore is included for convenience and information purposes.

2) **Applications to dump (deliberately dispose) material in the coastal marine area must include an assessment undertaken in accordance with Schedule 3 to the Resource Management (Marine Pollution) Regulations 1998.**

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

- Deposition onto the foreshore or seabed (s12(1)(d)).
- Discharge of contaminants (s15(1)(a)).
- Dumping of waste and other matter in the coastal marine area (s15A).
C.1.5.14 Other dredging, deposition and disturbance activities – non-complying

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

1) discretionary activity under rule C.1.5.12 Dredging, deposition and disturbance activities – discretionary activity, or

2) discretionary activity under rule C.1.5.13 Disposal Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity,

is a non-complying activities activity.

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

• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(a), (e) and (g)),

• Deposition onto the foreshore or seabed (s12(1)(d)),

• Discharge of contaminants (s15(1)(a)),

• Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)),

• Discharge of sediment into water incidental to the activity (s15(1)).
C.1.6 Reclamations

C.1.6.1 Unlawful public road reclamation – controlled activity

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

Matters of control:

1) The method used to carry out the activity. The effects of any remedial works necessary to mitigate adverse effects.\(^\text{279}\)

2) Effects on coastal-natural processes, including effects on shoreline stability in the vicinity of the site.

3) Effects on tangata whenua and their taonga.

Notification:

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

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

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

C.1.6.2 Unlawful reclamation – discretionary activity

An unlawful reclamation in the coastal marine area, that:

1) existed at 1 September 2017, and

2) is not a controlled activity under rule C.1.6.1 Unlawful public road reclamation – controlled activity,

and the use of the reclamation, is a discretionary activities-activity, (refer Maps | Ngā mahere matawhenua).

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

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

- Use of a reclamation in the coastal marine area (s12(3)).

C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity

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

1) Significant Ecological Area, or
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2) Outstanding Natural Feature, or
3) Area of Outstanding Natural Character

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

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

C.1.6.4 Reclamation – discretionary activity

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

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

is a discretionary activities activity, provided it is not in a mapped (refer Maps | Ngā mahere mātawhenua):

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

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

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

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

A reclamation, any associated destruction, damage or disturbance of the foreshore or seabed, any deposition of material on to the foreshore or seabed, and use of the reclamation, that is not a:
1) discretionary activity under rule C.1.6.4 Reclamation – discretionary activity, or
2) discretionary activity under rule C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity,
is a are non-complying activities/activity.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Reclamation,ing or draining of any foreshore or seabed and any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on to the foreshore or seabed (s12(1)(a)).
• Use of a reclamation in the coastal marine area (s12(3))
• Erection or placement of structures (s12(1)(b)).
• Occupation of space in the common marine and coastal area (s12(2)(a)).
• Damage, destruction or disturbance of the foreshore or seabed (s12(1)(c), (e) and (g)).
• Deposition onto the foreshore or seabed (s12(1)(d)).
• Discharge of contaminants (s15(1)(a)).
• Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
• Discharge of sediment or water onto land incidental to the activity (s15(2A)).
C.1.7 Marine pests

C.1.7.1 Hull biofouling—permitted activity

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

1) The biofouling is not known or likely to contain any marine pest, and
2) The biofouling on the hull and niche areas on any vessel does not exceed light fouling when it enters:
   a) a Marine Pathways Place (refer 1 ‘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 cleaning of vessel hull and niche areas or structures cleaning (development zones) – permitted activity

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

1) The vessel or structure has not been in foreign territorial waters, unless since arrival in New Zealand the vessel or structure has been removed from the water and hull cleaned, and
2) There is only light fouling on the vessel hull and/or hull niche areas, and
3) The discharge is in a Commercial Coastal Zone, Marina Zone, within 50 metres of a Mooring Zone or from a consented grid, and
4) The cleaning discharge is not undertaken within 50 metres of a Significant Ecological Area (refer Maps | Ngā mahere matawhenua), and
5) The vessel is not longer than 25 metres with ablative biocidal anti-fouling or a barge, and
5A) There is only light fouling or barnacles on the vessel hull, hull niche areas, or structure, and
5B) The in-water cleaning of the vessel or structure is undertaken in a Coastal Commercial Zone, a Marina Zone, a Mooring Zone, a consented grid (inter-tidal poles), or within 50 metres of a Mooring Zone, and
6) the non-abrasive-cleaning methods does not compromise are used so that existing anti-fouling is not damaged, and 102

7) if any marine pest is found then:
   a) all cleaning must cease, and
   b) the Regional Council’s biosecurity manager and the Ministry for Primary Industries must be notified immediately, and
   c) cleaning may not resume continue until notified to do so until notification to do so is obtained from the Regional Council’s biosecurity manager and the Ministry for Primary Industries.

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

- Discharge of contaminants to water (s158(1)(a)).
- No person may do an activity that contravenes a regional rule (s12(3) and s13(2)).
- Deposition of material on the foreshore or seabed incidental to the activity (s12(1)).
- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3)).
- Deposition of material in or on the bed of a river incidental to the activity (s13(1)).
- Discharge of contaminants into water incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s158(1)).

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

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

1) the vessel, structure or barge has not been in foreign territorial waters, unless since arrival in New Zealand it has been removed from the water and hulled cleaned, and
2) the cleaning is undertaken activity is located in a Commercial Coastal Commercial Zone, a Marina Zone, or within 50 metres of a Mooring Zone (refer to Maps Ngā mahere matawhenua), or from in a consented grid, and
3) the cleaning is not undertaken discharge is not located within 50 metres of a Significant Ecological Area (refer to Maps Ngā mahere matawhenua). 203

Matters of control:

1) Measures to avoid introduction or spread of marine pests.
2) The method used to carry out the activity.
3) Effects on natural coastal processes in the vicinity of the site.
4) The timing of the activity in relation to tides, seasons or other activities.
5) Effects of disturbance, deposition and discharge associated with the activity.
6) Effects on indigenous biodiversity and aquatic ecosystems health.
7) Navigation and safety (including notification to the Regional Council's Harbormaster and Maritime New Zealand).
8) Capture and removal of fouling and anti-fouling debris.\(^{264}\)

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

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

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

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

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

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

C.1.7.5 In-water cleaning of vessel hull and niche areas, cleaning-structures and barges – discretionary activity
The deposition and/or discharge of contaminants from in-water cleaning of vessel hull and niche areas, structures or barges in-water-cleaning that is not a permitted or controlled activity in section C.1.7.6 of this Plan.

1) Permitted activity under rule C.1.7.2 ‘In-water vessel hull and niche areas and structure cleaning (development zones) — permitted activity’, or

2) Controlled activity under rule C.1.7.3 ‘In-water vessel hull and niche area cleaning of local barges and large vessels — controlled activity’.

is a discretionary activity.

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

• Discharge of contaminants to water (s15B(1)(a)).

• No person may do an activity that contravenes a regional rule (s12(3) and s13(3)).

• Deposition of material on the foreshore or seabed or introduction of any marine pest in, or under the foreshore or seabed incidental to the activity (s12(1)).

• Introduce or plant any marine pest in, on, under or over any foreshore or seabed 12(1)).

• In-water cleaning of vessel hull and niche areas, structures or barges in the coastal marine area (s12(3)).

• Damage, destruction or disturbance of plants or habitats of animals in, on or under the bed of a river incidental to the activity (s13(2)).

• Deposition of material in or on the bed of a river incidental to the activity (s13(1)).

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

• Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s15B(1)).

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

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

1) a permitted activity under rule C.1.7.1 ‘Hull biofouling — permitted activity’, or

2) authorised by an ‘exemption’ or ‘notice of direction’ under the Biosecurity Act 1993.

Note: The Marine Pathway Plan for Northland limits biofouling to right 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 s13(3))

ID: A1183321
C.1.7.7 Marine pests and biofouling Introduction of marine pests – non-complying activity

The:

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

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

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

Note: the Northland Regional Pest and Marine Pathway Management Plan for Northland 2017 – 2027 has rules requiring vessels entering Northland or moving between designated ‘places’ not to have biofouling exceeding light fouling, unless authorised by an exemption under the Biosecurity Act 1993.187

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

• Discharge of contaminants to water s15(1)(a) and s15B(1)(a));
• Deposit any substance in, on and under a marine pest, in, on, or under any foreshore or seabed, or introduce any marine pest in, or under the foreshore or seabed, incidental to the activity s12(1));
• Introduce or plant any marine pest in, on and under any foreshore or seabed s12(1)(f) and s12(3)(a);
• The activities listed in clauses 1) to 4) of rule C.1.7.7 (s12(3)),
• Discharge of a marine pest into water (s15(1)).

ID: A1183321
C.1.8 Coastal works general conditions

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

Structures and disturbance

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

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

1) The activity must not alter, damage or destroy a Historic Heritage Site.288

1A) Prior to undertaking activities on private land, including land owned by a territorial authority, written approval must be obtained from the landowner and provided to the Regional Council’s monitoring manager upon request.289

2) Structures must at all times:
   a) be maintained in good order and repair, and
   b) except for culverts, not impede fish passage between fresh water and coastal water. For culverts, there must be no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to coastal water, except that temporary restrictions of fish passage may occur to enable construction work to be carried out, and 290
   c) not cause a hazard to navigation.

3) Maintenance, alteration or addition to a structure must not result in a weakening of the structural integrity or strength of the structure.

4) Restrictions on public access along and through the coastal marine area beyond the footprint of the structure, during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternative access route or controlled access is provided.

5) Disturbance activities, construction, alteration, or addition, maintenance or removal activities of structures must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays. The exceptions to this are:
   a) (this excludes the requirement to undertake emergency remedial work such as if a structure is damaged by a natural hazard event), and
   b) maintenance of regionally significant infrastructure, where the maintenance is required to be undertaken outside these times to minimise disruption to the services provided by the regionally significant infrastructure, and 293
   c) the removal of nuisance marine plant debris under rule C.1.5.4.290
6) Upon the completion of a new structure, the structure owner must notify in writing (including a scale plan of the completed works) the Regional Council’s monitoring manager.

7) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity. Additionally, vehicles and equipment must be in a good state of repair and free of any fuel or oil leaks. Refuelling must not be carried out in the coastal marine area and for the duration of the activity, no vehicle or equipment is to be left in a position where it could come into contact with coastal water.²⁵

8) There must be no damage to shellfish beds and no disturbance or damage to seagrass meadows in mapped Significant Ecological Areas (refer [Maps ]Ngā mahere matawhenua) and no damage to saltmarsh²⁶ or seagrass meadows, except as necessary for the installation of an aid to navigation under rule C.1.1.4.

9) Any visible disturbance of the foreshore or seabed must be remedied or restored within 48 hours of completion of works in a mapped (refer [Maps ]Ngā mahere matawhenua):

   a) Area of Outstanding Natural Character Area, or
   b) Outstanding Natural Feature, or
   c) Site or Area of Significance to Tangata Whenua, or
   d) Significant Ecological Area.

9A) There must be no disturbance of indigenous or migratory bird nesting or roosting sites.²⁵

10) Outside of outstanding natural character, outstanding natural feature or significant ecological ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.

11) The structure or activity must not:

   a) cause permanent scouring or erosion or scree of banks, or
   b) cause or exacerbate flooding of any neighbouring other property, or
   c) materially reduce the ability of a river to convey flood flows into the coastal marine area (including as a result of debris accumulating against structures).²⁶

12) Discharges must not result in a coastal water quality standard in D.4.3 ‘Coastal water quality standards’ to be exceeded or further exceeded.²⁷

13) Any discharges of sediment to water from any activity must not:

   a) occur for more than five consecutive days, and for more than 12 hours per day, or
   b) cause any conspicuous change in the colour of water in the receiving water or any change in horizontal visibility greater than 30% (after reasonable mixing) for more than 24 hours after the completion of the activity, cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:

      i) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
      ii) any conspicuous change in the colour or visual clarity, or
      iii) an emission of objectionable odour.

Mangrove removal and pruning
14) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.

15) Mangrove vegetation removal must avoid creating protruding stumps must be avoided, by cutting mangrove trunks close to the ground the bed or foreshore.

16) The activity must not disturb or damage areas of seagrass, saltmarsh, or other natural wetland.

17) There must be no disturbance of indigenous or migratory bird nesting sites.

18) There must be no equipment-refuelling on the foreshore or river bed, unless undertaken in a contained area.

19) Chemical herbicides must not be used.

20) Access to removal and pruning areas must use existing open areas or paths where these exist, and, where practicable, avoid disturbance of shellfish beds, soft sand and mud.

21) The Regional Council’s compliance manager must be notified (in writing or by email) of the proposed time, location and extent of removal at least 10 working days prior to the work being undertaken, when:
   a) more than 200 square metres of pruning or removal is proposed in any one year, or
   b) the activity is located in a mapped Significant Bird Area, Significant Ecological Area or Area of Outstanding Natural Character (refer Maps | Ngā mahere matawhenua).

Lighting

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

Noise

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

Table 2: Noise Limits
### Time (Monday to Sunday)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>$L_{eq}$ (15 min)</th>
<th>$L_{A_{max}}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>700 to 1900 hours</td>
<td>55 db</td>
<td>Not-applicable</td>
</tr>
<tr>
<td>2200 to 0700 hours the next day</td>
<td>45 db</td>
<td>75 db</td>
</tr>
<tr>
<td>0700 to 2200 hours</td>
<td>55 db</td>
<td>Not applicable</td>
</tr>
<tr>
<td>2200 to 0700 hours</td>
<td>45 db</td>
<td>75 db</td>
</tr>
</tbody>
</table>

d) noise must be measured in accordance with New Zealand Standard. Acoustics – Measurement of environmental sound (NZS 6801:2008) and assessed in accordance with New Zealand Standard. Acoustics – Environmental noise (NZS 6802:2008), and
e) construction activities shall be managed in accordance with, and meet the noise limits set out within Tables 2A and 2B below. NZS 6803:1999 Acoustics – Construction Noise, and

**Table 2A: Upper limits for construction noise received in residential zones and dwellings in rural areas – from New Zealand Standard Acoustics – Construction Noise (NZS 6803:1999)**

<table>
<thead>
<tr>
<th>Time of week</th>
<th>Time period</th>
<th>Typical duration (dBA)</th>
<th>Short-term duration (dBA)</th>
<th>Long-term duration (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$L_{eq}$</td>
<td>$L_{max}$</td>
<td>$L_{eq}$</td>
</tr>
<tr>
<td>Weekdays</td>
<td>0630 to 0730</td>
<td>60</td>
<td>75</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>0730 to 1800</td>
<td>75</td>
<td>90</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>1800 to 2000</td>
<td>70</td>
<td>85</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>2000 to 0630</td>
<td>45</td>
<td>75</td>
<td>45</td>
</tr>
<tr>
<td>Saturdays</td>
<td>0630 to 0730</td>
<td>45</td>
<td>75</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>0730 to 1800</td>
<td>75</td>
<td>90</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>1800 to 2000</td>
<td>45</td>
<td>75</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>2000 to 0630</td>
<td>45</td>
<td>75</td>
<td>45</td>
</tr>
<tr>
<td>Sundays and public holidays</td>
<td>0630 to 0730</td>
<td>45</td>
<td>75</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>0730 to 0800</td>
<td>55</td>
<td>85</td>
<td>55</td>
</tr>
</tbody>
</table>
ITEM: 6.2  
Attachment 1

Table 28: Upper limits for construction noise received in industrial or commercial areas for all of the year – from New Zealand Standard. Acoustics – Construction Noise (NZS 6803:1999)

<table>
<thead>
<tr>
<th>Time period</th>
<th>Duration of work</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Typical duration $Leq$ (dBA)</td>
</tr>
<tr>
<td>0730 to 1800</td>
<td>75</td>
</tr>
<tr>
<td>1800 to 0730</td>
<td>80</td>
</tr>
</tbody>
</table>

24) Conditions 23(a) to (c) above The Table 2 and Condition 23(f) noise limits 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.

25) Condition 23(a) above The Table 2 and Condition 23(f) noise limits does not apply to temporary military training activities. Noise generated by emission as a result of temporary military training must meet the following:
   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 New Zealand Standard Acoustics – Construction Noise (NZS 6803:1999), with reference...
to ‘construction noise’ taken to refer to mobile noise sources.\footnote{Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment, and earthmoving equipment.}

\textbf{c)} fixed (stationary) noise sources must comply with the noise limits set out in the Table 2C below when measured at the notional boundary of any building housing a noise sensitive activity. \textit{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.}

\textbf{Table 2C: Noise limits — Temporary military training}

<table>
<thead>
<tr>
<th>Time (Monday to Sunday)</th>
<th>$L_{Aeq}$ (15 min)</th>
<th>$L_{A_{max}}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>0700 to 1900 hours</td>
<td>55 db</td>
<td>Not applicable</td>
</tr>
<tr>
<td>1900 to 2200 hours</td>
<td>50 db</td>
<td>Not applicable</td>
</tr>
<tr>
<td>2200 to 0700 hours the next day</td>
<td>45 db</td>
<td>75 db</td>
</tr>
</tbody>
</table>

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

\textbf{a)} the activity must not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area, and

\textbf{b)} noise must be measured in accordance with the requirements of NZS 6801:2008 — Acoustics — Measurement of environmental sound and NZS 6809:1999 — port noise management and land-use planning.\footnote{Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, and earthmoving equipment.}
C.2 Activities in the beds of lakes and rivers and in wetlands

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

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

C.2.1 Activities in the beds of lakes and rivers

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.2.1.1</td>
<td>Introduction or planting of plants in rivers and lakes – permitted activity</td>
<td></td>
</tr>
<tr>
<td>C.2.1.2</td>
<td>Excavation of material from rivers – permitted activity</td>
<td></td>
</tr>
<tr>
<td>C.2.1.3</td>
<td>Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity</td>
<td></td>
</tr>
<tr>
<td>C.2.1.4</td>
<td>Existing authorised structures – permitted activity</td>
<td></td>
</tr>
<tr>
<td>C.2.1.5</td>
<td>Maintenance or repair of authorised flood defence – permitted activity</td>
<td></td>
</tr>
<tr>
<td>C.2.1.6</td>
<td>Existing vessel launching and retrieval structures – permitted activity</td>
<td></td>
</tr>
<tr>
<td>C.2.1.7</td>
<td>Existing mooring structures – permitted activity</td>
<td></td>
</tr>
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C.2.1 Activities in the beds of lakes and rivers

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

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

1) the activity does not involve deliberate introduction or planting of:
   a) a pest organism, or
   b) an exotic aquatic plant except watercress (Rorippa nasturtium-aquaticum), or
   ba) black alder (Alnus glutinosa), or
   bb) the following willow species or hybrids involving:
      e) crack willow (Salix fragilis), or
      d) grey willow (Salix caprea), or
      e-iii) weeping willow (Salix babylonica), or and
   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

2A any indigenous vegetation damage, destruction, disturbance or removal is limited to the minimum extent necessary, and

3) the planted species are managed by the land owner or occupier to ensure that they do not create an obstruction to the free flow of water or spread to other properties, and

4) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream erosion of the bed or banks of the river or lake as a result of the planting, and

5) the activity must not dam or divert water in a way that causes flooding or ponding on any other property does not cause adverse flooding effects on upstream, downstream or adjacent properties, and

6) the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, and

7) the activity does not involve planting exotic trees in a mapped Outstanding Natural Character Area (refer [Maps | Ngā mahere matawhenua]), and

8) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer [Maps | Ngā mahere matawhenua]), and

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

- introducing plants to the bed of a lake or river and associated disturbance (s13(1)(b and c));
- introduction or planting of any plant in, on, or under the bed of a river or lake and any incidental disturbance of the bed of a river or lake (s13(1)).
• Diversion of water incidental to the activity (s14(2)).

C.2.1.2 **Excavation**

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

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

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

2) the Regional Council’s compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and

3) there is no refuelling of equipment on any area of the river bed, and

4) on completion of the activity, the river bed is graded to natural contours (generally avoiding dips, humps and hollows)² so that there are no barriers to water movement in the channel, and

5) the material is *excavated* extracted from an area of the river bed not covered by water at the time of the extraction, and

5A) there is no stockpiling of excavated gravel on the river bed, and¹⁰

6) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream erosion of the banks of the river³¹ as a result of the activity, and

7) the activity is not in a mapped Site or Area of Significance to Tangata Whenua (refer [Maps Ngā mahere matawhenua](#)), and

7A) the activity does not impede existing legal public access to the river, and¹²

8) the activity does not take place in an outstanding freshwater body.

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

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

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

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

1) the Regional Council’s monitoring manager is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and

2) the activity does not exacerbate flood hazard risk on any other property, and
3) any vegetation clearance is limited to that required to maintain the free flow of water in the water body, and

3A) the activities do not impede existing legal public access to the river, and

4) any removal of material or vegetation is limited to that required to maintain the free flow of water or mitigate bank erosion, and

5) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and

6) the activity does not result in deepening or widening of the channel by more than 20 percent, and

7) any diversion of water, or realignment of the bed of the river is restricted to within the bank full edge of the river bed, and

8) there is no damage to, or restriction of the use of, authorised structures as a result of the activity, and

9) the activity must use good practice erosion and sediment control measures (good management practice), erosion and sediment control measures, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented, including where practicable temporary diversion of normal channel flow around the activity site, to minimise any discharge of sediment, and

10) no material or vegetation removed from the bed is allowed to re-enter, or is placed in a position where it could re-enter, a water body, and

11) the activity does not alter, damage or destroy a mapped Historic Heritage Site (refer to Maps).

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

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

C.2.1.4 Existing authorised structures – permitted activity

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

1) Either:
   a) the use of the structure was authorised before 1 September 2017, or
b) the erection, reconstruction, placement, or any alteration or extension of the structure, was authorised under a rule in section C.2.1 of the Plan, or

c) the structure was one of the following and existed at 1 September 2017:
   i) a boat ramp or concrete slipway that is less than 15 metres in length and three metres in width, or
   ii) a structure for the launching, retrieval or mooring of vessels in, on, under or over the bed of a river or lake is no greater than 10 square metres in area, and

1A) the use of the structure is not the subject of any other rule in the Plan, and

1B) if the structure existed before 1 September 2017 and was not authorised, the structure owner can provide clear and convincing evidence that the structure existed at 1 September 2017 if requested by the Regional Council, and

2) the activity complies with all relevant conditions of C.2.3 General conditions, and

3) upon completion of the activities there is no increase to the structure’s footprint, length, width, and height other than that resulting from routine maintenance or repair activities.

4) it is not a reconstruction of a mapped Historic Heritage Site (refer to ‘Maps’), and

5) in the case of maintenance and repair of a mapped Historic Heritage Site (refer to ‘Maps’), the materials used for maintenance and repair of the structure must match the existing structure in form and appearance.

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

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

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

C.2.1.5 Maintenance or repair of authorised flood defence – permitted activity
Notwithstanding any other rule in C 2.1, the maintenance and or repair of an authorised flood defence, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed including any associated earthworks or diversion and discharge of water, are a permitted activity, provided: 1

1) the maintenance and or repair does not alter the form of the existing flood defence and there is no increase in length, width, or height of the existing flood defence, other than as required to provide for the settlement of earthen stopbanks, and

2) the Regional Council’s compliance manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and

3) the activity complies activities comply with all relevant conditions of C.2.3 General conditions.

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

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

C.2.1.6—Existing vessel launching and retrieval structures—permitted activity

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

The RMA activities this rule covers: Use of the beds of lakes and rivers (s13(3)(a)).

- Use of the beds of lakes and rivers (s13(3)(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 activities comply with C.2.3 General conditions, and
2) the structure is no greater than 10 square metres, and
3) the structure owner can provide, if requested by the regional council:
   a) — clear and convincing evidence that the structure existed at 1 September 2017, or
   b) — a copy of the necessary approval(s) for the authorisation of the structure.

The RMA activities this rule covers:

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

C.2.1.8 Fish passage structures – permitted activity

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

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

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

2) the activity-complies-with all relevant conditions of C.2.3. General conditions.

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

- Deposit a substance on, use or disturb the beds of lakes and rivers (s13(1)(a), b and d).
- Damming and diversion (s14(1)).
- Discharge of contaminants to water (s15(1)).
- Erection, reconstruction, placement, alteration or extension of a fish passage structure in, on, under, or over the bed of a lake or river (s13(1)).
- Disturbance of the bed of a lake or river or deposition of a substance in, on, under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of the fish passage structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).
C.2.1.9 Demolition and/or removal of existing structures – permitted activity

The demolition or removal of an existing structure is, on, under, or over the bed of a lake or river, and any associated bed disturbance, are 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), 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 all relevant conditions of C.2.3 General conditions, and

6) where the activities will result in improved fish passage, before the start of works, the person doing the activity obtains written advice from the Regional Council or the Department of Conservation that there are no known populations of indigenous fish upstream, that would be vulnerable if the obstacle to fish passage is removed.227

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

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

C.2.1.10 Construction and installation of structures – permitted activity

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

1) the activity activities, including any temporary damming and diversions around work sites, complies with all relevant conditions of C.2.3 General conditions, and
2) the activity is activities are not associated with the launching, retrieval, mooring, maintenance or repair of vessels, and

3) for culvert crossings:
   a) the contributing catchment is less than 300 hectares, and
   b) the culvert length under the crossing parallel to river flow must not exceed 25 metres when necessary for a road, otherwise it must not exceed 10 metres, and
   c) the culvert is designed such that flow velocity will not impede fish passage during normal flow conditions, and
   d) culvert approaches and fill placed on the river or lake bed must be free of organic matter, and
   e) the total height of the crossing crest must be:
      i) no more than 3.5 metres above the invert level of the culvert inlet, and
      ii) within the manufacturer’s maximum height specifications for the culvert, and
      iii) below the river bank level unless it is necessary for a road or railway line, and
   f) at installation, the culvert invert must be located so that it is at least 100 millimetres below the bed level; the culvert must be either open bottomed or installed so that the base is set a minimum of 25 percent and a maximum of 50 percent of the culvert diameter below the stream bed, and
   g) on request by the Regional Council, records of structure design and flow calculations must be made available within 20-1032 working days of the request, and
   h) the culvert is not in a significant wetland, an outstanding freshwater body or mapped (refer [Maps Ngā mahere matawhenua]):
      i) Outstanding Natural Character Area, or
      ii) Outstanding Natural Feature, or
      iii) Historic Heritage Area, or
      iv) Site or Area of Significance to Tangata Whenua, and

4) For single span bridges:
   a) piles are not located in, on or under the bed of a water body, and
   b) the bridge, its abutments and foundations, are located so as to not decrease the bed width by more than 10 percent, and
   c) the bridge abutments or and foundations are constructed parallel to the channel the river43 alignment, and
   d) on request by the Regional Council, records of structure design and flow calculations must be provided within 20-1033 working days of the request, and
   e) the bridge is not in a significant wetland, an outstanding freshwater body or mapped (refer [Maps Ngā mahere matawhenua]):
      i) Outstanding Natural Character Area, or
      ii) Outstanding Natural Feature, or
iii) Historic Heritage Area, or
iv) Site or Area of Significance to Tangata Whenua, and

5) For ford crossings:
   a) the width of the ford crossing parallel to river flow does not exceed 10 metres, and
   b) the construction activity must not result in a vertical drop or discontinuity in the flow of water under any flow conditions, and
   c) the ford is not in a significant wetland, an outstanding freshwater body or mapped (refer [Maps | Ngā mahere matawhenua]):
      i) Outstanding Natural Character Area, or
      ii) Outstanding Natural Feature, or
      iii) Historic Heritage Area, or
      iv) Site or Area of Significance to Tangata Whenua, and

6) For maimai / game bird shooting shelter structures:
   a) the structure does not exceed five (5) square metres, and

7) For cables, power electricity and telecommunication lines and pipelines:
   a) the cable, power-line or pipeline, including site related structures that enable the cable, line or pipeline to function, it does not cause diversion or blockage of any river, and
   b) the installation activities do not disturb a significant wetland, an outstanding freshwater body, or the bed of a continually or intermittently flowing river or lake in a mapped (refer [Maps | Ngā mahere matawhenua]):
      i) Outstanding Natural Character Area, or
      ii) Outstanding Natural Feature, or
      iii) Historic Heritage Area, or
      iv) Site or Area of Significance to Tangata Whenua, and
   c) for any wastewater pipeline to be erected or placed installed in, on, over, or under the bed of a continually or intermittently flowing river or lake, the person doing the activity activities must notify the Regional Council’s compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body. The notification must include:
      i) the name, address, and phone number of the person responsible for the works, and
      ii) the location of the structure, and
      iii) the waste products to be piped.

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

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

C.2.1.11 Minor river bank protection works – permitted activity

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

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

Note: rule C.2.1.11 solely applies to river bank protection works (such as to protect the bank against scour and erosion). Any maintenance or repair of authorised flood defences is covered by rule C.2.1.5.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

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

C.2.1.12 Freshwater structures – controlled activity

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

1) the activity is activities are not in a significant wetland, an outstanding freshwater body or a mapped (refer Maps Inga mahere matawhenua):
   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 unless it passes under a local authority road, and\(^{119}\)
3) the structure does not prevent indigenous fish passage, and\(^{290}\)
4) the activities do not impede existing legal public access to the river.\(^{141}\)

Matters of control:

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

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
C.2.1.13 Activities in the beds of lakes and rivers – discretionary activity

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

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

that are not a:

1) permitted activity under rule C.2.1.1 ‘Introduction or planting of plants in rivers and lakes – permitted activity’, or
2) permitted activity under rule C.2.1.2 ‘Extraction of material from rivers – permitted activity’, or
3) permitted activity under rule C.2.1.3 ‘Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity’, or
4) permitted activity under rule C.2.1.11 ‘Minor river bank protection works – permitted activity’, or
5) permitted activity under rule C.2.1.4 ‘Existing authorised structures – permitted activity’, or
6) permitted activity under rule C.2.1.6 ‘Existing vessel launching and retrieval structures – permitted activity’, or
7) permitted activity under rule C.2.1.7 ‘Existing Mooring structures – permitted activity’, or
8) permitted activity under rule C.2.1.8 ‘Fish passage structures – permitted activity’, or
9) permitted activity under rule C.2.1.9 ‘Demolition and removal of existing structures – permitted activity’, or
10) controlled activity under rule C.2.1.12 ‘Freshwater structures—controlled activity’, or
11) non-complying activity under rule C.2.1.15 ‘Structures in a significant area—non-complying activity’.

is a discretionary activity.

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

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

C.2.1.14 New flood defence – discretionary activity

A-The:

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

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

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

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

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

- Use, erection, reconstruction, placement, alteration, or extension of a flood defence outside the bed of a lake or river (s19(2)).

- Use, erection, reconstruction, placement, alteration, or extension of a flood defence in, on, under, or over the bed of a lake or river or the deposition of a flood defence in, on, or under the bed, and any associated disturbance of the bed or reclamation or drainage of the bed (s13(1)).

- Damming, taking or diversion water around the activity site during the erection, reconstruction, placement, alteration, or extension of a flood defence or ongoing damming or diversion of water around the flood defence (s14(2)).

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

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

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

1) Historic Heritage Area, or

2) Outstanding Natural Character Area, or

3) Outstanding Natural Feature, or

4) Site or Area of Significance to Tangata Whenua,

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

5) permitted activity under rule C.2.1.4 ‘Existing authorised structures – permitted activity’, or

6) permitted activity under rule C.2.1.5 ‘Maintenance or repair of authorised flood defence – permitted activity’, or

7) permitted activity under rule C.2.1.7 ‘Existing mooring structures – permitted activity’, or

8) permitted activity under rule C.2.1.8 ‘Fish passage structures – permitted activity’, or

9) permitted activity under rule C.2.1.9 ‘Demolition and removal of existing structures – permitted activity’, or

10) permitted activity under rule C.2.1.10 ‘Construction and installation of structure – permitted activity’, or

11) controlled activity under rule C.2.1.12 ‘Freshwater structures – controlled activity’. are non-complying activities.

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

ID: A1183321
• Restrictions on certain uses of beds of lakes and rivers (s13(1)).
• Damming and diversion (s14(1)).
• Discharge of contaminants to water (s15(1)).
• Use, erection, reconstruction, placement, alteration, or extension of a structure in, on, under or over the bed of a lake or river and any associated disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
• Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a flood defence, or ongoing damming or diversion of water around the flood defence (s14(2)).
• Discharge of sediment or water into water incidental to the activity (s15(1)).

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

In the beds of lakes and rivers, the:

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

is a non-complying activity.

The RMA activities this rule covers:

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

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

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

The:

1A) use, erection or placement of a new flood defence structure in, on, under, or over the bed of a lake or river, or

2A) the deposition of a flood defence in, on, or under the bed of a lake or river, or

3A) an alteration or extension to an existing flood defence, and

4A) any associated disturbance of the bed, reclamation or drainage of the bed, or damming or diversion of water,
in a mapped (refer to Maps | Ngā mahere matawhenua):

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

are is a non-complying activities activity.

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

• Restrictions on the use of land, (s9(2)).
• Restrictions on certain uses of beds of lakes and rivers, (s13(1)(a)).
• Restrictions relating to water (s14(2)).
• Discharge of contaminants to water (s15(1)).
• Construction and use of a flood defence outside of the bed of a lake or river (s9(2)).
• Use, erection, reconstruction, placement, alteration, or extension of a flood defence in, on, under, or over the bed of a lake or river or the deposition of a flood defence in, on, or under the bed, and any associated disturbance of the bed or reclamation or drainage of the bed (s13(1)).
• Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a flood defence, or ongoing damming or diversion of water around the flood defence (s14(2)).
• Discharge of sediment or water into water incidental to activity (s15(1)).
C.2.2 Activities affecting wetlands

C.2.2.1 Wetland management, maintenance and enhancement – permitted activity

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

1) the damage, destruction, disturbance, or removal of vegetation is limited to exotic plants or pest species, and

2) the introduction of any introduced plant does not include a pest species, and

3) the activity complies with all relevant conditions of the C.2.3 General conditions, and

4) if the activity is activities are located in a significant wetland:
   a) planting must be limited to indigenous species that are endemic to the area, 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: For the avoidance of doubt this rule covers the following RMA activities:

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

C.2.2.2 Structures in wetlands – permitted activity

In a wetland:

1) the use, construction, erection, reconstruction, placement, alteration, extension, demolition, maintenance, use and or removal of any fence, wetland interpretive signage, bird-watching hide, māmāi or game bird shooting shelter, or boardwalk structure in a wetland, and
2) the use and maintenance (a form of alteration) of a structure forming part of regionally significant infrastructure or core local infrastructure, are permitted activities, provided:

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

b) boardwalk structures are no wider than 1.8 metres and cumulatively are no longer than 40 metres per wetland, and

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

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

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

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

3) the activity complies with all relevant conditions of the C.2.3 General conditions.

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

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

C.2.2.3 Constructed wetland alteration – permitted activity

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

1) the activity complies activities comply with all relevant conditions of the C.2.3 General conditions, and
2) the activity is not in a significant wetland, and
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: For the avoidance of doubt this rule covers the following RMA activities:

• Restrictions on the use of land (s9(2));

• Use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure, in a constructed wetland that is not part of the bed of a lake or river or in the coastal marine area, or to form a constructed wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2));

• Disturbance of the bed of a wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2));

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

C.2.2.4 Activities in wetlands – discretionary activity

Any:

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

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

1) permitted activity under rule C.2.2.1 ‘Wetland management and enhancement – permitted activity’, or
2) permitted activity under rule C.2.2.3 ‘Structured in wetlands – permitted activity’, or
3) permitted activity under rule C.2.2.3 ‘Constructed wetland alteration – permitted activity’,
are is a discretionary activities activity, provided it is the activities are not undertaken in a significant wetland.

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

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

Activities relating to plants:

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

Activities relating to structures:

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

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

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

Activities relating to disturbance:

- Disturbance of the bed of a wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Disturbance of the foreshore that is part of a wetland (s12(1)).
- Disturbance of the bed or deposition of a substance in, on, or under the bed (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).
C.2.2.5 Activities in significant wetlands – non-complying activities

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

The:

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

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

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

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

Activities relating to plants:

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

Activities relating to structures:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is not part of the bed of a lake or river (s9(2));
- Erection, placement, alteration or extension of a structure in, on, under or over any foreshore or seabed (s12(1));
- Occupation of the common marine and coastal area with a structure in a wetland in the coastal marine area (s12(2));
- Use of a structure in a wetland in the coastal marine area (s12(3)).
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- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is part of the bed of a lake or river (s13(1)).

Activities relating to disturbance:

- Disturbance of the bed of a wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2)).

- Disturbance of the foreshore that is part of a wetland (s12(1)).

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

- Discharge of sediment into water incidental to the activity (s15(1)).
C.2.3 General conditions

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

River, lake or wetland disturbance

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

Sediment discharges

1) Discharge of contaminants must comply with the following conditions:
   a) the activity activities must release no contaminants into water, other than sediment or organic matter, and
   b) bed disturbance must not occur for more than five consecutive days, and
   c) elevated sediment discharge levels must not occur for longer than 12 hours per day, and
   d) after-behind the zone of reasonable mixing, the discharge must not give rise to any conspicuous change in the colour or visual clarity, and 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.
   e) any conspicuous change in the colour or visual clarity within the zone of reasonable mixing must not occur for longer than 12 hours per day.

Excavated material

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

Vehicles, vessels and equipment in water bodies

3) All vehicles, vessels and equipment must be kept out of flowing or standing water bodies, except where it is necessary for the purpose of the activity, and then:
   a) machinery must be clean and leak free, and
   b) the extent and duration of any disturbance is minimised.

4) All equipment and excess materials must be removed from the bed of the water body within five working days of the conclusion of the activity.
Avoiding pest introduction

5) Cleaning of and/or other procedures must be used to prevent the spread or introduction of any pest. All plant, machinery, equipment or material operating or used in a water body must be free of plant contaminants, seeds or vegetative material, which is capable of germinating or reproducing pest species.\textsuperscript{554}

River alignment and flooding effects

6) The activity activities must not:
   a) alter the natural gradient of the river or physical characteristics of the bed or the alignment beyond the bed of the river, or
   b) cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream, or
   c) compromise the structural integrity or use of any other authorised structure or activity in the bed of the river or lake, or
   d) dam or divert water in a way that causes flooding or ponding on any other property,\textsuperscript{589} and

6A) Any dammed water must not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded.

Natural wetlands\textsuperscript{557}

7) The activity activities must not cause change to the seasonal or annual range in water level of any natural wetland\textsuperscript{596} to an extent that may adversely affect the wetland’s natural ecosystem,\textsuperscript{589} and

8) The vegetation and the bed of any natural wetland are is not disturbed to a depth or an extent greater than that required to give effect to the permitted activity activities.

Indigenous vegetation disturbance or removal

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

Fuel storage and refuelling

10) Fuel must not be stored and machinery must not be refuelled in any location where fuel can 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,\textsuperscript{589} and

11) Fuel must not be discharged to water, or the bed of a surface waterbody, or to land,\textsuperscript{589} in circumstances where the fuel can enter water.

Fresh water structures

Erosion and sediment discharges associated with a structure

12) The presence of the structure must not cause or induce scour erosion of the bed, or erosion or instability of the banks, of the water body, or create associated sedimentation, and more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream.
13) Approaches to and abutments of the structure within the bed or on the banks of the water body must be stabilised to avoid scour and sedimentation sediment discharges.

Structure durability, maintenance and off-site effect avoidance

14) The structure must be maintained in a sound condition and function for the purpose it was designed for, and at all times and be capable of withstanding a one percent annual exceedance probability (AEP) flood without structural failure or risk to people or other property and

15) The one percent AEP flood must be accommodated by the structure and/or by an overland flow path without increasing flood levels upstream or downstream of the structure; beyond the land or structures owned or controlled by the person undertaking the activity activities and

16) The activity activities must not cause damage to, or restriction of the use of, any other authorised structure, as a result of this activity, and

17) The activity activities must not prevent existing lawful public access or navigation to or along the a continually or intermittently flowing river or lake, unless provided by an existing authorisation and

18) Dam structures must be designed, constructed, operated and maintained so that:

a) vegetation must does not weaken the dam or prevent inspection of the dam embankment and trees are not allowed to grow on or near the embankment, and

b) stock must not damage the dam crest and/or faces of the dam, and

19) Dams with a reservoir capacity greater than 20,000 cubic metres and associated spillways must be inspected at least once every 12 months and following any operation of the flood spillway. Any damage recorded at times of inspection, or noticed at any other time, must be remedied as soon as practicable.

Note: for good design practice and advice on dams, reference should be made to the New Zealand Dam Safety Guidelines, 2015 – NZS5010.304

Waste water pipes

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

Fish passage

21) The upstream and downstream passage of fish in rivers must be provided for and be effective under a wide range of flow conditions, except:

a) where the statutory fisheries manager provides regional council with written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or

b) during permitted temporary activities such as works to enable structure repair and replacement, or

c) when otherwise provided for by an existing design and authorisation, and

22) Excluding soft-bottom rivers, river bed material must be maintained throughout the full length of culvert, ford and bridge structures. The upstream and downstream passage of fish
in continually or intermittently flowing rivers must be provided for and be effective under a wide range of flow conditions and, excluding soft bottom rivers, river bed material must be maintained throughout the full length of any culvert, ford and bridge structures, except:

a) where the statutory fisheries manager provides written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or

b) during permitted temporary activities such as works to enable structure repair and replacement, or

c) when otherwise provided for by an existing design and authorisation.¹⁴⁶⁰

Note: advice on the potential pest fish populations located downstream of the structure can be obtained from Regional Council, the Department of Conservation, or the Northland Fish and Game Council.¹⁴⁶¹

Construction activity controls

23) Construction material and ancillary structures must be removed from the bed following completion of the activity activities, or earlier if reasonably practicable,¹⁴⁶² and

24) The contact of wet concrete or concrete ingredients with flowing or standing water must be avoided.

Notifying the Regional Council

25) The person doing undertaking the activity activities must notify the Regional Council’s compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, when:

a) the contributing catchments is are greater than 50 hectares for and the an activity activities involve involving construction, placement or removal of any culvert, ford, weir or bridge, and

b) the notification must include:

i) the name, address, and phone number of the person responsible for the works, and

ii) the location of the structure, and

iii) the structure design including its contributing catchment area, flood flow estimates and measures necessary to control erosion or prevent increased upstream flood risk, along with the minimum flow to provide for fish passage and the method by which that minimum flow will be maintained, and any design minimum flow or measures necessary to control erosion, provide fish passage or prevent increased upstream flood risk.

iv) the proposed date of commencement and duration of the activities.

Temporary flow diversion around work sites

26) The temporary damming, and diverting or pumping of river flow around work sites in the bed of a water body must:

a) only be undertaken constructed and in place during a period of low flow when there is a low risk of flooding, and

b) not cause more than minor impediment to flood flows, and
c) when damming, have a dam height be no greater than 600 millimetres above the bed of the water body, and

c) when pumping, use a fish screen with the intake screen mesh spacing not greater than three millimetres, and

d) be removed or discontinued as soon as practicable and the bed of the water body returned to its original condition no later than 14 days from commencement of the activity.

**Historic Heritage**

271 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.

Notes:

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

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

(iii) The rules in this section do not apply to damming and diversion provided for in the rules in C.2.1 Activities in the beds of lakes and rivers, C.2.2 Activities affecting wetlands and C.4.1 Land drainage and flood control

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C.3.1 Damming and diverting water

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

The damming and or diversion of rainfall runoff, including in sediment ponds and stormwater detention structures, or water in an artificial watercourse are is a permitted activities activity, provided:

1) the activity does activities do not dam or divert water in a continually or intermittently flowing river, natural wetland or lake, and

2) the activity does activities do not adversely affect the reliability of water supply of an authorised water take, and

3) a one percent annual exceedance probability flood event must be accommodated by the dam or an overland flow path without increasing upstream or downstream flood levels on other property, flood levels upstream or downstream of the structure beyond the land or structures owned or controlled by the person undertaking the activities, and

4) the dammed or diverted water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and

5) the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and the activities must not cause change to the seasonal or annual range in water level of any natural wetland to an extent that may adversely affect the wetland’s natural ecosystem, and

6) the level of a lake or downstream flow in a continually or intermittently flowing river is not reduced below a minimum flow or minimum level, and

7) the structure must be maintained in a sound condition, and functioning for the purpose it was designed for, and at all times and be capable of withstanding a one percent annual exceedance probability flood without structural failure or risking to people or other property, and

8) a one percent annual exceedance probability flood must be accommodated by the structure or an overland flow path without increasing flood levels on other property upstream or downstream of the structure, and

9) if the maximum reservoir capacity of the dam is more than 20,000 cubic metres, the person doing the activity must notify the Regional Council’s compliance manager (in writing or by email) prior to the activity activities occurring with:

   a) the name, address, and phone number of the person undertaking works, and

   b) the location of the dam, and

   c) the reservoir capacity and dam structure height.

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

• Damming or diverting water (s14(2));

• Damming or diversion of rainfall runoff or water in an artificial watercourse (s14(2)).
C.3.1.2 Small dam – permitted activity

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

1) the activity activities are is necessary for:
   a) the creation or enhancement of a wetland, or
   b) hydrological monitoring, or
   c) stock drinking where livestock are excluded from entering the lake, continually or intermittently flowing river or wetland, and

2) the activity activities are not in a significant wetland or an outstanding freshwater body or mapped (refer Maps Ngā mahere matawhenua):
   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 a continually or intermittently flowing river bed where the dam is located does not exceed three metres, and

4) the dam height does not exceed 600 millimetres above the natural bed level of the water body, and

5) a hydrological monitoring dam must not be in place longer than 14 days in any two-month period, and

6) the dammed water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and

7) the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and

8) the level of a lake or downstream flow in a continually or intermittently flowing river is not reduced below a minimum flow or minimum level as a result of the dam, and

9) the person undertaking the activity activities must notify the Regional Council’s compliance manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body, with:
   a) timing, location and extent of the activities, and
   b) a description of measures to avoid erosion, structure failure and obstruction of fish passage, and
   c) for wetland enhancement, details identifying the values being enhanced, and

10) the activity activities comply with all relevant conditions of C.2.3 General conditions.

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

C.3.1.3 Existing in-stream dam – permitted activity

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

1) the damming or diversion is was authorised, and
2) the reservoir capacity is:
   a) less than 20,000 cubic metres, and the dam height is less than four metres 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 continually or intermittently flowing river is not reduced below a minimum flow or minimum level as a result of the dam, and
7) the dam structure complies with all relevant conditions of C.2.3 General conditions.

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

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

C.3.1.4 Dam maintenance – permitted activity

The maintenance and repair of an authorised dam (including excavation extraction of accumulated material retained behind the dam), any associated disturbance of the bed of a river or lake and deposition of material in, on, or under the bed, and the associated damming and diversion of water are is a permitted 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 all relevant conditions of C.2.3 General conditions, and

4) in the case of maintenance and repair of a mapped Historic Heritage Site (refer 'Maps'), the materials used for maintenance and repair of the structure must match the existing structure in form and appearance.

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

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

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

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

1) if the dam is authorised, and

2) the dammed water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and
3) the activity does not change the natural seasonal water levels of any natural wetland that would result in the net loss or degradation of indigenous wetland vegetation, and

4) the level of a lake or downstream flow in a continually or intermittently flowing river is not reduced below a minimum flow or minimum level as a result of the dam, and

5) the activity complies with all relevant conditions of C.2.3 General conditions.

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

6) Effects on aquatic ecosystem health.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to damming or diverting water (s14(2)).
- Discharge of contaminants to water (s15(1)),
- Use of a dam in, on, under, or over the bed of a lake or river (s13(1)),
- Damming and diversion of water associated with the dam (s14(2)),
- Discharge of sediment or water into water incidental to the use of a dam (s15(1)).

C.3.1.6 River channel diversion – discretionary activity

The diversion of the bed of water in a river and any associated disturbance of the bed or deposition of material on the bed, that is not the subject of any other rule in this Plan:

1) permitted activity under C.2.1.3 ‘Maintenance of the free flow of water in rivers and mitigating bank erosion — permitted activity’, or

2) permitted activity under C.2.1.10 ‘Construction and installation of structures — permitted activity’, or

3) permitted activity under C.2.1.11 ‘Minor river bank protection works — permitted activity’, or

4) permitted activity under C.2.1.12 ‘Freshwater structures — controlled activity’,

are a discretionary activities activity, provided it is not in a significant wetland, an outstanding freshwater body, or a mapped (refer Maps JNgā mahere matawhenua):

5) Historic Heritage Area, or

6) Outstanding Natural Character Area, or
7) Outstanding Natural Feature, or
8) Site or Area of Significance to Tangata Whenua.

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

- Restriction on use of beds of lakes and rivers (s13(1)).
- Restrictions relating to water (s14(2)).
- Discharges of contaminants into environment, (s15(1)(a)).
- Disturbance of the bed of a river and deposition of any substance in, on, or under the bed of a river associated with diverting water in a river (s13(1)).
- Diversion of water in a river (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the diversion of water in a river or disturbance of the bed or deposition of a substance on the bed (s15(1)).
- Discharge sediment or water onto land incidental to damming and diversion of water in a river or disturbance of the bed or any deposition of material on the bed (s15(2A)).

C.3.1.7 Damming or diverting water – discretionary activity

The use, erection, reconstruction, placement, alteration or extension of a dam in the bed of any river, lake or natural wetland, any associated disturbance of the bed of a river or lake and deposition of material on the bed, and the associated damming and diversion of water that is not the subject of any other rule in this Plan:

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

are is a discretionary activities activity.

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

- Restrictions relating to the damming or diversion of water (s14(2)).
- Discharges of contaminants into environment, (s15(1)(a)).
- Use, erection, reconstruction, placement, alteration or extension of a dam in a natural wetland that is not part of the bed of a lake or river (s9(2)).
- Use, erection, reconstruction, placement, alteration or extension of a dam in, on, under or over the bed of a lake or river, and any associated disturbance of the bed of a river or lake and deposition of any substance in, on, or under the bed of a river or lake (s13(1)).
- Damming and diversion of water associated with the dam (s14(2)).
• Discharge of sediment or water into water or onto land where it may enter water incidental to the use, erection, reconstruction, placement, alteration or extension of a dam, or the damming and diversion of water, or disturbance of the bed or deposition of a substance in, on, or under the bed (s15(1)).

• Discharge of sediment or water onto land incidental to the use, erection, reconstruction, placement, alteration or extension of a dam, or the damming and diversion of water, or disturbance of the bed or deposition of a substance in, on, or under the bed (s15(2A)).

C.3.1.8 Obstructions that divert water onto other property – discretionary activity

The placement of an obstructions [including a structures] within a flood hazard area (including a high-risk flood hazard area), an overland flow path, a river or an artificial watercourse that will, or is likely to, divert water onto other property, is a discretionary activity.

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

• Restrictions on the use of land, (s9(2)).
• Restrictions relating to water (s14(2)).
• Discharges of contaminants into environment, (s15(1)(a)).
• Placement of an obstruction (including a structure) in a flood hazard area (including a high-risk flood hazard area), an overland flow path, or an artificial watercourse that will, or is likely to, divert water onto other property (s9(2)).

• Placement of an obstruction (including a structure) or deposition of an obstruction in, on, or under the bed of a river that will, or is likely to, divert water onto other property (s13(1)).

• Damming and diversion of water within a flood hazard area (including a high-risk flood hazard area), an overland flow path, a river, or an artificial watercourse (s14(2)).

C.3.1.9 Damming or diversion of water in a significant wetland or significant area – non-complying activity

The damming or diversion of water in a significant wetland, an outstanding freshwater body or mapped (refer Maps Ngā mahere matawhenua):

1) Outstanding Natural Character Area, or
2) Outstanding Natural Feature, or
3) Historic Heritage Area, or
4) Site or Area of Significance to Tangata Whenua, and
5) permitted activity under rule C.3.1 ‘Off-stream damming and diversion — permitted activity’, or
6) permitted activity under rule C.3.2 ‘Small dam — permitted activity’, or
7) permitted activity under rule C.3.4 ‘Dam maintenance — permitted activity’, or
8) permitted activity under rule C.3.5 ‘existing in-stream large dams — controlled activity’, or
is a non-complying activity.

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

- Restrictions relating to water (s14(2)).
- Use, erection, reconstruction, placement, alteration or extension of a dam in, on, under, or over the bed of a natural wetland that is not part of the bed of a lake or river, and any associated disturbance of the bed or deposition of any substance in, on, or under the bed (s9(2)).
- Use, erection, reconstruction, placement, alteration or extension of a dam in, on, under, or over the bed of a lake or river, and any associated disturbance of the bed or deposition of any substance in, on, or under the bed (s13(1)).
- Damming and diversion of water associated with the dam (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the use, erection, reconstruction, placement, alteration or extension of a dam, the damming and diversion of water, or the disturbance of the bed or deposition of material on the bed (s15(1)).
- Discharge sediment or water onto land incidental to the use, erection, reconstruction, placement, alteration or extension of a dam, the damming and diversion of water, or disturbance of the bed or deposition of material on the bed (s15(2A)).
C.4 Land drainage and flood control

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

C.4.1 Land drainage and flood control

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C.4.1 Land drainage and flood control

C.4.1.1 Land drainage – permitted activity

A drain and the associated The damming, diversion and discharge of water associated with land drainage or discharge of drainage water is a permitted activities activity, provided:

1) the activity complies with the all relevant conditions of C.4.1.8 Land drainage and flood control general conditions, and

2) any resulting land subsidence or slumping does not cause adverse effects on structures or infrastructure on other property, and

3) the discharge is to-in or from the same catchment as that to which the water would naturally flow, and

4) a new drains are is not constructed within 15 metres of an existing wastewater disposal area.

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

• Restrictions on certain uses of beds of lakes and rivers (s13(1)(d));

• Restrictions relating to water (s14(2)(a));

• Discharge of contaminants into water (s15(1)(a));

• Drainage of land (s9(2));

• Disturbance of the bed of a lake or river or deposition of a substance in, on, or under the bed of a lake or river incidental to the connection of a drain to a lake or river (s13(1));

• Damming and diversion of water (s14(2));

• Discharge of drainage water and the incidental discharge of sediment entrained in drainage water to water (s15(1)).

C.4.1.2 Existing authorised stopbanks – permitted activity

The damming and diversion of water by a stopbank, and the use of a stopbank in the bed of a lake or river where the stopbank was authorised before the notification date of this Plan are is a permitted activities activity, provided:

1) the activity complies with the all relevant conditions of C.4.1.8 Land drainage and flood control general conditions, and

2) The owner or person responsible for the stopbank owner can provide, if requested by the Regional Council, a copy of the approval(s) for the authorisation of the stopbank.

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

• Restriction on use of beds of lakes and rivers (s13(1));

• Restrictions relating to damming or diverting water (s14(2)(a));

• Discharge of contaminants to water (s15(1)).
• The use of a stopbank in, on, under or over the bed of a lake or river (s13(1)).
• Damming and diversion of water by a stopbank (s14(2)).
• Discharge of sediment to water incidental to the use of a stopbank (s15(1)).

C.4.1.3 Repair and maintenance of a stopbank, or floodgate or drain – permitted activity

The repair or maintenance (forms of alteration) of an existing stopbank, or floodgate, any associated disturbance of the bed of a lake or river and the damming, taking, diversion and discharge of water around the activity site during the repair or maintenance, or drain are is a permitted activity, provided:

1) the activity complies with all relevant conditions C.4.1.8 Land drainage and flood control general conditions, and

2) there is no increase to the length, width or height of the original stopbank, or floodgate or drain, other than as required to provide for the settlement of earthen stopbanks, and

3) the Regional Council’s compliance manager is given at least 10 working days’ notice (in writing or by email), outlining the details of the proposed works.

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

• Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)), and
• Restrictions relating to water (s14(2)(a)), and
• Discharge of contaminants into water (s15(1)(a)),
• The repair or maintenance (forms of alteration) of a stopbank or floodgate that is outside the bed of a lake or river (s5(2)),
• The repair or maintenance (forms of alteration) of a stopbank or floodgate in, on, under, or over the bed of a lake or river, and the incidental disturbance of the bed and deposition of a substance in, on, or under the bed (s13(1)),
• Damming, taking and diversion of water around the activity site during the repair or maintenance of a stopbank or floodgate (s14(2)),
• Discharge of sediment or water into water or onto land where it may enter water incidental to the repair or maintenance of a stopbank or floodgate (s15(1)),
• Discharge of sediment onto land incidental to the repair or maintenance of a stopbank or floodgate (s15(2A)).

C.4.1.3A Repair, maintenance and clearance of a drain – permitted activity378

The repair or maintenance (forms of alteration) or clearance of a drain, including any associated damming, and taking and diversion of water around the activity site, are permitted activities, provided:
1) the activity complies with all relevant conditions of C.4.1.8 Land drainage and flood control general conditions, and

2) there is no increase to the length or width of the original drain, and

3) drain clearance activities are undertaken in an upstream to downstream direction.379

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

- Repair, maintenance or clearance of a drain that is an artificial watercourse (s9(2)).
- Repair or maintenance (forms of alteration) of a drain that is a modified watercourse and any associated disturbance of the bed of the watercourse and incidental deposition of a substance on the bed (s13(1)).
- Damming, taking and diversion of water around the activity site during repair, maintenance or clearance of a drain (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the repair, maintenance or clearance of a drain (s15(1)).
- Discharge of sediment or water onto land incidental to the repair, maintenance or clearance of a drain (s15(2A)).

C.4_1.4 Re-consenting flood control schemes – controlled activity

The re-consenting of an application for a resource consent that will replace a resource consent that authorises the use of a flood control scheme involving an activity described in sections 13, 14 and 15 of the Act is a controlled activity, provided:

1) the application is made before the expiry of the existing resource consent, and

2) there is no change to the activities as authorised by the existing resource consent.

Matters of control:

1) The management of flooding effects.

2) Effects on tangata whenua and their taonga.

3) Fish passage.

4) The zone of reasonable mixing for any discharge.

5) Effects on in-stream habitat and freshwater fish (excluding pest species).380

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

- Restrictions on certain uses of beds of lakes and rivers (s13(1)).
- Restrictions relating to water (s14(2)).
- Discharge of a contaminant into water or onto or into land (s15(1) and s15(2A)).
C.4.1.5 **Land-Existing land** drainage schemes – controlled activity

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

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

which is that are not a:

4) permitted activity under rule C.4.1.2 Existing authorised stopbanks – permitted activity, or
5) permitted activity under rule C.4.1.3 Repair and maintenance of a stopbank, or floodgate or drain—permitted activity, or
5A) permitted activity under rule C.4.1.3A Repair, maintenance and clearance of a drain—permitted activity,

Is are controlled activities activity provided:

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

7) the activity complies with the land drainage and flood control general conditions C.4.3 ‘Land drainage and flood control general conditions’.

**Matters of control:**

1) The management of drainage and flooding effects.

2) The adequacy of proposed measures to prevent land subsidence, land slumping and erosion of land and the beds and or banks of water bodies.

3) **Effects on the water quality as a result of the drainage water discharge and the size and zone of reasonable mixing for any discharge.**

4) Any necessary staging of works.

5) Effects on tangata whenua and their taonga.

6) Fish passage. 381

7) Effects on any natural wetlands.

8) Effects on indigenous-freshwater fish *(excluding pest species)* and in particular eels. 382

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

• Restrictions on the use of land (s9(2)).

• Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).

• Restrictions relating to water (s14(2)(a)).
• Discharge of contaminants into water (s15(1)(a)).
• Clearing drainage channels and floodgates and the maintenance, repair and reconstruction of land drainage scheme assets outside the bed of a lake or river in a drainage district (s9(2)).
• Taking, damming and diversion of water for land drainage within an existing drainage district (s14(2)).
• Discharge of water, and sediment entrained in water, to water and onto land where it may enter water within and from the flood drainage scheme (s15(1)).
• Discharge of sediment or water onto land within and from the flood drainage scheme (s15(2A)).

C.4.1.6 Other land drainage and flood control activities – discretionary activity

Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes), including:

1) the use, erection, reconstruction, placement, alteration and extension of a structure for land drainage or flood control work in, on, under, or over the bed of a lake or river, and

2) any associated disturbance of the bed, and

3) any associated deposition of a substance in, on or under the bed, and

4) any associated taking, damming or diversion of water.

that are not a permitted activity, controlled activity or a discretionary activity in section C.4.1 of this Plan:

1) permitted activity under rule C.4.1 ‘Land drainage – permitted activity’, or

2) permitted activity under rule C.4.2 ‘Existing authorised stopbanks – permitted activity’, or

3) permitted activity under rule C.4.3 ‘Repair and maintenance of a stopbank or floodgate – permitted activity’, or

4) controlled activity under rule C.4.4 ‘Re-consenting flood control schemes – controlled activity’, or

5) controlled activity under rule C.4.5 ‘Land drainage schemes – controlled activity’,

are a discretionary activities activity.

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

• Restrictions on the use of land (s9(2)).
• Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)).
• Restrictions relating to water (s14(2)(a)).
• Discharge of contaminants into water (s15(1)(a)).
• Land drainage or flood control work (including new land drainage or flood control schemes and new structures within schemes) (s9(2)).
• Use, erection, reconstruction, placement, alteration or extension of a structure for land drainage or flood control work in, on, under, or over the bed of a lake or river, and any associated disturbance of the bed or deposition of a substance in, on, or under the bed (s13(1));
• Taking, damming or diversion of water associated with land drainage or flood control work (14(2));
• Discharge of sediment or water into water or onto land where it may enter water incidental to land drainage or flood control work (s15(1));
• Discharge of sediment onto land incidental to land drainage or flood control work (s15(2A));

C.4.1.7 Activities affecting flood control schemes – discretionary activity

The following activities within a Regional Council flood control scheme (refer [Maps [Ngā mahere matawhenua]], which that are not a permitted activity under rule C.2.1 1.1 Minor river bank protection works – permitted activity, are a discretionary activities activity:

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

• The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Restrictions on the use of land (s9(2)); and
• Restrictions on certain uses of beds of lakes and rivers (s13(1)(a)); and
• Discharge of contaminants into water (s15(1)(a));
• The disturbance of land within 10 metres of a flood defence (s9(2));
• Erection of a structure in, on, or under the bed of any river and any disturbance of the bed (s13(1));

C.4.1.8 Land drainage and flood control general conditions

General conditions apply for land drainage and flood control activities, that apply when specified in a permitted or controlled activity rule, when referred to in the rules of Section C.4.1.

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

1) There is no adverse flooding, erosion or over-drainage effects on other property,
2) The activity does not alter the course or bed of a lake or **continually or intermittently flowing 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 (other than pest fish), kōura (freshwater crayfish) and kākahi (freshwater mussels) unintentionally removed during mechanical clearing of drainage channels are returned to the drainage channel as soon as practicable, but no later than one hour after their removal**, 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 water marine area, at or beyond the zone of reasonable mixing**, a 10-metre radius from the discharge point, the discharge does not:
   a) result in any conspicuous oil or grease films, scums or foams, or floatable or suspended material except where caused by natural events in the receiving water, and
   b) cause the pH of the receiving water to fall outside the range of 6.5 to 9.0 (except where caused by natural events, or when natural background levels fall outside that range), and
   c) cause any emission of objectionable odour in the receiving water, and
   d) cause any conspicuous change in colour, or reduction in visual clarity of the receiving water, and
   e) cause the natural temperature of the receiving water body to be changed by more than three degrees Celsius, and

13) **Any discharge of sediment associated with repair and maintenance activities does not occur for more than five consecutive days, and must not occur for more than 12 hours on any one day, within those five days, and there is no**:
   a) conspicuous change in colour, or
   b) reduction in visual clarity after reasonable mixing at any time from 24 hours after completion of the activity.
C.5 Taking and use of water

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

C.5.1 Taking and use of freshwater

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C.5.1 Taking and use of freshwater

Note:

Section 14(3)(b) of the Resource Management Act 1991 allows fresh water to be taken or used for a person's reasonable domestic needs or the reasonable needs of a person's animals for drinking water without a resource consent provided the taking or use does not, or is not likely to, have an adverse effect on the environment.

Section 14(3) of the RMA states that a person is not prohibited from taking, using, damming or diverting any water, heat, or energy if:

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

The following rules do not apply to the taking and use of water that is done in accordance with sections 14(3)(b) - (e) of the RMA:

- Catchment specific rule E.3.1.2 Water takes from Lake Waiporohita - discretionary activity applies to Section 14(3)(b) takes and prevails over the more permissive rules in this section.
- Catchment specific rule E.3.2.1 Water takes from a lake in the Poutō catchment - permitted activity applies to the taking and use of water and prevails over Rule C.5.1.11 Water take below a minimum flow or water level - non-complying activity.

C.5.1.1 Minor takes – permitted activity

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

1) the take is not from a coastal aquifer, or outstanding freshwater body, 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:
      a) 10 cubic metres, or
      b) 30 cubic metres for the purposes of dairy shed wash down and milk cooling water, and
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

3) the rate of take from a river does not exceed 30 percent of the instantaneous flow at the point and time of the take, and

4) the maximum rate of geothermal heat take (without taking water) does not exceed 7500 megajoules per day, 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 a surface water takes, the water intake structure is designed, constructed, operated and maintained so that:
   a) the maximum water velocity into the entry point of the intake structure is not greater than 0.3-0.12 \text{ metres per second}, and
   b) for if the takes is from a coastal river or, outstanding rivers or lake, the intake structure has a fish screen with the intake screen mesh spacing is not greater than 1.5 millimetres, or
   c) for if the takes is from a small rivers or large rivers, the intake structure screen has a fish screen with mesh spacing is not greater than three millimetres, and

8) any reticulation system and its components are maintained to minimise leakage and wastage, and

9) at the written request of the Regional Council, the water user provides the Regional Council with the following information:
   a) the location of the water take, and
   b) the daily volume of the water taken and the maximum daily rate of take, and
   c) the purpose for which the water is used or is proposed to be used, and

10) at the written request of the Regional Council, a water meter(s) is installed at the location(s) specified in the request and water use records are provided to the Regional Council in a format and at the frequency specified in the request.

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

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

**C.5.1.1A Taking and use of coastal water – permitted activity**
The taking and use of coastal water other than open coastal water is a permitted activity. For the avoidance of doubt this rule covers the following RMA activities:

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

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

C.5.1.2 Temporary take for road construction or maintenance – permitted activity

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

1) the take is not from an outstanding freshwater body or a dune lake, and
2) the total daily take does not exceed 150 cubic metres per day or 450 cubic metres over any consecutive five-day period, and
3) the take does not adversely affect the reliability of any authorised take, and
4) the instantaneous rate of taking does not reduce the flow in the river by more than 20 percent of its flow at the time the water is being taken, and
5) water is not taken when the flow in a river or water level in a lake is below a minimum-flow or minimum-level, and
6) the water intake structure is designed, constructed, operated and maintained so that:
   a) the maximum water velocity into the entry point of the intake structure is not greater than 0.3–0.12 m/s, and
   b) for a takes from a coastal river, or outstanding river or lake, the intake screen has a fish screen with mesh spacing is not greater than 1.5 millimetres, or
   c) for a takes from a small river or large river, the intake screen has a fish screen with mesh spacing is not greater than three millimetres, and
7) the Regional Council’s compliance manager is given notice (in writing or by email) of the location, time and duration of the take at least 24 hours before the activity commences.

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

- Restrictions relating to water (s14(2)).
- Taking and use of water from a river or lake for road construction, road dust suppression or road maintenance purposes (s14(2)).
C.5.1.3     Water take from an off-stream dam – permitted activity

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

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

- Restrictions relating to water (s14(3)).
- Taking and use of fresh water from an off-stream dam (s14(2)).

C.5.1.4     Water take from an artificial watercourse – permitted activity

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

1) the artificial watercourse is not connected upstream of the point of take to a continually or
intermittently flowing river, lake, or natural wetland, and

2) the artificial watercourse is controlled to prevent backflow of water from connected
continually or intermittently flowing rivers, lakes or natural wetlands as a consequence of
the take, and

3) the take does not adversely affect the reliability of any authorised take.

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

- Restrictions relating to water (s14(3)).
- Taking and use of fresh water from an artificial watercourse (s14(2)).

C.5.1.5     Water take associated with bore development, bore testing or dewatering – permitted activity

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

1) In the take is from a coastal aquifer:

   a) the site of the bore or ground dewatering does not occur within 200 metres of mean
      high water springs, and
   b) the daily volume of the water taken does not exceed 100 cubic metres per day, and
   c) the activity is completed within seven days of its commencement, or

1A) if the take is from the Aupouri aquifer management unit:

   a) the activity is completed within seven days of its commencement for takes up to 1000
      cubic metres per day, or
   b) the activity is completed within three days of its commencement for takes up to 2500
      cubic metres per day, or
2) In other areas, if the take is in another area, the activity is completed within seven days of its commencement and the average rate of take does not exceed 1000 cubic metres per day, and/or

2A) if the activity is dewatering for construction, installation or maintenance of underground equipment or foundations where the sides of the excavation are sheet piled or boxed to stem the lateral flow, the activity is completed within 10 days of its commencement, 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 ground settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

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

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

Note: any discharge associated with the take and use of groundwater for bore development, bore testing or dewatering by pumping may be permitted by Rule C.6.9.5.

C.5.1.5A Water takes associated with existing quarry and mine site dewatering – controlled activity

The taking of water by dewatering an existing quarry or mine site, including ground dewatering by way of existing drainage sumps, which does not draw water from a coastal aquifer is a controlled activity.

Matters of control

1) The timing, rate and volume of the take.

2) The location and design of dewatering wells.

3) Extent of dewatering.

4) Mitigation measures.

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

- Taking, diversion and use of fresh water from an existing quarry or mine site which does not draw water from a coastal aquifer (s14(2)).

Note: any discharge associated with the take may be permitted by Rule C.6.9.5.
C.5.1.6 Replacement water permits for registered drinking water supplies – controlled activity

An application for a new resource consent to take and use water from a river, lake or aquifer that will replace an existing resource consent for a registered drinking water supply for the health needs of people is a controlled activity, provided:

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

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

Matters of control:

1) The timing, rate and volume of the take.

2) Measures to ensure the reasonable and efficient use of water.

3) Effects on:
   a) aquatic ecosystems health and species, and
   b) mahinga kai and access to mahinga kai, and
   c) indigenous biodiversity in the bed of a water body where it affects tangata whenua ability to carry out cultural and traditional activities, and
   d) wāhi tapu, and
   e) the identified values of mapped Sites and Areas of Significance to Tangata Whenua (refer Maps | Ngā mahere matawhenua).

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

- Restrictions relating to water (s14(2)).
- Taking and use of fresh water for a registered drinking water supply from a river, lake or aquifer (s14(2)).

C.5.1.7 Takes existing at the notification date of the plan – controlled activity

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

1) the total daily volume from all sources does not exceed 50 cubic metres per property per day, and

2) the take does not cause any change to the seasonal or annual level of any natural wetland, and

3) for surface water takes, the water intake structure is designed, constructed, operated and maintained so that:
a) the maximum water velocity into the entry point of the intake structure is not greater than 0.3 metres per second, and
b) the intake screen mesh spacing is not greater than 1.5 millimetres; and

4) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and

5) the application contains evidence that the take existed at the notification date of the Plan.

Matters of control:

1) The timing, rate and volume of the take, including restrictions on abstraction required to give effect to the minimum flows set in ‘11.6 Environmental flows and levels’. 407

2) The design, location and maintenance of the intake structure to minimise adverse effects on fish species. Measures to avoid, remedy or mitigate effects on:
   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. 405
   e) mapped Sites and Areas of Significance to Tangata Whenua (refer I ‘Maps | Ngā mahere matawhenua’).

3) Measures to ensure the reasonable and efficient use of water, including ensuring consistency with industry good practice. 410

4) Effects on the identified values of mapped Sites and Areas of Significance to Tangata Whenua (refer I ‘Maps | Ngā mahere matawhenua’).

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

• Restriction relating to water (s14(2)).
• Taking and use of water from a river, lake or aquifer (s14(2)).

C.5.1.8 Supplementary High flow allocation 411 – restricted discretionary activity

The taking and use of water from a river at flows when the flow in the river is above the median flow that exceeds 10 cubic metres per property, per day or 200 litres per hectare, up to a maximum of 20 cubic metres, per property per day that is not a permitted or controlled activity under C.5.1 of this Plan is a restricted discretionary activity, provided:

1) the frequency of flushing flows that exceed three times the median flow of the river is not changed, and

2) 50% of the river flow above the median flow remains in the river. 411

Matters of discretion:
1) The timing, rate and volume of the take to avoid or mitigate effects on existing authorised takes and aquatic ecosystem health.\(^{413}\)

2) Preventing fish from entering the water intake.\(^{414}\)

3) Measures to ensure the reasonable and efficient use of water.\(^{415}\)

4) The positive effects of the activity.

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

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

### C.5.1.9 Takes existing at the notification date of this Plan – discretionary activity

The taking and use of water from a river, lake or aquifer that existed at the notification date of this Plan but was not lawfully established authorised\(^{416}\) 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 this Plan.

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

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

### C.5.1.10 Other water takes – discretionary activity

The taking and use of fresh-water, or the taking and use of heat or energy from water\(^{417}\) or heat or energy from the material surrounding geothermal water, that is not the subject of any other rule in this Plan,

1) a permitted activity under C.5.1.1 ‘Minor takes – permitted activity’, or

2) a permitted activity under C.5.1.2 ‘Temporary take for road construction or maintenance—permitted activity’, or

3) a permitted activity under C.5.1.3 ‘Water take from an artificial watercourse—permitted activity’, or

4) a permitted activity under C.5.1.4 ‘Water take associated with bore development, bore testing or dewatering—permitted activity’, or

5) a permitted activity under C.5.1.5 ‘Takes existing at the notification date of this plan—discretionary activity’, or

6) a controlled activity under C.5.1.6 ‘Water take below a minimum flow or water level—non-complying activity’, or
7) a controlled activity under C.5.1.7 ‘Water takes that will exceed an allocation limit— prohibited activity’, or
8) a restricted discretionary activity under C.5.1.8 ‘Supplementary allocation restricted discretionary activity’, or
9) a discretionary activity under C.5.1.9 ‘Takes existing at the notification date of this plan— discretionary activity’, or
10) a non-complying activity under C.5.1.11 ‘Water take below a minimum flow or water level— non-complying activity’, or
11) a non-complying activity under C.5.1.12 ‘Water takes that will exceed an allocation limit— non-complying activity’, or
12) a prohibited activity under C.5.1.13 ‘Water takes that will exceed an allocation limit— prohibited activity’.

is a discretionary activity.

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

• Restrictions relating to water (s14(2));
• Taking and use of water from a river, lake or aquifer, and taking heat or energy from geothermal water or material surrounding geothermal water (s14(2)).

C.5.1.11 Water take below a minimum flow or water level – non-complying activity

The taking of fresh water from a river, lake or natural wetland when the flow in the river or water level in the natural wetland or lake is below a minimum flow or minimum level set in H.6 Environmental flows and levels, and that is not permitted by a rule in this Plan, is a non-complying activity.

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

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

C.5.1.12 Water take that will exceed an allocation limit – non-complying activity

The taking and use of fresh water that would cause an default allocation limit set in H.6 Environmental flows and levels for a river or aquifer to be exceeded, and that is not permitted by a rule in this Plan, is a non-complying activity, provided the take does not exceed:

1) A default allocation limit for the river by more than 10 percent of the seven-day mean annual low flow, or
2) A default allocation limit for the aquifer by more than five percent of the annual average recharge.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

- Restrictions relating to water (s14(2));
- Taking and use of fresh water from a river or aquifer (s14(2)).

C.5.1.13 Water takes that will exceed an allocation limit – prohibited activity

The taking and use of water that would cause

1) A catchment-specific allocation limit to be exceeded, or
2) A default allocation limit for a river to be exceeded by more than 10 percent of the seven-
   day mean annual 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.918

The RMA activities this rule covers:

- Restrictions relating to water (s14(2)).
C.6 Discharges to land and water

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

### C.6.1 On-site domestic wastewater discharges

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C.6.3.5 Agricultural Other Wastewater discharges to land – discretionary activity

C.6.3.6 Farm wastewater and Horticulture wastewater discharges to water – discretionary activity

C.6.3.6A Farm wastewater discharges to water - non-complying activity

C.6.3.7 Farm wastewater discharges into water – prohibited activity

### C.6.4 Stormwater discharges

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<tr>
<td>C.6.4.3</td>
<td>Stormwater discharges – controlled activity</td>
</tr>
<tr>
<td>C.6.4.4</td>
<td>Stormwater discharges onto or into from contaminated land and or from high-risk industrial or trade premises - discretionary activity</td>
</tr>
</tbody>
</table>

### C.6.5 Agrichemicals and vertebrate toxic agents

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.6.5.1</td>
<td>Application of agrichemicals – permitted activity</td>
</tr>
<tr>
<td>C.6.5.2</td>
<td>Application of agrichemicals into water – permitted activity</td>
</tr>
<tr>
<td>C.6.5.3</td>
<td>Ground based application of vertebrate toxic agents (ground-based application) – permitted activity</td>
</tr>
<tr>
<td>C.6.5.4</td>
<td>Aerial application of vertebrate toxic agents (aerial application) – controlled activity</td>
</tr>
<tr>
<td>C.6.5.5</td>
<td>Application of agrichemicals and vertebrate toxic agents – discretionary activity</td>
</tr>
</tbody>
</table>

### C.6.6 Industrial and trade wastewater discharges

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.6.6.1</td>
<td>Discharge of cooling water - permitted activity</td>
</tr>
<tr>
<td>C.6.6.1A</td>
<td>Discharge of contaminants from a water treatment plant - permitted activity</td>
</tr>
</tbody>
</table>
### C.6.6.2 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water - permitted activity

### C.6.6.3 Industrial or trade discharges - discretionary activity

### C.6.7 Solid waste

<table>
<thead>
<tr>
<th>Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.6.7.1 Cleanfill – permitted activity</td>
</tr>
<tr>
<td>C.6.7.2 Discharges to land from closed landfills – permitted activity</td>
</tr>
<tr>
<td>C.6.7.3 On site refuse disposal – permitted activity</td>
</tr>
<tr>
<td>C.6.7.4 Discharges from composting operations less than 10 cubic metres - permitted activity</td>
</tr>
<tr>
<td>C.6.7.5 Discharges from composting operations greater than 10 cubic metres – permitted activity</td>
</tr>
<tr>
<td>C.6.7.6 Discharges from waste transfer stations – controlled activity</td>
</tr>
<tr>
<td>C.6.7.6A Discharges from closed landfills</td>
</tr>
<tr>
<td>C.6.7.7 Other solid waste discharges – discretionary activity</td>
</tr>
</tbody>
</table>

### C.6.8 Contaminated land

<table>
<thead>
<tr>
<th>Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.6.8.1 Investigating potentially contaminated land – permitted activity</td>
</tr>
<tr>
<td>C.6.8.2 Discharges from contaminated land - permitted activity</td>
</tr>
<tr>
<td>C.6.8.3 Contaminated land remediation – discretionary activity</td>
</tr>
<tr>
<td>C.6.8.3A Contaminated land remediation - controlled activity</td>
</tr>
<tr>
<td>C.6.8.3B Re-consenting passive discharges from contaminated land - controlled activity</td>
</tr>
<tr>
<td>C.6.8.4 Contaminated land – discretionary activity</td>
</tr>
</tbody>
</table>

### C.6.9 Other discharges of contaminants

<table>
<thead>
<tr>
<th>Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.6.9.1 Discharge of dust suppressants – permitted activity</td>
</tr>
<tr>
<td>C.6.9.2</td>
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<tr>
<td>-------</td>
</tr>
<tr>
<td>C.6.9.3</td>
</tr>
<tr>
<td>C.6.9.4</td>
</tr>
<tr>
<td>C.6.9.4A</td>
</tr>
<tr>
<td>C.6.9.5</td>
</tr>
<tr>
<td>C.6.9.6</td>
</tr>
<tr>
<td>C.6.9.7</td>
</tr>
</tbody>
</table>
C.6.1 On-site domestic wastewater discharges

C.6.1.1 Existing on-site domestic type wastewater discharge – permitted activity

The discharge of domestic type wastewater into or onto land from an on-site system that was a permitted activity at the notification date of this Plan, and the associated discharge of any odour into air from the on-site system, is a permitted activity, provided:

1) the discharge volume does not exceed:
   a) three cubic metres per day, averaged over the month of greatest discharge, and
   b) six cubic metres per day over any 24 hour period, and

2) the following reserve disposal areas are available at all times:
   a) 100% percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or
   b) 30% percent of the existing effluent disposal area where the wastewater has received at least secondary treatment, and

3) the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer’s specifications for maintenance, and

4) wastewater irrigation lines are at all times either installed at least 50 millimetres beneath the surface of the disposal area or are covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and

5) the discharge does not contaminate any groundwater supply or surface water, and

6) there is no surface runoff or ponding of wastewater, and

7) there is no offensive or objectionable odour beyond the property boundary.

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

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of domestic type wastewater into or onto land from an on-site system, and the associated discharge of any odour into air from the on-site system and the discharge into or onto land (s15(1) and s15(2A)).

C.6.1.2 Pit toilet – permitted activity

The discharge of contaminants human effluent from a pit toilet into land and the associated discharge of odour into air from the pit toilet is a 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 exclusion areas and setback distances in Table 3 ‘Horizontal and vertical Exclusion areas and setback distances for pit toilets’, and
4) the pit toilet is constructed in soil with an infiltration (percolation) rate not exceeding 150 millimetres per hour, and

5) the pit toilet is constructed to prevent rainfall and surface water runoff from entering it, and

6) the discharge does not contaminate any groundwater water supply or surface water, and

7) there is no surface runoff or ponding of wastewater, and

8) there is no offensive or objectionable odour beyond the property boundary.

Table 3: Horizontal and vertical exclusion areas and setback distances for pit toilets

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

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

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of human effluent into or onto land and the associated discharge of odour into air from a pit toilet (s15(1) and s15(2A)).

C.6.1.3 Other on-site treated domestic wastewater discharge – permitted activity
The discharge of **domestic type wastewater** into or onto land from an on-site system and the associated discharge of odour into air from the on-site system is a permitted activity, provided:

1) the on-site system is designed and constructed in accordance with the Australian/New Zealand Standard, *On-site Domestic Wastewater Management (AS/NZS 1547:2012)*, and

2) the volume of wastewater discharged does not exceed two cubic metres per day, and

3) the discharge is not via a spray irrigation system or **deep soakage system**, and

4) the slope of the disposal area is not greater than 25 degrees, and

5) the discharge of **secondary treated or tertiary treated wastewater** has received **secondary or tertiary treatment**, and is discharged is via a trench or bed in soil categories 3 to 5 that is designed in accordance with Appendix I of *Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012)*; or 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 is must be installed and maintained to divert **surface water** runoff from the up-slope catchment away from the disposal area, and
   d) a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and
   e) the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or
   f) the irrigation lines are covered at all times by a minimum of 100 millimetres of topsoil, mulch, or bark, and

7) the disposal area and **reserve disposal area** are in **exclusion areas** and setbacks in Table 4 "Horizontal and vertical exclusion areas and setback distances for on-site domestic wastewater systems", and

8) for septic tank treatment systems, a filter that retains solids greater than 3.5 millimetres in size is fitted on the outlet, and

9) the following reserve disposal areas are available at all times:
   a) 100 percent of the existing effluent disposal area where the wastewater has received **primary treatment** or is only comprised of **greywater**, or
   b) 30 percent of the existing effluent disposal area where the wastewater has received **secondary treatment** or **tertiary treatment**, and

10) the on-site system is maintained so that it operates effectively at all times and **maintenance is undertaken** is done, at a minimum, in accordance with the manufacturer’s specifications for maintenance, and
11) the discharge does not contaminate any groundwater water supply or surface water, and
12) there is no surface runoff or ponding of wastewater, and
13) there is no offensive or objectionable odour beyond the property boundary.

Table 4: Horizontal and vertical exclusion areas and setback distances for on-site domestic wastewater systems

<table>
<thead>
<tr>
<th>Feature</th>
<th>Primary treated domestic type wastewater</th>
<th>Secondary and tertiary treated domestic type wastewater</th>
<th>Greywater</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exclusion areas</strong>&lt;sup&gt;424&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dedicated secondary overland flows paths for constructed stormwater systems</td>
<td>1% annual exceedance probability</td>
<td>1% annual exceedance probability</td>
<td>1% annual exceedance probability</td>
</tr>
<tr>
<td>Floodplain</td>
<td>5 percentile annual exceedance probability</td>
<td>5 percent annual exceedance probability</td>
<td>5 percent annual exceedance probability</td>
</tr>
<tr>
<td><strong>Horizontal setback distances</strong>&lt;sup&gt;425&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identified stormwater flow path, including a formed road with curb kerb and channel, and water table drain, off-stream dam, or pond that is not up-slope or down-slope, of the disposal area</td>
<td>5 metres</td>
<td>5 metres</td>
<td>5 metres</td>
</tr>
<tr>
<td>River, lake, stream, pond, dam or natural wetland</td>
<td>20 metres</td>
<td>15 metres</td>
<td>15 metres</td>
</tr>
<tr>
<td>Coastal marine area</td>
<td>20 metres</td>
<td>15 metres</td>
<td>15 metres</td>
</tr>
<tr>
<td>Existing water supply bore</td>
<td>20 metres</td>
<td>20 metres</td>
<td>20 metres</td>
</tr>
<tr>
<td>Property boundary that is not up-slope of the disposal area</td>
<td>1.5 metres</td>
<td>1.5 metres</td>
<td>1.5 metres</td>
</tr>
<tr>
<td><strong>Vertical setback distances</strong>&lt;sup&gt;426&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winter groundwater table</td>
<td>1.2 metres</td>
<td>0.6 metres</td>
<td>0.6 metres</td>
</tr>
</tbody>
</table>

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
- Discharge of contaminants into environment (s15(1)(b)),
- Discharge of domestic type wastewater into or onto land and the associated discharge of odour into air from an on-site system or the discharge into or onto land (s15(1) and s15(2A)).
C.6.1.4 Replacement discharge permits – controlled activity

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

Matters of control:

1) The design, operation and maintenance of the on-site system.

2) Effects on water quality.

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

- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Discharge of domestic type wastewater into or onto land, the discharge of treated domestic type wastewater into water, and the associated discharge of odour into air from an on-site system (s15(1)).
- Discharge of domestic type wastewater into or onto land and the associated discharge of odour into air from an on-site system or the discharge into or onto land (s15(2A)).

C.6.1.5 Other domestic wastewater discharges – discretionary activity

The discharge of treated on-site domestic type wastewater into or onto land or into water, or the discharge of human effluent from a pit toilet into land, and any associated discharge of odour into air, that is are not a permitted, controlled, or prohibited activity under any other rules in section C.6.1 of this Plan:

1) a permitted activity under rule C.6.1.1 ‘Existing on-site domestic type wastewater discharge permitted activity’, or

2) a permitted activity under rule C.6.1.2 ‘Pit toilet permitted activity’, or

3) a permitted activity under rule C.6.1.3 ‘Other on-site treated domestic wastewater discharge permitted activity’, or

4) a controlled activity under rule C.6.1.4 ‘Replacement discharge permits controlled activity’, or

5) a prohibited activity under rule C.6.1.6 ‘Discharge of untreated domestic type wastewater to water prohibited activity’ is a are discretionary activities activity.

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

- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Discharge of treated on-site domestic type wastewater or human effluent from a pit toilet into water or into or onto land where it may enter water and any associated discharge of odour into air from the on-site system or pit toilet (s15(1)).
• Discharge of treated on-site domestic type wastewater or human effluent from a pit toilet into or onto land and any associated discharge of odour into air from the on-site system or pit toilet s15(2A)).

C.6.1.6 Discharge of untreated domestic type wastewater into water – prohibited activity

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

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

• Discharge of contaminants into environment (s15(1)(a)).
• Discharge of untreated domestic type wastewater into water (s15(1)).
C.6.2 Wastewater network and treatment plant discharges

C.6.2.1 Wastewater discharge from a pump station or pipe network—controlled activity

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

1) an application for resource consent is received by the regional council within two years of this rule becoming operative; and
2) the resource consent application includes a wastewater network management plan for the network, which is prepared in accordance with appendix H.1, and
3) the wastewater pump station has:
   a) an automatic control and alarm system that provides:
      i) immediate notification of pump failure, and
      ii) automatic switching to a standby pump, and
      iii) power supply backup for the alarm system, and
   b) at least one dedicated standby or duty-assist pump that will activate in the event of failure of the duty pump, and
   c) a minimum of four hours' storage capacity (based on the average dry weather flow) unless the pump station has a permanently installed electricity generator, and
4) any constructed overflow structure is designed to prevent floatable or suspended materials entering water and scouring and erosion at the point of discharge. 429

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

Notification:

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

The RMA activities this rule covers:

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

C.6.2.2 Discharge from a pump station or pipe network—discretionary activity

The discharge of wastewater from a wastewater network pump station or pipe network into water or onto or into land, and any associated discharge of odour to air resulting from the
discharge, that is not a controlled activity under rule C.6.2.1 ‘Wastewater discharge from a pump station or pipe network—controlled activity’ is a discretionary activities activity.

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

- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Discharge of wastewater from a wastewater network into water or onto or into land where it may enter water and the associated discharge of odour into air (s15(1)).
- Discharge of wastewater from a wastewater network onto or into land and the associated discharge of odour into air (s15(2)(A)).

C.6.2.3 Wastewater treatment plant discharge – discretionary activity

The discharge of treated wastewater from a wastewater treatment plant into water or onto or into land, and any associated discharge of odour into air resulting from the discharge, is a discretionary activities activity.

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

- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Discharge of treated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water and any associated discharge of odour into air (s15(1)).
- Discharge of treated wastewater from a wastewater treatment plant onto or into land and any associated discharge of odour into air (s15(2)(A)).

C.6.2.4 Wastewater discharge – prohibited activity

The discharge of untreated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water and that is not:

1) a permitted activity under C.6.2.1 ‘Wastewater discharge from a pump station or pipe network—controlled activity’;

2) a controlled activity under C.6.2.1 ‘Wastewater discharge from a pump station or pipe network—controlled activity’;

3) a discretionary activity under C.6.2.2 ‘Discharge from a pump station or pipe network—discretionary activity’;

4) a discretionary activity under C.6.2.3 ‘Wastewater treatment plant discharge—discretionary activity’;

is a prohibited activity.

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

- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Discharge of untreated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water (s15(1)).
C.6.3 Agricultural waste discharges - Production
land discharges

C.6.3.1 Farm wastewater discharges to land – permitted activity

The discharge of farm wastewater onto or into land, and any associated discharge of odour to air is a permitted activity, provided:

1) there is no discharge:
   a) directly into water, or
   b) into surface water or to the coastal marine area via overland flow, or
   c) into surface water or to the coastal marine area via any tile, mole or other subsurface drain, or
   d) into an artificial watercourse, and

2) there is no discharge onto or into land or overland flow within:
   a) 20 metres of any stream, continually or intermittently flowing river, lake, natural wetland, or the coastal marine area, or
   ba) 50m of the water body for a distance of 2000 metres upstream of a public water supply intake servicing more than 25 people, and
   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 farm wastewater, and
   b) does not exceed the soil’s ability to absorb the wastewater, and
   c) does not result in ponding on the land for longer than three hours after the discharge, and
   d) minimises overland flow, and
   e) does not cause an offensive or objectionable odour beyond the property boundary, and

4) roof water from sheds and other buildings is permanently diverted away from farm wastewater storage facilities, unless farm wastewater storage facilities are sized to accommodate stormwater, and
   a) roof water can be retained in a holding tank and used for wash-down purposes provided the overflow from the tank is permanently diverted away from the farm wastewater storage facilities, and

5) a stormwater diversion system is maintained and operated to prevent stormwater from a yard at a dairy shed from entering the farm wastewater storage facilities when the yard is
clean and not being used to hold animals, unless farm wastewater storage facilities are sized to accommodate stormwater, and

6) catchment stormwater is prevented from entering farm wastewater storage facilities, and

7) farm wastewater storage facilities are used for ensuring compliance with conditions 1), 2) and 3) of this rule, and from 1 March 2021:

a) have sufficient contingency storage so that farm wastewater generated between 1 May and 30 September can be retained in the facilities, unless a resource consent is held that specifies a different contingency storage volume for dairy farms, they are designed, constructed and used in accordance with the Dairy Effluent Storage Calculator (DESC), and

b) for dairy farms, they have at least 75 percent of the working storage volume available at between 1 March and 1 May each year, and wastewater should be discharged to land after that date when there is sufficient soil moisture deficit, and

c) storage facilities are sealed or lined so that seepage is minimised; and

d) upon written request by the Regional Council, the person undertaking the activity provides a written statement or certification from a person with a qualification in farm dairy effluent system design Chartered Professional Engineer to the Regional Council that shows compliance with the design requirements in a) and c), and

7A) farm wastewater storage facilities are sealed or lined so that seepage is minimised, and

8) there are contingency measures in place to ensure compliance with conditions 1), 2) and 3) of this rule in the event of power outage or the failure of a pump, pipe, irrigator or other equipment, and

9) upon the written request by the Regional Council, the person doing the activity keeps a written record of the following information and provides it to the Regional Council’s compliance manager in the form and the frequency specified in the request:

a) dates and time of discharge, and

b) discharge rates, and

c) land application area, and

d) application rates and depths, and

e) maximum number of cows being milked and milking regime, and

f) maintenance records.

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

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of farm wastewater onto or into land where it may enter water (s15(1)).
- Discharge of farm wastewater onto or into land and any associated discharge of odour into air (s15(2A)).
C.6.3.1A Horticulture wastewater discharges to land – permitted activity

The discharge of horticulture wastewater onto or into land is a permitted activity, provided:

1) there is no discharge onto or into land within:
   a) 20 metres of a stream, continually or intermittently flowing river, artificial watercourse, lake, natural wetland, or the coastal marine area, or
   b) 20 metres of a neighbouring property owned or occupied by another person, or
   c) 50 metres of any dwelling owned or occupied by another person, or
   d) 20 metres of the head of any drinking water supply bore, and

2) the discharge does not result in ponding on the land for longer than three hours, and

3) the discharge of vegetable washwater is undertaken in accordance with Section 2 of Horticulture New Zealand’s Vegetable Washwater Discharge Code of Practice 2017, and

4) the discharge of greenhouse nutrient solution is undertaken in accordance with the Code of Practice for the Management of Greenhouse Nutrient Discharges 2007, and

5) upon written request by the Regional Council, the person doing the activity keeps a written record of the following information and provides it to the Regional Council’s compliance manager in the form and frequency specified in the request:
   a) dates and time of the discharge, and
   b) land application area, and
   c) application rates. 437

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

- Discharge of horticulture wastewater onto or into land (s15(1) and s15(2A)).

C.6.3.2 Discharges associated with the making or storage of silage – permitted activity

The discharge of a contaminant onto or into land in association with the resulting from the making or storage of silage, and any associated discharge of odour to air, is a permitted activity, provided:

1) there is no discharge onto surface water onto or into land within a setback distance in condition 2), and

2) the storage site is not located within:
   a) 50 metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or
   b) 50 metres of the head of any water supply bore, or
   c) 50 metres of a dwelling owned or occupied by another person, or
   d) 20 metres of a public road or space, and
3) the discharge does not contaminate any groundwater supply or surface water, and
4) catchment runoff water is prevented from entering the storage site, and
5) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of contaminants into environment (s15(1)(b)).
• Discharge of a contaminant onto or into land where it may enter water resulting from the making or storage of silage (s15(1)).
• Discharge of a contaminant onto or into land resulting from the making or storage of silage and any associated discharge of odour into air (s15(2A)).

C.6.3.3 Discharges associated with the disposal of dead animals or offal – permitted activity

The discharge of a contaminant onto or into land in association with discharging a dead animal or offal, and any associated discharge of odour to air, are permitted activities, provided:
1) there is no discharge into surface water, and
2) the disposal site is not located within:
   a) 50 metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or
   b) 50 metres of the head of any water supply bore, or
   c) 50 metres of a dwelling owned or occupied by another person, or
   d) 20 metres of a public road or space, and
3) the discharge does not contaminate any groundwater supply or surface water, and
4) catchment runoff is prevented from entering the disposal site, and
5) the disposal site is covered or otherwise contained, and
6) the discharge does not cause an offensive or objectionable odour beyond the property boundary, and
7) where a composting process is used, only dead animals or animal parts from the production activity are to be composted, and industry guidelines specific to the type of dead animal being composted are complied with.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of contaminants into environment (s15(1)(b)).
• Discharge of a contaminant into water or onto or into land where it may enter water resulting from the disposal of dead animals or offal (s15(1)).
• Discharge of a contaminant onto or into land resulting from the disposal of dead animals or offal and any associated discharge of odour into air (s15(2A)).

C.6.3.4 Emergency discharge of milk to land – permitted activity

The emergency discharge of milk onto or into land, and any associated discharge of odour to air, is a permitted activity, provided:

1) there is no discharge into surface water or onto or into land within:
   a) 50 metres of surface water or the coastal marine area, or
   b) 50 metres of the head of any water supply bore, or
   c) 50 metres of a dwelling owned or occupied by another person, or
   d) 20 metres of a public road or space, and

2) the milk does not pond on the land for longer than three hours after the discharge, and

3) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

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

• Discharge of contaminants into environment (s15(1)(b));
• Discharge of milk onto or into land where it may enter water (s15(1));
• Discharge of milk onto or into land and any associated discharge of odour into air (s15(2A)).

C.6.3.5 Agricultural Other Wastewater discharges to land – discretionary activity

The discharge, onto or into land, of farm wastewater, horticulture wastewater, contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk, and any associated discharge of odour to air, that is not permitted, restricted discretionary, non-complying activity, or prohibited activities in section C.6.3 of this Plan, are discretionary activities:

1) a permitted activity under C.6.3.1.C.6.3.1, or
2) a permitted activity under C.6.3.2 ‘Discharges associated with the making or storage of silage – permitted activity’, or
3) a permitted activity under C.6.3.3 ‘Discharges associated with the disposal of dead animals or offal – permitted activity’, or
4) a discretionary activity under C.6.3.4 ‘Emergency discharge of milk to land – permitted activity’, or
5) a discretionary activity under C.6.3.5 ‘Farm wastewater discharges to water – permitted activity’, or
6) a prohibited activity under C.6.3.7 ‘Farm wastewater discharges to water – prohibited activity’.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of contaminants into environment (s15(1)(b)).

• Discharge of farm wastewater, horticulture wastewater, contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land where it may enter water (s15(1)).

• Discharge of farm wastewater, horticulture wastewater, contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land, and any associated discharge of odours to air (s15(2A)).

C.6.3.6 Farm wastewater and Horticulture wastewater discharges to water – discretionary activity

The discharge of treated farm wastewater,\(^{441}\) horticulture wastewater\(^{441}\) into water is a discretionary activity, provided the discharge is not into a dune lake, surface water flowing into any dune lake, an outstanding freshwater body or a significant wetland.

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

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

• Discharge of treated horticulture wastewater into water (s15(1)).

C.6.3.6A Farm wastewater discharges to water – non-complying activity

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

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

• Discharge of treated farm wastewater into water (s15(1)).\(^{442}\)

C.6.3.7 Farm wastewater discharges into water – prohibited activity

The discharge of:

1) untreated farm wastewater to surface water or directly to groundwater, or

2) treated farm wastewater into:

   a) a dune lake, or

   b) surface water flowing into any dune lake, or

   c) an outstanding freshwater body, or

   d) a significant wetland,
is a prohibited activity.

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

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of farm wastewater into water (s15(1)).
C.6.4 Stormwater discharges

C.6.4.1 Stormwater discharges from a public stormwater network – permitted activity

The diversion and discharge of stormwater from a public stormwater network into water or onto or into land where it may enter water is a permitted activity, provided:

1A) the discharge is not from a public stormwater network servicing an urban area listed in Table 5 ‘Urban areas’, and

1) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge or downstream, and

2A) the discharge is not within 100 metres of a geothermal surface feature, 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 contaminants used, stored or generated in any wastes or cooling water from a trade or industrial premises, and

4) the discharge does not contain more than:
   a) 15 milligrams per litre of total petroleum hydrocarbons, and
   b) 100 milligrams per litre of suspended solids,

5) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing; a 20-metre radius from the point of discharge:
   a) an exceedance of a water quality standard or a sediment quality standard, or
   b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
   c) a conspicuous change in the colour or visual clarity, or
   d) an emission of objectionable odour, or
   e) the rendering of fresh water unsuitable for consumption by farm animals, or
   f) a significant adverse effect on aquatic life, and

6) within two years of the operative date of this rule, a stormwater management plan for the networks listed in Table 5 is provided to the council, and

7) the stormwater management plan is consistent with the requirements in Appendix H.2 and is regularly updated to reflect any physical or planned changes that exceed the most recent design horizon of the plan and is provided to the council, and

8) the stormwater network is operated in accordance with the stormwater management plan.
Table 5: Priority-public-stormwater-networks Urban areas

<table>
<thead>
<tr>
<th>Far North district</th>
<th>Whangārei district</th>
<th>Kaipara district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaitāia</td>
<td>One Tree Point-Marsden Cove</td>
<td>Dargaville</td>
</tr>
<tr>
<td>Kaikohe</td>
<td>Ruakaka</td>
<td>Mangawhai-Mangawhai Heads</td>
</tr>
<tr>
<td>Kerikeri</td>
<td>Waipū</td>
<td></td>
</tr>
<tr>
<td>Paihia</td>
<td>Whangārei City</td>
<td></td>
</tr>
<tr>
<td>Waipapa-Haruru</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Diversion of stormwater (s14(2)).
- Discharge of stormwater from a public stormwater network into water or onto or into land where it may enter water (s15(1)).

C.6.4.2 Other stormwater discharges – permitted activity

The diversion and discharge of stormwater into water or onto or into land where it may enter water\(^{42}\) from an impervious area, recontoured land, or by way of a stormwater collection system, is a permitted activity, provided:

1) the discharge or diversion is not from:
   a) a public stormwater network, or
   b) a high-risk industrial or trade premises, and

2) the discharge or diversion does not cause or increase nuisance or damage to other property the diversion and discharge does not cause or increase flooding of land on another property in a storm event of up to and including a 10 percent annual exceedance probability, or flooding of buildings on another property in a storm event of up to and including a one percent annual exceedance probability, and\(^{43}\)

3) where the stormwater diversion or discharge is from a hazardous substance storage or handling area:
   a) the stormwater collection system is designed and operated to prevent hazardous substances stored or used on the site from entering the stormwater\(^{43}\) system, or
   b) there is an stormwater-interceptor secondary containment system\(^{42}\) in place to collect stormwater that may contain intercept any spillage of hazardous substances and either discharges or directs that spillage it to a trade waste system or stores it for removal and treatment, unless\(^{43}\)

ba) if the stormwater contains no hazardous substances except oil-grease-oil contaminants, and the stormwater is passed through a an oil-interceptor stormwater...
treatment system designed in accordance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998) prior to discharge, and

4) where the stormwater diversion or discharge is from an industrial or trade premises that is not a high risk industrial or trade premises:
   a) the stormwater collection system is designed and operated to prevent any other contaminants stored or used on the site, other than those already controlled by condition 3) above, from entering stormwater unless the stormwater is discharged through a stormwater treatment system, interceptor, and
   b) any process water or liquid 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 liquid waste that has the potential to spill into a stormwater collection system, in order to prevent trade waste entering the stormwater collection system, and

5) where the stormwater diversion or discharge is from contaminated land, the diversion or discharge is not into potentially contaminated land, or onto potentially contaminated land that is not covered by an impervious area, and
   a) a site investigation report prepared by a suitably qualified and experienced practitioner demonstrates that the stormwater discharge does not contain more than:
      i) 15 milligrams per litre of total petroleum hydrocarbons, and
      ii) 0.13 micrograms per litre of perfluorooctane sulfonate and perfluorohexane sulfonate, and
      iii) 632 micrograms per litre of perfluorooctanoic acid, and
   b) the discharge is not via deep soakage or rapid infiltration systems, and

6) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, erode the bed or banks of a lake or river, or the foreshore, and

7) the discharge does not contain more than:
   a) 15 milligrams per litre of total petroleum hydrocarbons, and
   b) 100 milligrams per litre of suspended 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: the zone of reasonable mixing,
   a) an exceedance of a water quality standard or a sediment quality standard, or
   b) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
   c) a conspicuous change in the colour or visual clarity, or
   d) an emission of objectionable odour, or
e) the rendering of fresh water unsuitable for consumption by farm animals, or
f) a significant adverse effect on aquatic life.

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

- Restrictions relating to water (s14(2)).
- Discharge of stormwater into water or onto or into land where it may enter water from an impervious area or by way of a stormwater collection system (s15(1)).
- Discharge of contaminants into environment (s15(1)(a), (b), and (d)).
- Diversion of stormwater (s14(2)).
- Diversion of stormwater into water or onto or into land where it may enter water from an impervious area or by way of a stormwater collection system (s15(1)).

C.6.4.3 Stormwater discharges – controlled activity

The diversion and discharge of stormwater into water or onto or into land where it may enter water that is not a permitted activity or discretionary activity in section C.6.4 of this Plan-

1. a permitted activity under C.6.4.1 "Stormwater discharges from a public stormwater network — permitted activity," or
2. a permitted activity under C.6.4.2 ‘Other stormwater discharges — permitted activity’, or
3. a discretionary activity under C.6.4.4 ‘Stormwater discharge contaminated land and high-risk industrial or trade-premise — discretionary activity’.

is a controlled activity. Provided the discharge is not from a high-risk industrial or trade-premise or contaminated land.

Matters of control

1) The maximum concentration or load of contaminants in the discharge.

2) The size of the zone of reasonable mixing.

3) The adequacy of measures to minimise erosion.

4) The adequacy of measures to minimise flooding in areas affected caused by the stormwater network.

5) The design and operation of the stormwater system and any staging of works.

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

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a), (b), and (d)).
- Diversion of stormwater (s14(2)).
- Diversion of stormwater into water or onto or into land where it may enter water (s15(1)).
C.6.4.4 Stormwater discharges onto or into from contaminated land and or from high-risk industrial or trade premises – discretionary activity

The diversion and discharge of stormwater:

1) into water or onto land where it may enter water from a high-risk industrial or trade premises, or

2) into contaminated land, or

3) onto contaminated land that is not covered by an impervious area\(^4\), is a discretionary activity.

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

- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a), (b), and (d)).
- Diversion of stormwater (s14(2)).
- Discharge of stormwater into water or onto or into land where it may enter water (s15(1)).
- Discharge of stormwater onto or into land (s15(2A)).
C.6.5 Agrichemicals and vertebrate toxic agents

C.6.5.1 Application of agrichemicals – permitted activity

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

1) for all methods (including hand-held spraying, ground-based spraying and aerial application):
   a) the discharge does not result in:
      i) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, or 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 or onto water, and
   c) other than for spraying in plantation forestry where notification must be given at least 20 and no more than 60 working days before spraying commences, neighbouring properties receive notification no less than 24 hours and no more than two three weeks before the spraying activity is to take place, as set out in Table 6 ‘Spraying notification requirements’, and
   d) some or all of the notification requirements can be amended or omitted with the agreement of affected neighbours, and
   e) in addition, for spraying agrichemical application by any method in public amenity areas, prominent signs are placed within the immediate vicinity, if agrichemicals are applied within 100 metres of a public amenity area, prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete, for any required stand-down period afterwards, The signs must include the contact details of the property owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, any notable adverse effects indication of any specific hazards and the application method. A record of the notification undertaken must be kept and made available to the Regional Council on request, and
   f) in addition, for spraying by any method in public road corridors and rail corridors, prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying at least seven days and not one month before spraying is to take place and remain in place for any required stand-down period afterwards, and
   ii) other than for backpack spraying of roadside boundary fence lines adjacent to private land, a public notice must be placed in a newspaper, or a letter drop is made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed, at least seven days and not one month before spraying is to take place, and
   iii) the signs, public notice and letter drop all of the above must include the contact details of the property owner or applicator, details on the chemical to be
sprayed, the time period during which the spraying is likely to take place, any notable adverse effects and the application method, and

iv) vehicles used for spraying to spray must display prominent signs (front and back) advising that spraying is in progress, and

v) a record of the notification undertaken must be kept and made available to the Regional Council on request, and

Table 6: Spraying notification requirements

<table>
<thead>
<tr>
<th>Spraying method</th>
<th>Properties to be notified</th>
<th>Notification requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hand-held spraying</td>
<td>Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).</td>
<td>Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).</td>
</tr>
<tr>
<td>Ground-based spraying</td>
<td>Any property with a spray-sensitive area within 30-50 metres of the spraying, including when spraying is taking place in public amenity areas but excluding when the spraying is taking place in a public road corridor or rail corridor.</td>
<td>Notification: a) is to be undertaken by the owner or occupier of the property to be sprayed, where agrichemicals will be applied unless delegated to the applicator, management company, forest manager, or pack house operator. b) is to be in writing (which can include email or other electronic means), or by telephone, and c) includes: i) the days and times during which the spraying agrichemical application is likely to take place, including alternative days and times if the weather is unsuitable, and ii) the contact details of the owner or occupier of the property, or applicator, or management company, or forest manager, or packhouse operator, and iii) the details of agrichemicals being applied, and iv) indication of any specific hazards (including toxicity to bees), and v) the application method.</td>
</tr>
<tr>
<td>Aerial application</td>
<td>Any property with a spray-sensitive area within 200 metres of the spraying, including when spraying is taking place in public amenity areas, but excluding when the spraying is taking place in a public road corridor or rail corridor.</td>
<td></td>
</tr>
<tr>
<td>Granules, gels and agrichemical baits</td>
<td>Any property with a spray-sensitive area within 30 metres of the agrichemical application, including when agrichemical application is taking place in public amenity areas, but excluding when the agrichemical application is taking place in a public road corridor or rail corridor.</td>
<td></td>
</tr>
</tbody>
</table>
2A) for ground-based spraying and aerial spraying:

a) the activity is undertaken in accordance with the following sections of the New Zealand Standard, Management of Agrichemicals (NZS 8409:2004) as it relates to the management of the discharge of agrichemicals:

i) Use – Part 5.3, and

ii) Storage – Appendix L4, and

iii) Disposal – Appendix S, and

iv) Records – Appendix C9, and

b) a Spray Plan must be prepared annually for the area where the agrichemical is to be applied, and

c) where the activity is undertaken within 100 metres of a spray sensitive area:

i) a risk assessment must be carried out prior to the application of an agrichemical and measures must be taken to minimise adverse effects on spray-sensitive areas. The risk assessment must include reference to Table G1 of the New Zealand Standard, Management of Agrichemicals (NZS 8409:2004), and

ii) agrichemicals must only be applied when the wind direction is away from the spray-sensitive area, and

iii) the application equipment must produce a spray quality no smaller than “coarse” according to Appendix C1 Application Equipment of the New Zealand Standard, Management of Agrichemicals (NZS 8409:2004).464

2) for ground-based spraying:

a) an applicator who is a contractor holds a current GROWSAFE Registered Chemical Applicators Certificate (or their equivalent), and

b) an applicator who is not a contractor holds a current GROWSAFE Introductory Standard Certificate (or its equivalent) or is under direct supervision of a person with a GROWSAFE Registered Chemical Applicators Certificate or GROWSAFE Advanced Certificate (or their equivalent), and

c) the activity is undertaken in accordance with New Zealand Standard: 8409:2004 Management of Agrichemicals as it relates to the management of the discharge of agrichemicals, and 465

3) for aerial application:

a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate issued by the Civil Aviation Authority of New Zealand (or their equivalent), and 466

b) the activity is undertaken in accordance with Zealand Standard: 8409:2004 Management of Agrichemicals as it relates to the management of the discharge of agrichemicals, and

c) there is no aerial application in urban areas.

4A) for agrichemicals containing 2,4-D:
a) the agrichemical is non-volatile or is slightly low volatile\(^4\), or
b) application is by hand-held spraying, or
c) application by ground-based spraying or aerial spraying only occurs between 1 May and 31 August.\(^4\)

Notes:

In addition to the requirements of Rule C.6.5.1 above, the substance the agrichemical must be approved for its intended use by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

In relation to a non-aerial application, the applicator must hold an Agrichemical Certified Handler certificate (Worksafe New Zealand) where required by any Environmental Protection Authority approval for the agrichemical under the Hazardous Substances and New Organisms Act 1996, or equivalent as recognised and required by the Environmental Protection Authority or Ministry for Business Innovation and Employment, and be able to demonstrate competency using agrichemicals to avoid adverse impacts.

In relation to aerial application, the applicator and ground crew must hold qualifications and competencies as required by Environmental Protection Authority and Worksafe New Zealand.\(^4\)

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

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

C.6.5.2 Application of agrichemicals into water – permitted activity

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

1) other than for the control of plant pest species listed in the Regional Pest Management Plan or the National Pest Plant Accord\(^4\), there is no discharge into coastal water in the coastal marine area, and

2) the discharge does not cause, beyond the zone of reasonable mixing, 20 metres in the receiving waters from the point of discharge\(^9\):

   a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or

   b) an increase in the temperature by more than three degrees Celsius, or

   c) a water quality standard to be exceeded, or

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\(^4\)Vapour pressure less than 1 x 10^-4mmHg.
d) cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than one pH unit, or

e) cause the dissolved oxygen to be less than five milligrams per litre, or

f) any conspicuous change in the colour or visual clarity, or

g) the rendering of fresh water unsuitable for consumption by farm animals if the water is used for stock drinking water, and or

h) any significant adverse effects on aquatic life (excluding pest species), and

3) an applicator holds a recognised application qualification (GROWSAFE or its equivalent with an aquatic component), and

4) the activity is undertaken in accordance with the following sections of the New Zealand Standard, Management of Agrichemicals (NZS 8409:2004) as it relates to the management of the discharge of agrichemicals:

a) Use – Part 5.3, and

b) Storage – Appendix L4, and

c) Disposal – Appendix S, and

d) Records – Appendix C9, and

4A) where the activity is undertaken within 100 metres of a spray-sensitive area:

a) a risk assessment must be carried out prior to the application of an agrichemical and measures must be taken to minimise adverse effects on spray sensitive areas. The risk assessment must include reference to Table G1 the Drift Hazard guidance chart in the New Zealand Standard, Management of Agrichemicals (NZS 8409:2004), and

b) agrichemicals must only be applied when the wind direction is away from the spray-sensitive area, and

c) the application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment in the New Zealand Standard, Management of Agrichemicals (NZS 8409:2004), and

5) the following notification takes place:

a) other than for spraying in plantation forestry where notification must be given at least 20 and no more than 60 working days before spraying commences, every person taking water for potable supply within one kilometre downstream of the proposed discharge is notified no less than 24 hours and no more than two weeks prior to the proposed commencement of any spraying, and

b) every holder of a resource consent for the taking of water for water supply purposes downstream of the proposed discharge is notified at least seven days before the discharge, and

c) notification must be undertaken by the owner or occupier of the property to be sprayed, unless delegated to the applicator, management company, forest manager or packhouse operator, and must be in writing (which can include email or other electronic means) or by telephone, and

d) notification must include:
i) the days and times during which the spraying is likely to take place, including alternative days and times if the weather is unsuitable, and

ii) the contact details of the property owner or applicator, and

iii) the details of agrichemicals being sprayed, and

iv) any notable adverse effects - an indication of any specific hazards (including toxicity to bees), 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 issued by the Civil Aviation Authority of New Zealand (or their 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 if agrichemicals are applied within 100 metres of a public amenity area, prominent signs are placed prior to the commencement of the spraying and remain in place until spraying is complete for any required stand down period afterwards. The signs must include the contact details of the property owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, any notable adverse effects - an indication of any specific hazards (including toxicity to bees), and the application method. A record of the notification undertaken must be kept and made available to the Regional Council on request, and

8) in addition, for spraying by any method in public road corridors or rail corridors:

a) prominent signs are placed at the beginning and end points of the area to be sprayed, prior to the commencement of the spraying, at least seven days and not one month and remain in place for any required stand down period afterwards until spraying is complete, and

b) a public notice must be placed in a newspaper or a letter drop is made to properties within 30 metres (or 200 metres for aerial spraying) from the area to be sprayed at least seven days and not one month before spraying is to take place, and

c) the signs, public notice and letter drop all of the above must include the contact details of the property owner or applicator, details of the agrichemical to be sprayed, the time period during which the spraying is likely to take place, any notable adverse effects - indication of any specific hazards (including toxicity to bees), and the application method, and

d) vehicles used for spraying to spray must display prominent signs (front and back) advising that spraying is in progress, and

e) a record of the notification undertaken must be kept and made available to the Regional Council on request.

Notes:

In addition to the requirements of Rule C.6.5.2, above, the substance the agrichemical must be approved for its intended use by the Environmental Protection Authority under the Hazardous
Substances and New Organisms Act 1996 and all other conditions set for its use must be complied with.

In relation to a non-aerial application, the applicator must hold an Agrichemical Certified Handler certificate (Worksafe New Zealand) where required by any Environmental Protection Authority approval for the agrichemical under the Hazardous Substances and New Organisms Act 1996, or equivalent (as recognised and required by Environmental Protection Authority or Ministry for Business Innovation and Employment) and be able to demonstrate competency using agrichemicals to avoid adverse impacts.

In relation to an aerial application, the applicator and ground crew must hold qualifications and competencies as required by the Environmental Protection Authority and Worksafe New Zealand.503

- The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
  - Discharge contaminants into water (s15(1)(a)).
  - Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).
  - Discharge contaminants into the air from any other place or source (s15(2A)).
  - Discharge of an agrichemical into water (s15(1)).

C.6.5.3 Ground-based application of vertebrate toxic agents (ground-based application) – permitted activity

The ground-based application of vertebrate toxic agents onto or into land, that are not exempt from Section 15 by other than those complying with the Resource Management (Exemption) Regulations 2017 – Pest Control, is a permitted activity, provided:

1) the substance is used as approved or its intended use505 by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act 1996, and

2) the discharge is more than 20 metres from a structure used to collect human or animal drinking water.504

Note:

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

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

- Discharge of contaminants onto or into land where they may enter water (s15(1)(b)).
- Discharge of a vertebrate toxic agent onto or into land (s15(2A)).
C.6.5.4 Aerial application of vertebrate toxic agents (aerial application) – controlled activity

The aerial application of a vertebrate toxic agents onto or into land and any incidental discharge into water or incidental discharge of dust to air, that are not exempt from Section 15 by other than those complying with the Resource Management (Exemption) Regulations 2017 – Pest Control, is a controlled activity, provided that:

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

Matters of control:

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

Note:

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

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

- Discharge of contaminants into or onto land where they may enter water (s15(3)(b)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of a vertebrate toxic agent onto or into land where they may enter water and any incidental discharge of a vertebrate toxic agent into water (s15(1)).
- Discharge of a vertebrate toxic agent onto or into land and any incidental discharge of a vertebrate toxic agent into air (s15(2A)).

C.6.5.5 Application of agrichemicals and vertebrate toxic agents – discretionary activity

The discharge of an agrichemicals or vertebrate toxic agents that is not a permitted or controlled activity in section C.6.5 of this Plan:

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

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

- Discharge contaminants into water (s15(1)(a)).
- Discharge contaminants to land which may enter water (s15(1)(b)).
- Discharge contaminants into air or onto land from industrial and trade premises (s15(1)(c)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of an agrichemical or vertebrate toxic agent into water, onto or into land where it may enter water, or into air (s15(3)).
- Discharge of an agrichemical or vertebrate toxic agent into air or onto or into land (s15(2A)).
C.6.6 Industrial and trade wastewater discharges

C.6.6.1 Discharge of cooling water – permitted activity

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

1) the discharge is free of any hazardous substance, and
2A) the discharge is not within 100 metres of a geothermal surface feature, and\textsuperscript{506}

2) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing at 20 metre radius from the point of discharge\textsuperscript{507}:

   a) an increase in temperature of more than three degrees Celsius, or
   b) the pH to fall outside a range of 6.5 to 8.5, or
   c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
   d) a conspicuous change in the colour, or visual clarity, and/or
   e) a significant adverse effect on aquatic life, and

3) the discharge does not cause any permanent scouring or erosion of the bed of a water body at the point of discharge.

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

• Discharge of contaminants into environment (s15(1)(a)).
• Discharge of cooling water into water (s15(1)).

C.6.6.1A Discharge of contaminants from a water treatment plant – permitted activity\textsuperscript{508}

The discharge of untreated or primary treated water containing contaminants into water, or onto or into land where it may enter water, from a water treatment plant for potable water supply is a permitted activity, provided:

1) the discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and

2) the discharge only occurs during times of high total suspended solids concentrations in the treatment plant’s source water, and

3) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:

   a) an increase in water temperature by more than three degrees Celsius, or
   b) the pH to fall outside a range of 6.5 to 8.5, or
   c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
   d) a conspicuous change in the colour, or visual clarity.
For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of untreated or primary treated water containing contaminants from a water treatment plant for potable water supply, into water or onto or into land where it may enter water (s15(1)).
- Discharge of untreated or primary treated water containing contaminants from a water treatment plant for potable water supply, onto or into land (s15(2A)).

C.6.6.2 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water permitted activity

The discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land is a permitted activity, provided:

1) the volume discharged does not exceed:
   a) three cubic metres per day, averaged over the month of greatest discharge, and
   b) six cubic metres during any 24-hour period, and

2) the discharge is not via a deep soakage system or rapid infiltration systems, and

3) the lowest point of the disposal system is not less than 0.9 metres above the winter groundwater table, and

4) the discharge is not into or onto contaminated land, and

5) the pH of the wastewater is between five and nine, and

6) the sodium absorption ratio of the wastewater is less than 10, and

7) the concentrations of contaminants in the wastewater do not exceed:
   a) 5 milligrams per litre of aluminium, or
   b) 0.1 milligrams per litre of arsenic, or
   c) 0.1 milligrams per litre of beryllium, or
   d) 0.5 milligrams per litre of boron, or
   e) 0.01 milligrams per litre of cadmium, or
   f) 0.1 milligrams per litre of chromium, or
   g) 0.05 milligrams per litre of cobalt, or
   h) 0.2 milligrams per litre of copper, or
   i) 0.2 milligrams per litre of iron, or
   j) 2 milligrams per litre of lead, or
   k) 0.2 milligrams per litre of manganese, or
   l) 0.002 milligrams per litre of mercury, or
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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 discharge occurs in a manner that:
    a) does not exceed the soil's ability to absorb the wastewater, and
    b) does not result in ponding on the land for more than three hours after the discharge, and
    c) evenly distributes it over the entire infiltration surface of the disposal system, and

11) there is a reserve area equivalent to 100 percent of the disposal area, and

12) there is no clogging of the disposal system or soils.

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

- Discharge of contaminants into environment (s15(1d)),
- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land (s15(2A)).

C.6.6.3 Industrial or trade discharges — discretionary activity

The discharge of contaminants (except for a contaminant entrained in stormwater) from an industrial or trade premises into water, or onto or into land, or into water that is not the subject of any other rule in this Plan:

1) a permitted activity under C.6.1.1 Existing onsite domestic type wastewater discharge permitted activity, or
2) a permitted activity under 5.6.6.2 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water certain types of industrial or trade wastewater permitted activity

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

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

• Discharge of contaminants into environment (s15(1)(a) and (d)).
• Discharge of a contaminant (except for a contaminant entrained in stormwater) from an industrial or trade premises into water or onto or into land (s15(1)).

Note: For rules relating to the discharge of contaminants entrained in stormwater from an industrial or trade premises see Rules in C.6.4 of this Plan.
C.6.7 Solid waste

C.6.7.1 Cleanfill—permitted activity

The placement of cleanfill material onto or into land is a permitted activity, provided:

1. all conditions in rule C.6.7.1 '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 a contaminants from a closed landfill onto or into land from a closed landfill is a permitted activity, provided:

1. a risk assessment of the closed landfill is certified by a suitably qualified and experienced practitioner and is carried out in accordance with the risk screening system developed by the Ministry for the Environment which demonstrates that the environmental risk is low, and
2. a copy of the risk assessment is lodged with the Regional Council.

Note: the current risk screening system for closed refuse disposal facilities <15,000 cubic metres MSW is contained in the document Small Landfill Closure Criteria – Risk Assessment for Small Closed Landfills (MfE, 2002) and for closed refuse disposal facilities >15,000 cubic metres MSW in the procedures set out in the document A Guide to the Management of Closing and Closed Landfills in New Zealand (MfE, 2001).

1. refuse in the landfill is capped with a minimum of:
   a) 150 millimetres topsoil layer for vegetation, and
   b) 600 millimetres compacted barrier layer (silt, silty clay, clay), with permeability not greater than nine millimetres per day, and
   c) 300 millimetres compacted subgrade or foundation layer, and
2. the site is protected from salt water, groundwater and freshwater intrusion or inundation by the use of stop banks or impermeable seals, and
3. the surface of the landfill is sloped to prevent ponding of surface water, and
4) the final capping layer is planted using vegetation that will maintain ground cover and whose roots will not intrude through the capping layer into the refuse in the landfill, and

5) catchment run-off is prevented from entering the landfill, and

6) the discharge does not cause beyond a 20-metre radius in the receiving waters from the point of discharge:

   d) an exceedance of a water quality standard or a sediment quality standard, or

   e) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or

   f) a conspicuous change in the colour or visual clarity, or

   g) the rendering of fresh water unsuitable for consumption by the animals, or

   h) a significant adverse effect on aquatic life.

Note: the discharge to air from a closed landfill is covered by rule C.7.2.3.

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

• Discharge of contaminants onto or into land where it may enter water (s15(1)(b));

• Discharge of contaminants to land from any trade or industrial premises (s15(1)(d));

• Discharge of a contaminant from a closed landfill onto or into land (s15(2A)).

C.6.7.3 On-site refuse disposal – permitted activity

The discharge of a contaminant refuse from primary production or household waste, except dead animals and offal, 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, agrochemical containers or hazardous substances, and

3) the waste is generated on the property where the disposal discharge site is located, and

3A) the property is not located within 20 kilometres by road of a territorial authority waste transfer station that accepts bulk refuse, and

3B) the property is more than four hectares in area, and

4) the volume of waste discharged does not exceed 50 cubic metres per property per calendar year, and

5) the discharge of refuse is not located within:

   a) 50 metres of the coastal marine area, a stream, river, lake or natural wetland, or

   b) 50 metres from the bore head of any water supply bore, or

   c) 50 metres of a geothermal 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) storm water is prevented from entering the waste disposal site, and

7) the waste site is not subject to groundwater or saltwater intrusion or inundation, and

8) the waste is covered to prevent wind-blown refuse, and

9) the surface of the disposal site is re-vegetated when no longer in use to avoid erosion and sediment runoff, and

10) the location of the disposal site is recorded and provided to the regional council on request, and

11) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property.

Note: the disposal of dead stock and offal is covered by Rule C.6.3.3 Discharges associated with the disposal of dead animals or offal - permitted activity.

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

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).
- Discharge of a contaminant from primary production or household waste, except dead animals and offal, into land where it may enter water (s15(1)).
- Discharge of a contaminant from primary production or household waste, except dead animals and offal, onto or into land and any incidental discharge of odour and dust (s15(2A)).

C.6.7.4 Discharges from composting operations less than 10 cubic metres – permitted activity

The discharge of contaminants onto or into land from a composting operation, and the associated discharge of dust and odour into air is a permitted activity, activity provided:

1) the total volume of material composted at any time does not exceed 10 cubic metres, and

2) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and

3) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property, and

4) leachate from the composting operation is not discharged to surface water via overland flow or via any tile, mole or other subsurface drain.

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

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b)).
- Discharge of contaminants into the air from any other place or source (s15(2A)).
• Discharge of a contaminant onto or into land from a composting operation and the associated discharge of dust and odour into air (s15(1) and s15(2A)).

C.6.7.5 Discharges from composting operations greater than 10 cubic metres – permitted activity

The discharge of a contaminant onto or into land from a composting operation, and the associated discharge of dust and odour into air, in circumstances where contaminants may enter water where the total volume of material composted at any time exceeds 10 cubic metres is a permitted activities activity, provided:

1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and

2) leachate from the composting site is not discharged to surface waterbody via overland flow or via any tile, mole or other subsurface drain, and

3) there is no surface ponding of leachate or overland flow of leachate from the composting site, and

4) catchment run-off is diverted away from the composting site pile, and

5) the activity is not located within:

   a) 50 metres of any water supply bore, stream, river, lake or natural wetland, or

   b) 50 metres of a geothermal surface feature, or

   c) 50 metres of the coastal marine area, or

   d) a high-risk flood hazard zone hazard area, and

6) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property.

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

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

• Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).

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

• Discharge of a contaminant onto or into land from a composting operation and the associated discharge of dust and odour into air (s15(1) and s15(2A)).

C.6.7.6 Discharges from waste transfer stations – controlled activity

The discharge of a contaminants from a waste transfer station into or onto or into land, and the associated discharge of a contaminant into air is a controlled activities activity, provided:

1) the concentrations of contaminants in water at or beyond the property boundary do not exceed the following: 222
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 (ANZEC) Guidelines for Fresh and Marine Water Quality (2006) 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 including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property, and

Matters of control:

1) Measures in place to limit prevent contaminants entering surface water, groundwater and the coastal marine area.

2) Measures to manage any noxious, dangerous, offensive or objectionable odour, smoke, dust or any noxious or dangerous levels of airborne contaminants.

Notification:

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

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

- Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of a contaminant from a waste transfer station onto or into land and the associated discharge of a contaminant into air (s15(1) and s15(2A)).

C.6.7.6A Discharges from closed landfills

The discharge of a contaminant from a closed landfill onto or into land is a controlled activity.

Matters of control:

1) The provision of a Closed Landfill Aftercare Management Plan and its format, contents and implementation.

2) Adequacy of protection from saltwater and fresh water intrusion including:
   a) the permeability of the compacted capping layer, and
   b) stormwater management onto and from the site, and
   c) adequacy of the landfill surfaces to prevent ponding.

3) Adequacy of vegetation cover.

4) Mitigation of effects on water quality.

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

- Discharge of a contaminant onto or into land from a closed landfill (s15(1) and s15(2A)).

Note: discharges to air from closed landfills is covered in C.7.2.3.
C.6.7.7 Other solid waste discharges – discretionary activity

A solid waste discharge onto or into land that is not a permitted activity or a controlled activity under any other rules in section C.6.7 of this Plan, or:

1) permitted activity under rule C.6.7.1 ‘Cleanfill — permitted activity’, or

2) permitted activity under rule C.6.7.2 ‘Discharges to land from closed landfills — permitted activity’, or

3) permitted activity under rule C.6.7.4 ‘Composting operations less than 10 cubic metres — permitted activity’, or

4) permitted activity under rule C.6.7.5 ‘Composting operations greater than 10 cubic metres — permitted activity’, or

5) permitted activity under rule C.6.7.3 ‘On site refuse disposal — permitted activity’, or

6) controlled activity under rule C.6.7.6 ‘Waste transfer stations — controlled activity’,

is a discretionary activity.

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

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

• Discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).

• Discharge of solid waste onto or into land and any incidental discharge of a contaminant into air (s15(1) and s15(2A)).
C.6.8 Contaminated land

*Note:* In addition to the rules contained in the following section, activities on contaminated land may also be subject to regulation(s) in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Contact the relevant district council for further information.

C.6.8.1 Investigating potentially contaminated land – permitted activity

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

1) the site investigation is undertaken, supervised and certified by 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: For the avoidance of doubt this rule covers the following RMA activities:

- Discharge of contaminants into or onto land where it may enter water (s15(1)(b));
- discharge of contaminants into land from any trade or industrial premises (s15(1)(d)), and
- discharge of contaminants into the air from any other place or source (s15(2A)), and
- restrictions on the use of land (s9(2));
- Disturbance of land for a site inspection to assess the concentration of a hazardous substance in soil or water (s9(2));
- Discharge of a contaminant onto or into land, or onto or into land where it may enter water, or into air incidental to the activity (s15(1));
- Discharge of a contaminant onto or into land and into air incidental to the activity (s15(2A)).
C.6.8.2 Discharges from contaminated land – permitted activity

The passive discharge of contaminants from contaminated land into water, or onto or into land where it may enter water, is a permitted activity, provided:

1) a site investigation has been undertaken, supervised and certified by a suitably qualified and experienced practitioner, and

2) the site investigation report demonstrates that the passive discharge of the contaminants of concern is equal to or less than the relevant contaminant concentrations set out in clauses 2A to 5 below.

2A a) contaminants in sensitive groundwater; the concentration of a contaminant at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed:

a) the relevant contaminant concentrations in the Drinking Water Standards for New Zealand 2005 (revised 2008), and

b) the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1 (ANZECC 2000) at the level of 80 percent protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (95 percent protection of species), and

i) 0.07 µg/L perfluorooctane sulfonate (PFOS) + perfluorohexane sulfonate (PFHxS), and

ii) 0.56 µg/L of perfluorooctanoic acid (PFOA), and

iii) the contaminant concentrations in the Drinking Water Standards for New Zealand 2005 (revised 2008), and

iv) contaminant concentrations in Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000) for fresh and marine water at the level of 80% protection of species; and

v) where there is a difference in contaminant concentrations in 2A a) i) 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 (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 of 95% protection of species, and

iv) for other contaminants, the concentrations of contaminants listed in Table 3.4.1 Trigger Values for alternate levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Waters (ANZECC 2000).
Guidelines for Fresh and Marine Waters (ANZECC 2000): for fresh and marine water at the level of 80% protection of species, and

2C) in surface water, the concentration of a contaminant, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), or immediately adjacent to any surface water or coastal water, does not exceed the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1 (ANZECC 2000) at the level of 95 percent protection of species, and

2D e) concentrations of chlorinated solvents concentrations in soil gas do not exceed the land use specific interim health investigation levels for soil gas at one metre depth given in Table 1A(2) of Schedule B1 (Guideline on Investigation Levels for Soil and Groundwater) of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (updated 2013), at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and

2E d) concentrations of petroleum hydrocarbons concentrations in soil gas do not exceed the land use specific target soil air concentrations at one metre depth given in Appendix A1 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

3) light non-aqueous phase liquids (LNAPLs) must not have a LNAPL transmissivity of less than 0.001-0.07 square metres per day, or a suitably qualified and experienced practitioner must certify that the LNAPL is unlikely to be mobile using a lines of evidence approach, and

4) for dense non-aqueous phase liquids (DNAPL) a suitably qualified and experienced practitioner must certify that the DNAPL is unlikely to be not-mobile and in free phase form using a lines of evidence approach, and

5) non-aqueous phase liquids do not extend across the property boundary.

Note: Rules C.6.8.1 and C.6.8.2 reference several standards which list a range of contaminants. It is expected that compliance with these Rules will focus on contaminants that may be present at concentrations that could pose a potential human health and/or environmental risk. These are known as contaminants of concern. Dischargers are not expected to test for, or otherwise demonstrate compliance for, contaminants that are not relevant to the site’s history. The Rules also require dischargers to “demonstrate” compliance. This can be achieved, depending on site-specific circumstances, through a lines of evidence approach using one or more of a combination of expert knowledge of contamination mechanisms and the physical and chemical properties of the contaminants that may be present, testing or sampling, chemical fate and transport assessment or modelling, or similar techniques. 

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Footnotes:

64 Light non-aqueous phase liquids are liquids that have a specific gravity of less than one.
65 Dense non-aqueous phase liquids are liquids that have a specific gravity of greater than one.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

- discharge of contaminants onto or into land which may enter water (s15(1)(b)), and
- discharge of contaminants onto or 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));
- Discharge of a contaminant into water or onto or into land where it may enter water (s15(1));
- Discharge of a contaminant onto or into land (s15(2A)).

C.6.8.3 Contaminated land remediation—discretionary activity

Remediation of contaminated land is a discretionary activity, except:
1) earthworks that are a permitted activity under rule C.8.3.1 ‘Earthworks—permitted activity’.

The RMA activities this rule covers:

- restrictions on the use of land (s9(2)); and
- discharge of contaminants to land which may enter water (s15(1)(b)); and
- discharge of contaminants into the air from any trade or industrial premises (s15(1)(d)).

C.6.8.3A Contaminated land remediation – controlled activity

The remediation of contaminated land is a controlled activity.

Matters of control:

1) The content, adequacy and implementation of the detailed site investigation report including:
   a) site sampling, and
   b) laboratory analysis, and
   c) risk assessment.

2) The need for, content, adequacy and implementation of a remedial action plan, site management plan, validation report and an ongoing site management plan, prepared by a suitably qualified and experienced practitioner, in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2013).

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

- Remediation of contaminated land (s9(2)).
• Discharge of a contaminant onto or into land where it may enter water or onto or into land or into air incidental to the activity (s15(1)).
• Discharge of a contaminant into air or into or onto land incidental to activity (s15(2A)).

C.6.8.3B Re-consenting passive discharges from contaminated land – controlled activity

An application for a new resource consent to replace an existing resource consent for a passive discharge of a contaminant into water, or onto or into land where it may enter water, is a controlled activity.

Matters of control:
1) The content, adequacy and implementation of a detailed site investigation (contaminated land), including:
   a) site sampling, and
   b) laboratory analysis, and
   c) risk assessment.
2) The need for contents, adequacy and implementation of a remedial action plan, site management plan, validation report and an ongoing site management plan, prepared by a suitably qualified and experienced practitioner, in accordance with Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011).
3) The need for a financial bond.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).

C.6.8.4 Contaminated land – discretionary activity

The:
1A) disturbance of land for a site investigations to assess the concentration of a hazardous substances that may be present in soil or water, or
2A) discharges of a contaminant from contaminated land, that is not a permitted or controlled activity in section C.6.8 of this Plan:
1) permitted activity under rule C.6.8.1 ‘Investigating contaminated land—permitted activity’ or, or
2) permitted activity under rule C.6.8.2 ‘Discharges from contaminated land—permitted activity’,
is a discretionary activity.
The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:

- restrictions on the use of land (s9(2)), and
- discharge of contaminants to land which may enter water (s15(1)(b)), and
- discharge of contaminants into land from any trade or industrial premises (s15(1)(d)).
- Disturbance of land for a site investigation to assess the concentration of hazardous substances in soil or water (s9(2)).
- Discharge of a contaminant into water, or onto or into land where it may enter water, or onto or into land, or into air incidental to the activity (s15(1)).
- Discharge of contaminants into air or into or onto land (s15(2A)).
C.6.9 Other discharges of contaminants

C.6.9.1 Discharge of dust suppressants – permitted activity

The discharge of a dust suppressant onto or into land is a permitted activity, provided:

1) the discharge is not directly to water, and
2) the dust suppressant:
   a) 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 to be a hazardous substance.

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

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

- Discharge of contaminants into environment (s15(1)(b)).
- Discharge of a dust suppressant onto or into land where it may enter water (s15(1)).
- Discharge of a dust suppressant onto or into land (s15(2A)).

C.6.9.2 Discharge of tracers – permitted activity

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

1) the discharge is not upstream of any abstraction point for a registered drinking water supply, unless approved by the water supplier, and
2) the tracer is of a type designed for use in water and is used in accordance with the manufacturer’s recommendations and any recognised standards and practices, and
3) the discharge does not cause any of the following effects in the receiving waters beyond a 20-metre radius from the point of discharge the zone of reasonable mixing:\ref{445}
   a) a conspicuous change in the colour or visual clarity, or
   b) the rendering of fresh water unsuitable for consumption by farm animals, and or
   c) a significant adverse effect on aquatic life, and
4) the Regional Council's compliance manager is given at least 24 hours' notice (in writing or by email) prior to the discharge.

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

- Discharge of contaminants into environment (s15(1)(a)).
• Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).

C.6.9.3 Discharge of fertiliser – permitted activity

The discharge of fertiliser, other than farm wastewater, onto or into land where it may enter water is a permitted activity, provided the activity is done in accordance with Sections 5.2 and 5.3 of the Code of Practice for Nutrient Management – With Emphasis on Fertiliser Use (Fertiliser Association, 2013).

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

• Discharge of contaminants into environment (s15(1)(b)).
• Discharge of a fertiliser onto or into land where it may enter water (s15(1)).

C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir – permitted activity

The discharge of sluicing water or water from a public or community water supply network or reservoir into water, or onto land where it may enter water, is a permitted activity, provided:

1) the activity is associated with the sluicing of public or community water supply mains or the testing, repair or maintenance of pipelines, and
2) the discharge does not cause any permanent scouring or erosion of the channel or banks of the receiving water body at the point of discharge, and
3) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20 metre radius from the point of 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: For the avoidance of doubt this rule covers the following RMA activities:

• Discharge of contaminants into environment (s15(1)(a) and (b)).
• Discharge of sluicing water or water from a public or community water supply network, or reservoir to water or onto or into land where it may enter water (s15(1)).

C.6.9.4A Discharges from shellfish harvesting, washing and sorting – permitted activity

ID: A1183321 358
The discharge of water or biodegradable organic matter to coastal water or the foreshore and seabed as a result of harvesting, washing or sorting farmed shellfish is a permitted activity, provided:

1) the discharge occurs in an area where aquaculture is authorised to occupy, and

2) the discharge does not cause an accumulation of shell and other debris on the foreshore or seabed, and

3) the discharge does not cause any of the following effects 20 metres beyond the area where aquaculture is authorised to occupy:
   a) a conspicuous change in the colour or visual clarity, or
   b) an increase in the temperature of the water by more than three degrees Celsius, or
   c) the pH of fresh water to be outside the range of 6.5-8.5, or
   d) the dissolved oxygen in water to be less than five milligrams per litre, or
   e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
   f) an emission of objectionable odour.

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

- Discharge of water or biodegradable organic matter to water or onto or into land where it may enter water (s15(1)).
- Deposition of biodegradable organic matter on the foreshore or seabed incidental to the activity (s12(1)).

C.6.9.5 Discharges to land or water not provided for by other rules – permitted activity

The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not regulated by the subject of any other rule in this Plan is a permitted activity, provided:

1) the discharge does not contain any exotic organisms, and

2) the discharge does not contain a hazardous substance, except where dewatering occurs in conjunction with the installation, maintenance or replacement of an underground petroleum storage system and where the discharge does not contain more than 15 mg/L of hydrocarbons, and

3) the discharge does not contain biosolids, and

4) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing (a 20 metre radius from the point of discharge):
   a) an exceedance of a water quality standard or a sediment quality standard, or
   b) an increase in the temperature of the water by more than three degrees Celsius, or
   c) the pH of fresh water to be outside of the range of 6.5-8.5, or
   d) the dissolved oxygen in fresh water to be less than five milligrams per litre, or
e) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
f) a conspicuous change in the colour or visual clarity, or
g) an emission of objectionable odour, or
h) the rendering of fresh water unsuitable for consumption by farm animals, and
i) a significant adverse effect on aquatic life, and
5) the discharge does not cause permanent scouring or erosion of seafloor or erode the bed of any water body or the coastal marine area at the point of discharge.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of contaminants into environment (s15(1)(a), (b) and (d)).
• Discharge of a contaminant or water to water or onto or into land where it may enter water (s15(1)).
• Discharge of a contaminant onto or into land (s15(2A)).

C.6.9.6 Other discharges – discretionary activity

The discharge of a contaminant into water or onto or into land where it may enter water that is not a permitted, controlled, restricted, discretionary, non-complying, or a prohibited activity in this plan is a discretionary activity.

The following discharges are discretionary activities:
1) the discharge of dust suppressant to land that is not permitted activity under C.6.9.1 Discharge of dust suppressants – permitted activity, and
2) the discharge of a tracer into water that is not permitted activity under C.6.9.2 Discharge of tracers – permitted activity, and
3) the discharge of fertiliser, other than farm wastewater, onto or into land where it may enter water that is not permitted activity under C.6.9.3 Discharge of fertiliser – permitted activity, and
4) the discharge of sluicing water, or water from a public or community water supply network or reservoir, into water or onto land where it may enter water that is not permitted activity under C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir - permitted activity, and
5) the discharge of water, and biodegradable and organic matter, to coastal waters and the foreshore as a result of harvesting, washing and/or sorting farmed shellfish that is not a permitted activity under C.6.9.4A Discharges from shellfish harvesting, washing and sorting - permitted activity.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of contaminants into environment (s15(1)(a), (b) and (d)),
• Discharge of a contaminant into water or onto or into land where it may enter water (s15(1)).
• Discharge of a contaminant onto or into land (s15(2A)).

C.6.9.7 Discharges of untreated sewage from a ship or offshore installation – prohibited activity

The discharge of untreated sewage from a vessel or offshore installation is prohibited within:

1) any location landward of the Marine pollution limits (refer Maps | Ngā mahere matawhenua), and

2) the ‘Marine pollution limits – Bay of Islands large vessel limits’ (refer Maps | Ngā mahere matawhenua) for vessels for that have a certificate of survey to carry more than 49 passengers and crew.

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

• Restrictions on dumping and incineration of waste or other matter in the coastal marine area (s35B);

• Discharge of untreated sewage from a vessel or offshore installation into the coastal marine area (s15B).
C.7 Discharges to air

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

C.7.1 Burning

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C.7.1 Burning

C.7.1.1 Outdoor burning outside the Whangārei airshed — permitted activity\(^{548}\)

The discharge of a contaminant into air from outdoor burning outside the Whangārei airshed (refer '\(^{1}\) Maps | Ngā mahere matawhenua\(^{509}\)) is a permitted activity, provided:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants, including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and\(^{510}\)

2) it is not in the Whangārei airsheds (refer '\(^{1}\) Maps'), and\(^{551}\)

3) the only materials burnt are:
   a) untreated wood, paper, cardboard, and vegetative matter, and
   b) (including animal carcases and offal on production land—) are burnt, and

4) it does not take place on an industrial or trade premises, unless burning is in an incineration device and only untreated wood, paper, cardboard and vegetative matter generated on-site are burnt, and

5) where any outdoor burning is likely to last for more than 24 hours and it is within 100 metres of a smoke-sensitive area on another property:
   a) the neighbouring property with the smoke-sensitive area must receive notification no less than 24 hours and no more than two weeks before the outdoor burning activity is to take place, and
   b) notification must:
      i) be in writing (which can include email or other electronic means), and
      ii) include:
         1) a contact name and number for the person supervising the burn, and
         2) details of materials to be burnt, and
         3) general time the burning will commence, and
         4) approximate length of time the burn will take, and
      c) —some or all of the above notification requirements can be amended or omitted with the permission of affected neighbours.

Note: prior to the lighting of any fire in open air, the fire season in the location should be checked and any necessary permit(s) obtained from Fire and Emergency New Zealand.\(^{552}\)

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

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of a contaminant into air from outdoor burning (15(1) and s15(2A)).
C.7.1.2 Outdoor burning in the Whangārei and Kerikeri airsheds – permitted activity

The discharge of a contaminant into the air from outdoor burning in the Whangārei and Kerikeri airsheds (refer "Maps | Ngā mahere matawhenua") is a permitted activity, provided:

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

2) Only untreated wood, paper, cardboard, and vegetative matter are burnt, and

3) It is located on a property larger than one hectare in area, more than 100 metres upwind, and 50 metres in any other direction, of any smoke-sensitive activity that is not located on the property where the burning occurs, 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 do not apply, burning is permitted provided where the burning is:

   a) On an industrial and trade premise, in an incineration device and only untreated wood, paper, cardboard, and vegetative matter material generated on-site are 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 barbecue (provided it is being used for its designated purpose and with its intended fuel), or

   e) An outdoor fire for food cooking purposes (provided it is being used for its designated purpose and with its intended fuel), or

   f) In a wood-fired kiln (provided it is being used for its designated purpose and with its intended fuel), or

   g) A bonfire containing only wood, paper, cardboard, and vegetative matter, organised by a community-controlled organisation and the Regional Council and Fire and Emergency New Zealand are notified five working days in advance, and

5A) If the burning is an outdoor fire used for cooking food or in an appliance designed for cooking food outdoors, then clauses 3 and 4 above do not apply, and gas, liquid fuel or charcoal may also be burnt in addition to the materials listed in clause 2 above, and

6) Where any outdoor burning is likely to last for more than 24 hours and it is within 100 metres of a smoke-sensitive area on another property:

   a) The neighbouring property with the smoke-sensitive area must receive notification no less than 24 hours and no more than two weeks before the outdoor burning activity is to take place, and

   b) Notification must:

      i) Be in writing (which can include email or other electronic means), 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: For the avoidance of doubt this rule covers the following RMA activities:

- Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
- Discharge contaminants into the air from any other place or source (s15(2A)).
- Discharge of a contaminant into air from outdoor burning premises (15(1)).
- Discharge of a contaminant into air from outdoor burning (s15(2A)).

C.7.1.3 Outdoor-Burning for fire training purposes – permitted activity

The discharge of a contaminant into air from Outdoor-burning of any material for the purpose of fire training or reducing fire risk (including a controlled fuel reduction burn) is a permitted activity, provided:

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

2) the fire is under the control of a nationally recognised body authorised to undertake fire research, or fire training, or fire response activities, and,  

3) the relevant territorial authority and the Regional Council’s compliance manager are notified in writing (which can include email or other electronic means) at least five working days before the fire begins and notification must include:
   a) a contact name and number for the person supervising the burn, and
   b) details of materials to be burnt, and
   c) location and proximity to smoke-sensitive areas, and
   d) approximate length of time the burn will take, and

4) burning does not occur more than once in any 3 month period at the same property.

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

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

C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity

The discharge of a contaminant into air from outdoor burning of any material for the purpose of meeting a requirement of the Biosecurity Act 1993 is a permitted activity, provided:

1. the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.\footnote{62}

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

• Discharge of contaminants into air from industrial and trade premises (s15(1)(e));
• Discharge of a contaminant into air from any other place or source (s15(2A));
• Discharge of a contaminant into air from outdoor burning (s15(1));
• Discharge of a contaminant into air from outdoor burning (s15(2A)).

C.7.1.4A Flaring natural gas – permitted activity\footnote{563}

The discharge of natural gas into air by way of flaring as a consequence of natural gas transmission and distribution activities is a permitted activity, provided:

1) the total heat release does not exceed 6MW, and
2) the discharge does not occur for more than two hours in any 24-hour period, and
3) the discharge does not result in any noxious, offensive or objectionable odour or smoke beyond the boundary of the subject property or in the coastal marine area, and
4) when the discharge is greater than 2,000kPa it must occur via a chimney stack or chimney at least 4.5 metres above ground level, or at least three metres above the ridge line of the roof, building or other structure (whichever is the highest) within a radius of 50 metres of the chimney stack or chimney, and
5) when the discharge is below 2,000kPa the discharge shall occur via a flaring apparatus, and
6) the discharge shall be directed vertically into air or on an angle greater than 45 degrees and shall not be impeded by any obstruction including rain excluders, and
7) the gas flaring burning equipment must be maintained by a suitably qualified person at least once every 12 months, with a copy of the maintenance report held by the operator and provided to the Regional Council upon request.

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

• Discharge of natural gas into air (s15(1) and s15(2A)).
C.7.1.5 Burning for energy (electricity or heat) generation less than 40kW – permitted activity

The discharge of contaminants into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood in a burning device for energy (electricity or heat) generation is a permitted activity, provided:

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

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

- Discharge contaminants into air from industrial and trade premises (s15(1)(e));
- Discharge contaminants into the air from any other place or source (s15(2A));
- Discharge of a contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (s15(1) and s15(2A)).

C.7.1.6 Burning for energy (electricity or heat) generation more than 40kW – permitted activity

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

1) the burning device has a rate of heat release less than the following:
   a) coal and oil (but not waste oil) – does not exceed five 5MW, and
   b) natural gas, biogas and liquid petroleum gas – does not exceed 10MW, and
   c) untreated wood burning – does not exceed 2.5MW, and
2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.

3) the discharge of particulates is less than 250mg/m³ of non-toxic particulates, corrected to 0°C, 12% CO2, 1 Atmosphere, and a dry gas basis, and

3A) Either:
   a) the stack height is calculated in accordance with the chimney height requirements in H.3 Stack Chimney height requirements, and the stack vertical efflux velocity is not less than 10m/s, or
   b) the discharge was authorised at the operative date of this Plan and there is no increase in the scale of, or change to the type of, discharge.
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 the Australian Standard. Use of standard Ringelmann and Australian Standard miniature smoke charts (AS3543:2014) is not as dark as or darker than Ringelmann Shade No. 1 for more than two minutes continuously or for an aggregate of four minutes in any period of 60 minutes. These limits may be exceeded for a maximum of 30 minutes when starting the fuel burning equipment from cold, and for soot blowing, providing that the opacity of the discharge is reduced as far as practicable, and

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

Note: this rule does not apply to the discharge of contaminants to air as a result of using the energy from the burning device (for example, the drying of wood in a kiln, foundry furnaces where metal is smelted, incinerators or other fuel burning equipment associated with industrial processes) – this type of discharge is a discretionary activity under Rule C.7.2.7. Additionally, where there is more than one burning device on one property, the total generating capacity of the site must be less than the specifications for the relevant fuel.

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

- Discharge contaminants into air from industrial and trade premises (s15(1)(e));
- Discharge contaminants into the air from any other place or source (s15(2A));
- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (s15(1) and s15(2A)).

C.7.1.7 Existing authorised burning for energy generation – restricted discretionary activity

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

1) the existing air discharge is authorised by an existing resource consent at the time of the resource consent application, and

2) there is no increase in the scale or change to the type of the discharge as authorised by the existing resource consent.

Notification:

Applications processed under this rule are precluded from public notification.
Matters of discretion:

1) Best practicable option measures to avoid, remedy or mitigate the adverse effects on smoke sensitive areas, and neighbouring dwelling places or properties, and

1A) The location of the discharge in relation to sensitive areas.

2) The method of discharge, including stack height, design and exit velocity, and

3) Emission control equipment, its effectiveness, operation and maintenance, and

4) Combustion rate, efficiency, equipment operation and maintenance, and

5) Fuel use, quality (including sulphur content), storage and handling, and

6) Requirement for, and contents of, a management plan, and

7) Emission limits (concentrations and/or rates) on the discharge, and

8) Monitoring and requirements for sampling points, and

9) Local air quality and compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004, and ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, June 2008).

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).

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

- Discharge contaminants into air from industrial and trade premises (s15(1)(c));
- Discharge contaminants into the air from any other place or source (s15(2A));
- Discharge of a contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, liquid petroleum gas or untreated wood (s15(1) and s15(2A)).

C.7.1.8 Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity

The discharge of a contaminant into air from any burning a substance that is not a permitted, restricted discretionary or non-complying activity in section C.7.1 of this Plan:

1) permitted activity under rule C.7.1.1 ‘Outdoor burning – permitted activity’, or

2) permitted activity under rule C.7.1.2 ‘Outdoor burning in the Whangarei and Kerikeri airsheds – permitted activity’, or

3) permitted activity under rule C.7.1.3 ‘Outdoor burning for fire training purposes – permitted activity’, or

4) permitted activity under rule C.7.1.4 ‘Outdoor burning for biosecurity purposes – permitted activity’, or
5) permitted activity under rule C.7.1.5 'Burning for energy (electricity and heat) generation less than 40kW—permitted activity', or

6) permitted activity under rule C.7.1.6 'Burning for energy (electricity and heat) generation more than 40kW—permitted activity', or

7) restricted discretionary activity under rule C.7.1.7 'Existing authorised burning for energy generation—restricted discretionary activity', or

8) non-complying activity under rule C.7.1.9 'Outdoor burning—non-complying activity',

is a discretionary activity.

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

- Discharge contaminants into air from industrial and trade premises (s15(1)(e));
- Discharge contaminants into the air from any other place or source (s15(2A));
- Discharge of a contaminant into air from burning a substance (15(1) and s15(2A)).

### C.7.1.9 Outdoor burning — non-complying activity

The discharge of a contaminant into air from the outdoor burning of:

1) wood that is painted, oiled or stained, other than a minor and incidental amount, including but not limited to lead based painted wood, and

2) wood treated with Copper Chrome Arsenic (CCA) or other chemicals, and

3) timber treated with preservatives or impregnated with chemicals, for example, medium density fibreboard (MDF) and chipboard, and

4) construction or demolition waste, and

5) plastics, and

6) paint and other surface coating materials, and

7) tar, and

8) rubber, and

9) materials containing asbestos, and

10) synthetic material including but not limited to foams, fibreglass, batteries, chemicals, paint and other surface coating materials, and

11) motor vehicles or motor vehicle parts, or any other combination of metals and combustible substances, and

12) pathological, clinical veterinary or quarantine wastes or animal waste, but excluding animal carcasses or offal, other than minor or incidental amounts that are not the principle waste, and

13) sludge from industrial processes, and

14) municipal, commercial, institutional, domestic, or industrial waste, and

15) any container that has been used for the purpose of storing hazardous substances,
that is not:

16) a permitted activity under rule C.7.1.3 Outdoor Burning for fire training purposes – permitted activity, or

17) a permitted activity under rule C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity

is a non-complying activity.

Note: the National Environmental Standards for Air Quality generally prohibits the burning of bitumen on a road, coated wire, tyres, oil, waste and gas at landfills.

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

• Discharge contaminants into air from industrial and trade premises (s15(1)(c)).
• Discharge contaminants into the air from any other place or source (s15(2A)).
• Discharge of a contaminant into air from outdoor burning (s15(1) and s15(2A)).
C.7.2 Other air discharges

C.7.2.1 Wet abrasive blasting – permitted activity

The discharge of a contaminant from wet abrasive blasting (including water blasting) onto or into land or into air is a permitted activity, provided:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, 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 the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:
   a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
   b) a water quality standard to be exceeded, or
   c) increase the temperature by more than three degrees Celsius, or
   d) cause the pH to fall outside of the range of 6.5-8.5 or change the pH of the water by more than 1 pH unit, or
   e) cause the dissolved oxygen to be less than 5mg/L, or
   f) any conspicuous change in the colour or visual clarity, or
   g) the rendering of fresh water unsuitable for consumption by farm animals, or
   h) any significant adverse effects on aquatic life.

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

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

ID: A1183321 373
C.7.2.2 Dry abrasive blasting within an enclosed booth – permitted activity

The discharge of a contaminant into air from dry abrasive blasting within a purpose-built enclosed blasting booth is a permitted activity, provided:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, 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% percent of particulate matter from the discharge, and

4) items being blasted are completely contained within the abrasive blasting booth, and

5) all doors, windows and other openings to the abrasive blasting booth are closed when blasting, and

6) the discharge from the air extraction system is at least 50 metres from any dust-sensitive area on another property.

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

- Discharge contaminants into air from industrial and trade premises (s15(1)(c));
- Discharge contaminants into the air from any other place or source (s15(2A));
- Discharge of a contaminant from dry abrasive blasting into air (s15(1) and s15(2A)).

C.7.2.2A Venting natural gas – permitted activity

The discharge of natural gas into air by way of venting as a consequence of natural gas transmission and distribution activities is a permitted activity, provided:

1) the discharge does not cause noxious, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and

2) the total amount of natural gas vented does not exceed 150 cubic metres at standard conditions temperature and pressure conditions per hour, and

3) venting does occur for more than one hour in any 24-hour period, and

4) the point of discharge is at least 2 metres away from any potential ignition source.

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

- Discharge of natural gas into air (s15(1) and s15(2A)).

C.7.2.3 Discharges to air from a-closed landfills – permitted activity
The discharges of a contaminant into air from any closed landfill is a permitted activity, provided:

1) the landfill was closed before 1 September 2017, and
2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, 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) landfill gas at the property boundary does not exceed the following in-ground concentrations:
   a) one percent methane by volume, or
   b) 0.5 percent carbon dioxide by volume, and
5) in circumstances where the closed landfill is authorised by in receipt of an existing resource consent to discharge to air, prior to the expiry of the consent it can be is demonstrated to the Regional Council, that conditions (2) and (3) of this rule are met by a risk assessment prepared by a suitably qualified and experienced practitioner, that conditions (2) and (3) of this rule are met.

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

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

C.7.2.4 Discharges to air from industrial and or trade activities-premises - permitted activity

The discharge of a contaminant into air from the following industrial and or trade activities premises is a permitted activity:

1) premises for the manufacture or preparation or cooking of food or beverages for human consumption but excluding:
   a) the extraction, distillation, or purification of animal or vegetable oil or fat otherwise than as a process incidental for the cooking of food, and
   b) any process for the rendering or reduction or drying of animal matter (including feathers, blood, bone, skin or offal), and
   c) any processes for the drying of milk or milk products, and
2) the refilling, storage, dispensing and sale of fuels, and
3) the operation of drycleaning facilities consuming solvents, and
4) the application of spray coating activities in quantities not exceeding 30 litres per day, and
5) the operation of air conditioning systems and ventilation systems, and
the operation of industrial and commercial refrigeration systems, and

moving or stationary engine exhaust systems, and

indoor combustion of fuels for fire fighting training or emergency fire fighting purposes, and

premises used as or associated with funeral parlours, chapels, or stonemasons, but excluding crematoria, and

premises used for the application of surface coatings, including printing or manufacture of packaging materials and the printing of paper, **but excluding spray coating activities in quantities exceeding 30 litres per day**, and

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

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

yards used to hold stock and/or buildings used solely for animal slaughtering and skinning, and

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

premises or activities where water vapour or steam are released, and

premises used for fumigation for export or quarantine purposes, and

the construction, repair, maintenance and demolition of buildings, and

the refilling, storage and dispensing of tallow, and

the construction, use and maintenance of roads (including unsealed roads) and railways on industrial and trade premises, and

the loading and unloading and on-site movement of materials having a dust-producing capacity, and

a transfer station or recycling depot, and

premises used for the bulk storage, mixing and distribution of fertiliser, and

quarrying operations, earthworks and clean fill operations, and

rotational plastic moulding, and

a poultry hatchery or poultry feed mill,

provided:

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

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
Council Meeting
16 April 2019

ITEM: 6.2

Attachment 1

• Discharge of a contaminant into air (s15(1)).

C.7.2.5 Discharges to air from the use of public roads by motor vehicles – permitted activity

The discharge of dust into air from the use of a public road by a motor vehicle, is a permitted activity, provided the relevant road controlling authority:

1) provides on its website, the current edition of the New Zealand Transport Agency capital funding criteria applicable to the mitigation of dust generation, and

2) provides on its website, an up to date list of roads in the district that have been assessed by the road controlling authority against the current New Zealand Transport Agency criteria and indicate the sites where funding has been sought from the New Zealand Transport Agency.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of a contaminants into the air from the use of public roads by motor vehicles any other place or source (s15(2A)).

C.7.2.6 Discharges to air not specifically regulated in the Plan – permitted activity

The discharge of a contaminant into air that is not specifically a permitted, controlled, restricted discretionary, non-complying or prohibited activity under the subject of any other another rule in C.7.2, this Plan is a permitted activity, provided:

1) the discharge is not from an industrial or trade premises and, other than for discharges from motor vehicles, aircraft, trains, or vessels, the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants, including those that adversely affect traffic or aircraft safety; beyond the boundary of the subject property or in the coastal marine area, and

2) the discharge is not from dry abrasive blasting, except as provided for by rule C.7.2.6B Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Discharge of a contaminants into the air from any other place or source (s15(2A)).

C.7.2.6A Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance – permitted activity.
The spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance into air or onto or into land is a permitted activity, provided:

1) there are no spray sensitive activities within 30m of the activity, and
2) there is an exclusion zone that prevents public access within 15m of the activity, and
3) the quantity of paint containing diisocyanates or organic plasticisers applied in a continuous application at a single location does not exceed 18 litres per day, and
4) there is no discharge of surface coating material to water or to land in circumstances which may result in the surface coating material entering water.

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

- Discharge of a contaminant from spray application of surface coatings onto or into land or into air (s15(1) and s15(2A)).

#### C.7.2.6B Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity

The discharge of a contaminant into air or onto or into land from dry abrasive blasting of infrastructure outside of an enclosed booth is a controlled activity, provided:

1) it is not undertaken over a water body or in the coastal marine area, and
2) it is not undertaken within 100 metres of an occupied building on another property, and
3) it is only undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and
4) abrasive material used in abrasive blasting must contain no more than five percent free silica by dry weight, and
5) waste and debris from abrasive blasting must be removed from the site to the extent practicable.

**Matters of control:**

1) The effects on water quality and aquatic ecosystem health.
2) Effects on occupied buildings.
3) The risk of contaminating land.
4) Effects on human health.
5) Timing, location and duration of the activity.
6) The use of covers, tarpaulins or cladding over area of the structure to be worked on.

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

- Discharge of a contaminant from dry abrasive blasting onto or into land or into air (s15(1) and s15(2A)).
C.7.2.6C Existing authorised air discharges from industrial or trade premises – restricted discretionary activity

An application for a new resource consent to replace an existing resource consent for a discharge to air associated with an industrial or trade premises that is not the subject of any another rule in this Plan, is a restricted discretionary activity, provided:

1) the existing air discharge is authorised by an existing resource consent at the time of the resource consent application, and

2) there is no increase in the scale of or change to the type of the discharge as authorised by the existing resource consent.

Notification:
Applications processed under this rule are precluded from public notification.

Matters of discretion:
1) Effects on dust, odour, smoke and spray-sensitive areas.

2) The location of the discharge in relation to dust, odour, smoke and spray-sensitive areas.

3) The method of discharge.

4) Emission control equipment, its operation and maintenance.

5) Requirement for a management plan.

6) Emission limits (concentrations and/or rates) on the discharge.

7) Local air quality compliance with the standards prescribed in Schedule 1 of the National Environmental Standards for Air Quality 2004, and ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, June 2008).

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

- Discharge of a contaminant into air and any incidental discharge of a contaminant onto or into land (s15(1) and s15(2A)).

C.7.2.7 Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity

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

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

- Discharge of a contaminant into air and any incidental discharge of a contaminant onto or into land (s15(1) and s15(2A)).
C.8 Land use and disturbance activities

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

### C.8.1 Livestock exclusion

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### C.8.2 Cultivation Land preparation

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### C.8.3 Earthworks

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<td>C.8.3.2A Earthworks in a flood hazard area - controlled activity</td>
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<td>C.8.3.3 Earthworks – discretionary activity</td>
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C.8.4 Vegetation clearance in riparian areas and foredune management area

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<tbody>
<tr>
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<td>Clearance of native woody vegetation clearance in riparian areas – permitted activity</td>
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<td>C.8.4.3</td>
<td>Vegetation clearance – discretionary activity</td>
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</table>

C.8.5 Bores

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<th>Description</th>
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<tbody>
<tr>
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</tr>
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C.8.6 Re-building

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<th>Rule</th>
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<tbody>
<tr>
<td>C.8.6.1</td>
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<td>C.8.6.2</td>
<td>Re-building of materially damaged or destroyed buildings – non-complying activity</td>
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</table>
C.8.1 Livestock exclusion

Note: catchment-specific rules E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment -- permitted activity and E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment -- permitted activity apply and take precedence over rule C.8.1.1 Access of livestock to the bed of a water body or continually permanently flowing artificial watercourse -- permitted activity.

C.8.1.1A Access of livestock to the bed of an ephemeral or intermittently flowing river -- permitted activity

The access of livestock to an ephemeral river or an intermittently flowing river is a permitted activity.

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

- Allow livestock to enter or pass across the bed of an ephemeral river or an intermittently flowing river (s.13(2)).

C.8.1.1 Access of livestock to the bed of a water body or continually permanently-flowing artificial watercourse -- permitted activity

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

1) native indigenous vegetation wetland vegetation in a natural wetland is not damaged or destroyed, and

1A) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a registered water supply intake servicing more than 25 people, and

2A) livestock are effectively excluded from any Inanga spawning sites identified by the Regional Council, and

2) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse drain in accordance with the requirements in Table 7 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses’ the following table, and

3) livestock crossing points used by livestock (excluding deer) more than once per week must be bridged or culverted by the dates in Table 7 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses’ the following table, and

4) at a livestock crossing point that is not required to be bridged or culverted, livestock are:

a) actively led or driven across the water body or artificial watercourse in one continuous movement river or drain, and
b) **effectively excluded** from the river or drain between crossings by the dates in Table 7.

"Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses." the following table.

**Table 7: Dates when livestock must be effectively excluded from water bodies and continually permanently-flowing drains-artificial watercourses."**

<table>
<thead>
<tr>
<th>Livestock type</th>
<th>Continually permanently-flowing rivers, streams and artificial watercourses drains greater than 1m wide and 30cm deep</th>
<th>All continually permanently flowing rivers, streams and artificial watercourses drains</th>
<th>Natural wetlands (excluding significant wetlands, &gt;2000 m²)</th>
<th>Lakes (&gt;1ha) and significant wetlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pigs and dairy cows</td>
<td>Excluded from the date <a href="#">this Rule C.8.1.1 becomes operative</a></td>
<td>Excluded from 1 January 2023,</td>
<td></td>
<td>Excluded from the date this Rule C.8.1.1 becomes operative,</td>
</tr>
<tr>
<td>Beef cattle, dairy support cattle and deer</td>
<td>Lowland areas as mapped in <a href="#">Maps Nga mahere matawhenua</a></td>
<td>Excluded from 1 January 2025,</td>
<td>Excluded from 1 January 2025,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hill country areas as mapped in <a href="#">Maps Nga mahere matawhenua</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No exclusion required.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Rivers, streams and artificial watercourses that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.*

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

- Restrictions on use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(2)).
- Allow livestock to enter or pass across an artificial watercourse or the bed of natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).

**C.8.1.2 Access of livestock to rivers, lakes, and wetlands – restricted-discretionary activity**
The access of livestock to a natural wetland that is larger than 2000m², the bed of a lake or a continually permanently-flowing river, or a continually permanently-flowing artificial watercourse drain that is not:

1) a permitted activity under C.8.1.1 Access of livestock to the bed of a water body or continually permanently flowing artificial watercourse – permitted activity, or

2) a permitted activity under E.3.5.1 Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity, or

3) a permitted activity under E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity, or

4) a non-complying activity under C.8.1.3 Access of livestock to a significant wetland, an outstanding freshwater body, and or the coastal marine area – non-complying activity.

is a restricted discretionary activity.

**Matters of discretion:**

1) Effects on water quality.

2) The extent to which livestock can be effectively excluded.

3) The methods and timing for excluding livestock.

4) The sensitivity of the water body to the effects of livestock access.

5) Effects on:

   a) Mahinga kai and access to mahinga kai, and

   b) Indigenous biodiversity where it affects tangata whenua ability to carry out cultural and traditional activities, and

   c) Wāhi tapu, and

   d) Mapped Sites and Areas of Significance to Tangata Whenua (refer to ‘Maps’)

**Notification:**

Resource consent applications under this rule are precluded from notification (limited or public).³⁰⁸

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

- Restrictions on use of land (s9(2)).

- Restrictions on certain uses of beds of lakes and rivers (s13(2)).

- Allow livestock to enter or pass across an artificial watercourse or the bed of natural wetland that is not part of the bed of a lake or river (s9(2)).

- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).

- Discharge of a contaminant to water or onto or into land incidental to the activity (s15(1)).
C.8.1.3 Access of livestock to a significant wetland, an outstanding freshwater body, and or the coastal marine area – non-complying 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: For the avoidance of doubt this rule covers the following RMA activities:

- Restrictions on use of land (s9(2));
- Restrictions on use of coastal marine area (s12(3));
- Restrictions on certain uses of beds of lakes and rivers (s13(2));
- Allow livestock to access the coastal marine area (s12(3));
- Allow livestock to access the bed of a lake or river (s13(2));
- Discharge of a contaminant to water or onto or into land where they may enter water incidental to the activity (s15(1)).
C.8.2 Cultivation Land preparation

C.8.2.1 Land preparation Cultivation—permitted activity

Land preparation Cultivation of land and any associated damming and diversion of stormwater, and discharge of stormwater into water or onto or into land where it may enter water, is a permitted activity, activity provided:

1) the activity is not undertaken in the catchment of an outstanding lake or a dune lake with outstanding or high ecological value, and

2) the activity is not undertaken on highly erodible land, and

a) on erosion-prone land, or

b) within five metres of a natural wetland, the bed of a lake, or the bed of a continually or intermittently flowing river, and

3) if the land preparation is associated with horticulture and clause 2 is not complied with, it is undertaken in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production 2014 (Horticulture New Zealand), and

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

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Land preparation (s9(2))
- Damming and diversion of stormwater associated with land preparation (s14(2)).
- Discharge of stormwater associated with land preparation into water or onto or into land where they may enter water (s15(1)).

C.8.2.2 Land preparation Cultivation—controlled activity
Land preparation, cultivation of land\textsuperscript{327} and any associated damming and diversion of stormwater and discharge of stormwater, that is not a permitted activity under C.8.2.1 Land preparation Cultivation – permitted activity is a controlled activity.\textsuperscript{315}

Matters of control:

1) Measures to avoid or mitigate adverse effects on surface and groundwater quality, and
2) The scale, location, and timing of land preparation, cultivation\textsuperscript{315}, and
3) Erosion and sediment control measures.

**Notification**

Resource consent applications under this rule are precluded from notification (limited or public).\textsuperscript{319}

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

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)(a) and (b)).
- Land preparation (s9(2)).
- Damming and diversion of stormwater associated with land preparation (s14(2)).
- Discharge of stormwater associated with land preparation into water or onto or into land where they may enter water (s15(1)).
C.8.3 Earthworks

C.8.3.1 Earthworks – permitted activity

Earthworks outside the bed of a river, lake, wetland and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are is a permitted activities activity provided:

1) the area and volume amount of earthworks at a particular location or associated with a project complies with the thresholds in the following Table 8:

<table>
<thead>
<tr>
<th>Location</th>
<th>Earthworks thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 10m of a natural wetland, the bed of a <strong>continually</strong> or intermittently <strong>flowing</strong> river or lake</td>
<td>200 square metres of exposed earth at any one-time, and 50 cubic metres of moved or placed earth in any 12-month period.</td>
</tr>
<tr>
<td>Catchment of an outstanding lake</td>
<td>2500 square metres of exposed earth at any one-time.</td>
</tr>
<tr>
<td><strong>Erosion-prone land</strong></td>
<td>2500 square metres of exposed earth at any one-time.</td>
</tr>
<tr>
<td><strong>Highly-erodible land</strong></td>
<td>50 cubic metres of moved or placed earth in any 12-month period.</td>
</tr>
<tr>
<td><strong>Coastal hazard-riparian and foredune management area</strong></td>
<td>Excluding for <strong>coastal dune restoration</strong>, 200 square metres of exposed earth at any one-time.</td>
</tr>
<tr>
<td><strong>Flood hazard area</strong></td>
<td>100 cubic metres of moved or placed earth in any 12-month period.</td>
</tr>
<tr>
<td><strong>Contaminated land or potentially Contaminated land</strong></td>
<td>25 cubic metres per 500 square metres of the piece of land**, or 30 cubic metres for each tank when removing or replacing a fuel-storage system.**</td>
</tr>
<tr>
<td><strong>All-Other areas</strong></td>
<td>5000 square metres of exposed earth at any one-time.</td>
</tr>
</tbody>
</table>

1A) the discharge is not within 20 metres of a geothermal surface feature, and

2) good management practice erosion and sediment control measures are implemented in accordance with, equivalent to those set out in the Erosion and Sediment Control Guidelines

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**Piece of land has the same meaning as specified in clauses 5(7) of the Resource Management (National Environmental Standard**

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ID: A1183321
ITEM: 6.2

16 April 2019

Attachment 1

ID: A1183321

for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented for the duration of the activity, and

3) batters and side casings 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, a continually or intermittently flowing river, a lake, an artificial water course, or the coastal marine, and

6) the earthworks activity does not:
   a) reduce the height of a dune crest in a coastal hazard riparian and foredune management area, except where dunes are recontoured to remove introduced materials or to remediate dune blow-outs as part of coastal dune restoration work, or
   b) exacerbate flood or coastal hazard risk on any other property, or
   c) create or contribute to the instability or subsidence of land on other property, or
   d) divert flood flow onto other property, and

7) any associated damming, diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing a 20 metre radius of the point of discharge:
   a) any conspicuous change in the colour or visual clarity, or
   b) the rendering of fresh water unsuitable for consumption by farm animals, and or
   c) any significant adverse effects on aquatic life, and

7A) information on the source and composition of any clean fill material and its location within the disposal site are recorded and provided to the Regional Council on request,

8) the Regional Council's compliance manager is given at least five working days' notice (in writing or by email) of any earthworks activity being undertaken within a high-risk flood hazard area, flood hazard area, where contaminated land will be exposed, or in and sand dunes within a coastal-hazard riparian and foredune management area.

Note:

It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.

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

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)).
- Earthworks (s9(2)).
- Damming and diversion of stormwater associated with earthworks (s14(2)).
- Discharge of stormwater associated with earthworks into water or onto or into land where it may enter water (s15(1)).

C.8.3.2 Earthworks – controlled activity

Earthworks outside the bed of a river or lake, wetland and the coastal marine area that is not a permitted activity under rule C.8.3.1 – “Earthworks – permitted activity” exceed 5000 square metres of exposed earth at any time at a particular location or associated with a project area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are a controlled activities activity, provided:

1A) the earthworks are not located:
   a) within 10 metres of a natural wetland, the bed of a continually or intermittently flowing river or lake, or
   b) in a catchment of an outstanding lake, or
   c) on erosion-prone land, or
   d) in a flood hazard or high-risk flood hazard area, or
   e) in the coastal riparian and foredune management area.

1) the amount of earthworks at a particular location or associated with a project complies with the thresholds in the following table.520

<table>
<thead>
<tr>
<th>Location</th>
<th>Earthworks-thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 10 metres of a natural wetland, the bed of a river or lake</td>
<td>200 square metres of exposed earth at any one time, and 50 cubic metres of moved or placed earth in any 12-month period</td>
</tr>
<tr>
<td>Catchment of an outstanding lake</td>
<td>2500 square metres of exposed earth at any one time</td>
</tr>
<tr>
<td>Highly-erodible land</td>
<td>2500 square metres of exposed earth at any one time</td>
</tr>
<tr>
<td>High-risk flood hazard area</td>
<td>50 cubic metres of moved or placed earth in any 12-month period</td>
</tr>
</tbody>
</table>
2)  the earthworks does not:

a) reduce the height of a dune crest in a coastal hazard management area, and
b) exacerbate flood or coastal hazard risk on any other property, and
c) create or contribute to the instability or subsidence of land on other property, and
d) divert flood flow onto other property.  

Matters of control:
2) The location, extent, timing, and duration of earthworks.
3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
4) Adverse effects on water bodies and coastal water.
5) Management of flooding effects and the ability to avoid increased increasing natural hazard risks on other property.
5A) Adverse effects on regionally significant infrastructure.
6) Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area:
   a) wāhi tapu, and
   b) the identified values of mapped Sites and Areas of Significance to Tangata Whenua (refer L Maps | Ngā mahere matawhenua).

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Restrictions on the use of land (s9(2)).
• Restrictions relating to water (s14(2)).
• Discharge of contaminants into environment (s15(1)).
• Earthworks (s9(2)).
• Damming and diversion of stormwater associated with earthworks (s14(2)).
• Discharge of stormwater associated with earthworks into water or onto or into land where it may enter water (s15(1)).
C.8.3.2A Earthworks in a flood hazard area – controlled activity

Earthworks in a flood hazard area that involve more than 50 cubic metres, but not more than 1000 cubic metres, of earth being moved or placed in any 12-month period, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are controlled activities.

Matters of control:

1) The design and adequacy of erosion and sediment control measures.
2) Effects of flood hazard risks, land instability and land subsidence on other property.
3) The location, extent, timing, and duration of earthworks.
4) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
5) Adverse effects on water bodies and coastal water.
6) Management of flooding effects and avoiding increased natural hazard risks on other property.
7) Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area:
   a) wāhi tapu, and
   b) mapped Sites and Areas of Significance to Tangata Whenua (refer I Maps | Ngā mahere matawhenua).

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

- Earthworks (s9(2)).
- Damming and diversion of stormwater associated with earthworks (s14(2)).
- Discharge of stormwater associated with earthworks into water or onto or into land where it may enter water (s15(1)).

C.8.3.3 Earthworks – discretionary activity

Earthworks outside the bed of a river or lake, a wetland, or the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that are not a permitted or controlled activity under another rule in section C.8.3 of this Plan, a controlled activity under rule C.8.3.2 ‘Earthworks – controlled activity’, are a discretionary activities activity.

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

- Restrictions on the use of land (s9(2)).
- Restrictions relating to water (s14(2)).
- Discharge of contaminants into environment (s15(1)).
• Earthworks (s9(2)).
• Damming and diversion of stormwater associated with earthworks (s14(2)).
• Discharge of stormwater associated with earthworks into water or onto or into land where it may enter water (s15(1)).
C.8.4 Vegetation clearance in riparian areas and foredune management area

C.8.4.1 Vegetation clearance and coastal dune restoration within the coastal hazard riparian and foredune management area – permitted activity

Vegetation clearance and coastal dune restoration in the coastal hazard riparian and foredune management area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, is a permitted activity, provided:

1) No native-indigenous dune vegetation is not removed or cleared, and
2) excluding coastal dune restoration, the area of cleared vegetation does not exceed 200 square metres in any 12-month period, and
3) for coastal dune restoration, cleared areas are replanted during the period 1 May to 30 September with native-indigenous dune vegetation as soon as practicable, but no later than three-two months after clearance, and
4) there is no disturbance of indigenous or migratory bird nesting sites, and
5) the vegetation clearance does not exacerbate coastal hazard risks on other property, and
6) for coastal dune restoration or vegetation clearance on vegetated sand dunes, the Regional Council’s compliance manager is given at least 10 working days’ notice (in writing or by email) of the start date of any works, and
7) for coastal dune restoration, the Department of Conservation is given at least 10 working days’ notice (in writing or email) of the start date of any works, and
8) any discharge of sediment-stormwater originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
   a) any conspicuous change in colour or visual clarity, or
   b) the rendering of fresh water unsuitable for consumption by farm animals, or
   c) any significant adverse effects on aquatic life.

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

- Restrictions on the use of land (s9(2)).
- Discharge of contaminants into environment (s15(2)(a)).
- Vegetation clearance and coastal dune restoration (s9(2)).
- Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).
- Discharge of stormwater associated with vegetation clearance and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).
C.8.4.2 Clearance of native woody Vegetation clearance in riparian areas— permitted activity

Vegetation clearance within 10 metres of a natural wetland or within 10 metres of the bed of a continually or intermittently flowing river or lake, the coastal hazard management area, and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are is a permitted activity, provided:

1) the area of cleared vegetation does not exceed 200 square metres the following thresholds in any 12-month period, and
   a) 200 square metres within 10 metres of a natural wetland or the bed of a river or lake;
   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, and natural wetlands, and the coastal marine area except where it is unsafe or impractical to do so, and

3) vegetation is not cleared by fire on peat soils, and

4) vegetation, slash, disturbed soil or debris is not deposited in a position where it has the potential could to mobilise under because of heavy rain or flood flows and:
   a) be deposited on other property, or
   b) divert or dam water, or
   c) cause bed or bank erosion, or
   d) damage receiving environments, downstream infrastructure, or property, and

5) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:
   a) any conspicuous change in colour or visual clarity, or
   b) the rendering of fresh water unsuitable for consumption by farm animals, or
   c) any significant adverse effects on aquatic life.

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

• Restrictions on the use of land (s9(2));
• Restrictions relating to water (s14(2));
• Discharge of contaminants into environment (s15(1)(a))
• Vegetation clearance and coastal dune restoration (s9(2)).
• Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).
• Discharge of stormwater associated with vegetation clearance and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).

C.8.4.3 Vegetation clearance – discretionary activity

Vegetation clearance in the coastal riparian and foredune management area, within 10 metres of a natural wetland, or within 10 metres of the bed of a continually or intermittently flowing river or lake, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that is are not a permitted activity in section C.8.4 of this Plan:

1) permitted activity under C.8.4.1 ‘Vegetation clearance and coastal dune restoration within the coastal riparian and foredune management area — permitted activity’; or

2) permitted activity under C.8.4.2 ‘Clearance of native woody vegetation — permitted activity’.

is are a discretionary activities activity.

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

• Restrictions on the use of land (s9(2)).

• Vegetation clearance and coastal dune restoration (s9(2)).

• Damming and diversion of stormwater associated with vegetation clearance and coastal dune restoration (s14(2)).

• Discharge of stormwater associated with vegetation clearance and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).
C.8.5  Bores

C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity

The construction or alteration of a bore for geotechnical or groundwater investigation, contaminated land investigation, mineral exploration, or mineral extraction, and any associated discharge of drilling fluid or drilling fluid additives, is a permitted activity, subject to the following:

1) The bore is not constructed in contaminated land, and

2A) the discharge is not within 100 metres of a geothermal surface feature, and

2) it is not for the purpose of taking groundwater, except for the removal of groundwater sample(s) for groundwater quality or level analysis, and

3) where more than one aquifer is penetrated, construction of the bore must not create a hydraulic connection between the aquifers, and

4) the bore is constructed and maintained in accordance with the requirements set out in the New Zealand Standard, Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001), and

5) the bore is decommissioned and permanently closed within 90 days from the start of its construction, and

6) the Regional Council’s compliance manager is notified (in writing or by email) of:
   a) the construction or alteration of the bore at least 10 working days prior to the start of the work, and
   b) the decommissioning and closure of the bore within 10 days of the completion of the work, and

7) the records required under Section 4 of the New Zealand Standard, Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001) and any groundwater quality records must be kept and forwarded to the Regional Council no later than one month after the bore is decommissioned.

Note:

It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga, issued under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that archaeological sites may be affected by the activity. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone, glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. If any archaeological evidence is found, it is a legal requirement to stop work and contact Heritage New Zealand Pouhere Taonga.

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

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

1. Restrictions on use of land in contravention of a regional rule (s9(2)).
2. Construction or alteration of a bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction (s9(2)).
3. Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
4. Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.2 Alteration or decommissioning of a bore — permitted activity

The alteration or decommissioning of a bore, and any associated discharge of drilling fluid or drilling fluid additives, is 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 Standard, Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001), and
3) the Regional Council’s compliance manager is notified (in writing or by email) of the alteration or decommissioning of the bore within 10 days of the completion of the work.

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

1. Restrictions on use of land in contravention of a regional rule (s9(2)).
2. Alteration or decommissioning of a bore (s9(2)).
3. Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
4. Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.3 Construction or alteration of a bore — controlled activity

The construction or alteration of a bore, and any associated discharge of drilling fluid or drilling fluid additives, 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.8.4.2 Clearance of native woody vegetation clearance in riparian areas — permitted activity.
is are a controlled activities, activity, provided the bore is constructed and maintained in accordance with the requirements set out in the New Zealand Environmental Standard for Drilling of Soil and Rock (NESS 4411; 2001).\(^{643}\)

Matters of control:

1) Pump testing requirements,\(\) and
2) The location of the bore, including distance from any refuse disposal site, wastewater discharge site, or offsite pit,\(\) and
3) The bore design (including bore head security)\(^{644}\), construction (including depth), operation and maintenance requirements,\(\) and

3A) Ensuring compliance with the requirements set out in the New Zealand Standard, Environmental Standard for Drilling of Soil and Rock (NESS 4411; 20001).

4) Measures to avoid, remedy or mitigate:
   a) effects on the quality and quantity of groundwater and connected surface water\(^{645}\), and
   b) effects on tangata whenua and their taonga,\(\) and

5) Provision of information related to the construction of the bore.

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

- Restrictions on use of land in contravention of a regional rule (s8(2)).
- Construction or alteration of a bore (s9(1)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.4 Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity

The construction, alteration, or decommissioning of a bore, including any associated discharge of drilling fluid or drilling fluid additives, that is not a permitted or controlled activity under any other rule in C.8.5 of this Plan:

1) a permitted activity under rule C.8.5.1 ‘Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity’, or

2) a permitted activity under rule C.8.5.2 ‘Alteration or decommissioning of a bore – permitted activity’, or

3) a controlled activity under rule,

is a discretionary activities activity.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
• Restrictions on use of land in contravention of a regional rule (s9(2)).

• The construction, alteration, or decommissioning of a bore (s9(2)).

• Discharge of drilling fluid and drilling fluid additives into water or onto or into land for the purposes of the construction, alteration, or decommissioning of a bore (s15(1)).

• Discharge of drilling fluid and drilling fluid additives into or onto land for the purposes of the construction, alteration, or decommissioning of a bore (s15(2A)).
C.8.6 Re-building

C.8.6.1 Re-building of materially damaged or destroyed buildings – restricted discretionary activity

The re-building of a habitable building in a high-risk coastal hazard area or high-risk flood hazard area that has been materially damaged or destroyed by flooding, erosion or land instability caused by a natural hazard event is a restricted discretionary activity, provided:

1) the application for the resource consent includes a natural hazard assessment from a suitably qualified professional, and

2) natural hazard risk to other property is not increased.\(^{546}\)

Matters of discretion:

1) The location and design of the building to withstand natural hazard risk, taking into account the nature of the hazard risk and how it might change over a 100-year timeframe, including the expected effects of climate change.

2) The potential measures to avoid exacerbating the existing natural hazard risk as a result of the proposed re-building.

3) Measures to avoid increasing natural hazard risks on other property.\(^{547}\)

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

• Restrictions on the use of land, Re-building of materially damaged or destroyed buildings \((s9(2))\).

C.8.6.2 Re-building of materially damaged or destroyed buildings – non-complying activity

The re-building of a habitable building in a high-risk coastal hazard area or high-risk flood hazard area that has been materially damaged or destroyed by flooding, erosion or land instability caused by a natural hazard event, that is not a:

1) restricted discretionary activity under rule C.8.6.1 Re-building of materially damaged or destroyed buildings – restricted discretionary activity,

is a non-complying activity.

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

• Restrictions on the use of land, Re-building of materially damaged or destroyed buildings \((s9(2))\).
D Policies | Ngā kaupapa

This is an index and guide to the policies in this section. It does not form part of the Plan.

### D.1 Tangata whenua

<table>
<thead>
<tr>
<th>Policy</th>
<th>Page</th>
</tr>
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<tbody>
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D.1 Tangata whenua\textsuperscript{xvi}

D.1.1 When an analysis of effects on tangata whenua and their taonga is required

A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangata whenua and their taonga\textsuperscript{xvi} if one or more of the following is likely:

1) adverse effects on mahinga ka\textsuperscript{xxii} and or access to mahinga kai\textsuperscript{xxii}, or
2) any damage, destruction and or loss of access to wāhi tapu, sites of customary value and other ancestral sites and taonga with which Māori have a special relationship with\textsuperscript{xxiii}, or
3) adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangata whenua to carry out cultural and traditional activities\textsuperscript{xxiv}, or
4) the use of genetic engineering and the release of genetically modified organisms to the environment, or
5) adverse effects on tāiapure, mataaitai or Māori non-commercial fisheries,\textsuperscript{xvii} or
6) adverse effects on protected customary rights,\textsuperscript{xxv} or
7) adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan (refer Maps. Ngā mahere matawhenua).

D.1.2 Requirements of an analysis of effects on tangata whenua and their taonga

If an analysis of the effects of an activity on tangata whenua and their taonga is required in a resource consent application, the analysis must:

1) include such detail as corresponds with the scale and significance of the effects that the activity may have on tangata whenua and their taonga, and
2) have regard to (but not be limited to):
   a) any relevant planning document recognised by an iwi authority (lodged with the Council) to the extent that its content has a bearing on the resource management issues of the region, and

\textsuperscript{xvi}The Māori definition of tangata whenua is “in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area”. For an analysis of effects the appropriate iwi or hapu will need to be identified. Council officers will be available to assist with this.

\textsuperscript{xxii}An analysis of effects on tangata whenua and their taonga may be necessary in circumstances not outlined in this policy – it will depend on the circumstances.

\textsuperscript{xxiii}Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.

\textsuperscript{xxiv}This includes, for instance, kai awa (river food) kai wepo (swamp food) and kaimoana (sea food).

\textsuperscript{xxv}This includes, for instance, impacts on the quality of water used for ceremonial purposes.

\textsuperscript{xxvii}This includes, for instance, use of rongoa (medicinal) plants, and uses for rarangi (weaving).

\textsuperscript{xxviii}As defined by the Marine and Coastal Area (Takutai Moana) Act 2011.
b) the outcomes of any consultation with tangata whenua with respect to the consent application, and

c) statutory acknowledgements in Treaty Settlement legislation, and

3) follow best practice, including requesting, in the first instance, that the relevant tangata whenua undertake the assessment, and

4) specify the tangata whenua community on whose behalf the assessment relates to is being made, and

5) be evidence-based, and

6) incorporate, where appropriate, mātauranga Māori, and

7) identify and describe all the cultural resources and activities that may be affected by the activity, and

8) identify and describe the adverse effects of the activity on the cultural resources and cultural practices (including the effects on the mauri of the cultural resources, the cultural practices affected, how they are affected, and the extent of the effects), and

9) identify, where possible, how to avoid, remedy or mitigate the adverse effects on cultural values of the activity that are more than minor, and

10) include any other relevant information.

### D.1.3 Affected parties persons

The following persons must be considered an affected person with regard to notification where the adverse effects on the following resources and activities are minor or more than minor:

**Table 10: Circumstances where tangata whenua are adversely affected for purposes of notification**

<table>
<thead>
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<th>Person</th>
<th>Resource or activity</th>
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<td>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'.</td>
<td>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'.</td>
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<tr>
<td>The committee of management of a tāiāpure.</td>
<td>Taiāpure</td>
</tr>
<tr>
<td>The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai.</td>
<td>Mataitai</td>
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<tr>
<td>The tangata kaitiaki / tīaki appointed by the provisions of the Fisheries (Kaimoana</td>
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649 Best practice can be determined by relevant professional bodies.

648 The full range of effects defined in Section 3 of the RMA need to be considered.

647 For resource consent applications for restricted-discretionary, discretionary and non-complying activities.
D.1.4 Managing effects on places of significance to tangata whenua

Resource consent for an activity may generally only be granted if the adverse effects from the activity on the values of Places of Significance to Tangata Whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

D.1.5 Places of significance to tangata whenua

For the purposes of this Plan, a place of significance to tangata whenua is in the coastal marine area or a water body:

1A. is in the coastal marine area, or in a water body, where the values which may be impacted are related to any of the following:
   a) soil conservation, or
   b) quality and quantity of water, or
   c) aquatic ecosystems and indigenous biodiversity, and

1) is:
   a) a historic heritage resource, or
   b) ancestral land, water, site, wāhi tapu, or other taonga, and

2) is either:
   a) a Site or Area of Significance to Tangata Whenua, which is a single resource or set of resources identified, described and contained in a mapped location, or
   b) a Landscape of Significance to Tangata Whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified, and

3) has one or more of the following attributes:
   a) historic associations, which include but are not limited to:
      i) stories of initial migration, arrival and settlement, or
      ii) patterns of occupation, both including permanent and temporary or seasonal occupation, or
      iii) the sites of conflicts and the subsequent peace-making and rebuilding of iwi or hapū, or
      iv) kinship and alliances built between areas and iwi or hapū, often in terms of significant events, or
      v) alliances to defend against external threats, or

xxvii This policy sets out how a Place of Significance to Tangata Whenua is to be identified and described. In order to be included in the mapped Sites and Areas of Significance to Tangata Whenua in the Plan, a plan change will be required. Places which have been identified and described in the manner required by the policy, but have not been subjected to a plan change and hence are not included in the Plan, can still be given weight in consent application decisions.

xxviii A Landscape of Significance to Tangata Whenua may include Sites and/or Areas of Significance to Tangata Whenua.
vi) recognition of notable tupuna, and sites associated with them, or
b) traditional associations, which include but are not limited to:
   i) resource use, including trading and trading routes between groups (for instance – with minerals such as matā/obsidian), or
   ii) traditional travel and communication linkages, both on land and sea, or
   iii) areas of mana moana for fisheries and other rights, or
   iv) use of landmarks for navigation and location of fisheries grounds, or
   v) implementation of traditional management measures, such as rāhui or tohatoha (distribution), or

c) cultural associations, which include but are not limited to:
   i) the web of whanaungatanga 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 tuakana-tanga, 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 Papatuanuku, and their offspring such as Tangaroa and Tāne, or
   ii) the recognition of places with connection to the wairua of those with us and those who have passed away, or
   iii) the need to maintain the mauri of all living things and their environment, and

4) must:
   a) be based on traditions and tikanga, and
   b) be endorsed for evidential purposes by the relevant tangata whenua community, and
   c) record the values of the place for which protection is required, and
   d) record the relationship between the individual sites or resources (landscapes only), and
   e) record the tangata whenua groups determining and endorsing the assessment, and
   f) geographically define the areas where values can be adversely affected.

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Footnotes:

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D.2 General

D.2.1 Rules for managing natural and physical resources

Include rules to manage the use, development and protection of natural and physical resources that:

1) are the most efficient and effective way of achieving national and regional resource management objectives, and
2) are as internally consistent as possible, and
3) use or support good management practices, and
4) minimise compliance costs, and
5) enable use and development that complies with the Regional Policy Statement for Northland and the objectives of this Plan, and
6) focus on effects and, where suitable, use performance standards.

D.2.2 Social, cultural and economic benefits of activities

When considering resource consents, regard must be had to the social, cultural and economic benefits of the proposed activity, recognising significant benefits to local communities, Māori and the region including local employment and enhancing Māori development, particularly in areas of Northland where alternative opportunities are limited.

D.2.2A Climate change and development

Particular regard must be had to the potential effects of climate change on a proposed development requiring consent under this Plan, taking into account the scale, type and design-life of the development proposed and with reference to the latest national guidance and best available climate change projections.

D.2.2B Adaptive management

Regard should be had to the appropriateness of an adaptive management approach where:

1) there is an inadequate baseline of information on the receiving environment, and
2) the occurrence of potential adverse effects can be effectively monitored, and
3) thresholds can be set to require mitigation action if more than minor adverse effects arise, and
4) potential adverse effects can be remedied before they become irreversible.

D.2.2C Benefits of regionally significant infrastructure

Particular regard must be had to the national, regional and locally significant social, economic, and cultural benefits of regionally significant infrastructure.
D.2.2D Minor adverse effects arising from the establishment and operation of regionally significant infrastructure

Enable the establishment and operation (including reconsenting) of regionally significant infrastructure by allowing any minor adverse effects providing:

1. The regionally significant infrastructure proposal is consistent with:
   a) all policies in Section D.1 Tangata whenua, and
   b) D.2.6 Managing adverse effects on historic heritage, and
   c) D.2.6A Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features, and
   d) D.2.7 Managing adverse effects on indigenous biodiversity, and

2. the regionally significant infrastructure proposal will not likely result in over-allocation having regard to the allocation limits in Policy H.6.3 Allocation limits for rivers, and

3. other adverse effects arising from the regionally significant infrastructure are avoided, remedied, mitigated or offset to the extent they are no more than minor.

D.2.2DA Maintenance, repair and upgrading of regionally significant infrastructure

Enable the maintenance and upgrading of established regionally significant infrastructure wherever it is located by allowing adverse effects, where:

1. the adverse effects whilst the maintenance or upgrading is being undertaken are not significant or they are temporary or transitory, and

2. the adverse effects after the conclusion of the maintenance or upgrading are the same, or similar, to those arising from the regionally significant infrastructure before the activity was undertaken.

D.2.2DB Appropriateness of regionally significant infrastructure proposals

When considering the appropriateness of a regionally significant infrastructure activity in circumstances where adverse effects are greater than envisaged in Policies D.2.2D and D.2.2DA, have regard and give appropriate weight to:

1. the benefits of the activity in terms of D.2.2C Benefits of regionally significant infrastructure, and

2. whether the activity must be recognised and provided for by a national policy statement, and

3. any demonstrated functional need for the activity, and
4) the extent to which any adverse environmental effects have been avoided, remedied or mitigated by route, site or method selection, and

5) any operational, technical or location constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects, and

6) whether the activity is for regionally significant infrastructure which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland, and

7) the extent to which the adverse effects of the activity can be practically reduced, inclusive of any positive effects and environmental offsets proposed, and

8) whether an adaptive management regime (including modification to the consented activity) can be used to manage any uncertainty around the occurrence of residual adverse effects, and

9) whether the activity helps to achieve consolidated development and the efficient use of land and resources, including within the coastal marine area.

D.2.2E Protection of regionally significant infrastructure

When considering new use and development activities that could adversely affect the ongoing operation, maintenance, upgrade or development of regionally significant infrastructure; ensure that the regionally significant infrastructure is not compromised.

D.2.2F Renewable energy

When considering activities associated with the generation of renewable energy:

1) have particular regard to the local, regional and national benefits of the generation of renewable energy, and

2) recognise the availability of renewable energy resources in Northland, including:
   a) high temperature geothermal resources at Ngāwhā, and
   b) tidal resources, particularly in west coast harbours, and
   c) hydroelectric resources on river systems, and

3) have regard to the practical constraints on large scale generation of renewable energy including:
   a) the need for the generation of renewable energy to locate where the resource exists, and
   b) that effective generation of energy from geothermal resources will include the need to consumptively use geothermal heat and pressure, and
   c) that effective generation of energy from tidal resources may include the need to place equipment in the coastal marine area, and
   d) that effective generation of energy from hydroelectric resources may include the need to divert, dam or otherwise restrict the flow of water, and
e) The need to connect to the electricity supply network or national grid.

D.2.2G Marine and freshwater pest management

Manage the adverse effects from marine pests, and pests within the beds of freshwater bodies, by:

1) recognising that the introduction or spreading of pests within the coastal marine area and freshwater bodies could have significant and irreversible adverse effects on Northland’s environment, and

2) recognising that the main risk of introducing and spreading pests is from the movement of vessels, structures, equipment, materials, and aquaculture livestock, and

3) decision-makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of pests, and

4) imposing conditions on resource consents requiring that best practice measures are implemented so that risk of introducing or spreading pests is effectively managed as a result of the consented activity.

D.2.3 Application of policies in the Regional Policy Statement for Northland to non-complying activities

The following policies in the Regional Policy Statement for Northland apply when considering a resource consent for a non-complying activity under Section 104D of the RMA:

1) Policy 4.4.1—Maintaining and protecting significant ecological areas and habitats, and

2) Policy 4.6.1—Managing effects on the characteristics and qualities of natural character, natural features and landscapes, and

3) Policy 4.6.2—Maintaining the integrity of heritage resources, and

4) Policy 4.8.1—Demonstrate the need to occupy space in the common marine and coastal area, and

5) Policy 5.1.1—Planned and coordinated development, and

6) Policy 5.1.2—Development in the coastal environment, and

7) Policy 5.1.3—Avoiding the adverse effects of new uses(s) and development, and

8) Policy 5.3.3—Managing adverse effects arising from regionally significant infrastructure, and

9) Policy 7.1.2—New subdivision and land use within 10-year and 100-year flood hazard areas, and

10) Policy 7.2.2—Establishing the need for hard protection structures.

D.2.4 Resource consent duration

When determining the expiry date for a resource consent, have particular regard must be had to:
1) the security of tenure for investment (the larger the investment, then generally the longer the consent duration), and

2) the administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and

3) the reasonably foreseeable demands for the resource (the greater the foreseeable demands, the shorter the consent duration), and

4) certainty of effects (the less certain the effects, the shorter the consent duration), and

5) whether the activity is associated with regionally significant infrastructure (generally longer consent durations for regionally significant infrastructure), and

6) the following additional matters where the resource consent application is to re-consent an activity:

a) the applicant’s past compliance with the conditions of any previous resource consent or relevant industry guidelines or codes of practice (significant previous non-compliance should generally result in a shorter duration), and

b) the applicant’s voluntary adoption of good management practices (the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration).

D.2.5 Recognising community and tangata whenua values other plans and strategies

When considering a resource consent application:

1) have particular regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by the Regional Council that has followed a consultation process carried out in accordance with the consultative principles and procedures of the Local Government Act 2002, to the extent that the content of the plan or strategy has a bearing on the resource management issues of the region, 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 activities on historic heritage by:

1A) avoiding significant adverse effects on the characteristics, qualities and values that contribute to historic heritage, and

1) recognising that historic heritage sites and historic heritage areas in the coastal marine area and fresh water identified in Maps Ngā mahere matawhenua have been identified in accordance with the criteria outlined in Policy 4.5.3 of the Regional Policy Statement for Northland, 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 and additions to the form and appearance of the physical elements of historic heritage, and

d) loss of context to the surroundings of historic heritage sites or areas, taking into account the scale of any proposal, and

3) recognising that despite (2), there are will not likely to be significant adverse effects if:

a) the historic heritage is has already been irreparably damaged as assessed by a suitably qualified and experienced heritage professional and there are significant health and safety or navigational safety risks if it were to remain, or

b) alterations, additions, repair or maintenance will not result in the loss, or significant degradation of, any values contributing to it being historic heritage in accordance with Policy 4.5.3 of the Regional Policy Statement, or

c) the context of the historic heritage in its present location has already been lost and any damage to the historic heritage during relocation can be avoided, and

4) determining the likely adverse effects of proposals by taking into account:

a) the historic heritage values of the historic heritage sites or historic heritage areas, as described in the site or area assessment reports available on the Regional Council’s website, where available (refer to the regional council website), and

b) the outcomes of any consultation with:

i) Heritage New Zealand Pouhere Taonga (particularly where an item is listed by Heritage New Zealand Pouhere Taonga and/or is an archaeological site requiring an authority to modify), the Department of Conservation or any other appropriate body with statutory heritage protection functions, and

ii) tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and

c) where considered necessary, an historic heritage impact assessment produced by a suitably qualified and experienced heritage professional, and

d) any values identified in addition to those listed in Policy 4.5.3 of the Regional Policy Statement for Northland 2016 including:

i) vulnerability (the resource is vulnerable to deterioration or destruction or is threatened by land use activities), and

ii) patterns (the resource is associated with important aspects, processes, themes or patterns of local, regional or national history), and

iii) public esteem (the resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment), and

iv) commemorative (the resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its special interest, character, landmark, amenity or visual appeal), and

iv) education (the resource contributes, through public education, to people’s awareness, understanding and appreciation of New Zealand’s history and cultures), and
5) recognising that appropriate methods of avoiding, remediating 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-conservation plans, and
   f) gathering and recording information on historic heritage by a suitably qualified and experienced heritage professional, and
   g) implementing the stabilisation, preservation and conservation principles of the ICOMOS® New Zealand Charter Revised 2010, and

6) determining if an archaeological advice note or Accidental Discovery Protocol advice note should be included if there is a possibility of unrecorded archaeology being encountered or the proposal will or may affect recorded archaeological sites. An advice note will outline that work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014, and

7) recognising that for the purposes of Section 95E of the RMA, Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 is an affected person in relation to resource consent applications under the RMA affecting:
   a) any listed items in this Plan, also listed under the Heritage New Zealand Pouhere Taonga Act 2014, and
   b) are pre-1900 recorded and unrecorded archaeological sites.

D.2.6A Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features

Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:

1) avoiding adverse effects of activities as follows:

<table>
<thead>
<tr>
<th>Place / value</th>
<th>Location of the place</th>
<th>Effects to be avoided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Areas of outstanding natural character</td>
<td>Coastal marine area and fresh waterbodies in the coastal environment.</td>
<td>Adverse effects on the characteristics, qualities and values that contribute to making the place outstanding.</td>
</tr>
<tr>
<td>Outstanding natural features</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outstanding natural seascapes</td>
<td>Coastal marine area.</td>
<td></td>
</tr>
</tbody>
</table>

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600 International Council on Monuments and Sites
2) recognising that in relation to natural character in waterbodies (where not identified as outstanding natural character), appropriate methods of avoiding, remediying or mitigating adverse effects may include:
   a) ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and
   b) in areas of high natural character in the coastal marine area, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and
   c) in freshwater, minimising to the extent practicable modification (disturbance, structures, extraction of water and discharge of contaminants), and

3) recognising that in relation to outstanding natural features in water bodies outside the coastal environment, appropriate methods of avoiding, remediying or mitigating adverse effects may include:
   a) requiring that the scale and intensity of bed disturbance and modification is appropriate, taking into account the feature’s scale, form and vulnerability to modification of the feature, and
   b) requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics, qualities and values of the outstanding natural feature, and

4) recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects.

D.2.7 Managing adverse effects on indigenous biodiversity

Manage the adverse effects of activities requiring resource consent on indigenous biodiversity by:

1A) in the coastal environment:
   a) avoiding adverse effects on:
      i) indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and
      ii) areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and
ii) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and

b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:

i) areas of predominantly indigenous vegetation, other than areas of mangroves to be pruned or removed for one of the purposes listed in 0.5.22, and

ii) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and

iii) indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and

18) outside the coastal environment:

a) avoiding, remedying or mitigating adverse effects so they are no more than minor on:

i) indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and

ii) areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and

iii) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and

b) avoiding, remedying or mitigating adverse effects so they are not significant on:

i) areas of predominantly indigenous vegetation, and

ii) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and

iii) indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, wet heathlands, headwater streams, spawning and nursery areas, and

1) recognising the following layers in 'Maps' as showing areas of significant indigenous vegetation and habitats of indigenous fauna in the coastal marine area, in accordance with the assessment criteria of Appendix 5, Regional Policy Statement for Northland—recognising areas of significant indigenous vegetation and significant habitats of indigenous fauna include:

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 potential 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

aa) recognising that existing activities may be having acceptable effects, and

b) recognising that discrete, localised or otherwise minor effects not impacting on the ecological area of indigenous biodiversity may be acceptable, and

c) recognising that activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible, and

4) recognising that appropriate methods of avoiding, remediating 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 the minimisation of effects during sensitive times such as indigenous freshwater fish spawning and migration periods, and

d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and

e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and

f) reversing previous damage or disturbance to areas of indigenous biodiversity, and

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, significant residual adverse effects on biodiversity values can be offset or compensated:

a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and

b) after consideration of the methods in (4) above, and

6) recognising the benefits of activities that:

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360 Biodiversity offsetting and environmental compensation are defined in the Regional Policy Statement for Northland 2016.
D.2.7A Managing adverse effects on land-based values and infrastructure

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

1) significant areas and values including:
   a) Areas of outstanding and high natural character, and
   b) Outstanding natural landscapes, and
   c) Outstanding natural features, and
   d) Historic heritage, and
   e) Areas of significant indigenous biodiversity, and
   f) Places of significance to tangata whenua, and

2) land-based infrastructure including:
   a) toilets, and
   b) car parks, and
   c) refuse facilities, and
   d) boat ramps, and
   e) boat and dinghy storage, and

3) decision-makers should have regard to:
   a) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and
   b) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.

D.2.8 Precautionary approach to managing effects on significant indigenous biodiversity

Where there is scientific uncertainty about the adverse effects of activities on:

1) species listed as Threatened or At Risk in the New Zealand Threat Classification System including those identified by reference to the Significant Bird Area and Significant Marine Mammal and Seabird Area maps (refer Maps) or

2) any the-values ranked high by the Significant Ecological Areas maps (Refer Maps),
a) Significant Ecological Areas, and
b) Significant Bird Areas, and
c) Significant Marine Mammal and Seabird Areas,700

then the greatest extent of adverse effects reasonably predicted by science, must be given the most weight.
D.3 Air

D.3.1 General approach to managing air quality

When considering resource consent applications for discharges to air:

1A) ensure that discharges of contaminants to air do not occur in a manner that causes, or is likely to cause, a hazardous, noxious, dangerous or toxic effect on human or animal health or ecosystems, and

1) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and

2) consider applying the H.3 Stack height requirements when assessing the best practicable option for stack discharges height requirements for fuel burning devices of more than 40KW capacity, and

3) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on the surrounding environment sensitive areas, and

4) take into account the Ambient Air Quality Guidelines 2002 (Ministry for the Environment, 2002) when assessing the effects of the discharge on ambient air quality, and

5) take into account the cumulative effects of air discharges and any constraints that may occur from the granting of the consent on the operation of existing activities, and

6) recognise that discharges to air may have adverse effects across the property boundary including reverse sensitivity effects and adverse effects on natural character, 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 the discharge including effects, and
   b) regional and local benefits arising from the discharge, and
   c) location of the discharge including its proximity to sensitive areas, and
   d) alternatives available, and

9) use national guidance produced by the Ministry for the Environment, including:
   a) Good Practice Guidance on Odour, 2016, the Good Practice Guide for Assessing and Managing Odour (Ministry of the Environment, 2016),
   b) Good Practice Guidance on Dust, 2016, the Good Practice Guide for Assessing and Managing Odour (Ministry of the Environment, 2016),
   c) Good Practice Guidance on Industrial Emissions, 2016, the Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, 2016), or
   d) any subsequent update or revision of these national guidance documents, and

10) generally enable discharges of contaminants to air from industrial and trade premises provided the best practicable option for preventing or minimising the adverse effects of the
discharge is adopted and significant adverse effects on human health, amenity values and ecosystems are avoided.

D.3.2 Burning and smoke generating activities

When considering resource consent applications for the burning of waste or burning associated with an energy generation process:

1) avoid outdoor burning of waste materials in urban areas unless:
   a) there is a significant public benefit, or
   b) alternative options have been explored, are demonstrated to be impractical and adverse effects of the selected option are no more than minor, and

2) recognise that air discharges from crematoria and the cremation of human remains can be culturally sensitive to tangata whenua, and

3) recognise the need for the security of supply of energy in the region, which may include non-renewable sources, and

4) require that a smoke management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and offensive discharges of smoke at the boundary of the site across the property boundary of where the activity is to take place. The smoke management plan must include:
   a) a description of adjacent smoke sensitive areas, and
   b) details of materials to be burnt, and
   c) expected weather conditions, and
   d) approximate length of time the burn will take, and
   e) how the burn will be attended, and
   f) details of good management practice that will be used to control smoke to the extent that adverse effects from smoke at the boundary of the site are managed.

D.3.3 Dust and odour generating activities

When considering resource consent applications for discharges to air from dust and/or odour generating activities:

1) require a dust and/or odour management plan to be produced where there is a likelihood that there will be objectionable and offensive discharges of dust and/or odour across at the property boundary of the site where the activity is to take place. The dust and/or odour management plan must include:
   a) a description of dust or odour generating activities, and
   b) adjacent potentially affected dust sensitive areas and/or odour sensitive areas, and
   c) details of good management practices that will be used to control dust and/or odour to the extent that adverse effects from dust and/or odour at the boundary of the site are managed avoided, remedied or mitigated.

2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor dry abrasive blasting or wet abrasive blasting.
Note: policy D.3.3 does not apply to odour associated with the controlled discharge of gas containing an odorant (such as mercaptan) from pipelines and ancillary equipment.219

D.3.4 Spray generating activities

When considering resource consent applications for discharges to air from agrichemical or surface coat spray generating activities:

1) avoid aerial agrichemical spraying in urban areas unless:
   a) there is a significant public benefit,1086 or
   b) alternative options have been explored, and have been demonstrated to be impractical, and adverse effects of the proposed aerial spraying are no more than minor, and

2) require that a spray management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and/or offensive discharges of spray across the property boundary of the site where the activity is to take place. The spray management plan must include:
   a) a description of the application spraying methods, and
   b) chemicals to be used, and
   c) qualifications of the applicators, and
   d) adjacent spray-sensitive areas, and
   e) details of good management practices that will be used to control spray manage the risk of spray-drift121 to the extent that adverse effects from spray at the boundary of the site are managed avoided, remedied or mitigated.

D.3.5 Activities in the Marsden Point airshed

The Marsden Point Air Quality Strategy must be taken into account when considering resource consent applications for discharges to air in the Marsden Point airshed as shown in Maps | Ngā mahere matawhenua. In particular, resource consent applications involving the discharge of sulphur dioxide (SO₂) to air must avoid adverse effects on the operation of regionally significant infrastructure within the Marsden Point Port Zone.218

1086 Including significant environmental and biodiversity protection
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>
<thead>
<tr>
<th>Attribute</th>
<th>Unit</th>
<th>Compliance-metric</th>
<th>Outstanding rivers</th>
<th>Other-rivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrate (toxicity)</td>
<td>mg NO₃⁻-N/l</td>
<td>annual-median</td>
<td>≤1.0</td>
<td>≤1.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>annual 95th percentiles</td>
<td>≤1.5</td>
<td>≤1.5</td>
</tr>
<tr>
<td>Ammonia (toxicity)</td>
<td>mg NH₄⁺-N/l</td>
<td>annual-median</td>
<td>≤0.03*</td>
<td>&gt;0.03 and ≤0.24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>annual-maximum</td>
<td>≤0.05*</td>
<td>&gt;0.05 and ≤0.40</td>
</tr>
</tbody>
</table>

*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>
<thead>
<tr>
<th>Attribute</th>
<th>Unit</th>
<th>Compliance-metric</th>
<th>Shallow lakes (≤10m)</th>
<th>Deep lakes (&gt;10m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phyttoplankton (chlor-a)</td>
<td>mg Chl-a/m³</td>
<td>Annual-median</td>
<td>&gt;5 and ≤12</td>
<td>&gt;2 and ≤5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual-maximum</td>
<td>&gt;25 and ≤60</td>
<td>&gt;10 and ≤25</td>
</tr>
<tr>
<td>Total Nitrogen</td>
<td>mg/m³</td>
<td>Annual-median</td>
<td>&gt;500 and ≤800</td>
<td>&gt;160 and ≤350</td>
</tr>
<tr>
<td>Total Phosphorus</td>
<td>mg/m³</td>
<td>Annual-median</td>
<td>&gt;10 and ≤20</td>
<td>≤10</td>
</tr>
<tr>
<td>Ammonia (toxicity)</td>
<td>mg NH₄⁺-N/l</td>
<td>Annual-median</td>
<td>≤0.03*</td>
<td>≤0.03*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual-maximum</td>
<td>≤0.05*</td>
<td>≤0.05*</td>
</tr>
</tbody>
</table>

*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\(^7\)

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:

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Unit</th>
<th>Compliance metric</th>
<th>Coastal water-quality management unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>River estuaries tidal creeks estuaries open coast</td>
</tr>
<tr>
<td>Dissolved oxygen</td>
<td>mg/L</td>
<td>Median</td>
<td>&gt;6.2  &gt;6.3  &gt;6.9</td>
</tr>
<tr>
<td></td>
<td>mg/L</td>
<td>Minimum</td>
<td>4.6  4.6  4.6  4.6</td>
</tr>
<tr>
<td>Temperature</td>
<td>°C</td>
<td>Maximum change</td>
<td>3°C  3°C  3°C  3°C</td>
</tr>
<tr>
<td>pH</td>
<td></td>
<td></td>
<td>7.0–8.5  7.0–8.5  7.0–8.5  8.0–8.4</td>
</tr>
<tr>
<td>Turbidity</td>
<td>NTU</td>
<td>Median</td>
<td>&lt;7.5  &lt;10.8  &lt;10.8</td>
</tr>
<tr>
<td>Secchi-depth</td>
<td>m</td>
<td>Median</td>
<td>&gt;0.8  &gt;0.7  &gt;1.0</td>
</tr>
<tr>
<td>Chlorophyll-a</td>
<td>mg/L</td>
<td>Median</td>
<td>0.003 &lt;0.004 &lt;0.004</td>
</tr>
<tr>
<td>Total phosphorus</td>
<td>mg/L</td>
<td>Median</td>
<td>&lt;0.119 &lt;0.040 &lt;0.030</td>
</tr>
<tr>
<td>Total nitrogen</td>
<td>mg/L</td>
<td>Median</td>
<td>&lt;0.860 &lt;0.600 &lt;0.220</td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Unit</th>
<th>Compliance metric</th>
<th>Coastal-water-quality-management-unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Baltic sea</td>
</tr>
<tr>
<td>Copper</td>
<td>mg/kg</td>
<td>Maximum</td>
<td>65</td>
</tr>
<tr>
<td>Lead</td>
<td>mg/kg</td>
<td>Maximum</td>
<td>50</td>
</tr>
<tr>
<td>Zinc</td>
<td>mg/kg</td>
<td>Maximum</td>
<td>200</td>
</tr>
<tr>
<td>Chromium</td>
<td>mg/kg</td>
<td>Maximum</td>
<td>80</td>
</tr>
<tr>
<td>Nickel</td>
<td>mg/kg</td>
<td>Maximum</td>
<td>21</td>
</tr>
<tr>
<td>Cadmium</td>
<td>mg/kg</td>
<td>Maximum</td>
<td>1.5</td>
</tr>
</tbody>
</table>
D.4.5  Maintaining overall water quality

When considering an application for a resource consent to discharge a contaminant into water:

1) have regard to the need to maintain the overall quality of water including the receiving water's physical, chemical and biological attributes and associated water quality dependent values, and

2) have regard to the coastal sediment quality guidelines in H.5_Water quality standards and guidelines, and

3) generally not grant a proposal if it will, or is likely to, exceed or further exceed a water quality standard in H.5_Water quality standards and guidelines.

An application for a resource consent that would allow a water quality standard or sediment quality standard to be exceeded or further exceeded will generally be declined. Resource consent may be granted if existing beneficial water quality dependent values of water are not adversely affected.718

D.4.6  Offsetting residual non-toxic contaminants

Regardless of the quality of the receiving waters, ensure that non-toxic contaminants that cannot be removed from a discharge are offset to the fullest extent practicable in the catchment of the water body or coastal water, such as by way of re-vegetating riparian margins and restoring or constructing wetlands.720

D.4.7  Industrial or trade wastewater discharges to water

An application for resource consent to discharge industrial or trade wastewater to water will generally not be granted unless the best practicable option to manage the treatment and discharge of contaminants is adopted.

1) Discharging wastewater from a farm, domestic or municipal source to water is the best practicable option, or

2) there is no trade waste connection available to receive industrial or trade wastewater or the network operator is unable or unwilling to accept the discharge.720

D.4.7A  Municipal, domestic and production land wastewater discharges

An application for resource consent to discharge municipal, domestic, horticultural or farm wastewater to water will generally not be granted unless:

1) the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices, and

2) a discharge to land has been considered and found not to be economically or practically viable.721

D.4.8  Zone of reasonable mixing
When determining what constitutes a the **zone of reasonable mixing** zone for a discharge of a contaminant into water, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of a natural process from that contaminant) entering water, have regard to: 

1) **use using** the smallest zone necessary to achieve the required water quality in the receiving waters as determined under Policy D.4.5, and

2) **ensuring that** within the mixing zone is free from contaminant concentrations and levels of dissolved oxygen that will not cause acute toxicity effects on aquatic ecosystems.

*Note: see also the definition of zone of reasonable mixing.*

### D.4.9 Transitional policy under Policy A4 of the National Policy Statement for Freshwater Management 2017

1) When considering an application for a discharge, the consent authority must have regard to the following matters:

   a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and

   b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water resulting from the discharge will be avoided.

2) When considering an application for a discharge, the consent authority must have regard to the following matters:

   a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water, and

   b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge will be avoided.

3) This policy applies to the following discharges (including a diffuse discharge by any person or animal):

   a) a new discharge, or

   b) a change or increase in any discharge, or any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

4) Clause 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

5) Clause 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect.

*Note: this policy applies until any changes under Schedule 1 of the Act to give effect to Policy A1 and Policy A2 [freshwater quality limits and targets] have become operative.*
D.4.10 Discharge of hazardous substances to land or water

1) Where a substance is approved under the Hazardous Substances and New Organisms Act 1996 to be discharged to land or water, good management practices must be used to avoid, as far as practicable, accidental spillages and adverse effects on:
   a) non-target organisms, and
   b) the use and consumption of water by humans or livestock, and
   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 those hazardous substances must be undertaken using the best practicable options to:
   a) as a first priority, avoid a discharge (including accidental spillage) of the hazardous substances onto land or into water, including reticulated stormwater systems, and
   b) as a second priority, ensure, where there is a residual risk of a discharge of the hazardous substances, including any accidental spillage, it is contained on-site and does not enter surface water bodies, groundwater or stormwater systems.

D.4.10A Discharges from contaminated land

Discharges of contaminants from contaminated land to air, land or water are managed or remediated to a level that:

1) allows contaminants to remain in the ground or in groundwater, where it can be demonstrated that the level of residual contamination beyond the site boundary is not reasonably likely to result in an unacceptable risk to human health or the environment, and

2) mitigates adverse effects on potable water supplies, and

3) avoids, remedies or mitigates adverse effects on aquatic ecosystem health, water quality, human health and amenity values, while taking into account all of the following:
   a) the physical constraints of the site and operational practicalities, and
   b) the financial implications of investigation, remediation, management and monitoring options, and
   c) the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land, and
   d) whether adequate measures are in place for the transport, disposal and tracking of contaminated soil and other contaminated material removed from a site to prevent adverse effects on the environment.\(^{75}\)

D.4.11 Discharges from landfills

The adverse effects on surface water, groundwater, and coastal water from discharges to land associated with landfills must be minimised by ensuring landfill design, construction, operation and maintenance include:
1) methods for leachate management, collection, treatment and disposal, and
2) methods for stormwater capture and control from both off-site and on-site sources, and
3) methods maintenance and monitoring to minimise contamination of the receiving environment, and
3A) receiving environment monitoring, and
4) ensuring landfills are managed in accordance with site-specific landfill management plans, and
4A) ensuring new landfills are located to avoid sensitive aquifers and aquifer recharge zones, 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 safeguarded, 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 and levels:

1) for outstanding rivers, 100% of the seven-day mean annual low-flow, and
2) for coastal rivers, 90% of the seven-day mean annual low flow, and
3) for small rivers, 80% of the seven-day mean annual low flow, and
4) for large rivers, 80% of the seven-day mean annual low flow.

**D.4.15 Minimum levels for lakes and wetlands**

Apply the following minimum levels for Northland’s lakes and natural wetlands, unless a lesser minimum level is approved under D.4.19 ‘Exceptions to minimum flows and levels’:

1) for deep lakes (greater than 10 metres in depth), median lake levels are not changed by more than 0.5 metres, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state, and

2) for shallow lakes (less than or equal to 10 metres in depth), median lake levels are not changed by more than 10 percent, and there is less than a 10 percent change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state, and

3) for natural wetlands, there is no change in their seasonal or annual range in water levels.

**D.4.16 Allocation limits for rivers**

1) The allocation limits in Clause 2 apply to:
   a) rules in this plan that permit any activity involving the taking and use of fresh water from rivers; and
   b) applications for water permits for the taking and use of fresh water from rivers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 ‘Takes existing and the notification date of the plan—controlled activity’ and C.5.1.9 ‘Takes existing at the notification date of this plan—discretionary activity’.

2) The quantities of fresh water that can be taken from rivers at flows below the median flow must not exceed whichever is the greater of:
   a) the default allocation limits in the following table, or
   b) the quantities authorised to be taken by:
      i) permitted rules in this plan, and
      ii) resource consents at the date of public notification of this plan—less, with the exception of water permits for takes from rivers in the Mangere Catchment, any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
      iii) resource consents for unauthorised takes that existed at the notification date of this plan.

<table>
<thead>
<tr>
<th>River water quantity management unit</th>
<th>Default allocation limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding-rivers</td>
<td>10 percent of the seven-day mean annual low flow</td>
</tr>
</tbody>
</table>
D.4.17—Allocation limits for aquifers

1) The allocation limits in Clause 2 apply to:
   a) the rules in this plan that permit any activity involving the taking and use of fresh water from aquifers; and
   b) applications for water permits for the taking and use of fresh water from aquifers, but do not apply to applications for water permits for the taking and use of fresh water under rules C.5.1.7 ‘Takes existing and the notification date of the plan—controlled activity’ and C.5.1.9 ‘Takes existing at the notification date of this plan—discretionary activity’.

2) The quantities of fresh water that can be taken from aquifers must not exceed:
   a) for the Aupouri aquifer,
      i) the catchment-specific allocation limits in Table 12 ‘Allocation limits for the Aupouri aquifer management unit’; and
   b) for coastal aquifers, an allocation limit of whichever is the greater of:
      i) a default allocation limit of 10 percent of the average annual recharge, or
      ii) the quantities authorised to be taken by:
         1) permitted rules in this Plan; and
         2) resource consents at the date of public notification of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced; and
         3) resource consents for 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 13: Allocation limits for the Aoupou-aquifer management unit

<table>
<thead>
<tr>
<th>Sub-aquifer</th>
<th>Allocation-limit</th>
<th>% annual average recharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aoupou-Waihemo</td>
<td>2,778,200</td>
<td>15</td>
</tr>
<tr>
<td>Aoupou-Houhora</td>
<td>2,141,300</td>
<td>11</td>
</tr>
<tr>
<td>Aoupou-Motutangii</td>
<td>2,199,600</td>
<td>10</td>
</tr>
<tr>
<td>Aoupou-Waiapuru</td>
<td>3,642,200</td>
<td>10</td>
</tr>
<tr>
<td>Aoupou-Paparo</td>
<td>5,787,500</td>
<td>35</td>
</tr>
<tr>
<td>Aoupou-Waipapakauri</td>
<td>4,182,800</td>
<td>20</td>
</tr>
<tr>
<td>Aoupou-Awanui</td>
<td>4,640,400</td>
<td>12</td>
</tr>
<tr>
<td>Aoupou-Sweetwater</td>
<td>4,675,000</td>
<td>35</td>
</tr>
<tr>
<td>Aoupou-Ahipara</td>
<td>922,500</td>
<td>12</td>
</tr>
<tr>
<td>Aoupou-other</td>
<td>Not applicable</td>
<td>15</td>
</tr>
</tbody>
</table>

D.4.17A Avoiding over-allocation

For the purpose of assisting with the achievement of Objective F.1.1 of this Plan:

1) apply the allocation limits set in H.6. Environmental flows and levels when considering and determining applications for resource consents to take, use, divert fresh water, and

2) ensure that no decision will likely result in over-allocation.

D.4.18 Integrated conjunctive-surface water and groundwater management

Prepare and consider applications for resource consents to take groundwater in accordance with H.7 Managing groundwater and surface water connectivity so that surface and groundwater resources are managed in an integrated way.

Apply minimum flows, minimum levels and allocation limits set for rivers, lakes and natural wetlands to water takes from aquifers that are directly or highly connected. An application to take water from an aquifer with direct or high hydraulic connectivity to a fully allocated river or which would result in flows or levels to be reduced below a minimum flow or minimum level will
generally not be granted. A resource consent may be granted under D.4.13 ‘Exceptions to minimum flows and levels.’

D.4.19 Exceptions to Minimum flows and or levels

1) For the purpose of assisting with the achievement of Objective 1.1 of this Plan, ensure that the minimum flows and levels in H.6 Environmental flows and levels apply to activities that require water permits pursuant to rules in this Plan, and

2) Notwithstanding this general requirement, for rivers an alternative minimum flow (comprising the minimum flow set in H.6 Environmental flows and levels less a specified rate of flow particular to an activity) may be applied where An application for a water permit that would allow water to be taken from a river, lake or natural wetland when flows or levels are below a minimum flow or minimum level will generally not be granted. A resource consent may be granted if 1) the water is to be taken, dammed or diverted for: 735

a) the health of people as part of a registered drinking water supply, or

b) root stock survival water, the sole purpose of preventing the death of permanent viticulture or horticulture crops (excluding pasture species, animal fodder crops, and maize), or 737

c) an individual’s reasonable domestic needs or the reasonable domestic needs of a person’s animals for drinking water that is, is or is likely to be, having an adverse effect on the environment and is not permitted by a rule in this Plan, or 738

d) a non-consumptive take, and 739

2) a different minimum flow or minimum level has been set for the water body in a resource consent. 740

D.4.20 Reasonable and efficient use of water – irrigation

An application for a resource consent to take water for irrigation purposes must include an assessment using a field-validated 741 water balance model that considers land use, crop water use requirements, on-site physical factors such as soil water holding capacity, and climate factors such as rainfall variability and potential evapotranspiration. The model must reliably predict annual irrigation volume within an accuracy of 15 percent. 742 The annual volume calculated using the model must meet the following criteria:

1) an irrigation application efficiency of at least 80 percent, and

2) crop water requirements demand conditions that occur in nine out of 10 years.

D.4.21 Reasonable and efficient use of water – group or community water supplies

An application for a resource consent to take or use water for group/community-drinking or public water supplies must include a water management plan to demonstrate water use efficiency and must set out the current and likely future demand for water that addresses:

1) the number and nature of the properties that are to be supplied, and
2) how the water supplier will manage water availability during summer flow periods and drought events, and

3) the effectiveness and efficiency of the distribution network.

D.4.22 Reasonable and efficient use of water – other uses

A resource consent [An application for resource consent] to take water for any other use of water other than that addressed under D.4.20 or D.4.21 must include an assessment of reasonable and efficient use by, taking into account the nature of the activity, and identifying if water will potentially be wasted, and demonstrating that water will not be wasted and identify any opportunities for re-use or conservation.

D.4.22A Water user groups

The formation of water user groups should be encouraged to allow permit holders who choose to work with other water permit holders in the same catchment or sub-catchment to temporarily share all or part of the water take authorised by their water permit provided:

1) all water permits are subject to conditions that specify a maximum rate of take, a daily volume, and a seasonal or annual volume; and

2) metering and telemetry of water abstraction data is undertaken for all takes, and

3) all water permits are subject to common water take restriction conditions, or any discrepancies in restriction conditions are addressed prior to the formation of the group.

D.4.23 Conditions on water permits

Water permits for the taking and use of water must include conditions that:

1) clearly define the take amount in instantaneous take rates and total volumes, including by reference to the temporal aspects of the take and use, and

2) unless there are exceptional circumstances, or the water permit is for a temporary take or a non-consumptive take, require that:
   a) the water take is metered and information on rates and total volume of the take is provided electronically to the Regional Council, and
   b) for water permits for takes equal to or greater than 10 litres per second, require the water meter to be telemetered to the Regional Council, and

4) clearly define when any restrictions and cessation of the water take must be restricted or cease occur to ensure compliance with freshwater water quantity limits and environmental flows and levels set in this plan, and

5) require the use of a backflow prevention system to prevent the backflow of contaminants to surface water or ground water from irrigation systems used to apply animal effluent, agrichemical or nutrients, and

5A) ensure intake structures are designed, constructed and maintained to minimise adverse effects on fish species in accordance with good practice guidelines.
6) specify when and under what circumstances the permit will be reviewed pursuant to Section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment.

D.4.24 Transfer of water permits

An application to transfer a water permit, permanently or temporarily, pursuant to Section 136 of the RMA will generally be granted if:

1) both sites are in the same catchment (either upstream or downstream) or aquifer, and
2) other authorised takes are not adversely affected, and
3) there is no increase in the level of adverse effects on the health of aquatic ecosystems.

D.4.24A Transitional policy under Policy B7 of the National Policy Statement for Freshwater Management 2017

1) When considering any application, the consent authority must have regard to the following matters:
   a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem, and
   b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

2) This policy applies to:
   a) any new activity, and change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of fresh water or draining or any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity of the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

3) This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

Note: the policy applies until the provisions in this plan that give effect to Policy B1 (allocation limits) and Policy B2 (allocation) have become operative.

D.4.25 Activities affecting flood control schemes

Avoid activities that are likely to:

1) compromise the functional integrity of flood control schemes, or
2) impede access to flood control schemes for maintenance purposes.
D.4.26 New Land 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, or where avoidance is not possible, remedied or mitigated, and
5) recognise maintain the values of existing natural wetlands, and
6) maintain existing fish passages and where possible, encourage development of new fish passage opportunities.

D.4.27 Natural wetlands – requirements

Activities affecting a natural wetland must:

1) should maintain the following important functions and values of wetlands, including:
   a) water purification and nutrient attenuation, and
   b) contribution to maintaining stream flows during dry periods, and
   c) peak stream flow reduction, and
   d) providing habitat for indigenous flora and fauna, including ecological connectivity to surrounding habitat, and
   e) recreation, amenity and natural character values, and
2) must avoid, remedy, or mitigate adverse effects on the important wetland functions and values, or
3) must provide biodiversity offsetting or environmental biodiversity compensation, so that residual adverse effects on the important functions and values of wetlands 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 and restoration, and the enhancement of wetland functions, and
2) that the values of induced wetlands or reverted wetlands are likely to relate to:
   a) the length of time the wetland has been in existence (ecological values are generally lower in newly established wetlands), and
   b) whether long-term viability of the wetland relies on maintenance works to maintain suitable hydrological conditions (wetlands that do not require maintenance are of greater value), and
3) that the consent duration should be for as long as the time it takes for the wetland to reach its expected end state; active restoration or enhancement works are required.

D.4.29 Freshwater fish

When considering resource consent applications for activities in freshwater bodies recognise:

1) that in the absence of alternative evidence, most Northland continually or intermittently flowing rivers and some lakes and natural wetlands provide habitat for Threatened or At Risk indigenous fish species, and

2) that some fish species are sensitive. All fish species have varying degrees of sensitivity to habitat disturbance, changed water flow and degraded water quality, particularly increased turbidity or sedimentation, and

3) the need to maintain the ability for non-pest fish species to effectively move up and downstream of the activity site, and

4) opportunities to reduce the risk of spreading or introducing pest species, and

5) the benefits of avoiding:
   a) impact activities in continually or intermittently flowing rivers during fish migration periods, and
   b) spawning habitat disturbance, particularly during spawning periods.

D.4.30 Benefits of freshwater structures, dams and diversions

Recognise the significant benefits activities in water bodies can provide to local communities, Māori and the region, including:

1) socio-economic well-being and resilience of communities or industry, and or

2) regionally significant infrastructure, and or

3) enhanced fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, and or

4) flood protection and the safeguarding of public health and safety, and or

5) public access along, over or in the water body, and

6) enabling community resilience to climate change, and

7) enhancing recreation opportunities including walking, bird watching, fishing, game bird hunting and boating, and

8) education and scientific research, and

9) enhancing amenity and natural character.
D.4.31 Land preparation, earthworks and vegetation clearance—Managing the effects of land-disturbing activities

When assessing an application for a resource consent for an earthworks, vegetation clearance and/or land preparation activity cultivation and any associated discharge of a contaminant, ensure that the activity must:

1) will be done in accordance with established good management practices, and

2) avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on:
   a) human drinking water supplies, and
   b) areas of high recreational use, and
   c) aquatic ecosystem health, aquatic species, and receiving environments that are sensitive to sediment or phosphorus accumulation.

D.4.31A Construction, alteration and decommission of bores

When considering an application for a resource consent for the construction, alteration or decommissioning of a bore, ensure that the activity will be done in accordance with established good management practices.

D.4.32 Exceptions to livestock exclusion requirements

When considering an application for a resource consent to allow livestock access to the bed of a lake or a permanently continually flowing river, a permanently continually flowing drain—artificial watercourse, a natural wetland, or the coastal marine area, have particular regard to:

1) any relevant priorities and recommendations in a farm environment plan prepared or approved by the Regional Council or in an industry approved farm environment plan, and

2) the need to extend the deadline for livestock to be effectively excluded on the grounds of significant practical constraints, and

3) the implementation of substitute measures, such as constructed wetlands, to avoid or mitigate losses of sediment and faecal microbes to downstream water bodies and coastal waters, and

4) the benefits of grazing the banks of water bodies, including suppression of weeds and maintenance of grass cover to minimise contaminant inputs to water bodies.
D.5 Coastal

D.5.1 Aquaculture – benefits

Recognise and enable the significant benefits that existing and new aquaculture can provide to local communities, Māori and the region, including:

1) social, cultural and economic benefits, including local employment and enhancing Māori development (for example, by involvement in the aquaculture industry), particularly in areas of Northland where alternative opportunities are limited, and

2) supplementing natural fish and shellfish stocks by an alternative source of fish and shellfish, and

3) providing improved information about water quality, and

4) the significant opportunity marae-based aquaculture provides for Māori to enhance their well-being (through improving traditional customary kaimoana provision for marae), and

5) as a method Māori can use for the management and enhancement of Māori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986).

D.5.1A Aquaculture – existing activities, realignment, extensions, and small scale short duration activities

Subject to D.5.4, D.5.5, and D.5.6 provide for and enable the continued operation of existing aquaculture activities (including their realignment and extension) and for aquaculture research trials and experimental aquaculture activities, provided that:

1) potential adverse effects listed in D.5.2 and significant adverse effects listed in D.5.3 are avoided, and

2) adverse effects on the characteristics, qualities and values that contribute to the identified values of the following areas identified in the Plan’s Maps: Ngā mahere matawhenua are managed in accordance with the relevant policies in Chapters D.1, D.2 and D.5 of this Plan:

   a) Significant Ecological Areas, or
   b) Significant Bird Areas, or
   c) Outstanding Natural Features, or
   d) Areas of Outstanding Natural Character, or
   e) Regionally Significant Anchorages, or
   f) Mooring Zones, or
   g) Coastal Commercial Zones, or
   h) Nationally or Regionally Significant Surf Breaks, or
   i) Sites or Areas of Significance to Tangata Whenua, or
   j) Historic Heritage Sites or Areas.
D.5.2 Aquaculture – avoid adverse effects

In addition to any other requirement to avoid adverse effects, aquaculture activities must avoid adverse effects (after taking into account any remediation or mitigation) on:

1) areas of the coastal marine area where a marine reserve has been established or publicly notified under the Marine Reserves Act 1971, and

2) residential activities in significant urban areas provided for in operative district plans, which activities are existing at 1 September 2017, authorised by unexercised resource consents, or enabled by operative district plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, and

3) significant tourism and/or recreation areas, and

4) recognised navigational routes, and

5) anchorages referred to in cruising guides, pilot books and similar publications as being suitable for shelter in adverse weather, and

6) port or harbour approaches, and

7) existing aquaculture (either because there is no or limited space, or the area is at its production or ecological carrying capacity), and

8) the use and functioning of existing coastal structures including jetties, wharves, boat ramps, underwater pipes, and underwater cables, and

9) defence exercise areas, and

10) access lanes, as referred to by the Navigation Safety Bylaw, and

11) the management purpose or objectives of:

   a) tāiapure or mataitai, and

   b) areas for which fisheries restriction methods have been established under the Fisheries Act 1996 and regulations, including any Māori Oyster Reserve or set netting ban, and

   c) protected customary rights and customary marine titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011, and

   d) wildlife refuges established under the Wildlife Act 1953, and

   e) areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977, and

   f) areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971, and

   g) any marine park established by or through statutory or regulatory processes, and

12) Mooring Zones.708

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708The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
D.5.3 Aquaculture – avoid significant adverse effects

Aquaculture activities should avoid significant adverse effects on:
1) the integrity, functioning and resilience of coastal processes and ecosystems, and
2) public access to and along the coast, and
3) use or functioning of coastal reserves and conservation areas.

D.5.4 Aquaculture – general matters

New aquaculture activities should:
1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure, facilities and operations where required, and
2) provide for the integrated management of the associated activities, including any required land-based facilities and operations, and
3) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing and/or harvesting of shellfish, where the aquaculture is for the purpose of directly harvesting shellfish for human consumption, and
4) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

D.5.5 Aquaculture – staged development

New aquaculture activities may be required to be developed and monitored in a staged manner where the potential adverse effects cannot adequately be predicted and may be significant, for example where:
1) the potential adverse effects cannot adequately be predicted, or
2) new species are farmed or new technology is used, or
3) the scale or type of marine farm warrants a cautious approach.771

D.5.6 Aquaculture – abandoned or derelict farms

Coastal permits for aquaculture activities involving structures in the coastal marine area must include conditions requiring:
1) the repair or removal of structures that have been abandoned or have fallen into a state of disrepair, and either
2) a bond or alternative surety to cover the actual and reasonable costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed, or
3) an alternative surety that reflects the reasonable:
   a) likelihood of structures being abandoned or falling into a state of disrepair, and
b) the costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed.

D.5.6A Coastal Commercial Zone and Marsden Point Port Zone Purpose

Recognise that the purpose of the Coastal Commercial Zone and Marsden Point Port Zone is to enable the development and operation of existing and authorised maritime-related commercial enterprises or industrial activities located within these zones.⁷⁷³

D.5.7 Coastal Commercial Zone and Marsden Point Port Zone

Development in the Coastal Commercial Zone and the Marsden Point Port Zone will generally be appropriate provided it is:

1) consistent with:
   a) existing development in the Coastal Commercial Zone or the Marsden Point Port Zone, and
   b) existing development on adjacent land above mean high water springs, and
   c) development anticipated on the land above mean high water springs by the relevant district plan, or

2) associated with regionally significant infrastructure in the Marsden Point Port Zone.⁷⁷⁴

Development that is inconsistent with 1) or 2) will not necessarily be inappropriate.

D.5.8 Whangārei City Centre Marine Zone

Recognise that the purpose of the Whangārei City Centre Marine Zone is to enable the development of structures for amenity and public good purposes.

D.5.9 Moorings outside Mooring Zones

Moorings outside Mooring Zones that require resource consent must:

1) have all necessary shore-based toilet facilities, parking, dinghy storage and refuse disposal available long-term, and

2) not by themselves, itself or in combination with existing moorings in the same bay or inlet, result in more than minor adverse effects, unless the mooring is associated with a property
that is only legally accessible by water and the mooring is necessary to provide for the safety of people or the moored vessel,\(^7\) 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\(^7\)

4) demonstrate why it is not practical to be in a Mooring Zone, and

5) not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless it is directly associated with a maritime-related commercial enterprise or existing authorised industrial activity, and\(^7\)

6) demonstrate why short-term anchorage or land-based vessel storage is not practical, and

7) not be in the following areas (refer: [Maps | Ngā mahere matawhenua](#));
   i) Areas of Outstanding Natural Character, or
   ii) Historic Heritage Areas, or
   iii) Nationally Significant Surf Breaks, or
   iv) Outstanding Natural Features, or
   v) Regionally Significant Anchorages, or
   va) Sites or Areas of Significance to Tangata Whenua,\(^7\)

   unless
   vi) the mooring is associated with a property that is only legally accessible by water, or
   vii) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
   viii) the mooring is associated with a maritime-related commercial enterprise or existing authorised industrial activity that could not otherwise be located within a Mooring Zone.\(^7\)

**D.5.10 New moorings in Mooring Zones with limited shore-based facilities**

Manage moorings in Mooring Zones with limited shore-based facilities by:

1) recognising that shore-based facilities to serve moorings are limited or at capacity in the following mooring areas:

*Table 13A: Mooring Zones with limited shore-based facilities*

<table>
<thead>
<tr>
<th>Location</th>
<th>Mooring Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mangonui Harbour</td>
<td>All mooring zones</td>
</tr>
<tr>
<td>Whangaroa Harbour</td>
<td>Totara North</td>
</tr>
<tr>
<td>Kerikeri Inlet</td>
<td>Opito Bay</td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Ōpua</td>
<td>English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River</td>
</tr>
<tr>
<td>Russell</td>
<td>Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwahi Bay</td>
</tr>
<tr>
<td>Te Rawhiti Inlet</td>
<td>Walpiro Bay and Te Uenga Bay</td>
</tr>
<tr>
<td>Whangaruru Harbour</td>
<td>All mooring zones</td>
</tr>
<tr>
<td>Mangawhai Harbour</td>
<td>Mangawhai</td>
</tr>
</tbody>
</table>

2) only granting coastal permits for moorings in these locations if the applicant can demonstrate that:

- a) adequate parking and dinghy storage is available to serve the existing moorings and the proposed mooring at all times of the year, or
- b) adequate parking, toilet facilities, refuse disposal and dinghy storage from are provided at all times of the year at their own on their private property near the proposed mooring, and

- 3) where an applicant demonstrates provision of adequate parking, toilet facilities, refuse disposal and dinghy storage at their private property in accordance with clause 2), the coastal permit must include a condition limiting the transfer of the mooring unless the services for the mooring will be provided from a property owned by the transferent or new owners of the property.

### D.5.11 Regionally Significant Anchorages

Manage Regionally Significant Anchorages (refer Maps Ngā mahere matawhenua) by:

1) recognising the value of Regionally Significant Anchorages to the boating community as anchorages that are critical refuges during bad weather, and

2) avoiding structures that have adverse effects on the ability of vessels to anchor in a Regionally Significant Anchorage, except structures installed to reduce the environmental impact of repetitive anchoring and that are freely available for public use.

### D.5.12 Recognised Anchorages

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding and/or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publications.

### D.5.13 Marinas – managing the effects of marinas

Marinas must:

1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:
a) refuse from vessels, and
b) sewage and sullage from vessels, and
c) recyclable material, including waste oils, from vessels, and
d) spills from refuelling operations and refuelling equipment, and
e) the discharge of stormwater generated from the marina complex, and

2) provide for shore-based facilities, including parking, public toilets, boat racks, public access, and

3) mitigate for any loss of public access to, along and within the coastal marine area, including the provision of facilities such as public boat ramps and alternative access for other users, and

4) take into account be designed and constructed in a manner that reflects the benefits of landscaping and urban design treatment, and

5) take into account be consistent with any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

D.5.14 Marinas – recognising the benefits of marina development

Recognise the benefits of marina development include:

1) efficient use of water space for boat storage, and

2) responding to demand for boat storage and associated services, and

3) opportunities to enhance public facilities and access to the coastal marine area, and

4) socio-economic opportunities through construction and ongoing operation.

D.5.15 Marina Zones – purpose

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

D.5.16 Marina Zones – structures

When considering coastal permit applications for non-marina related structures (including moorings) in Marina Zones, decision-makers must have regard to:

1) whether granting a coastal permit would hinder the development of a marina in that part of the Marina Zone, and

2) the need for conditions to limit the duration of a consent to enable marina development to proceed.

D.5.17 Marinas and moorings in high demand areas
Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand Mooring Zones. Therefore, high density on-water boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on-water boat storage in:

1) Mangonui, and
2) Kerikeri, and
3) Russell, and
4) Ōpuā, and
5) Tutukaka, and
6) Mangawhai.

D.5.17A Reclamation

Recognise the potential benefits of reclamation when they are undertaken to:

1) maintain or repair an authorised reclamation, or
2) carry out rehabilitation or remedial works, or
3) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.

D.5.17B Unlawful reclamation

Recognise the following matters when considering the authorisation of an unlawful reclamation in the coastal marine area:

1) the extent of social or economic benefit provided to the public, including whether the reclamation is necessary to enable the operation of infrastructure, and
2) the length of time the unlawful reclamation has existed, and
3) the extent to which removal of the reclamation is practicable, and
4) whether there will be more significant adverse effects resulting from the works required to remove the reclamation, compared with retaining the reclamation.

D.5.18 Dredging, disturbance and deposition activities

Dredging, disturbance and deposition activities should not:

1) cause long-term erosion within the coastal marine area or on adjacent land, and
2) cause damage to any authorised structure.

D.5.18A Benefits of dredging, disturbance and deposition activities
Recognise that dredging, disturbance and deposition activities may be necessary:

1) for the continued operation of existing infrastructure, or
2) for the operation, maintenance, upgrade or development of regionally significant infrastructure, or
3) to maintain or improve access and navigational safety within the coastal marine area, or
4) for beach re-nourishment or replenishment activities, or
5) to protect, restore or rehabilitate ecological or recreational values, or
6) when it is undertaken in association with the deposition of material for beneficial purposes, including the restoration or enhancement of natural systems and features that contribute towards reducing the impacts of coastal hazards.

D.5.19 Disposal—Dumping (deliberate disposal) of dredge spoil and other waste material

Discourage the disposal—dumping (deliberate disposal) of dredge spoil and other waste in the coastal marine area, unless:

1) it is for beach maintenance, enhancement or replenishment; or the replenishment of other geomorphological features such as banks or spits; or ecological restoration, or
2) it is for restoration, maintenance or enhancement of natural coastal defences that provide protection against coastal hazards, or
3) it is associated with a reclamation, or
4) it is associated with the operation of regionally significant infrastructure and the dumping does not occur within a mapped (refer I Maps [Ngā mahere matawhenua]):
   a) Significant Ecological Area, or
   b) Nationally Significant Surf Break, or
   c) Area of Outstanding Natural Character, or
   d) Outstanding Natural Feature, or
   e) Site or Area of Significance to Tangata Whenua, or
   f) Historic Heritage Area.

The disposal—dumping (deliberate disposal) of dredge spoil or other waste that is inconsistent with clauses 1 to 4 above may be appropriate, if it is demonstrated that the dumping location is the best practicable option, given the type of material to be dumped disposed of.

D.5.20 Dredging, disturbance and deposition effects on areas with significant values

When considering a resource consent application for dredging, disturbance or deposition that is likely to have an adverse effect on any mapped (refer I ‘Maps’):

1) Outstanding Natural Character, or
2) Outstanding Natural Feature, or
3) Significant Ecological Area, or
4) Significant Bird Area, or
5) Marine Mammal and Seabird Area, or
6) Historic Heritage Area, or
7) Nationally or Regionally Significant Surf Break

take into account whether the proposal provides for any of the following beneficial activities:
8) protects, restores or rehabilitates the significant values associated with one or more of the areas listed in 1–7 above, or
9) improves water quality, connections between water bodies or between freshwater bodies and coastal water, or other natural processes, or
10) provides educational, scientific or passive recreational opportunities that will enhance the understanding and long-term protection of the significant values of the area, or
11) is in association with scientific research and analysis, or
12) is in association with the operation, maintenance and protection of regionally significant infrastructure, or
13) involves the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
14) is dredging or other disturbance of the foreshore and seabed in existing artificial watercourses or modified watercourses, or
15) is in association with the mitigation of natural hazards, or
16) is in association with the operation, maintenance and protection of existing river schemes and land drainage schemes, or
17) is in association with the repair, maintenance, reconstruction and removal of authorised structures, or
18) involves sand extraction within areas where this has previously occurred and adverse effects have been demonstrated as being no more than minor.

D.5.21 Underwater noise

Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

1) demonstrate that adopt the best practicable option to manage noise so that it does not exceed a reasonable level is being used to minimise noise, 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 listed as Threatened or At Risk in the New Zealand Threat Classification System,\textsuperscript{792} and
5) avoid, remedy or mitigate other adverse effects on marine mammals, having regard to the location and duration of the proposed activity and the benefits of activities:
   a) to be undertaken in association with scientific research and analysis, or
   b) involving the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or
   c) to be undertaken in association with the operation, maintenance and protection of Regionally Significant Infrastructure, or
   d) that mitigate natural hazards.\textsuperscript{793}

D.5.22 Mangrove removal – purpose

Subject to Policy D.2.7, resource consent for mangrove pruning or removal.\textsuperscript{794}

1) may be granted when it is necessary to maintain, restore or improve one or more of the following:
   a) biodiversity, and aquatic ecosystem health, ecological values, natural features, or scheduled historic places, or
      aa) habitats that have been displaced or colonised by mangroves, including rush marsh, salt marsh and intertidal flats, or\textsuperscript{795}
   ab) areas within which mangroves have previously been lawfully pruned or removed, or\textsuperscript{796}
   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\textsuperscript{797}
D.5.24 Mangrove removal – adverse effects

When considering resource consents for mangrove removal, recognise there are potential 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
   aa) disturbing or displacing birds classified as Threatened or At Risk in the New Zealand Threat Classification System, particularly within Significant Bird Areas, and799
   b) disturbing ecological sequences, or corridors, and
   c) areas important for linking significant ecological areas, and800
   d) restricting faunal migration and movement and to shorebird breeding and feeding, and801
   e) removal of a buffer to sensitive ecological areas, and
   f) disturbance of the foreshore and seabed, effects of including compaction, sediment redistribution, and mangrove biomass deposition and storage, and

2) increased risk of coastal erosion where mangroves provide a buffer against coastal processes causing erosion, and

3) effects on tangata whenua cultural values, and

4) amenity impacts from removal and disposal including noise, smoke, odour and visual impacts, and

5) short and long-term effects on local sediment characteristics and hydrodynamics, and

6) changes to natural character.802

D.5.25 Marine pests803

Protect Northland from the adverse effects from marine pests by:

1) recognising that the introduction or spreading of marine pests could have significant and irreversible adverse effects on Northland’s marine environment, and

2) recognising that the main risk of introducing and spreading of marine pests is from the movement of vessels, structures, equipment, marine livestock and materials, and

3) decision-makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of marine pests, and

4) putting conditions in resource consents requiring that best practicable option measures are implemented so that there is a very low risk of introducing or spreading marine pests as a result of the consented activity.
D.5.26 Significant surf breaks

Provide for the use and enjoyment of Nationally and Regionally Significant Surf Breaks (refer: Maps | Ngā mahere matawhenua) by ensuring that:

1) resource consent applications for activities within the coastal marine area that are within a one kilometre radius of a Nationally Significant Surf Break or a Regionally Significant Surf Break are accompanied by an assessment of environmental effects of the activity on the identified values of the surf break, and

1A) adverse effects on the characteristics, qualities and values that contribute to make Nationally Significant Surf Breaks significant, are avoided, and

2) significant adverse effects on the characteristics, qualities and values that contribute to make Regionally Significant Surf Breaks significant, are avoided, and

3) access to Nationally and Regionally Significant Surf Breaks is maintained or enhanced.

D.5.27 Managing effects on surf breaks

Have regard to the following effects on mapped surf breaks (refer: Maps | Ngā mahere matawhenua):

1) effects on the quality or consistency of the surf break by considering the extent to which the activity may:
   a) change or interrupt coastal sediment dynamics, and
   b) change or interrupt swell within the swell corridor including through reflection, refraction or diffraction of wave energy, and
   c) change the morphology of the foreshore or seabed, and

2) effects on:
   a) amenity values, and
   b) the feeling of wilderness or isolation.
D.6 Natural Hazards

D.6.1 Appropriateness of hard protection structures

New hard protection structures may be considered appropriate when:

1) alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have greater adverse effects on the environment, or

2) they are the only practical means to protect existing or proposed,
   a) existing or planned regionally significant infrastructure, or
   b) existing core local infrastructure (district parks and reserves, network infrastructure and local roads), or
   c) concentrations of existing vulnerable development, and
   d) they provide a better outcome for the local community, district or region, compared to if the no hard protection structure was not built, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.

D.6.2 Design and location of hard protection structures

New hard protection structures must:

1) be located as far landward as possible in order to retain as much of the existing natural defences against coastal hazards as much as possible, and

2) be designed and constructed by a suitably qualified and experienced professional, and

3) incorporate the use of soft protection measures where practical, and

4) be designed to take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time-frame, including the projected effects of a sea level rise of one metre by 2115 (100 years).

D.6.3 Re-building of materially damaged or destroyed buildings in high-risk hazard areas

Resource consent may only be granted for the re-building of materially damaged or destroyed buildings in high-risk flood hazard areas and high-risk coastal hazard areas if the natural hazard risk to the building is demonstrated to be reduced (compared with the risk to the building previously) and hazard risk to other property is not increased.

D.6.4 Flood hazard management – flood defences

Recognise the significant benefits that flood defences play in reducing flood hazard risk to people, property and the environment.
D.6.5  Flood hazard management – development within floodplains

Development in flood hazard areas and continually or intermittently flowing rivers (including high-risk flood hazard areas) must not increase the risk of adverse effects from flood hazards on other property or another person's use of land or property.
E Catchments | Ngā whaitua

E.1 Objective

E.1.1 Catchment-specific values

Recognise the following values in the Doubtless Bay, Waitangi, Poutō, Mangere and Whangārei Harbour catchments:

1) cultural and recreational uses associated with fresh and coastal waters, and
2) the ability to gather mahinga kai, and
3) the natural character of waterbodies and their margins, and
4) the quality of habitat for aquatic native species, and
5) access to freshwater for productive uses.

E.2 Policy

E.2.1 Catchments

When considering resource consent applications in the Doubtless Bay, Waitangi, Poutō, Mangere and Whangārei Harbour catchments, have regard to the following:

1) reducing the amount of sediment entering waterways from hill slope and stream-bank erosion, and
2) improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather mahinga kai, and
3) protecting the ecosystem health and natural character of freshwater bodies, particularly outstanding lakes, and
4) enabling the extraction and use of freshwater where this will not compromise other values or exceed a minimum flow or level, or an allocation limit.
### E.3 Rules

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

*Note: the following rules in this section are from Catchment Management Plans developed for the Doubtless Bay, Waitangi, Mangere, Whangarei, Whangārei Harbour and Poutō catchments. Catchment-specific rules take precedence over other rules in this Plan (whether more or less restrictive).*

#### E.3.1 Doubtless Bay catchment

<table>
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<tr>
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#### E.3.2 Poutō catchment

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<td></td>
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<td>E.0.5 E.3.2.3 New plantation forestry within 20 metres of outstanding Poutō Lakes – restricted discretionary activity</td>
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#### E.3.3 Waitangi catchment

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<td>E.0.6 E.3.3.1 Erosion control plans in the Waitangi catchment – controlled activity</td>
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#### E.3.4 Mangere catchment

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<td>E.0.7 E.3.4.1 Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity</td>
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#### E.3.5 Whangārei Harbour catchment

<table>
<thead>
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<tbody>
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<td>Code</td>
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<tr>
<td>E.0.9 E.3.5.1</td>
<td>Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity</td>
</tr>
<tr>
<td>E.0.10 E.3.5.2</td>
<td>Erosion control plans in the Whangārei Harbour catchment – controlled activity</td>
</tr>
</tbody>
</table>
E.3.1 Doubtless Bay catchment

E.0.1 E.3.1.1 Erosion control plans in the Doubtless Bay catchment – controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Doubtless Bay catchment (Maps Ngā mahere matawhenua) is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

1) the effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

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

- Restrictions on use of land Pastoral land use on high sediment yielding land (s9(2)).

E.0.2 E.3.1.2 Water takes from Lake Waiporohita – discretionary activity

The taking and use of fresh water from Lake Waiporohita for any purpose is a discretionary activity, provided:

1) water is not taken when a flow or water level is below a minimum flow or minimum level, and

2) any new take (after the notification date of this plan) does not cause an allocation limit set in H.6 Environmental flows and levels to be exceeded.

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

- Restrictions relating to water The taking and use of fresh water from Lake Waiporohita (s14(2)) and s14(3)(b))

ID: A1183321
E.3.2 Poutō catchment

E.0.3 E.3.2.1 Water takes from a lake in the Poutō catchment – permitted activity

The taking and use of water from a lake in the Poutō catchment (refer Maps Ngā mahere matawhenua) (other than for reasonable stock drinking or domestic needs which are allowed under s14(3)(b) of the RMA) is a permitted activity, provided:

1) there is only one take per property, and
2) the take is from a lake that is two hectares or more in area, and
3) the total daily take does not exceed:
   a) from Outstanding Freshwater Bodies (lakes) (refer Maps Ngā mahere matawhenua), 10 cubic metres or 200 litres per hectare of property, up to a maximum of 20 cubic metres, or
   b) from other Poutō lakes, 10 cubic metres or 200 litres per hectare of property up to a maximum volume of 50 cubic metres, and
4) water is not taken when the lake water level is below a minimum level, and
5) the take does not adversely affect the reliability of any existing authorised take, and
6) a screen must cover the intake structure of surface water takes and have a minimum aperture (mesh size) of 1.5 millimetres to protect native fish species, and the velocity across the screen must not exceed 0.3 metres per second, and
7) the take does not lower the water level in a natural wetland, and
8) the reticulation system is constructed and maintained to minimise leakage and wastage, and
9) the water users must provide the Regional Council with:
   a) their name, address, and phone number, and
   b) the location of the water take, and
   c) the nature of the water use, and
10) at the written request of the Regional Council, a water meter is installed and water take and use records are provided to the Regional Council.

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

- Restrictions relating to water. The taking and use of fresh water from a lake in the Poutō catchment (s14(2)).

Note: where the conditions of this rule cannot be met, C5.1.10 Other water takes – discretionary activity applies.
E.0.4 E.3.2.2 New plantation forestry in the Poutō Forestry Restriction Area – restricted discretionary activity

New plantation forestry that exceeds five hectares per property in the Forestry Restriction Area – Poutō catchment (refer I Maps I Ngā mahere matawhenua), is a restricted discretionary activity.

Matters of discretion:
1) The total area and location to be planted.
2) Potential effects of reduced surface water yield to lakes and water levels in lakes.
3) The sensitivity of the ecological, cultural or recreational values of the lake to reduced water levels.
4) The potential effects of the activity on water quality and aquatic ecosystems.
5) The positive effects of the activity.

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

- Restrictions on use of land New plantation forestry in the Poutō Forestry Restriction Area (s9(2)).

E.0.5 E.3.2.3 New plantation forestry within 20 metres of outstanding Poutō Lakes – restricted discretionary activity

New plantation forestry within 20 metres of the bed of an outstanding lake in the Poutō catchment (refer I Maps I Ngā mahere matawhenua) is a restricted discretionary activity.

Matters of discretion:
1) The location and extent of trees within the setback, and
2) The potential effects of the activity on outstanding Poutō lakes.
3) The positive effects of the activity.

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

- New plantation forestry within 20 metres of the bed of an outstanding Poutō lake (s9(2)).
**E.3.3 Waitangi catchment**

**E.0.6 E.3.3.1** Erosion control plans in the Waitangi catchment – controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Waitangi catchment (refer I Maps, Ngā mahere matawhenua) is a controlled activity, if an erosion control plan has not been developed for the land.

**Matters of control:**

1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

3) Information and monitoring requirements.

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

- Restrictions on use of land: Pastoral land use on high sediment yielding land (s9(2)).

**E.3.4 Mangere catchment**

**E.0.7 E.3.4.1** Access of livestock to the bed of a water body or continually permanently flowing watercourse in the Mangere catchment – permitted activity

The access of livestock to a natural wetland, the bed of a lake or a continually permanently flowing river, or a continually permanently flowing artificial watercourse drain in the Mangere Catchment (refer I Maps, Ngā mahere matawhenua) is a permitted activity, provided:

1) Native wetland-indigenous vegetation in a natural wetland is not damaged or destroyed, and

1A) livestock are effectively excluded from the water body for a distance of 1000 metres upstream of a registered water supply intake servicing more than 25 people, and

2A) livestock are effectively excluded from Inanga spawning sites identified by the Regional Council, and

2) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse drain in accordance with the requirements in the following Table 14 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment’, and

3) livestock crossing points used by livestock (excluding deer), more than once per week on average, must be bridged or culverted by the dates in the following Table 14 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment’, and
4) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
   a) actively led or driven across the water body or artificial watercourse in one continuous movement, river or drain, and
   b) effectively excluded from the river or drain between crossings by the dates in the following Table 14 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment’.

Table 14: Dates when livestock must be effectively excluded from water bodies and continually permanently flowing artificial watercourses drains in the Mangere Catchment.

<table>
<thead>
<tr>
<th>Livestock type</th>
<th>Continually permanently flowing rivers, streams and artificial watercourses drains greater than 1m wide and 30cm deep</th>
<th>All continually permanently flowing rivers, streams and artificial watercourses drains</th>
<th>Natural wetlands &gt;2000m² (excluding significant wetlands)</th>
<th>Lakes (&gt;1ha) and significant wetlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pigs and dairy cows</td>
<td>Excluded from the date this Rule E.3.4.1 becomes operative.</td>
<td>Excluded from 1 January 2023.</td>
<td>Excluded from three years after date this Rule E.3.4.1 becomes operative.</td>
<td></td>
</tr>
<tr>
<td>Beef cattle, dairy support cattle and deer</td>
<td>Lowland and hill country areas as mapped in ‘Maps 1 Ngā mahere matawhenua’: Excluded by 1 January 2025.</td>
<td>Lowland and hill country areas as mapped in ‘Maps 1 Ngā mahere matawhenua’: Excluded from 1 January 2030.</td>
<td>Lowland areas as mapped in ‘Maps 1 Ngā mahere matawhenua’: Excluded from 1 January 2025.</td>
<td>Hill country areas as mapped in ‘Maps 1 Ngā mahere matawhenua’: No exclusion required.</td>
</tr>
</tbody>
</table>

*Rivers, streams and artificial watercourses that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks.115

Note: where the conditions of this rule cannot be met C.8.1.2 ‘Access of livestock to rivers, lakes, and wetlands – restricted discretion ary activity’ applies.

The RMA activities this rule covers: For the avoidance of doubt this rule covers the following RMA activities:
- Restrictions on use of land [s9(2)].
Restrictions on certain uses of beds of lakes and rivers (ss 13(2)).

Allow livestock to enter or pass across an artificial watercourse or the bed of a natural wetland that is not part of the bed of a lake or river (ss 9(2)).

Allow livestock to enter or pass across the bed of a lake or river (ss 13(2)).

E.0.8 E.3.4.2  Erosion control plans in the Mangere catchment – controlled activity

Pastoral land use after 1 January 2025 on high sediment yielding land in the Mangere catchment (refer Maps Ngā mahere matawhenua) is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:
1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
3) Information and monitoring requirements.

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

Restrictions on use of land Pastoral land use on high sediment yielding land (ss 9(2)).

E.3.5  Whangārei Harbour catchment

E.0.9 E.3.5.1  Access of livestock to the bed of a water body in the Whangārei Harbour catchment – permitted activity

The access of livestock to a natural wetland, the bed of a lake or a continually permanently flowing river or a continually permanently flowing artificial watercourse drain in the Whangārei Harbour Catchment (refer Maps Ngā mahere matawhenua) is a permitted activity, provided:

1) Native wetland-indigenous vegetation in a natural wetland is not damaged or destroyed, and

1A) livestock are effectively excluded from the water body for a distance of 1000 metres upstream of a registered water supply intake servicing more than 25 people, and

2A) livestock are effectively excluded from inanga spawning sites identified by the Regional Council, and

2) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse drain in accordance with the requirements in the
following Table 15 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment’, and

3) livestock crossing points used by livestock (excluding deer) more than once per week on average[^18] must be bridged or culverted by the dates in the following Table 15 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment’, and

4) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
   
a) actively led or driven across the water body or artificial watercourse in one continuous movement—river or drain, and
   
b) effectively excluded from the river or drain between crossings by the dates in the following Table 15 ‘Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment’.

<table>
<thead>
<tr>
<th>Livestock type</th>
<th>Continuously permanently flowing rivers, streams and artificial watercourses drains greater than 2m wide and 30cm deep[^11]</th>
<th>All continually permanently flowing rivers, streams and artificial watercourses drains</th>
<th>Natural wetlands &gt;2000m2 (excluding significant wetlands)[^10]</th>
<th>Continually flowing rivers upstream of swimming sites on Hātea and Raumanga rivers (‘Wangaia matawhenua’)[^22]</th>
<th>Lakes (&gt;1ha) and significant wetlands[^22]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pigs and dairy cows</td>
<td>Excluded from date this Rule E.3.5.1 becomes operative.</td>
<td>Excluded from 1 January 2023.</td>
<td>Excluded from two years after this Rule E.3.5.1 becomes operative.</td>
<td>Excluded from date this Rule E.3.5.1 becomes operative.</td>
<td></td>
</tr>
<tr>
<td>Beef cattle, dairy support cattle and deer</td>
<td>Lowland areas as mapped in ‘1 Maps</td>
<td>Ngā mahere matawhenua’;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Excluded by 1 January 2025</td>
<td>Excluded from 1 January 2030</td>
<td>Excluded from 1 January 2025</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hill country areas as mapped in ‘1 Maps</td>
<td>Ngā mahere matawhenua’; No exclusion required.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[^11]: Rivers, streams and artificial watercourses that continually contain water and are wider than one metre at any point within or immediately adjacent to the boundary of a property. Width is measured when the river, stream or artificial watercourse is at its annual fullest flow without overtopping its banks[^12].

**Note:** where the conditions of this rule cannot be met E.8.1.2 Access of livestock to rivers, lakes, and wetlands—restricted discretionary activity applies.

**The RMA activities this rule covers:** For the avoidance of doubt this rule covers the following RMA activities:
Council Meeting  
16 April 2019  
Attachment 1

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- Restrictions on use of land (s9(2)).
- Restrictions on certain uses of beds of lakes and rivers (s13(2)).
- Allow livestock to enter or pass across an artificial watercourse or the bed of a natural wetland that is not part of the bed of a lake or river (s9(2)).
- Allow livestock to enter or pass across the bed of a lake or river (s13(2)).

**E.0.10-E.3.5.2 Erosion control plans in the Whangārei Harbour catchment – controlled activity**

**Pastoral land use** after 1 January 2025 on high sediment yielding land in the Whangārei Harbour catchment (refer [Maps | Ngā mahere matawhenua](#)) is a controlled activity, if an erosion control plan has not been developed for the land.

**Matters of control:**

1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion,

2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion,

3) Information and monitoring requirements.

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

- Restrictions on use of land: Pastoral land use on high sediment yielding land (s9(2)).
F.0.1 Objectives | Ngā whāinga

Manage the use, development, and protection of Northland’s natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

1) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
2) safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and
3) avoiding, remediying, or mitigating any adverse effects of activities on the environment.

F.0.2 F.1.1 Freshwater quantity

Manage the taking, use, damming and diversion of fresh water so that:

1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded, and
2) the natural significant values, including hydrological variation in of outstanding freshwater bodies and natural wetlands are protected not altered, and
3A) the extent of littoral zones in lakes are maintained, and
3) continually flowing rivers have sufficient flows and flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes and support the natural movement of indigenous fish, and
4) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies, and
5) adverse effects associated with saline intrusion, and land subsidence above, are aquifers is avoided, and
7A) it is a reliable resource for consumptive and non-consumptive uses.

Note: this objective was included in this plan pursuant to Policy B1 of the National Policy Statement for Freshwater Management 2017.

F.0.3 F.1.2 Water quality

Manage the use of land and discharges of contaminants to land and water so that:

1) existing overall water quality is at least maintained, and improved where it has been degraded below the river or lake water quality standards set out in Appendix H5 Water quality standards and guidelines, and
2) the sedimentation of continually or intermittently flowing rivers, lakes and coastal water is minimised, and
3) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and
4) the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and

5) the health and safety of people and communities, as affected by discharges of sewage from vessels, is safeguarded, and

6) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and

7) the significant values of outstanding freshwater bodies and natural wetlands are protected, and

8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.

Note: freshwater quality objectives required by Policy A1 of the National Policy Statement for Freshwater Management 2017 will be included in this Plan at a later date as per the Council’s programme for implementing the National Policy Statement.

F.0.4-F.1.3 Indigenous ecosystems and biodiversity

In the coastal marine area and in fresh waterbodies, safeguard ecological integrity by:

1) protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and

2) maintaining regional indigenous biodiversity, and

3) where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally Threatened or At Risk species, and

4) preventing the introduction of new marine or freshwater pests into Northland and slowing the spread of established marine or freshwater pests within the region.

F.0.5-F.1.4 Enabling economic well-being

Northland’s natural and physical resources are managed in a way that is attractive for business and investment that will improve the economic well-being of Northland and its communities.

F.0.6-F.1.5 Regionally significant infrastructure

Recognise the national, regional and local benefits of regionally significant infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repair, upgrading and removal.

F.0.7-F.1.6 Security of energy supply

Northland’s energy supplies are secure and reliable, and generation that benefits the region is supported, particularly when it uses renewable sources.
F.0.8 F.1.7 Use and development in the coastal marine area

Use and development in the coastal marine area;

1) makes efficient use of space occupied in the common marine and coastal area, and
2) is of a scale, density and design compatible with its location, and
3) recognises the need to maintain and enhance public open space and recreational opportunities, and
4) is provided for in appropriate places and forms, and within appropriate limits.

F.0.9 F.1.8 Tangata whenua role in decision-making

Tangata whenua’s kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

F.0.10 F.1.9 Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and the regional economy are minimised by:

1) increasing the understanding of natural hazards, including the potential influence of climate change on natural hazard events, and
2) becoming better prepared for the consequences of natural hazard events, and
3) avoiding inappropriate new development in 100-year flood hazard areas and coastal hazard areas, and
4) not compromising the effectiveness of existing natural and man-made defences against natural hazards, and
5) enabling appropriate hazard mitigation measures to be implemented to protect existing vulnerable development, and
6) promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities, and
7) recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.

F.0.11 F.1.10 Improving Northland's natural and physical resources
Enable and positively recognise activities that contribute to improving Northland’s natural and physical resources.

**F.0.12-F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua\(^{838}\)**

Protect from inappropriate use and development:

1) the characteristics, qualities and values that make up:
   a) outstanding natural features in the coastal marine area and in fresh waterbodies, and
   b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and
   c) natural character in fresh waterbodies outside the coastal environment, and
   d) outstanding natural seascapes in the coastal marine area, and

2) the integrity of historic heritage in the coastal marine area, and

3) the values of places of significance to tangata whenua in the coastal marine area and freshwater bodies.

**F.0.13-F.1.12 Air quality\(^{839}\)**

Adverse effects from discharges to air are managed by:

1) minimising cross-boundary effects on sensitive areas from discharges of dust, smoke, agrichemical spray drift, and odour, and

2) protecting dust, odour, smoke and spray-sensitive areas from exposure to dangerous or noxious levels of gases or airborne contaminants, and

3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue providing they are employing best practice, and

4) maintaining, or enhancing where it is degraded by human activities, ambient air quality by avoiding significant cumulative adverse effects of air discharges on human health, cultural values, amenity values and the environment.

**F.0.14-F.1.13 Hazardous substances and contaminated land\(^{840}\)**

Protect human health, and minimise the risk to the environment, from:

1) discharges of hazardous substances, and

2) discharges of contaminants from contaminated land.
G Administrative matters | Ngā take whakahaere

G.1 Cross-river coastal marine area boundary

The cross-river coastal marine area boundary is shown on the maps – refer [Maps][Ngā mahere matawhenua].

Under the RMA, the cross-river coastal marine area boundary is referenced to the mouth of the river – the lesser of one kilometre upstream of the mouth of the river or the point upstream calculated by multiplying the width of the river by five. Only the cross-river coastal marine area is shown on the maps. The mouth of the river can be determined by back-calculating from the cross-river coastal marine area boundary.

Where the landward boundary of the coastal marine area aligns with a physical structure in the river (for example, a bridge) the landward boundary is the seaward side of the structure, and the structure is not in the coastal marine area.

For rivers where the cross-river coastal marine area boundary is not shown in the maps ([Maps][Ngā mahere matawhenua]), and which enter the sea on the open coast and not through estuaries, inlets or harbours, the cross-river coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point it enters the sea, as shown in the following diagram:
For rivers where the cross-river coastal marine area boundary is not shown in the maps (Maps | Ngā mahere matawhenua), and which enter the sea through estuaries, inlets or harbours:

1) Where those rivers are shown on the Land Information New Zealand Topo 50 Series, the cross-river coastal marine area boundary is the point at the seaward end of the river where on the applicable map, the river is marked as beginning to widen from a single blue line, and

2) Where those rivers are not shown on the Land Information New Zealand Topo 50 Series, the coastal marine area boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point where the width of the river begins to exceed three 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\footnote{Set out in the relevant Treaty of Waitangi settlement legislation.} to attach statutory acknowledgements to regional plans and regional policy statements. Rather than attaching statutory acknowledgements to the Regional Plan and Regional Policy Statement, the approach taken is to have a single companion document recording all statutory acknowledgements – Te Ture Whakamana ngā Iwi o Taitokerau: Statutory acknowledgements in Northland. This can be viewed on the Regional Council’s website.

What is a statutory acknowledgement?

The Treaty of Waitangi is considered the founding document of New Zealand. It recognises the special relationship between Māori and the Crown. It is the basis from which Māori and the Crown negotiate terms to address grievances in relation to omissions and acts by the Crown which are contrary to the Treaty principles. One mechanism used to address grievances in settlement legislation that has an impact for local government is through statutory acknowledgements.

A statutory acknowledgement is a formal acknowledgement by the Crown recognising the mana of tangata whenua in relation to a specified area. It recognises the particular cultural, spiritual, historical, and traditional association of an iwi or hapū with the statutory area.

Statutory acknowledgements are only over Crown-owned land and may apply to rivers, lakes, wetlands, landscapes, estuaries/harbours and other coastal areas. Where a statutory acknowledgement is noted in regards to regarding a river, lake, wetland or coastal area, the acknowledgement only applies to the bed, being Crown-owned.

Statements associated with a statutory acknowledgement are set out in Treaty of Waitangi settlement legislation. The text for each statutory acknowledgement includes:

- identification and description of the statutory area,
- a statement of association detailing the relationship between the relevant iwi or hapū with the statutory area, and
- the specific requirements of the statutory acknowledgement.

Statutory acknowledgements enhance the ability of iwi and hapū to participate in Resource Management Act 1991 processes. It includes requirements for eCouncil to:

- have regard to effects on statutory acknowledgment areas when determining notification of resource consent applications, and
- provide summaries of resource consent applications to the iwi or hapū.
G.3 Financial contributions

Note: From 16 April 2023, resource consents will no longer be able to include a condition requiring a financial contribution.

The RMA requires the Regional Plan to specify the circumstances when a financial contribution may be imposed, the manner in which the level of contribution that may be imposed will be determined, and the general purposes for which the contribution may be used.

Financial contributions are available to compensate for the adverse effects that cannot otherwise be adequately avoided, remedied, mitigated or offset.

If adverse effects can be adequately avoided, remedied, mitigated or offset, and this is identified in a resource consent application, then financial contributions will not be required. However, the regional council may require financial contributions or a contractual agreement if remediation, mitigation or offsetting is dependent on a third party.

The following provisions set out:

1) the circumstances when financial contributions may be imposed, and
2) the purposes for which financial contributions may be required and used, and
3) the method for determining the contribution, and
4) matters that the regional council will have regard to when deciding:
   a) whether to impose a financial contribution,
   b) the type of contribution, and
   c) the amount of any contribution, and the general provisions that would apply.

<table>
<thead>
<tr>
<th>Circumstance</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatic habitats of indigenous species</td>
<td>1. Restore or enhance aquatic habitats at the site, or to provide an offset or environmental compensation by restoring or enhancing aquatic habitat characteristics at another suitable location where avoiding, remedying or mitigating adverse effects at the site is not practicable or effective, or 2. Provide for research and/or protection to enhance aquatic habitats.</td>
</tr>
<tr>
<td>Wetlands</td>
<td>1. Offset effects by enhancing another suitable wetland of similar habitat where such a wetland is available, or 2. Offset effects by creating a new wetland at an appropriate site, or 3. Enhance another part of the wetland that is adversely affected, including if appropriate, cost associated with maintaining the original state of the wetland.</td>
</tr>
<tr>
<td>Discharges</td>
<td>Provide on-site mitigation or remediation measures, or works in other areas to mitigate or offset the effects of the discharge.</td>
</tr>
<tr>
<td>Disturbance to the foreshore or seabed and margins</td>
<td>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.</td>
</tr>
<tr>
<td>Public access to, along and within the coastal marine area</td>
<td>Provide for alternative public access in the vicinity of the activity or at another similar location.</td>
</tr>
<tr>
<td>Exclusive occupation of space</td>
<td>Enhance public access or facilities in another similar location.</td>
</tr>
<tr>
<td>General works</td>
<td>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.</td>
</tr>
<tr>
<td>Structures in the coastal marine area</td>
<td>1. The removal of abandoned or derelict structures, or 2. The reinstatement of the environment, or 3. Any emergency repairs or rescue undertaken by the regional council on behalf of the consent holder in the event of any part of the structure breaking loose or causing a potential navigational hazard.</td>
</tr>
</tbody>
</table>

**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, remediying, 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. 542

G.4 Coastal occupation charging

Section 64A of the RMA requires the Regional Plan to implement a coastal occupation charging
regime 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.

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542 To persons occupying any part of the common marine and coastal area.
H Appendices | Āpitihanga

H.1 Wastewater network management plans

A wastewater network management plan must include:
1) A description of the wastewater network, and
2) Identification of wet-weather wastewater overflow points and a description of the frequency that they overflow on an annual average basis, and
3) A description of the receiving environments, and
4) A description of the network operator's best practicable option for preventing, responding to, and minimising the adverse effects of wastewater discharges, and
5) A description of the operation and maintenance programme for the network, and
6) Any prioritised programme for capital works.\(^{143}\)

H.2 Stormwater management plans

A stormwater management plan must be matched to the scale and complexity of the network and include the following:

1) Plans showing the stormwater catchment area and the public stormwater network, and
2) The expected performance of system as a result of likely development, and
3) Identification of existing drainage and flooding problems and potential flood hazards and other sensitive areas such as overland flow paths, and
4) The location of contaminated, and
5) The location of high risk industrial and trade premises, and
6) Methods by which the network operator will control the quality of stormwater discharged from industrial and trade premises to the public stormwater network, and
7) Any prioritised programme for capital works, and
8) The operation and maintenance programme for the network.\(^{144}\)
H.3 Stack chimney-height requirements

This appendix sets out the methods for complying with the stack height requirements of rule C.7.1.6 Burning for energy (electricity and heat) generation more than 40kW – permitted activity.

Fuel burning devices and buildings must meet the requirements of one of the following methods to comply with C.7.1.6:

Method 1:

The activity must comply with Table 16A and the point of discharge must be more than 2.5 kilometres from land higher than the effective stack height.

Table 16A: Fuel burning devices and building dimensions

<table>
<thead>
<tr>
<th>Fuel type</th>
<th>Fuel combustion threshold (MW)</th>
<th>Maximum building height (m)</th>
<th>Maximum building footprint (m²)</th>
<th>Minimum stack height above ground level (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal¹</td>
<td>0.04 - 0.5</td>
<td>5</td>
<td>900</td>
<td>18</td>
</tr>
<tr>
<td>Wood²</td>
<td>0.04 - 0.5</td>
<td>5</td>
<td>900</td>
<td>18</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>0.04 - 10</td>
<td>5</td>
<td>900</td>
<td>17</td>
</tr>
<tr>
<td>LPG</td>
<td>0.04 - 10</td>
<td>5</td>
<td>900</td>
<td>17</td>
</tr>
<tr>
<td>Diesel / Fuel Oil³</td>
<td>0.04 - 0.5</td>
<td>5</td>
<td>900</td>
<td>16</td>
</tr>
</tbody>
</table>

Notes:

1. The $SO_2$ emission rate was based on a sulphur content of fuel of 1% by weight, and the $PM_{10}$ emission rate was based on an in-stack particulate emission concentration of 250 mg/Nm$^3$ at STP of 0 °C and 1 atmosphere and on a dry gas basis. Stack height based on a building corner location.
2. For untreated wood, and based on in-stack $PM_{10}$ emission concentration of 250 mg/Nm$^3$ at STP of 0 °C and 1 atmosphere and on a dry gas basis.
3. The $SO_2$ emission rate was based on a sulphur content of fuel of 0.001% (10 ppm) by weight.

Method 2:

The following requirements are all met:

1) the stack is designed by a suitably qualified and experienced person, and
2) the combustion activity is assessed through air dispersion modelling.

¹⁰⁰⁰ Effective stack height is the sum of the physical height of the top of the stack above ground level plus any plume rise due to buoyancy or initial momentum (inertia) of the vertical discharge (minus stack tip or building downwash).
a) undertaken in accordance with the relevant Ministry for the Environment best practice guidelines, and

b) the modelling concludes that the discharge will not result in an exceedance of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 and the Ministry for the Environment's Ambient Air Quality Guidelines, 2002, and

3) the person or organisation initiating the air dispersion modelling provides a copy of the report detailing how the requirements of clause 2 are met to the Regional Council within three months of the modelling being completed.

Notes:
- Where a Gaussian-plume model is the most appropriate dispersion modelling tool, Council will generally expect modelling to be undertaken using AERMOD (EPA) or its replacement.
- Where an advanced model is the most appropriate dispersion modelling tool Council will generally expect modelling to be undertaken using CALPUF (Scire et al., 2000a) or its replacement.

Scope of the requirements

1) This appendix is intended to provide a relatively simple method of calculating the approximate chimney height commonly desirable in normal circumstances.

2) This method is regarded as a general guide rather than a mathematically precise and absolute way of reaching a decision on chimney height. It may need to be modified or more appropriate methods used such as computer modelling in the light of particular local circumstances, such as a chimney in a narrow valley or near tall buildings or when emissions of contaminants not covered by this method are present.

3) The requirements are not applicable to all chimneys. In respect of this plan, it is applicable only to discharges from the operation of fuel burning equipment covered by ‘C.7.1.6 Burning for energy (electricity and heat) generation more than 40kW – permitted activity’. The regional council should also have regard to these requirements when assessing the ‘best practicable option’ for any resource consent for a stack discharge which involve contaminants covered by this method.

General requirements

General

4) The method of calculation is based on the amount of flue gases the chimney is expected to emit as a function of the maximum rate of emission of sulphur dioxide. Modification of the result obtained may be necessary where there is a potential for pollution by gaseous emissions other than normal products of combustion.

5) Prejudice to health or nuisance from smoke, grit and dust should not occur where chimney heights are so calculated and where the other relevant requirements of the RMA are given effect to. It should be noted that non-compliance with grit and dust requirements cannot be avoided solely by increasing the height of a chimney. Dust arrestment plant may also be necessary in order to achieve compliance with rules in this Plan.

6) For small- and medium-sized oil-fired boilers, experience has shown that an insulated stack is necessary to avoid acid-smut problems.

7) In Figures 1 to 6 below (the ‘nomographs’), the chimney height has been calculated to ensure dispersion of the gases to achieve a theoretical maximum ground level concentration of 400 milligrams per cubic metre (about 0.16 parts per million by volume) of sulphur dioxide. This is
less than the generally accepted threshold of odour for this gas of 1.1 milligrams per cubic metre (about 0.5 parts per million by volume).

8) This will also be taken by the regional council as demonstrating compliance with exposure levels for:
   • sulphur-dioxide of 500 milligrams per cubic metre (ten-minute-time—weighted-average exposure);
   • 350 milligrams per cubic metre as the hourly average of 10 minute means;
   • 125 milligrams per cubic metre as the 24 hour average and
   • 50 milligrams per cubic metre as the annual average.

These figures are guideline air quality values for sulphur-dioxide in New Zealand.

Efflux velocity

9) The diameter of a chimney top should be as small as possible in order to increase the efflux velocity of the flue gases. If the efflux velocity is insufficient, the plume tends to flow down the outside of the stack on the lee side and the effective chimney height is thus reduced. Efflux velocities of about 15 metres per second will avoid this downwash.

10) Such a velocity is impracticable for small boilers, but boilers equipped with forced draft fans only should have a chimney efflux velocity of not less than 5 metres per second at full load. Boilers equipped with induced draft fans should have a chimney efflux velocity of not less than 8 metres per second at full load for boilers rated up to 13,600 kilogramsm per hour, increasing to a maximum of 15 metres per second at full load for boilers rated at 204,000 kilogramsm per hour.

11) The method of calculation assumes that the appropriate efflux velocity will be achieved.

Combining of emissions

12) There are several adjacent furnaces in the same works, there are advantages in combining the waste gases, if possible, and discharging them through a common chimney. The larger volume from the combined emissions has a higher thermal rise than the discharges from separate chimneys and the concentration of the flue gases reaching the ground is smaller.

Fuel types

13) For liquid or solid fuels, including untreated wood, the calculations of chimney height should be based on the maximum sulphur content of any fuel to be burned. It is also recommended that the minimum sulphur content of any fuel used in the calculations be 0.5 percent.

14) For natural gas and manufactured gas with zero or very low sulphur content, it is recommended that emission data for nitrogen oxides (NOx) be applied and substituted for sulphur-dioxide in the figures below. For furnaces using gas fuel in the aggregate not exceeding a rate of 5 megawatt, the main consideration is to avoid local down-draught effects. It is recommended that the height of the building containing the furnace, or buildings within 30 metres be taken as the "uncorrected stack height", and the nomograph of Figure 6 or three metres (whichever is the greater) be used to reach "corrected height"—usually no correction will be required for taller buildings 30 metres or more distant.

15) For furnaces or aggregates of furnaces of larger size, guidance as to uncorrected heights in typical situations would be approximately as follows.

Table 17: Uncorrected height guidance
Heat-release (MW) | Required-height (metres)
---|---
6 | 9
9 | 12
10 | 13

16] For processes receiving mixed fuels, the height should be based on one percent sulphur in the absence of further consideration of fuel types.

**Dust emissions**

17] The stack height is also based on the assumption that little dust or grit is produced in combustion or that an effective grit arrestor is fitted. It should be noted that when grit arrestors are fitted to wood burning plants, performance is 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>
<thead>
<tr>
<th>Table 18: categories for the character of the surrounding district</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Category</td>
<td>Description</td>
</tr>
<tr>
<td>A</td>
<td>Rural area, where background pollution is low, and where there is no industrial development within one kilometre of the new chimney.</td>
</tr>
<tr>
<td>B</td>
<td>A partially-developed area with scattered houses, low background pollution, and no other comparable industrial emissions within one kilometre of the new chimney.</td>
</tr>
<tr>
<td>C</td>
<td>A built-up residential area with only moderate background pollution and without other comparable background emissions.</td>
</tr>
<tr>
<td>D</td>
<td>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.</td>
</tr>
<tr>
<td>E</td>
<td>Heavy industrial or dense residential areas</td>
</tr>
</tbody>
</table>

Note: Of the categories listed above, categories A, C and D are those considered to be generally applicable in Northland, covering rural, urban residential and industrialised areas respectively. Category E is applicable in areas where comparable emissions occur in close proximity and cumulative effects are significant.

21) In situations of existing significant air quality degradation, the regional council may choose to apply the more stringent requirements of category E to prevent or minimise further degradation.

**Amount of sulphur dioxide emissions**

22) The amount of sulphur dioxide likely to be emitted will be calculated as follows:

**Table 19: Sulphur dioxide emission calculations**

<table>
<thead>
<tr>
<th>Fuel</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal or solid fuel</td>
<td>Weight of sulphur dioxide emitted = $18 \times W \times S$ kg/hr.  &lt;br&gt;where $W = \text{maximum burning rate (000 kg/hr)}$ and $S = % \text{ sulphur content}$</td>
</tr>
<tr>
<td>Oil fuel</td>
<td>Weight of sulphur dioxide emitted = $20 \times W \times S$ kg/hr.  &lt;br&gt;where $W = \text{maximum burning rate (000 kg/hr)}$, (1 tonne oil = 1,050 litres) and $S = % \text{ sulphur content}$</td>
</tr>
<tr>
<td>Natural gas or LPG</td>
<td>Weight of NOx emitted = $3.2 \times G$ kg/hr.  &lt;br&gt;where $G = \text{maximum burning rate (000 m}^3/\text{hr})$ Note: Weight of NOx emission is substituted for SOx emission in nomographs</td>
</tr>
</tbody>
</table>

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 downdraughts.

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.
Delete
H.4 Erosion Control Plans

Erosion Control Plans must include the following:

1) The full name of the property owner, the owner's contact details (including email, postal address and telephone), property address and legal description.

2) Evidence of the qualifications and experience of the person who prepared the Erosion Control Plan and their contact details (including email, postal address and telephone).

3) Identification of land mapped as high sediment yielding land within the property.

4) Identification of gully, landslide and earthflow erosion within areas of the property mapped as high sediment yielding land and an assessment of the extent to which these areas are sources of sediment (including geo-referenced photos of these areas and any previous sediment mitigation measures).

5) Identification of measures to reduce gully, landslide and earthflow erosion and incidental sediment loss from High Sediment Yielding Land, including but not limited to, livestock exclusion (or land retirement), remedial planting, stocking rate reductions, grazing or pasture management, or construction of wetlands or bunds or other suitable methods to reduce sediment entering waterways.

6) Recommendations on priority measures that address sediment loss critical source areas first and timeframes for undertaking erosion and sediment mitigation measures.

7) A plan based on aerial imagery showing items (3) to (6) above at a scale of 1:10,000 or less.

8) Evidence to support the recommendations in item (6) above.
H.5 Water quality standards and guidelines

Policy H.5.1  Water quality standards for continually or intermittently flowing rivers

The water quality standards in Table 20 'Water quality standards for ecosystem health in rivers' apply to Northland's continually or intermittently flowing rivers, and they apply after allowing for reasonable mixing.

Table 20: Water quality standards for ecosystem health in rivers

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Unit</th>
<th>Compliance metric</th>
<th>Outstanding rivers</th>
<th>Other Rivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrate (toxicity)</td>
<td>mg NO₂-N/L</td>
<td>Annual median</td>
<td>≤1.0</td>
<td>≤1.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual 95th percentile</td>
<td>≤1.5</td>
<td>≤1.5</td>
</tr>
<tr>
<td>Ammonia (toxicity)</td>
<td>mg NH₄-N/L</td>
<td>Annual median</td>
<td>≤0.03*</td>
<td>≤0.24*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual maximum</td>
<td>≤0.05*</td>
<td>≤0.40*</td>
</tr>
<tr>
<td>Temperature</td>
<td>mg/L</td>
<td>Summer period measurement of the Cox-Rutherford Index (CRI), averaged over the five (5) hottest days [from inspection of a continuous temperature record]</td>
<td>≤20°C</td>
<td>≤24°C</td>
</tr>
<tr>
<td>Dissolved oxygen</td>
<td>mg/L</td>
<td>7-day minimum</td>
<td>≥8.0</td>
<td>≥5.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1-day minimum</td>
<td>≥7.5</td>
<td>≥4.0</td>
</tr>
<tr>
<td>pH</td>
<td></td>
<td></td>
<td>6.5 &lt; pH &lt; 8.0</td>
<td>6.0 &lt; pH &lt; 9.0</td>
</tr>
</tbody>
</table>

*Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.
Policy H.5.2  Water quality standards for lakes

The water quality standards in Table 21 *Water quality standards for ecosystem health in lakes* apply to Northland’s lakes, and they apply after allowing for reasonable mixing.\textsuperscript{830}

*Table 21: Water quality standards for ecosystem health in lakes*\textsuperscript{851}

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Unit</th>
<th>Compliance metric</th>
<th>Shallow lakes (≤ 10 m)</th>
<th>Deep lakes (&gt;10 m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phytoplankton (chl-a)</td>
<td>mg Chl-a/m(^3)</td>
<td>Annual median</td>
<td>≤ 1.0</td>
<td>≤ 1.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual maximum</td>
<td>≤ 1.5</td>
<td>≤ 1.5</td>
</tr>
<tr>
<td>Total nitrogen</td>
<td>mg/m(^3)</td>
<td>Annual median</td>
<td>≤ 800</td>
<td>≤ 350</td>
</tr>
<tr>
<td>Total phosphorus</td>
<td>mg/m(^3)</td>
<td>Annual median</td>
<td>≤ 20</td>
<td>≤ 10</td>
</tr>
<tr>
<td>Ammonia (toxicity)</td>
<td>mg NH(_4)-N/L</td>
<td>Annual median</td>
<td>≤ 0.03*</td>
<td>≤ 0.03*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual maximum</td>
<td>≤ 0.05*</td>
<td>≤ 0.05*</td>
</tr>
</tbody>
</table>

*Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.*
Policy H.5.3  Coastal water quality standards

The water quality standards in Table 22 ‘Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption’ apply to Northland’s coastal waters, and they apply after allowing for reasonable mixing.\textsuperscript{512}

Table 22: Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Unit</th>
<th>Compliance Metric\textsuperscript{501}</th>
<th>Coastal water quality management unit</th>
<th>Open coastal water\textsuperscript{504}</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hātea River</td>
<td>Tidal creeks</td>
</tr>
<tr>
<td>Dissolved oxygen</td>
<td>mg/L</td>
<td>Annual median</td>
<td>&gt;6.2</td>
<td>&gt;6.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temperature</td>
<td>°C</td>
<td>Maximum change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turbidity</td>
<td>NTU</td>
<td>Annual median</td>
<td>&lt;7.5</td>
<td>&lt;10.8</td>
</tr>
<tr>
<td>Secchi depth</td>
<td>m</td>
<td>Annual median</td>
<td>&gt;0.8</td>
<td>&gt;0.7</td>
</tr>
<tr>
<td>Chlorophyll-a</td>
<td>mg/L</td>
<td>Annual median</td>
<td>&lt;0.003</td>
<td>&lt;0.004</td>
</tr>
<tr>
<td>Total phosphorus</td>
<td>mg/L</td>
<td>Annual median</td>
<td>&lt;0.119</td>
<td>&lt;0.040</td>
</tr>
<tr>
<td>Total nitrogen</td>
<td>mg/L</td>
<td>Annual median</td>
<td>&lt;0.860</td>
<td>&lt;0.609</td>
</tr>
<tr>
<td>Parameter</td>
<td>Unit</td>
<td>Annual Median</td>
<td>&lt;0.580 mg/L</td>
<td>&lt;0.218 mg/L</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------</td>
<td>---------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Nitrite-nitrate nitrogen</td>
<td>mg/L</td>
<td>Annual median</td>
<td>&lt;0.580</td>
<td>&lt;0.218</td>
</tr>
<tr>
<td>Ammoniacal nitrogen</td>
<td>mg/L</td>
<td>Annual median</td>
<td>&lt;0.099</td>
<td>&lt;0.043</td>
</tr>
<tr>
<td>Copper</td>
<td>mg/L</td>
<td>Maximum</td>
<td>0.0013</td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>mg/L</td>
<td>Maximum</td>
<td>0.0044</td>
<td></td>
</tr>
<tr>
<td>Zinc</td>
<td>mg/L</td>
<td>Maximum</td>
<td>0.0150</td>
<td></td>
</tr>
<tr>
<td>Faecal coliforms</td>
<td>MPN/100 mL</td>
<td>Median</td>
<td>Not applicable</td>
<td>≤14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Annual 90th percentile</td>
<td>Not applicable</td>
<td>≤43</td>
</tr>
<tr>
<td>Enterococci</td>
<td>Enterococci/100 mL</td>
<td>Annual 95th percentile</td>
<td>≤500</td>
<td>≤200</td>
</tr>
</tbody>
</table>
H.6 Environmental flows and levels

Policy H.6.1 Minimum flows for rivers

The minimum flows in Table 24 ‘Minimum flows for rivers’ apply to Northland’s rivers (excluding ephemeral rivers or streams) unless a lower minimum flow is provided for under 0.4.19 Exceptions to Minimum flows and or levels.

Table 24 Minimum flows for rivers

<table>
<thead>
<tr>
<th>River water quantity management unit</th>
<th>Minimum flow (l/s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding rivers</td>
<td>100 percent of the seven-day mean annual low flow</td>
</tr>
<tr>
<td>Coastal rivers</td>
<td>90 percent of the seven-day mean annual low flow</td>
</tr>
<tr>
<td>Small rivers</td>
<td>80 percent of the seven-day mean annual low flow</td>
</tr>
<tr>
<td>Large rivers</td>
<td>80 percent of the seven-day mean annual low flow</td>
</tr>
</tbody>
</table>

Notes:

1) The minimum flow will be applied at the point of take and any downstream flow recorder sites, as determined by the Regional Council.

2) The seven-day mean annual low flow (MALF) at flow recorder sites will be determined using the lowest average river flow for any consecutive seven-day period for each year of record.

3) The MALF for other sites, for which no measured flow data exists, will be determined through gauging of river flows correlated with water level monitoring sites or flow recorded sites. The Regional Council will have discretion over the location and method for the gauging.
Policy H.6.2 Minimum levels for lakes and natural wetlands

The minimum levels in Table 25 ‘Minimum levels for lakes and natural wetlands’ apply to Northland’s lakes (excluding artificially constructed water storage reservoirs) and natural wetlands unless a lower level is provided for under D.4.19 Exceptions to Minimum flows and or levels.

Table 25: Minimum levels for lakes and natural wetlands

<table>
<thead>
<tr>
<th>Management unit</th>
<th>Minimum level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deep lakes (&gt; 10 metres in depth)</td>
<td>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.</td>
</tr>
<tr>
<td>Shallow lakes (≤ 10 metres in depth)</td>
<td>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.</td>
</tr>
<tr>
<td>Natural wetlands</td>
<td>There is no change in their seasonal or annual range in water levels.</td>
</tr>
</tbody>
</table>
Policy H.6.3  Allocation limits for rivers

1) The quantity of fresh water that can be taken from a river at flows below the median flow must not exceed whichever is the greater of the following limits:  
   a) the relevant limit in Table 26 ‘Allocation limits for rivers’, or  
   b) the quantity authorised to be taken by:  
      i) resource consents existing at the date of public notification of this Plan less, with  
         the exception of water permits for takes from rivers in the Mangere Catchment,  
         any resource consents subsequently surrendered, lapsed, cancelled or not  
         replaced, and  
      ii) takes that existed at the notification date of this Plan that are subsequently  
          authorised by resource consents under: C.5.1.6 Replacement water permits for  
          registered drinking water supplies - controlled activity, C.5.1.7 Takes existing at  
          the notification date of the plan - controlled activity and C.5.1.9 Takes existing at  
          the notification date of this Plan - discretionary activity.

2) The allocation limits specified in Clause 1) include volumes allowed to be taken under section  
   14(3)(b) of the RMA and permitted to be taken by rules in this Plan, and the estimated or  
   measured volumes associated with such takes should be considered when making decisions  
   on applications for water permits.

3) The allocation limits specified in Clause 1) apply to applications for water permits for the  
   taking and use of fresh water from rivers, but do not apply to non-consumptive components  
   of takes.

Table 26: Allocation limits for rivers

<table>
<thead>
<tr>
<th>River water quantity management unit</th>
<th>Allocation limit (m³/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding rivers</td>
<td>10 percent of the seven-day mean annual low flow</td>
</tr>
<tr>
<td>Coastal rivers</td>
<td>30 percent of the seven-day mean annual low flow</td>
</tr>
<tr>
<td>Small rivers</td>
<td>40 percent of the seven-day mean annual low flow</td>
</tr>
<tr>
<td>Large rivers</td>
<td>50 percent of the seven-day mean annual low flow</td>
</tr>
</tbody>
</table>

Notes:

1) The allocation limit will be applied at the point of take and any downstream flow recorder sites,  
   as determined by the regional council.

2) The seven-day mean annual low flow (MALF) at flow recorder sites will be determined using the  
   lowest average river flow for any 7-consecutive-day period for each year of record.

3) The MALF for other sites, for which no measured flow data exists, will be determined through  
   gauging of river flows correlated with water level monitoring sites or flow recorded sites. The  
   regional council will have discretion over the location and method for the gauging.
Policy H.6.4 Allocated limits for aquifers

1) The quantity of fresh water that can be taken from an aquifer must not exceed the following limits:

   a) for the Aupōuri aquifer, the relevant limits in Table 27 ‘Allocation limits for the Aupōuri aquifer management unit’ and minimum groundwater levels along the coastal margin required to prevent adverse effects associated with saline intrusion, or

   b) for a coastal aquifer, an allocation limit of whichever is the greater of:

      i) 10 percent of the average annual recharge of the aquifer, or

      ii) the quantities authorised to be taken by:

         1) resource consents at the date of public notification date of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and

         2) takes that existed at the notification date of this plan that are now authorised by resource consents under: C.5.1.6 Replacement water permits for registered drinking water supplies - controlled activity, C.5.1.7 Takes existing at the notification date of the plan - controlled activity, C.5.1.9 Takes existing at the notification date of this Plan - discretionary activity, and

   c) for other aquifers, an allocation limit of whichever is the greater of:

      i) 35 percent of the average annual recharge, or

      ii) the quantities authorised to be taken by:

         1) resource consents at the date of public notification date of this plan, less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and

         2) takes that existed at the notification date of this plan that are not authorised by resource consents under: C.5.1.6 Replacement water permits for registered drinking water supplies - controlled activity, C.5.1.7 Takes existing at the notification date of the plan - controlled activity, C.5.1.9 Takes existing at the notification date of this Plan - discretionary activity.

2) The allocation limits specified in Clause 1 include volumes allowed to be taken under section 14(3)(b) of the RMA and permitted to be taken by rules in this Plan, and the estimated or measured volumes associated with such takes should be considered when making decisions on applications for water permits.

3) The allocation limits specified in Clause 1 apply to applications for water permits for the taking and use of fresh water from aquifers, but do not apply to:

   a) non-conservative components of takes, or

   b) the taking of water for temporary dewatering purposes, or

   c) the taking and use of geothermal water and associated heat and energy.
### Table 27: Allocation limits for the Aupōuri aquifer management unit

<table>
<thead>
<tr>
<th>Sub-aquifer</th>
<th>Allocation limit (m³/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aupōuri-Waihopo</td>
<td>1,278,200</td>
</tr>
<tr>
<td>Aupōuri-Houhora</td>
<td>3,211,950</td>
</tr>
<tr>
<td>Aupōuri-Motutangi</td>
<td>1,604,400</td>
</tr>
<tr>
<td>Aupōuri-Waiparere</td>
<td>3,468,300</td>
</tr>
<tr>
<td>Aupōuri-Paparore</td>
<td>3,787,500</td>
</tr>
<tr>
<td>Aupōuri-Waipapakauri</td>
<td>1,192,800</td>
</tr>
<tr>
<td>Aupōuri-awanui</td>
<td>4,640,400</td>
</tr>
<tr>
<td>Aupōuri-Sweetwater</td>
<td>4,675,000</td>
</tr>
<tr>
<td>Aupōuri-Aphara</td>
<td>922,500</td>
</tr>
<tr>
<td><strong>Aupōuri-other</strong></td>
<td><strong>Not applicable. The allocation limit for the Aupōuri-other sub-aquifer is 15 percent of its annual average recharge.</strong></td>
</tr>
</tbody>
</table>
### Managing groundwater and surface water connectivity

**Table 28: Classifying and managing groundwater and surface water connectivity**

<table>
<thead>
<tr>
<th>Hydraulic Connection Category</th>
<th>Classification</th>
<th>Pumping Schedule</th>
<th>Management Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td>Where the calculated surface water depletion effect is assessed as greater than 90 percent of the abstraction rate determined by the pumping schedule. Abstraction rate equivalent to the maximum seven-day volume averaged over seven days. Pumping duration of seven days continuous abstraction.</td>
<td>The groundwater take will be managed as an equivalent surface water take for allocation purposes and subject to minimum flows and water levels set in H.6 Environmental flows and levels.</td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is greater than 60 percent of the abstraction rate determined by the pumping schedule. Abstraction rate equivalent to the maximum seven-day volume averaged over seven days. Pumping duration is calculated as follows: 1. For takes with a pumping duration of less than 150 days, the maximum continuous period of abstraction at the abstraction rate, until the seasonal volume is fully utilised. 2. For takes with a pumping duration in excess of 150 days, a pumping duration of 150 days will be assumed.</td>
<td>The calculated surface water depletion effect is included in the surface water allocation regime set in H.6 Environmental flows and levels. The remainder of the seasonal volume is managed as groundwater allocation. Takes with a daily average abstraction rate greater than 1 L/s are subject to relevant minimum flows water and levels set in H.6 Environmental flows and levels.</td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td>Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is between 40 percent and 60 percent of the abstraction rate determined by the pumping schedule.</td>
<td>Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.</td>
<td>The calculated surface water depletion effect is included in the surface water allocation regime set in H.6 Environmental flows and levels. The take is not subject to surface water minimum flows and water levels.</td>
</tr>
<tr>
<td>Other</td>
<td>Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is less than 40 percent of the abstraction rate determined by the pumping schedule.</td>
<td>Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.</td>
<td>The calculated surface water depletion effect is not included in the surface water allocation regime set in H.6 Environmental flows and levels. The take is not subject to surface water minimum flows and water levels.</td>
</tr>
</tbody>
</table>

The following requirements will assist implementation of D.4.18 Integrated conjunctive surface water and groundwater management:

1) An assessment of hydraulic connection will be supported by a conceptual hydrogeological model that characterises the nature of local surface water/groundwater interaction. Estimation of the magnitude of surface water depletion will be undertaken using relevant analytical or numerical assessment techniques which are suitable for application in the hydrogeological setting identified;

2) Representative hydraulic properties for assessment of the magnitude of surface water depletion will be derived from aquifer testing as well as assessment of representative values from the wider hydrogeological environment;

3) Waterbodies characterised as ephemeral will be excluded from consideration of surface water depletion effects; and

4) Assessment of surface water depletion effects will take into account any non-consumptive component of the groundwater take.
**H.8 Wetland definitions relationships**

The following diagram illustrates the relationship between the different wetland definitions used in this Plan. It provides assistance in determining which definition applies in different circumstances. The diagram originates from the Regional Policy Statement, Appendix 5 – “Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments” (see Council’s website). For clarification, when translating these definitions to this Plan, ‘Constructed wetland’ is now used instead of “man-made wetland” to help distinguish between this and the induced wetland and reverted wetland.

The Regional Council’s wetland mapping indicates the location of natural wetlands and constructed wetlands currently known to the Regional Council – this can be found on the Regional Council’s website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of this Plan, because they are incomplete and wetland extent varies over time.

If there is any doubt over wetland extent, use: Landcare Research, Published 2014: A vegetation tool for wetland delineation in New Zealand. This report is available on Landcare Research’s website.

‘Wet heathland’ describes habitat found in Northland that includes gumland and ironstone heathland. When seasonally wet and consisting of wetland vegetation this is wetland. Wet heathland is often found in mosaics with other low fertility habitat such as bog and heathland. This is vulnerable habitat and can have very high biodiversity values.

If you propose an activity and are unsure which definition applies to it, please contact Council for advice.
Wetlands

Includes permanently or intermittently wet areas, shallow water, and land water margins, that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Natural Wetland

Induced Wetland

Significant Wetland

Reverted Wetland

Constructed Wetland

A natural wetland is a wetland that has developed naturally, either as a result of natural processes such as flooding or as a result of human activities such as the construction of roads and railways.

A constructed wetland is a man-made wetland that is created for the purpose of water treatment or wildlife habitat enhancement.

Appendix 6 - Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terms of freshwater and marine environments. This includes natural wetlands comprising indigenous vegetation exceeding any of the following area thresholds:

- surface area greater than 0.5 hectares in area, or
- lake margins and river beds with shallow water bodies less than two metres deep and greater than 0.05 hectares in area, or
- swamps greater than 0.4 hectares in area, or
- bogs greater than 0.02 hectares in area, or
- wetland with inclusive covenant & unproductive land (greater than 0.2 hectares in area, or
- marsh, fen, peatland wetlands or small wetlands greater than 0.05 hectares in area.

A constructed wetland is defined as a wetland that is created by artificial means or on a site where:

- a wetland has not occurred naturally previously, or
- a wetland has been previously constructed legally.

This does not include induced, reverted or wetland created for conservation purposes.

Artificial water storage facilities, detention dams, reservoirs for firefighting, irrigation, domestic or community water supplies, engineered soil conservation structures including sediment traps, and roadside drainage channels are not constructed wetlands or natural wetlands.
H.9 Interpretation of noxious, dangerous, offensive and objectionable effects

1) Several rules in this Plan use the terms ‘noxious’, ‘dangerous’, ‘offensive’, and ‘objectionable’, particularly rules relating to the discharges of contaminants into air. These terms are also included in section 17 of the RMA. Whether an activity is ‘noxious’, ‘dangerous’, ‘offensive’ or ‘objectionable’ depends on an objective assessment. A Regional Council enforcement officer’s views will not be determinative but may trigger further action and may be one factor considered by the Court if formal enforcement action is taken.

2) There is no standard definition of ‘noxious’, ‘dangerous’, ‘offensive’, and ‘objectionable’ terms because of the need to take account of case law precedent as it develops, that is, the Plan cannot override interpretations decided by the Courts. However, the following notes are intended to provide some guidance for interpreting these terms:

   a) NOXIOUS, DANGEROUS – the Concise Oxford Dictionary defines ‘noxious’ as “harmful, unwholesome”. Noxious effects may include significant adverse effects on the environment (for example, on plant and animal life) even though the effects may not be dangerous to humans. “Dangerous” is defined as “involving or causing exposure to harm”. Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals. Worksafe New Zealand’s “Workplace Exposure Standards and Biological Exposure Indices, November 2018, 10th Edition” can be used for interpreting the terms ‘noxious’ and ‘dangerous’.

   b) OFFENSIVE, OBJECTIONABLE – ‘Offensive’ is defined as “giving or meant to give offence; disgusting, foul-smelling, nauseous, repulsive”. ‘Objectionable’ is defined as “open to objection, unpleasant, offensive”. Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:

      i) location of an activity and sensitivity of the receiving environment – for example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area;

      ii) reasonableness – whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive; and

      iii) existing uses – it is important to consider what lawfully established activities exist in an area, that is, if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

The Regional Council’s investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour, the approach will generally be as follows:

3) An assessment of the situation will be made by a Council officer who has experience in odour complaints and has had his/her nose calibrated using olfactometry. This assessment
will take into account the FIDOL factors – frequency, intensity, duration, offensiveness, location; and those matters identified below:

a) if the discharge is deemed to be offensive or objectionable by the Council officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge;

b) if the discharger disputes the Council officer’s assessment or the problem is ongoing, then a number of approaches may be taken, including one or more of the following:
   i) assessments by other suitably qualified and experienced Council officers,
   ii) asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours,
   iii) promoting the use of community working groups and other means of consultation between the affected community and the discharger,
   iv) using the services of an independent consultant to carry out an investigation, and/or community survey,
   v) using the services of the Council’s odour panellists who have all had their noses calibrated by olfactometry and are deemed to have an average sense of smell,
   vi) undertaking an odour assessment using an olfactometer, or other appropriate technology, or
   vii) leaving the matter to be determined by the Environment Court.

If the discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution. In the case of a permitted activity causing an offensive or objectionable discharge, a resource consent may be required to allow the discharge to continue.

4) Further information can be found in the following guidance documents produced by the Ministry for the Environment:

a) Good Practice Guidance on Odour;

b) Good Practice Guidance on Dust;

c) Good Practice Guidance on Industrial Emissions.
I Maps |Ngā mahere matawhenua

View the maps in a GIS viewer:
https://nrcmaps.nrc.govt.nz/portal/apps/webappviewer/index.html?id=b8ca7b93e48942b9be8223e79430674c
areg.is/I.myj198

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:

<table>
<thead>
<tr>
<th>Map layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal zones:</td>
<td>Northland's coastal marine area is split into six zones:</td>
</tr>
<tr>
<td>Coastal Commercial Zone</td>
<td>• The Coastal Commercial Zone are comprises locations within the coastal marine area where the primary purpose is to accommodate commercial activity. This zone includes existing ports and wharves used for commercial operations.</td>
</tr>
<tr>
<td>Marina Zone</td>
<td>• The Marina Zone are comprises locations in the coastal marine area where the primary purpose is to accommodate or develop marina structures and/or activities.</td>
</tr>
<tr>
<td>Mooring Zone</td>
<td>• The Mooring Zone are comprises locations in the coastal marine area where the primary purpose is to accommodate and manage moorings.</td>
</tr>
<tr>
<td>Whangārei City Centre Marine Zone</td>
<td>• The Whangārei City Centre Marine Zone is located upstream of the Te Matau a Pohe bridge in the Hātea River. It includes all areas of the coastal marine area located upstream of the bridge that are not identified as either a Marina Zone or a Mooring Zone.</td>
</tr>
</tbody>
</table>
The General Coastal Marine Zone is the coastal marine area that is not zoned Coastal Commercial, Marina, Moorings or Whangārei City Centre Marine zones. This encompasses most of Northland’s coastal marine area.

The Marsden Point Port Zone is the coastal marine area adjacent to Northport and Refining New Zealand, located at the entrance of Whangārei harbour.

The mapping is based on reports by Kerr, V., 2017. Kerr & Associates, that identify known:

- Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System;
- Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement for Northland; and
- Areas set aside for full or partial protection of indigenous biodiversity under other legislation.

The following reports detail the assessments used to map significant ecological areas in the coastal marine area:

1) Methodology Report – Mapping of significant ecological areas in Northland.
2) Identification and Mapping of Significant Ecological Marine Areas in Northland - Project Brief and Guide to Assessment.
3) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in harbours and estuaries:
   a) Hokianga Harbour Entrance and Lower Harbour Marine Values;
   b) Horahora Estuary Marine Values;
   c) Houhora Harbour Marine Values;
   d) Mangawhai Estuary Marine Values;
   e) Matapouri Marine Values;
   f) Ngunguru Estuary Marine Values;
   g) North Kaipara Harbour;
   h) Pārengarenga Harbour;
   i) Pataua Estuary Marine Values;
   j) Pickmere Channel shellfish Marine Values;
   k) Rangaungu Marine Values;
   l) Ruakaka Estuary Marine Values;
   m) Taiharuru Marine Values;
   n) TangataPu Bay of Islands Marine Values;
   o) Te Haumi Estuary Marine Values;
   p) Waipū Estuary Marine Values;
   q) Waitangi Estuary Marine Values;
<table>
<thead>
<tr>
<th>Regionally significant anchorages</th>
<th>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.</th>
</tr>
</thead>
</table>

4) **Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in open coast areas (including toheroa beaches):**
   a) Great Exhibition Bay **Biogenic Habitat**;
   b) Ahipara Banks;
   c) Berghan Point to Taupō Bay Coast;
   d) Black Rocks, Bay of Islands;
   e) Bland Bay Coast;
   f) Bream Head Coast;
   g) Cavalli Islands and coast;
   h) Doubtless Bay;
   i) Eastern Bay of Islands and Cape Brett Coast;
   j) Eastern Bay of Island Biogenic Soft Sediment Complex;
   k) Far North Special Biodiversity Area;
   l) Hen and Chicks Islands;
   m) Kawerua Offshore Reef;
   n) Matapia Island Shallow Reefs;
   o) Mimiwhangata Coast;
   p) Poor Knights Islands;
   q) Takou Beach to Ninepin Coast;
   r) The Bluff, Ninety Mile Beach;
   s) Toheroa Beaches, West Coast;
   t) Tutukaka to Taiharuru Coast;
   u) West Coast Shallow Reefs;
   v) Whananaki Coast;
   w) Whangaroa Coast.

5) **Assessment sheets for Significant Bird Areas and Significant Marine Mammal and Seabird Areas:**
   a) Significant Ecological Estuarine Area Assessment Sheet for Wading and Aquatic Birds;
   b) SEA's coastal and island birds – Ecologically Significant Marine Area Assessment Sheet for Wading and Aquatic Birds.
   c) Northland Coastal Management Area – General marine values for highly mobile and dispersed species (marine mammals and seabirds).
| **Maine pollution limits** | 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)

The marine pollution limits include all coastal waters that are:
- In any east coast harbour, are shallower than five metres;
- Less than 500 metres from mean high water springs or less than 1000 metres from mean high water springs in the outer Bay of Islands, less than 500 metres from a Mataitai reserve; and
- Less than 200 metres from a marine reserve.

The marine pollution limits are a combination of:
- The default areas as set out in the Resource Management (Marine Pollution) Regulations, 1998<sup>22</sup>, and
- Extensions to the default areas<sup>21</sup>.

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| **Enclosed waters** | These areas include all harbours, estuaries and inlets.

| **Aquaculture exclusion areas** | 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:
- Residential activities in significant urban areas provided for in operative District Plans, in which activities are existing at 1 September 2017, authorised by un-exercised resource consents, or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status;
- Significant tourism and/or recreation areas;
- Areas of outstanding natural landscapes (including seascapes);
- Recognised navigational routes;
- Anchorages referred to in cruising guides, pilot books or similar publications as being suitable for shelter in adverse weather;
- Port or harbour approaches; and
- Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).

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| **Surf Breaks:**
- Nationally significant surf breaks
- Regionally significant surf breaks | The Nationally significant surf breaks are those listed in Schedule 1 of the New Zealand Coastal Policy Statement 2010.

The Regionally significant surf breaks and Other surf breaks are based on:
- *Northland Regional Council, 2016. Methodology – Identifying Regionally Significant Surf Breaks in Northland;* and

These reports are available on the Regional Council’s website.

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<sup>21</sup> As allowed by Section 11(3) Resource Management (Marine Pollution) Regulations, 1998.

<sup>22</sup> Section 11(1) and (2).
Other surf breaks
Regionally significant surf breaks are those with scores greater than the threshold for regional significance. Other mapped surf breaks are those breaks that are regularly surfed but do not meet the threshold for regional significance.

Maine pathways places
Places where restrictions apply to vessel movement between these places when hull fouling exceeds light fouling.

Cross-river coastal marine area boundary
This is the administrative boundary for the coastal marine area on rivers. For more information refer to G.1 Cross-river coastal marine area boundary. Also shown with this layer is the Indicative mean high water springs line. It is not part of the plan and is only an approximation of the coastal marine area boundary (the line of mean high water springs). It is based on the NZ Mainland Coastlines and NZ Islands Coastlines produced by Land Information New Zealand which is a component of the Topo50 maps (1:50,000 scale).

Natural, historic and cultural heritage – fresh and coastal waters

<table>
<thead>
<tr>
<th>Map layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sites and areas of significance to tangata whenua</td>
<td>Sites and Areas of Significance to Tangata Whenua are mapped in accordance with policy D.1.5 Places of Significance to Tangata Whenua. They are a single resource or set of resources identified, described and contained in a mapped location. Worksheets for each mapped site or area are available on the Regional Council’s website or by clicking on a site or area in the GIS viewer.</td>
</tr>
<tr>
<td>Outstanding natural features</td>
<td>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. Outstanding Natural Features Identifying and Mapping additional sites in Northland. 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.</td>
</tr>
<tr>
<td>Natural character: Outstanding natural character High natural character</td>
<td>These areas have been assessed under criteria in Policy 13(2) of the New Zealand Coastal Policy Statement 2010. A complete series of worksheets describing the values of each natural character area are available on the Regional Council’s website. Natural character attributes include: 1) Natural elements, processes and patterns; 2) Biophysical, ecological and geomorphological aspects;</td>
</tr>
</tbody>
</table>
3) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
4) The natural movement of water and sediment;
5) The natural darkness of the night sky;
6) Places or areas that are wild or scenic; and
7) Experiential attributes, including the sounds and smell of the seas; and their context and setting.

Outstanding natural character generally means entirely natural such as near to pristine indigenous vegetation, negligible human features (for example, buildings, wharves, jetties, paved surfaces, pipelines, cables, hard protection structures) and a very strong experience of naturalness.

High natural character generally means a high proportion of indigenous vegetation, visually unobtrusive structures (for example, swing moorings) few and visually subservient human features and a strong experience of naturalness.

In some cases the natural character maps include areas beyond the coastal marine area – this includes situations where a natural character unit spans the coastal marine area and includes both marine and freshwater environments. In these cases, that part of the unit above the coastal marine area is also mapped but shown as hashed to indicate it is not within the coastal marine area. The natural character maps also include a number of freshwater bodies where the unit specifically delineates that freshwater body (e.g., for example, dune lakes) and the values and characteristics of the unit relate specifically to freshwater.

Historic heritage:

Historic heritage areas
Historic heritage sites


- six historic heritage areas:
  - three 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;
  - one additional historic heritage area identified through consultation on the Proposed Plan; and
  - two waka landing sites that have been registered as wāhi tapu areas by Heritage New Zealand have also been included.

- 17-18 historic heritage sites. These are buildings and structures that have been assessed by Clough and Associates and Heritage New Zealand Pouhere Taonga (8-seven sites) and Clark L. (9-eight sites, peer reviewed by Heritage New Zealand Pouhere Taonga) and are considered to be significant enough to include in the plan. Three additional sites were identified through consultation on the Proposed Plan.

Site and area reports comprising the historic heritage schedule are available on the Regional Council’s website.
## Water quality and quantity management units

<table>
<thead>
<tr>
<th>Map layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding freshwater bodies:</td>
<td>Outstanding freshwater bodies are lakes and rivers that have outstanding values as defined in the National Policy Statement for Freshwater Management 2014.</td>
</tr>
<tr>
<td>Rivers</td>
<td>The following rivers and sections of rivers were identified as having outstanding natural values in the Regional Water and Soil Plan for Northland 2004 and have been identified as outstanding rivers in this plan:</td>
</tr>
<tr>
<td>Lakes</td>
<td>• Waipoua;</td>
</tr>
<tr>
<td></td>
<td>• Waikohatu;</td>
</tr>
<tr>
<td></td>
<td>• Wairau;</td>
</tr>
<tr>
<td></td>
<td>• Whirinaki;</td>
</tr>
<tr>
<td></td>
<td>• Waipapa; and</td>
</tr>
<tr>
<td></td>
<td>• Mangamuka.</td>
</tr>
<tr>
<td></td>
<td>The following lakes were identified as having outstanding natural values by Champion and de Winton (2012):[4]</td>
</tr>
<tr>
<td></td>
<td>• Morehurehu;</td>
</tr>
<tr>
<td></td>
<td>• Ngatu;</td>
</tr>
<tr>
<td></td>
<td>• Waihopo;</td>
</tr>
<tr>
<td></td>
<td>• Waiporohita;</td>
</tr>
<tr>
<td></td>
<td>• Wahakari;</td>
</tr>
<tr>
<td></td>
<td>• Taharoa;</td>
</tr>
<tr>
<td></td>
<td>• Waikare;</td>
</tr>
<tr>
<td></td>
<td>• Kai-Iwi;</td>
</tr>
<tr>
<td></td>
<td>• Humuhumu;</td>
</tr>
<tr>
<td></td>
<td>• Kanono; and</td>
</tr>
<tr>
<td></td>
<td>• Mokeno.</td>
</tr>
<tr>
<td>Groundwater management units:</td>
<td>Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. The Council has identified two broad aquifer management units (coastal aquifers and other aquifers) for the purposes of setting default allocation limits. They are largely based on the aquifer management units in the Regional Water and Soil Plan for Northland 2004, but are consolidated. The Council has also identified the Aupōuri Aquifer system, which is comprised of 12 sub-aquifers, for the purposes of setting aquifer-specific (tailored) allocation limits.</td>
</tr>
<tr>
<td>Aupōuri aquifer</td>
<td></td>
</tr>
<tr>
<td>Coastal aquifers</td>
<td></td>
</tr>
<tr>
<td>Other aquifers</td>
<td></td>
</tr>
</tbody>
</table>

---

River water quantity management units:
- Outstanding rivers
- Coastal rivers
- Small rivers
- Large rivers

Fresh water management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by Northland Regional Council as the appropriate spatial scale for setting fresh water objectives and limits, and for fresh water accounting and management purposes. Information on the coastal rivers, small rivers and large rivers management units can be found in:


Coastal water quality management units:
- Open Coast Estuary
- Tidal Creek
- Hātea River

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 Richard Griffiths. 2016. Recommended Coastal Water Quality Standards for Northland. Northland Regional Council.

### Catchment-specific layers

<table>
<thead>
<tr>
<th>Map layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority catchments:</td>
<td><strong>Doubtless Bay</strong>&lt;br&gt;Mangere&lt;br&gt;Poutō&lt;br&gt;Waitangi&lt;br&gt;Whangārei**&lt;br&gt;This map shows the catchment boundaries of the five priority catchments (Doubtless Bay, Mangere, Poutō and Whangārei) where catchment management plans have been developed. These catchments are subject to catchment specific rules in section E Catchments.</td>
</tr>
<tr>
<td>High sediment yielding land</td>
<td>Areas of land predicted to have high sediment yield (high sediment yielding land) in the Doubtless Bay, Waitangi, Mangere and Whangārei Harbour catchments which are subject to a rule requiring Erosion Control Plans be developed by 1 January 2015. The thresholds for high sediment yielding land are 250 tonnes / km² / year or more in the Waitangi, Whangārei Harbour and Mangere catchments and 500 tonnes / km² / year or more in the Doubtless Bay catchment. See section E Catchments.</td>
</tr>
<tr>
<td>Whangārei swimming sites</td>
<td><strong>livestock exclusion areas:</strong>&lt;br&gt;This map shows the swimming sites on the Hātea and Raumanga rivers in the Whangārei Harbour catchment and the upstream catchments where additional livestock exclusion rules apply (see Whangārei section in E Catchments).</td>
</tr>
</tbody>
</table>
**Popular swimming sites**

**Upstream catchments**

**Forestry restriction area – Poutō catchment**
This map shows the surface water catchments of Outstanding Water Bodies (lakes) on the Poutō peninsula where new plantation forestry that exceeds 5 five hectares per property is subject to a requirement for resource consent (See Poutō Section in E Catchments).

---

### Flood protection schemes and drainage districts

<table>
<thead>
<tr>
<th>Map layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood protection schemes</td>
<td>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.</td>
</tr>
<tr>
<td>Drainage districts</td>
<td>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.</td>
</tr>
</tbody>
</table>

---

### Airsheds

<table>
<thead>
<tr>
<th>Map layer</th>
<th>Description</th>
</tr>
</thead>
</table>
| Airsheds  | Northland has five airsheds gazetted under the National Environmental Standards 2004. Airsheds are gazetted when there is the potential for local ambient air quality to exceed national standards. Northland has the following gazetted airsheds:  
   - Whangārei – for PM$_{10}$  
   - Marsden Point – for SO$_2$ and PM$_{10}$  
   - Kerikeri – for PM$_{10}$  
   - Dargaville – for PM$_{10}$ and  
   - Kaitāia – for PM$_{10}$ |

---

### Livestock exclusion

<table>
<thead>
<tr>
<th>Map layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Livestock exclusion areas</td>
<td>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.</td>
</tr>
</tbody>
</table>

---
Highly erodible land Erosion-prone land

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land defined as land use capability units Vle17, Vle19, Vle1 - Vle10, Vle1 - Vle3, and Vlls1. The land use capability units are generally depicted on the 1:50,000 New Zealand Resource Inventory, Northland Region, Second Edition.</td>
</tr>
</tbody>
</table>

1 Fonterra
2 Heritage New Zealand
3 Refining New Zealand
4 Ministry of Conservation and Horticulture New Zealand
5 Heritage New Zealand
6 Fonterra
7 Heritage New Zealand
8 New Zealand Transport Agency
9 Ministry of Conservation
10 Consequential amendment because the limits were relocated from D.4 to the appendix
11 Whangarei District Council
12 Royal Forest & Bird Protection Society New Zealand
13 Aquaculture New Zealand
14 Consequential amendment because of changes to C.5.1.12, C.5.1.13, D.4.16 and D.4.17
15 GBC Winstone
16 Auckland Council
17 New Zealand Pork
18 Northland Fish & Game Council
19 Northland Fish & Game Council
20 Northland Fish & Game Council
21 B Cathcart and New Zealand Transport Agency
22 Northland Fish & Game Council
23 New Zealand Transport Agency
24 Horticulture New Zealand
25 Horticulture New Zealand
26 Whangarei District Council
27 Horticulture New Zealand
28 Whangarei District Council
29 Consequential amendment because of amendments to C.5.1.12, C.5.1.13, D.4.16 and D.4.17
30 Mangawhai Harbour Restoration Society
31 Heritage New Zealand
32 Consequential amendment because of the inclusion of a definition of industrial or trade wastewater
33 Consequential change to amendments to Rule C.8.2.1(1)
34 GBC Winstone
35 GBC Winstone
36 Horticulture New Zealand
37 First Gas Limited
38 Landcorp Farming
39 Spark New Zealand Trading Limited
40 Federated Farmers of New Zealand
41 Northland Fish & Game Council
42 Northland Fish & Game Council
43 Landcorp Farming Limited
Council Meeting
16 April 2019

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ID: A1183321
Consequential

GBC Winstone

Bay of Islands Planning Limited
Top Energy Limited
Bay of Islands Planning Limited
Heritage New Zealand
Consequential as a result of deleting definition
Whangarei District Council
CEP Services Matawhi Limited
Heritage New Zealand
Consequential
Consequential
New Zealand Defence Force
CEP Services Matawhi Limited
CEP Services Matawhi Limited
Yachting New Zealand
Consequential change to C.1.2.4(1A)
R Lang
R Lang
R Lang

CEP Services Matawhi Limited
CEP Services Matawhi Limited and Heritage New Zealand and Bay of Islands Maritime Park Inc
CEP Services Matawhi Limited
CEP Services Matawhi Limited
Kaipara District Council
Refining New Zealand
Heritage New Zealand
Heritage New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Far North District Council
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Westpac Mussels Distributors Limited
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Aquaculture New Zealand, consequential change to C.1.3.2
Heritage New Zealand
Westpac Mussels Distributors Limited
Moana New Zealand
Aquaculture New Zealand
Aquaculture New Zealand
Minister of Conservation
Mangawhai Harbour Restoration Society Inc and Ruakaka Parish Residents & Ratepayers Association
Far North District Council
Mangawhai Harbour Restoration Society
Mangawhai Harbour Restoration Society
Minister of Conservation
Bay of Islands Planning Limited
Whangarei District Council
Whangarei District Council
GBC Winstone
Whangarei District Council
Royal Forest & Bird Protection Society New Zealand
Whangarei District Council
Top Energy Limited
Mangawhai Harbour Restoration Society
CEP Services Matawhi Limited
CEP Services Matawhi Limited
Consequential to new clause 6
R Taurari
GBC Winstone
Consequential, incorporated into clause (1)
Heritage New Zealand
Royal Forest & Bird Protection Society New Zealand
Fire & Emergency New Zealand
Fire & Emergency New Zealand
Bay of Islands Maritime Park Inc and Fire & Emergency New Zealand
Heritage New Zealand
Fire & Emergency New Zealand
Bay of Islands Maritime Park Inc and Fire & Emergency New Zealand
Heritage New Zealand
New Zealand Transport Agency
New Zealand Transport Agency
Minister of Conservation, Consequential – Mangawhai Harbour Restoration Society
Tinopai RMU Limited
Consequential amendment relating to relief sought by Royal Forest & Bird Protection Society New Zealand on the coastal general conditions
Clarification as this requirement is in the coastal general conditions
Tinopai RMU Limited
GBC Winstone
Royal Forest & Bird Protection Society New Zealand and GBC Winstone
Royal Forest & Bird Protection Society New Zealand
Consequential amendment relating to relief sought by Royal Forest & Bird Protection Society New Zealand on the coastal general conditions
Royal Forest & Bird Protection Society New Zealand
Tinopai RMU Limited
Tinopai RMU Limited
Clarification as this requirement is in the coastal general conditions
Royal Forest & Bird Protection Society
Minister of Conservation
Refining New Zealand
Patuharakeke Te Iwi Trust Board
Patuharakeke Te Iwi Trust Board
Mangawhai Harbour Restoration Society
Heritage New Zealand
Mangawhai Harbour Restoration Society
Consequential change because of the amendment to condition 5 of C.6.4.2

Minister of Conservation

Northland District Health Board

Royal Forest & Bird Protection Society New Zealand

Hancock Forest Management New Zealand

Horticulture New Zealand

Minister of Conservation

Horticulture New Zealand

Minister of Conservation

Hancock Forest Management New Zealand

C Smith, D & L Wheeler and S Muraro

Horticulture New Zealand

Horticulture New Zealand

Minister of Conservation

Minister of Conservation

Minister of Conservation

Minister of Conservation

Minister of Conservation
Clarification

New Zealand Geothermal Association

 Fonterra

 Whāngarei District Council

 Tegel Foods Limited

 Fonterra

 Whāngarei District Council

 Whāngarei District Council

 New Zealand Pork

 Whāngarei District Council

 Federated Farmers of New Zealand

 Man O'War Dairies Limited

 Federated Farmers of New Zealand

 New Zealand Pork

 Whāngarei District Council

 Whāngarei District Council

 Whāngarei District Council

 Whāngarei District Council

 Whāngarei District Council

 Whāngarei District Council

 Consequential change resulting from evidence by the Oil Companies

 The Oil Companies

 The Oil Companies

 The Oil Companies

 The Oil Companies

 The Oil Companies

 Soil & Rock Consultants

 The Oil Companies

 The Oil Companies

 The Oil Companies

 Top Energy Limited and Refining New Zealand

 The Oil Companies

 The Oil Companies

 Consequential change to the insertion of a definition for the zone of reasonable mixing

 Whāngarei District Council

 Consequential change to the insertion of a definition for the zone of reasonable mixing

 Aquaculture New Zealand

 The Oil Companies

 Consequential change to the insertion of a definition for the zone of reasonable mixing

 Horticulture New Zealand

 D Hulse

 D Hulse

 Northland District Health Board

 D Hulse

 Fire & Emergency New Zealand

 T Lee

 T Lee

 Northland District Health Board

 B Galley

 T Lee

 Fire & Emergency New Zealand

 Fire & Emergency New Zealand

 Fire & Emergency New Zealand

 B Leonard

 Northland District Health Board
Council Meeting
16 April 2019

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563 First Gas Limited
564 Northland District Health Board
565 Northland District Health Board
566 Northland District Health Board
567 Tegel Foods Limited and Fonterra Limited and Bio-energy Association
568 Tegel Foods Limited and Fonterra Limited and Bio-energy Association
569 Consequential change - GBC Winstone
570 Northland District Health Board
571 Consequential Change - GBC Winstone
572 Northland District Health Board
573 Refining New Zealand
574 Consequential change - Refining New Zealand and GBC Winstone
575 Northland District Health Board
576 Northland District Health Board
577 Northland District Health Board
578 First Gas Limited
579 Northland District Health Board
580 Consequential to change to C.6.8.2
581 Consequential change - Whangarei District Council
582 Northland District Health Board
583 Tegel Foods Limited, Stakeholders in Methyl Bromide Reduction Inc.
584 Ravensdown Limited
585 Promax Engineering Plastics
586 Tegel Foods Limited
587 Consequential change
588 Far North District Council and Whangarei District Council
589 New Zealand Transport Agency
590 Consequential change
591 New Zealand Transport Agency
592 Refining New Zealand and New Zealand Transport Agency
593 Refining New Zealand
594 Refining New Zealand
595 Tegel Foods Limited
596 Dairy New Zealand
597 Northland Fish & Game Council
598 Whangarei District Council and Far North District Council
599 Minister of Conservation
600 New Zealand Deer Farmers Association
601 Dairy New Zealand
602 Minister of Conservation
603 Dairy New Zealand
604 Federated Farmers of New Zealand
605 G King
606 Consequential amendment
607 Royal Forest & Bird Protection Society New Zealand
608 Whangarei District Council
609 Consequential amendment
610 Matauri Trustee Limited
611 Horticulture New Zealand
612 Dairy New Zealand
613 Main O'War Dairies Limited
614 Horticulture New Zealand
615 Consequential amendment
616 Consequential amendment because of the new definition
617 Horticulture New Zealand
618 Consequential amendment
619 Northland Fish & Game Council
620 Haigh Workman Limited
Consequential change as a result of the amendment to the definition of zone of reasonable mixing.

Consequential change because of the recommended amendment to D.4.5. The change also provides for reasonable mixing as sought by Refining New Zealand and others.

First Gas Limited

The Oil Companies

Horticulture New Zealand

This policy including recommended amendments has been relocated to Section F of this plan

This policy has been incorporated into Appendix H.6 of this plan

The minimum levels in this policy, including recommended amendments, have been relocated to Appendix H.6 of this plan

The allocation limits in this policy, including recommended amendments, have been relocated to Appendix H.6 of this plan
The allocation limits in this policy, including recommended amendments, have been relocated to Appendix H.6 of this plan.

Consequential change because the limits in policies D.15, D.16, D.16 and D.17 have been moved to appendix H.6.

Far North District Council

Irrigation New Zealand

CEP Services Matuwhi Limited

Horticulture New Zealand

Consequential change as a result of a recommended definition for root stock survival water

Federated Farmers of New Zealand

Fonteira

The Royal Forest & Bird Protection Society New Zealand

Horticulture New Zealand

Horticulture New Zealand

Tegel Foods Limited

GBC Winstone

Irrigation New Zealand

Egg Producers Federation of New Zealand

The Oil Companies

Irrigation New Zealand

F Foy

New Zealand Transport Agency

Northland Fish & Game Council

Federated Farmers of New Zealand

Minister of Conservation

Northland Fish & Game Council

Northland Fish & Game Council

Northland Fish & Game Council

Northland Fish & Game Council

Royal Forest & Bird Protection Society New Zealand

Irrigation New Zealand

Northland Fish & Game Council

Consequential amendment because of new definition

B Leonard

Minister of Conservation

New Zealand Geothermal Association

Matauri Trustee Limited

Landcorp Farming Limited

Royal Forest & Bird Protection Society New Zealand

Aquaculture New Zealand

Mataura Residents Association

Moana New Zealand

Aquaculture New Zealand and Westpac Mussels Distributors Limited

Aquaculture New Zealand

GBC Winstone

Northport Limited

C Mace

Yachting New Zealand

GBC Winstone

Heritage New Zealand

GBC Winstone

Far North District Council

Mangawhai Wake Ama

Riverside Drive Marina Limited

Northport Limited

Transpower New Zealand Limited

Refining New Zealand

Mangawhai Harbour Restoration Society
Council Meeting
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ID: A1183321
The freshwater quantity limits in this section were relocated from section D.4 of the proposed plan.

Dairy New Zealand

Fonterra

Whangarei District Council and Far North District Council

Whangarei District Council and Far North District Council

Fonterra

Irrigation New Zealand

New Zealand Transport Agency

Horticulture New Zealand and Egg Producers Federations New Zealand

Bay of Islands Planning Limited

Northport Limited

Heritage New Zealand
Executive summary/Whakarāpopototanga

The joint Whangarei District Council (WDC) and Northland Regional Council (NRC) Whangārei Public Transport Working Party (WPTWP) met on 4 March 2019. The topics for discussion included:

- The relocation of the CityLink Bus Service Route terminus.
- Whangārei Public Transport Trial Services and Community Vehicle Trusts.
- CityLink Operational Update.

Following discussion, the members resolved that the WPTWP:

- Recommend to WDC and NRC that the option of moving the CityLink operation from the present Rose Street Bus Terminus to Vine Street as a short/medium term solution be proceeded with in the 2019/20 financial year.
- Recommend to the NRC that an Expression of Interest process for trial public passenger service options including Community Vehicle Trusts (CVT’s) be undertaken for the proposed Hikurangi, Waipū, Whangārei Heads and the Waipū/Ruakākā services.
- That due to the present low patronage presently experienced on Route 1 – Okara Park, a three-month trial be put in place to combine the Okara Park and Route 8 – Port Road services in an effort to increase occupancy.

Recommendation(s)

1. That the report ‘Joint WDC and NRC Whangārei Public Transport Working Party Update and Relocation of the CityLink Bus Service Route Terminus’ by Chris Powell, Transport Manager - Northland Transport Alliance and dated 1 April 2019, be received.

2. That the Northland Regional Council approve the proposed move of the CityLink service from the Rose Street Terminus to Vine Street.

3. That the Northland Regional Council approve that Expression of Interest process for trial public passenger service options including Community Vehicle Trusts (CVT’s) be undertaken for the proposed Hikurangi, Waipū, Whangārei Heads and the Waipū/Ruakākā services.

4. That the Northland Regional Council approve the combining of Route 1 – Okara Park and Route 8 – Port Road services in an effort to increase occupancy.

Background/Tuhinga

Relocation of the CityLink Bus Service Route terminus

The current Rose St site of the CityLink bus route terminus has for several years been considered by both passengers and operators to be not fit for purpose, for the following reasons:
• The current site does not meet operational requirements and has insufficient space for buses at peak times;
• Unsafe vehicle access;
• Poor pedestrian access;
• Generally in a rundown and unattractive state;
• Isolated and prone to anti-social and disorderly behaviour such that passengers feel unsafe and security guards having to be employed.

It is generally considered by stakeholders to be a barrier to increasing bus patronage.

The options for upgrading or moving to accommodate the additional buses, and to provide a safer, more attractive place for CityLink’s passengers have been jointly investigated by the WDC and NRC staff.

In 2015, NRC was requested by WDC to source an alternative site to Rose Street due to potential redevelopments surrounding the current location. Staff from both councils and the operator surveyed possible locations where passengers could easily transfer from one route to another, provided safe and quick access to the inner city, and met bus operational and safety requirements.

This resulted in four options being identified and assessed in greater depth. The findings of that work (which had previously been provided to the Working Party and reported to the WDC) concluded that Vine Street was the preferred option, best meeting the operational needs while requiring modest investment, much of which would contribute to a streetscape upgrade, which would also benefit local businesses and street users.

Whangārei Public Transport Trial Services and Community Vehicle Trusts

The NRC has in the past received a number of requests for passenger transport services to Hikurangi, Whangārei Heads and Ruakākā/Waipū. An increased Whangārei district-wide Transport rate was consulted on during the 2018–2021 Long Term Plan process and was introduced in the 2018/2019 financial year for the three-year period. The challenge is to introduce sustainable and appropriate long-term transport solutions for these areas as previous trial contracted and subsidised bus services to both Hikurangi and Ruakākā did not result in regular services being introduced because the patronage was not sufficient to attract either local or central government funding.

CityLink Operational Update

The Route 1 – Okara Park service is showing low passenger numbers per trip. This service has now been in operation for a year and is showing no sign of increasing patronage. Due to this low patronage, staff are recommending the combining of Route 1 and Route 8 – Port Road (Southern Express).

The reduced cash fares introduced on 1 October 2018 with the interim cash only ticket system has been well received. The full Regional Integrated Ticketing System (RITS – a nine council consortium jointly procuring an electronic ticketing system) is still some months away, with staff awaiting a confirmed revised implementation schedule. How much longer the reduced cash fares will be in place for is yet to be decided.
## Considerations

### Options

<table>
<thead>
<tr>
<th>No.</th>
<th>Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Moving the CityLink services from Rose Street to Vine Street – Do nothing</td>
<td>None</td>
<td>Rose Street Terminus no longer fit for purpose. Struggling to accommodate increased services. Passengers reluctant to use Rose Street Terminus due to continuing undesirable behaviour. Unsafe for pedestrians. Unsafe vehicular entrance and exit.</td>
</tr>
<tr>
<td></td>
<td>Expression of Interest for proposed Hikurangi, Waipū, Whangārei Heads and the Waipū/Ruakākā services – Do nothing</td>
<td>Minor savings in advertising costs.</td>
<td>Council could be seen to be undertaking a closed procurement process. Council will not be fully appraised of potential market. Continuation of poor loadings per trip. Potential complete withdrawal of Route 1 – Okara Park.</td>
</tr>
<tr>
<td>2</td>
<td>Moving of the CityLink services from Rose Street to Vine Street – Move to Vine Street</td>
<td>Fit for purpose. No additional operational costs incurred. Vine Street will be upgraded to accommodate for move. Installation of safe pedestrian facilities. Closer to the centre of the city.</td>
<td>None for bus passengers and operations, but may be unpopular with a few business owners in Vine Street.</td>
</tr>
</tbody>
</table>
16 April 2019

ITEM: 6.3

Advertise for Expression of Interest for proposed Hikurangi, Waipū, Whangārei Heads and the Waipū/Ruakākā services – Advertise for Expressions of Interest.

Combining Route 1 – Okara Park and Route 8 – Port Road services – Combine services

Ease of access for buses.

Provide council with an indication of size of market.

Provide council with a list of interested operators.

Increased passengers per trip on these routes.

Potential savings on peak buses.

Better utilisation of vehicles.

None

None

The staff’s recommended options are:

- The proposed move of the CityLink services from Rose Street to Vine Street = Option 2;
- The Expression of Interest for the Hikurangi, Waipū, Whangārei Heads and the Waipū/Ruakākā services = Option 2; and
- The combining of Route 1 – Okara Park and Route 8 – Port Road service = Option 2

2. **Significance and engagement**

The significance of the three proposals are considered very low.

Communication and consultation will be undertaken with passengers for the proposed move of the CityLink services from Rose Street to Vine Street, and for the combining of Routes 1 and 8 proposals.

Communication and consultation will be undertaken with existing shop owners in Vine Street for the proposed moving of the CityLink services from Rose Street to Vine Street.

3. **Policy, risk management and legislative compliance**

At this stage, there are no policy, risk management or legislative compliance that will affect the outcome of the three proposals.
Further considerations

4. **Community views**
   Communication and consultation will be undertaken with passengers for the proposed move of the CityLink services from Rose Street to Vine Street and for the combining of Routes 1 and 8 proposals.

Communication and consultation will be undertaken with existing shop owners in Vine Street for the proposed moving of the CityLink services from Rose Street to Vine Street.

5. **Māori impact statement**
   No impact to Māori have been identified, nor is separate consultation required for the three proposals contained in this report.

6. **Financial implications**
   No significant adverse financial impact to council have been identified for the three proposals.
   
   For the proposed move of the CityLink services from Rose Street to Vine Street, there will be no additional operational costs as no additional kilometres will be operated, and all infrastructural requirements are for the account of the Whangarei District Council.

7. **Implementation issues**
   At this stage, there are no significant implementation issues that have been identified.

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**Attachments/Ngā tapirihanga**

Attachment 1: Report on the Relocation of CityLink Bus Service Route Terminus that went to 4 March 2019 WPTWP Meeting ⇩

Attachment 2: Unconfirmed Minutes from the WPTWP held 4 March 2019 ⇩

---

**Authorised by Group Manager**

**Name:** Tony Phipps  
**Title:** Group Manager - Customer Services - Community Resilience  
**Date:** 04 April 2019
Attachment 2a

Report extracted from the Joint WDC/NRC Whangarei Public Transport Working Party Agenda dated 4 March 2019

TITLE: Relocation of CityLink Bus Service Route Terminus

ID: A1164613

From: Chris Powell, Transport Manager and Sonya Seutte, Whangarei District Council - Senior Strategic Planner

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Executive summary/Whakarāpopototanga

The current Rose Street CityLink routes terminus has for years been considered by customers, the bus contractors and service provider (NRC) to be not fit for purpose and a barrier to increasing passenger numbers. Investigations by Whangarei District Council (WDC) and Northland Regional Council (NRC) into relocation options, have concluded that Vine St provides the most suitable cost-effective short to medium term option. The move to Vine St, including a significant streetscape upgrade, can be undertaken using available NZTA subsidy and WDC local share funding in the 2019/20 financial year. A recommendation is made to proceed with the move in the 2019/20 FY.

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Recommendation(s)

1. That the report ‘Relocation of CityLink Bus Service Route Terminus’ by Chris Powell, Transport Manager and Sonya Seutte, Whangarei District Council - Senior Strategic Planner and dated 15 February 2019, be received.

2. That the Whangarei Public Transport Working Party recommend to WDC and NRC that the option of moving the CityLink routes terminus, with associated roadside infrastructure to Vine Street be proceeded with, in the 2019/20 Financial year.

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Background/Tuhinga

The current Rose St site of the CityLink bus route terminus has for several years been considered by both passengers and operators to be not fit for purpose, for the following reasons:

- The current site does not meet operational requirements and has insufficient space for buses at peak times,
- Poor pedestrian access,
- Isolated and prone to anti-social and disorderly behaviour such that passengers feel unsafe and security guards are required.

It is generally considered by stakeholders to be a barrier to increasing bus patronage.

The possibility of having it upgraded to accommodate the additional buses, and to provide a safer and more attractive waiting place for CityLink’s passengers was jointly investigated by WDC and NRC staff. In 2016, the NRC staff were requested by WDC to source an alternative location due to potential redevelopments surrounding the current location. Staff from both councils and the operator surveyed possible locations where passengers could easily transfer from one route to another, provided safe and quick access to the inner city, and met bus operational and safety requirements.

This resulted in four potential options being identified and assessed in more depth. The report on the findings of that work (which has been previously provided to the Working Party and reported to WDC) concluded that Vine Street was the preferred location, best meeting the needs while requiring only modest investment, much of which would contribute to a streetscape upgrade which would also benefit local businesses and street users.

ID: A1164613
Attachment 2a

Report extracted from the Joint WDC/NRC Whangarei Public Transport Working Party
Agenda dated 4 March 2019

Based on preliminary plans NRC applied for and has been granted NZTA subsidy funding of up to 54% of the estimated $300,000 project cost and WDC has provided for the local share in its Long Term Plan budget. Further consultation, planning and detailed design will be undertaken prior to the project implementation and relocation. NRC made a formal submission to WDC in 2017 requesting WDC support for the move.

During this time, the Whangarei City Transportation Network Strategy – Programme Business Case, was developed. One of the investment objectives contained in the Strategy was an increased focus on public transport and supported providing investment to contribute to a 3% increase in patronage (Investment Objective 2).

Whangarei City Centre Plan (WCCP) and draft City Core Precinct Plan (CCPP)

Through the WCCP and the CCPP, WDC and stakeholders identified that as our District grows and our city centre is regenerated a long term strategic proposal is needed for the bus terminus. This work also identified that the Rose St site could be better utilised as a key entranceway to the city and tie in with development of the adjacent car park site.

This work supports the move of the bus route terminus to Vine St as having benefits at least in the short term including:

- The active edges from Vine Street businesses provide bus passengers with a sense of safety.
- Vine Street is large enough to accommodate the bus services.
- Improved streetscape supporting pedestrian movements to and from the city.
- Could support any future development on the Vine Street carpark site.

For the medium to long term other options have been investigated, in particular Robert St. This will be subject to ongoing work and other projects in the City Centre, such as intersection upgrades, streetscape design work and traffic modelling.

WDC and NRC staff will continue to work together on the medium/long term options, with both an operational and strategic review of all options.

Conclusion

In support of the objective of increasing CityLink passenger numbers and after reviewing the various investigations and work referred to above, it is agreed and recommended by NRC and WDC staff that the CityLink route terminus be moved to Vine St in the coming financial year.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Tony Phipps
Title: Group Manager - Customer Services - Community Resilience
Date: 25 February 2019
Attachment 2b

Unconfirmed Minutes from the Joint WDC-NRC
Whangarei Public Transport Working Party
Meeting held on 4 March 2019

Joint WDC-NRC Whangarei Public Transport Working Party Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Monday 4 March 2019, commencing at 9.00am

Present:

Councillor John Bain (NRC)
Councillor Paul Dimery (NRC)
Councillor David Sinclair (NRC) – Arrived at 9.14am
Councillor Tricia Cutforth (WDC) – Arrived at 9.06am
Councillor Anna Murphy (WDC)

In Attendance:

Full Meeting
Minute Taker -Evania Arani (NRC)
Tony Phipps (NRC)
Chris Powell (NRC)
Sharlene Selkirk (NRC)
Tony Horton (WDC)

Part Meeting
Sonya Seutter (WDC) – left meeting at 9.20am

The Chair declared the meeting open at 9.04am.

Apologies (Item 1.0)

Moved (Cr. Bain/Cr. Murphy)

That the apologies from Councillor Greg Martin for non-attendance be received.
Carried

Confirmation of Minutes - 17 August 2018 (Item 3.1)

ID: A1164774
Report from Evania Arani, Executive Assistant Customer Services - Community Resilience

Moved (Cr. Bain (NRC)/Cr. Murphy (WDC))

1. That the minutes of the Joint WDC-NRC Whangarei Public Transport Committee meeting held on 17 August 2018, be confirmed as a true and correct record.

Carried
Attachment 2b

Unconfirmed Minutes from the Joint WDC-NRC
Whangarei Public Transport Working Party
Meeting held on 4 March 2019

Relocation of CityLink Bus Service Route Terminus (Item 4.1)

ID: A1164613
Report from Chris Powell, Transport Manager and Sonya Seutter, Whangarei District Council - Senior Strategic Planner

Moved (Cr. Cutforth (WDC)/Cr. Dimery (NRC))

1. That the report ‘Relocation of CityLink Bus Service Route Terminus’ by Chris Powell, Transport Manager and Sonya Seutter, Whangarei District Council - Senior Strategic Planner and dated 15 February 2019, be received.

2. That the Whangarei Public Transport Working Party recommend to WDC and NRC that the option of moving the CityLink routes terminus, with associated roadside infrastructure to Vine Street be proceeded with, in the 2019/20 Financial year.

Carried

Whangarei Public Transport Trial Services Update (Item 4.2) and Community Vehicle Trusts (CVT's) - An Alternative Transport Solution (Item 4.3)

ID: A1164579, A1164622
Report from Sharlene Selkirk, Transport Strategic Planning Officer

Moved (Cr. Murphy (WDC)/Cr. Sinclair (NRC))

1. That the report ‘Whangarei Public Transport Trial Services Update ’ by Sharlene Selkirk, Transport Strategic Planning Officer and dated 15 February 2019, be received.

2. That the Whangarei Public Transport Working Group supports proceeding with the trial services as described.

3. That the report ‘Community Vehicle Trusts (CVT’s) - An Alternative Transport Solution ‘ by Sharlene Selkirk, Transport Strategic Planning Officer and dated 15 February 2019, be received.

4. That the Whangarei Public Transport Working Party supports the ongoing investigation of CVT’s and the implementation of a CVT as a transport solution for Whangarei Heads.

5. That an expression of interest process for trial service options including CVT’s be undertaken for the Hikurangi, Waipu, Whangarei Heads and the Waipu/Ruakaka area.

Carried

CityLink Operational Update (Item 4.4)

ID: A1164632
Report from Sharlene Selkirk, Transport Strategic Planning Officer

Moved (Cr. Murphy (WDC)/Cr. Sinclair (NRC))

1. That the report ‘CityLink Operational Update ‘ by Sharlene Selkirk, Transport Strategic Planning Officer and dated 15 February 2019, be received.

Carried
Attachment 2b

Unconfirmed Minutes from the Joint WDC-NRC
Whangarei Public Transport Working Party
Meeting held on 4 March 2019

Secretarial note for item 4.4: The working party has requested that a three month trial be put in place to combine Routes 1-8 (Okara/Port Road). Staff are to report back to the working party at the meeting scheduled for 1 August 2019.

Whangarei Public Transport Working Party Meeting Schedule for 2019 (Item 4.5)

ID: A1166433
Report from Evania Arani, Executive Assistant Customer Services - Community Resilience

Moved (Cr. Dimery (NRC)/Cr. Cutforth (WDC))


Carried

Conclusion
The meeting concluded at 9.58am.
Executive summary/Whakarāpopototanga

The purpose of this report is to enable council to receive Northland Inc. Limited’s Draft Statement of Intent (SOI) 2019–2022 and consider staff recommended amendments. It recommends that council delegates responsibility to the Chief Executive Officer to provide feedback to Northland Inc. on its Draft SOI, in line with the amendments suggested in this report.

Recommendation(s)


3. That the Chief Executive Officer, in consultation with council Chairman and Deputy Chairman, be delegated authority to provide feedback to Northland Inc. Limited by 30 April on its draft SOI 2019–2022, in line with the recommendation detailed in this report.

Background/Tuhinga

Northland Inc. Limited has submitted to council their draft SOI for the three-year period 2019–2022 (Attachment 1). This was received within the time requirement set out in Schedule 8 of the Local Government Act 2002 (LGA 2002), i.e. before 1 March 2017. Subsequent to this draft, Northland Inc. have provided a revised version of Appendix B Prospective Statement of Financial Performance (Attachment 2) containing lower Programme Expenditure figures for 2020/21 and 2021/22, and a relabelled income category (NRC – Extended Regional Promotions). A review of the document confirms it includes the necessary statutory components as per Schedule 8(9)(1) of the LGA 2002. Council has until 30 April 2019 to provide any feedback on the draft SOI to Northland Inc.

Council has held workshop sessions on Northland Inc. Limited’s SOI on five occasions over the past six months: 27 November 2018, 12 December 2018, 5 March 2019, 12 March 2019 and 27 March 2019. Following the 12 December 2018 workshop, a letter of expectations was sent by council to Northland Inc. on 19 December 2018. While many of the changes and suggestions proposed in that letter have been incorporated by Northland Inc. into the draft SOI received by council, some have not.

Based on the discussion at the workshop, it is recommended that the response to Northland Inc. should include the following key points:

General Comments

Council acknowledges the changes that have been made in line with the Letter of Expectations, e.g. new paragraph on inclusive growth.

Council requests that references to ‘shareholder’ should be changed to ‘Northland Regional Council’ throughout the document.

Council will work with Northland Inc. to assist with its efforts to be outward focussing, particularly in terms of its engagement with other Northland councils.
1. Introduction (p.2–3)

The SOI should make it clear that council has chosen to deliver its economic development services through a CCO, i.e. Northland Inc. is the economic development arm of council. Some reordering of the paragraphs would also reinforce this.

2. Context (p.2–3)

Council should be recognised as a first-order priority ahead of other organisations / initiatives. As it currently reads, reference to council objectives comes at the end of the discussion on context behind Te Taitokerau Northland Economic Action Plan objectives.

Northland Forward Together, and its collective objectives, should be added to the list of initiatives that guide Northland Inc’s agenda.

3. Objectives (p.4)

The list of eight objectives is acknowledged as being those of council.

The first four ‘regionally significant sectors’ are those that council wishes Northland Inc. to focus on with regards to our financial support to Northland Inc and through the Investment and Growth Reserve. The final three ‘regionally strategic sectors’ should be separated into a separate section as they are inconsistent with council’s LTP and Northland Inc’s current SOI. This does not mean that Northland Inc cannot work on these other sectors but it should be noted in the document that they must be funded from elsewhere.

Council agrees with the list of three priorities but Northland Inc. needs to consider how the bullet point descriptions align with the description of activities in section 5.

4. Governance (p.5)

The four new bullet points in list one (pts 2–5), the two new bullet points in list two (pts 3 and 6), and the new final paragraph in this section strengthen the document.

Council would like to be kept informed of the progress the Board makes in developing the ‘clear strategic plan’ for the organisation (bullet pt. 2).

Data governance is another area that Northland Inc. needs to address.

5. Activities (p.6–7)

Council suggests that the ‘destination marketing and management’ activity should focus solely on the RTO function (for clarity). At the moment it includes ‘promoting the region for investment’ (p.6) / ‘encourage investment and market development’ (p.7).

Bullet pt. 2 of Supporting Māori economic development needs clarification. The second sentence is new and appears to duplicate the first sentence.

Council would like an update at a future workshop on the establishment of a work programme for ‘He Tangata’ and the ‘Annual Tactical Marketing Plan’.

6. Shareholder (p.8)

Council considers that bringing together of the three shareholder related references into one section aids transparency and is supported.

8. Performance (p.9)

The table of performance indicators needs to be updated by including 2018/19 results (even if provisional) and for each of the three years covered by the SOI.

Council requests that Northland Inc. consider stretch targets for 2021/22.
The Action Plan performance indicator should be changed or deleted. Council appreciates being informed of progress in implementing the Action Plan but this is not a measure of Northland Inc’s performance.

12. Any other matters (p.10)

Additional wording is needed to clarify that any report submitted by Northland Inc. for council’s formal consideration needs to be accompanied by advice from the Chief Executive and that the request for confidentiality meets the requirements of section 7(2) of the Local Government Official Information and Meetings Act 1987.

Appendix B Financial Performance (Attachment 2)

The forecast NRC Opex income for 2021/22 is incorrect. It should be the lower number of $1,330,720 reflecting the fact that the additional payment for the increase in directors from five to seven has been budgeted for just three years ending 2020/21. Council will undertake a review of director numbers during 2019/20.

Council requests that the Statement of Finance Performance makes it clear that a portion of the funding provided to Northland Inc. through the NRC-Opex funding line is for destination management and marketing. Council wishes it to be shown that our funding for this Northland Inc. activity is more than the contribution provided through the NRC-Extended Regional Promotions budget income line.

Budgeted figures for 2021/22 indicate that no additional funding from the NRC-Opex funding allocation will be used for Programme Expenditure on Destination Management and Marketing once the three-year Extended Regional Promotions funding comes to an end in 2020/21, i.e. just $10,000 will be spent in 2021/22. Council requests that Northland Inc. reconsider what is an appropriate level of Programme Expenditure on Destination Management and Marketing for 2021/22 and ensure appropriate expenditure is budgeted (i.e. $10,000 is not appropriate). Council acknowledges that this will require redirection of existing budgeted expenditure, however, council considers that this expectation has been clearly communicated and that a three-year transitional period is sufficient to make necessary operational adjustments to provide for this expenditure.

Council requests an explanation as to why there has been such a significant increase in budgeted Overheads. For example, in the current SOI 2018–2021 forecast Overheads for 2019/20 is $542,308, while in the draft SOI 2019–2022 forecast Overheads for 2019/20 is $642,993, an increase of $100,685 or 19%.

Council also queries a constant budgeted Orchard Income of $144,420 given the targeted growth in Orchard occupancy rates.

Council would like to receive the breakdown of income and expenditure by workstream for all the years requested in the Letter of Expectations. The information provided for 2019/20 was helpful.

Considerations

1. Options

<table>
<thead>
<tr>
<th>No.</th>
<th>Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Provide a response to Northland Inc. Limited on its draft SOI.</td>
<td>Council clearly conveys its expectations to its council-controlled organisation for the next three years.</td>
<td>None.</td>
</tr>
</tbody>
</table>
The staff’s recommended option is Option 1. In order to meet the legislative requirements, it is recommended that the Chief Executive Officer, in consultation with council Chairman and Deputy Chairman, be delegated authority to provide the detailed feedback to Northland Inc. on its Draft SOI 2019–2022, in line with the recommendation in this report and by 30 April 2019.

2. **Significance and engagement**
   
   A statement of intent is the mechanism by which shareholders can influence the direction of the organisation and provide a basis for the accountability of the directors to their shareholders for the performance of the organisation. The potential loss of control of a council-controlled organisation is deemed a significant matter; hence the content of a statement of intent must be a careful consideration of council. While this is an important matter for council, the matter does not trigger council’s Significance and Engagement Policy, and no further public consultation is required for council to make the decisions detailed in this report.

3. **Policy, risk management and legislative compliance**

   Schedule 8(2) of the LGA 2002 requires the Board of a council-controlled organisation to deliver to its shareholders a draft statement of intent on or before 1 March each year. According to Schedule 8(3), council has until the end of April to provide comment back to Northland Inc. on the draft SOI, and the Board of Northland Inc. must deliver a completed SOI back to council by 30 June 2019.

   Being a purely administrative matter, Community views, Māori impact statement, Financial implications and Implementation issues are not applicable.

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**Attachments/Ngā tapirihanga**

Attachment 1: Northland Inc Draft SOI 2019-2022


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**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 09 April 2019
Northland Inc
Growing Northland’s Economy
Kia tupu ai te ōhanga o Te Tai Tokerau

Statement of Intent
2019 – 2020/22
DRAFT
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1 Introduction

The Board of Directors of Northland Inc Ltd. (Northland Inc) present this Statement of Intent as a public declaration of the activities and intentions of Northland Inc Ltd in accordance with the requirements of Clause 9 of Schedule 8 of the Local Government Act 2002.

Northland Inc is Northland’s Regional Economic Development Agency and Regional Tourism Organisation and part of the Government’s Regional Business Partner Network (RBP).

Northland Inc is a Company registered under the Companies Act 1993, a reporting entity for the purposes of the Financial Reporting Act 1993. It is a wholly owned subsidiary of Northland Regional Council (NRC) and, by virtue of their right to appoint directors, is a council-controlled organisation as defined under Section 6 of the Local Government Act 2002. It is a public benefit entity (PBE) for the purposes of the New Zealand equivalents to International Financial Reporting Standards (NZ IFRS).

Northland Inc is funded by an operational contribution from NRC and is project funded through other public and private agencies, with central government being the next largest contributor. Northland Inc acknowledges that many parts of the Northland economy could use further support, and is committed to identifying partnerships and collaborations that help to increase funding and resources to support economic growth.

The organisation is governed by a board of seven directors appointed for three years (or as otherwise specified from time to time by NRC). The Board Chair is elected by the Directors. Operational activity is led by the Chief Executive Officer. Northland Inc currently has no subsidiaries or joint ventures.

This Statement of Intent is the guiding governance tool and terms of reference for Northland Inc and defines the key performance indicators (KPIs) as agreed by the shareholder. The statement outlines the Directors’ accountabilities to the shareholder for corporate performance.

2 Context

Northland Inc works with organisations and institutions in Northland and the public and private sectors with a common purpose to grow, strengthen and diversify Northland’s economy. Regional objectives have been developed as part of the Tai Tokerau Northland Economic Action Plan (TTNEAP), and this, in conjunction with NRC’s Long-Term Plan, provide the long-term context for Northland Inc’s work.

The Provincial Growth Fund (PGF) has been a critical Central Government policy that Northland Inc needs to respond and adapt to. The Provincial Growth Fund (PGF) is intended to lift productivity in the provinces and to enhance economic development opportunities. It provides a significant opportunity for Northland economic development interventions to be accelerated and funded and we need to maximise this opportunity.

Several other government and local initiatives guide Northland Inc’s economic development agenda including:

- He Kai Kei Aku Ringa (the Crown-Māori joint strategy for Māori economic development); and
- He Tangata, He Whenua, He Oranga, the Tai Tokerau Māori Growth Strategy developed by the Tai Tokerau Iwi CEOs Consortium.
Northland Inc is committed to the principles of ‘Inclusive Growth’ which are attracting an increasing focus in Economic Development practice worldwide. Central Government is developing the new Living Standards Framework and well-being measures. These foci are strong policy contexts that will influence what and how Northland Inc works. Northland Inc will continue to develop and support economic development strategies and actions that incorporate the principles of Inclusive Growth and look to provide alignment with the living standards framework as it is developed.

**TTNEAP-Regional Outcomes (10-year horizon to 2028)**

High level economic indicators for the region:
- Real Gross Domestic Product (GDP) grows by 16% from $5.7B to $6.6B ($2010 prices) by 2020
- Rate of Maori unemployment declines from 18% to 10% by 2025
- Rate of youth not in employment, education or training (NEET) declines to 18% to 12% by 2020
- Average weekly income for working age population (aged 20-64) grows by 20% from $747 to $900 by 2020
- Average weekly income for Māori aged 20-64 grows by 20% from $661 to $790 by 2020

**Enablers**
- Increase in end users connected to Ultra-Fast Broadband
- Increase in volume of traffic on Northland roads
- Decrease in number of transport related accidents per capita
- Increase in Northland’s 18-year olds who hold an NCEA Level 2 qualification or equivalent

**Primary Industries**
- Farms are performing at a level equal or better than national averages
- Two-thirds of Northland’s forestry production is processed in Northland by 2025

**Visitor Industry**
- Guest nights rise by 25% from 1.75m to 2.2m by 2020
- Guest nights in the off-peak season (May to September inclusive) increase by 30% by 2020
- Total visitor spend in Northland Increases by 25% from $0.92B to $1.15B by 2020

**Specialised manufacturing and services**
- Sustained growth in GDP per annum for specialised manufacturing
- Employment in specialised manufacturing and services increases year on year

These are the high level, medium-term economic outcomes embedded in the TTNEAP for Northland. Some of Northland Inc’s work will contribute directly to these regional outcomes while for others Northland Inc’s work will contribute indirectly or in a support role only.

**NRC’s Long-Term Plan (LTP)**

The NRC’s 2018 Long-Term Plan (LTP) sets out the NRC’s objectives, community outcomes, values and areas of focus. Collectively this provides a statement about the direction NRC wishes to take in making a meaningful contribution to the region, and this is relevant for guiding Northland Inc’s objectives, approach and activities. Northland Inc and NRC have deliberately aligned their objectives for economic development (see Objectives outlined below).

### 3 Northland Inc Vision, Mission and Objectives

**Vision**

Northland is one of the most prosperous regions in New Zealand delivering employment and business opportunities for locals in a fair and equitable society balancing economic development with sustainable environmental management.
Mission
To strengthen, diversify and grow the Northland economy.

Objectives 2020-2022

1. Advocate and promote the establishment and development of infrastructure that underpins regional economic growth.
2. Attract, facilitate and support investment opportunities in regionally strategic sectors.
3. Promote Northland as a progressive and positive place to visit, do business and live.
4. Provide and facilitate business support services that enable Northland businesses to grow.
5. Increase innovation and entrepreneurship in Northland.
6. Partner with Māori to develop and implement economic development projects for the benefit of Northland.
7. Support and facilitate the implementation of the Tai Tokerau Northland Economic Action Plan.
8. Support tourism product development and infrastructure as enablers of Northland’s tourism sector.

To deliver maximum impact, Northland Inc will prioritise activities in three key areas:

1. Provincial Growth Fund (PGF) - the PGF is a short-term opportunity which needs to be prioritised for maximum impact:
   - Providing leadership to highlight and drive transformational opportunities
   - Collaborating, leading and supporting ongoing work programmes to ensure impacts extend past the life of the PGF
2. Māori Economic Development – a central driver of improving well-being:
   - Empower, support and partner with Māori organisations and businesses
   - Collaborating to leverage resources and funding
3. Regional Engagement - increase focus on collaboration for the benefit of the region:
   - Improved visibility of progress and outcomes across the region
   - Continue work to extend our presence and reach across the region tailored to needs of the individual locations

In terms of the focus for investment activity, the ‘Regionally Strategic Sectors’ are:

- Agriculture and Horticulture
- Digital
- Tourism
- Marine
- Green
- Aquaculture
- Food and Beverage
4 Governance

The Board will effectively represent and promote the interests of the shareholder by seeking to fulfil its mandate as described above. The Board will discharge their duties in accordance with Northland Inc’s Board Charter.

In undertaking its activities, Northland Inc will seek to:

- Achieve the objectives of its shareholders, both commercial and non-commercial as specified in this Statement of Intent;
- Demonstrate ethical and good behaviour in dealing with all parties;
- Achieve an active partnership approach with Maori, and other key stakeholders within the region, promoting effective communication where appropriate;
- Comply with all relevant legislative requirements including those relating to the principles of the Treaty of Waitangi;
- Maintain an open and transparent approach to decision-making with its Shareholder, while respecting the need for commercially sensitive information to be protected;
- Be a good employer; and
- Exhibit social and environmental responsibility.

The Board will adopt the following approach to its fiduciary responsibilities to ensure good governance:

- Prepare a 3-year SOI setting out its strategic goals for agreement with NRC, as shareholder;
- Establish a clear strategic plan which reflects the agreed SOI;
- Establish a clear performance framework and job description for the Chief Executive Officer;
- Approve of detailed operating, capital and cashflow budgets;
- Attend regular meetings to review performance and progress towards set objectives and budgets; and
- Operation of appropriate Board subcommittees to appropriately manage Risk, Compliance, Remuneration and Board performance.

The Board believes regular communication with the Shareholder is important to ensure good governance. The Board and Chief Executive will use their best endeavours to communicate in a regular and timely manner and ensure that matters are raised so there will be ‘no surprises’. Established processes will be maintained to ensure regular contact between the Board, management and the Shareholder, and informal meetings will be encouraged to ensure regular communication flows regarding matters of mutual interest.
5 Nature and scope of activities to be undertaken by Northland Inc

Northland Inc focuses on the following 5 work programs to achieve the organisational objectives:

1. Tai Tokerau Northland Economic Action Plan (TTNEAP) - supporting the implementation of the TTNEAP;
2. Māori economic development - engaging with Māori to advance their aspirations for economic development;
3. Investment and infrastructure - leveraging economic growth in the region through the strategic co-ordination, management and allocation of available public and private sector funding, including NRC’s Investment and Growth Reserve;
4. Business innovation and growth - assist in continually improving the performance, productivity and profitability of Northland businesses; and
5. Destination marketing and management - promoting the region for investment and visitors, and increase the value added from visitors through product development and regional dispersal.

The nature and scope of activities relevant to each work program are listed below

1. Supporting the implementation of the TTNEAP by:
   - Leading the region-wide Working Group
   - Portfolio and Project Management

2. Supporting Māori economic development by:
   - Work across all of Northland Inc work programmes to take advantage of opportunities for Māori economic development
   - Engage with Māori to advance their aspirations in economic development and partner with iwi, hapū, marae and the Māori community to advance their aspirations in economic development
   - Work with, advocate for and support Māori businesses with their aspirations for growth.
   - Initiate partnerships with Māori to enable investment, business growth and completion of economic development projects
   - Support the ICEC to establish a work programme to implement the tikanga based principles of ‘He Tangata, He Whenua, He Oranga: the Taitokerau Māori Economic Growth Strategy’
   - Ensure Māori organisations have opportunities for input and participation in relevant projects

3. Supporting investment and infrastructure by:
   - Actively supporting and facilitating investment in strategic sectors in the Northland economy
   - Developing investment ready propositions
   - Diagnosis of investment opportunities
• Leveraging the Investment and Growth Reserve to increase investment into the Northland economy
• Deal facilitation, deal monitoring and ongoing engagement (refer to BIG services)
• Supporting and facilitating the development of new and enabling infrastructure such as UFB, roads, rail and water

4. Generate business innovation and growth by:

• Delivering business advice to support innovation, capacity and capability development through incubation services and the Regional Business Partnership; New Zealand Trade & Enterprise, Callaghan Innovation and Business Mentors New Zealand
• Developing clusters, business networks or associations to take advantage of market development opportunities that leverage Northland’s key sectors and comparative advantages
• Increasing productivity through stronger use of local and international expertise
• Transfer specialist knowledge to improve intellectual property opportunities in Northland through a business events programme
• Supporting the Landing Pad Programme to develop investor and investee opportunities
• Support access to a range of capital support mechanisms for Northland businesses
• Expansion of The Orchard business and event hub for regional impact
• Supporting and encouraging innovation in Northland businesses
• Lead and co-ordinate the delivery of the Digital Enablement Plan

5. Promoting the region by:

• Delivering narratives which communicate the positive attributes of Northland to national and international audiences
• Delivering a promotional programme to encourage investment and market development of Northland’s strategic growth sectors
• Identifying and assisting with the development of infrastructure, products, services and sub-regional destinations which grow the value derived from visitors
• Increasing regional spread/dispersal, length of stay, expenditure and year-round visitation/seasonality
• Co-ordinate, and where appropriate, lead the implementation of an Annual Tactical Marketing Plan for destination marketing, in conjunction with national tourism organisations and the Northland tourism sector
• Ongoing leverage of the Twin Coast Discovery programme as a region wide development framework for tourism
6 Shareholders’ funds, distributions and the value of shareholders’ investment

Shareholders’ funds (being retained surpluses plus share capital) at June 2018 was as follows:

<table>
<thead>
<tr>
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<th>June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Assets $</td>
<td>1,451,316</td>
</tr>
<tr>
<td>Total Liabilities $</td>
<td>1,328,845</td>
</tr>
<tr>
<td>Shareholders’ Funds $</td>
<td>122,471</td>
</tr>
<tr>
<td>Shareholders’ Funds as % of Total Assets</td>
<td>8.4%</td>
</tr>
</tbody>
</table>

Northland Inc forecasts small surpluses year-on-year. Accordingly, Shareholders’ Funds as % of Total Assets will remain approximately at this level.

Northland Inc is not required to make any distributions to the shareholder.

The value of the shareholders’ investment in Northland Inc is estimated by directors to be equal to current shareholders’ funds being $120,000.

7 Accounting policies

The accounting policies that have been adopted are detailed in the company’s 2017/18 Annual Report. A copy is included as **Appendix A**.
8 Performance targets

Key performance indicators are:

<table>
<thead>
<tr>
<th>Work programme area</th>
<th>Proposed measures and targets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>How we will measure</td>
</tr>
<tr>
<td>Investment and infrastructure</td>
<td>Percentage of IGR business case decisions (by the Board) made within 90 days of receiving application</td>
</tr>
<tr>
<td></td>
<td>Number of inward delegations hosted</td>
</tr>
<tr>
<td></td>
<td>Investment recommendations are accompanied by a robust business case</td>
</tr>
<tr>
<td></td>
<td>Number and value of high impact projects that are implemented</td>
</tr>
<tr>
<td>Business innovation and growth</td>
<td>Number of unique businesses assisted by TA and industry</td>
</tr>
<tr>
<td></td>
<td>Value of NZTE and Callaghan innovation grant funding facilitated</td>
</tr>
<tr>
<td></td>
<td>Client satisfaction (as measured by Net Promoter Score)</td>
</tr>
<tr>
<td></td>
<td>Orchard occupancy rate</td>
</tr>
<tr>
<td>Regional promotion and tourism</td>
<td>Visitor spend from target markets</td>
</tr>
<tr>
<td></td>
<td>Value of industry investment in regional promotion activity</td>
</tr>
<tr>
<td></td>
<td>Equivalent Advertising Value achieved from destination marketing</td>
</tr>
<tr>
<td></td>
<td>RTO Net Promoter Score</td>
</tr>
<tr>
<td>Action Plan</td>
<td>Percentage of milestones completed</td>
</tr>
<tr>
<td>Māori economic development</td>
<td>Number of unique Māori businesses assisted by TA and industry</td>
</tr>
<tr>
<td></td>
<td>Number and value of high impact projects that are implemented</td>
</tr>
<tr>
<td></td>
<td>Value of NZTE and Callaghan innovation grant funding facilitated for Māori businesses</td>
</tr>
<tr>
<td></td>
<td>Client satisfaction (as measured by Net Promoter Score for Māori businesses)</td>
</tr>
</tbody>
</table>

Note: Northland Inc has prepared a separate supporting document (Appendix C) which explains the rationale and recording methodology behind each of the Key Performance Indicators.
9 Information to be provided to the Shareholders

Directors will formally report progress against the SOI to the NRC quarterly via a written report submitted within six weeks of the end of the 1st and 3rd quarters, and attendance at a Council meeting thereafter as per the NRC schedule.

In compliance with Clause 66 of Part 5 the Directors will, within two months after the end of the first half of each financial year, deliver to the shareholder an unaudited half year report containing:

- a Statement of Performance, Position and Cash flow as at the half year balance date
- financial forecasts for the full year and comparison to approve budgets
- commentary on progress to meeting performance targets and the expected year end position.

In accordance with Section 2 of Schedule 8 the Directors will deliver a draft SOI to the shareholder by 1st March of each year for the subsequent three-year period.

In accordance with Section 3 of Schedule 8 the Directors will deliver a Board approved SOI to the shareholder on or before the 30th June of each year.

In compliance with Clause 67 of Part 5 the Directors will, within three months of the end of the financial year, deliver to the shareholder an audited Annual Report which meets the requirements of Section 68 and Section 69 of Part 5. In addition, the Annual Report is to contain a declaration by the Board as to the compliance with the Act and specifically that the requirements of Schedule 8 have been met.

10 New entries, acquisitions and sales

Directors may not create any new legal entity, acquire shares or any equity interest in any existing legal entity or sell any interest held by Northland Inc without the specific approval of the NRC as the shareholder.

11 Activities for which local authority funding is sought

Northland Inc reserves the right to seek compensation from time to time for the necessity to provide any service required by the NRC where funding has not been previously agreed.

12 Any other matters

The NRC is required to hold a confidential Council meeting at Northland Inc's request to discuss any matter which is considered commercially sensitive. Northland Inc has the ability to submit formal reports into the confidential agenda of any such meeting.

13 Financial Information

A prospective statement of financial performance is included as Appendix B.
Appendix A: Northland Inc Accounting Policies

1. Statement of Accounting Policies

BASIS OF PREPARATION

The financial statements have been prepared in accordance with Tier 2 Public Benefit Entity (PBE) Financial Reporting Standards as issued by the New Zealand External Reporting Board (XRB). They comply with New Zealand equivalents to International Public Sector Accounting Standards Reduced Disclosure Regime (NZ PBE IPSAS with RDR) and other applicable Public Benefit Entity Financial Reporting Standards as appropriate to Public Benefit Entities.

The entity is eligible to report in accordance with Tier 2 PBE Accounting Standards on the basis that it does not have public accountability and is not large. The entity transitioned to PBE Standard Tier 2 from 1st July 2016.

The financial statements have been prepared accordance with the Local Government Act 2002, which requires compliance with generally accepted accounting practice in New Zealand ("NZ GAAP"). [LGA. 111].

The entity is deemed a public benefit entity for financial reporting purposes, as its primary objective is to provide services to the community for social benefit and has been established with a view to supporting that primary objective rather than a financial return.

CHANGES IN ACCOUNTING POLICIES

Previously adopted Public Benefit Entity Simple Format Reporting - Accrual (Not-For-Profit). The impact of new and amended standards and interpretations applied in the year was limited to additional note disclosures.
**Appendix B: Prospective Statement of Financial Performance**

<table>
<thead>
<tr>
<th>Income</th>
<th>2019/20</th>
<th>Forecast</th>
<th>2020/21</th>
<th>Forecast</th>
<th>2021/22</th>
<th>Forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRC Opex</td>
<td>1,355,876</td>
<td></td>
<td>1,865,266</td>
<td></td>
<td>1,305,303</td>
<td></td>
</tr>
<tr>
<td>NRC Feasibility</td>
<td>300,000</td>
<td></td>
<td>300,000</td>
<td></td>
<td>300,000</td>
<td></td>
</tr>
<tr>
<td>NRC Regional Promotions</td>
<td>200,000</td>
<td></td>
<td>200,000</td>
<td></td>
<td>200,000</td>
<td></td>
</tr>
<tr>
<td>NRC Extension 350</td>
<td>100,000</td>
<td></td>
<td>100,000</td>
<td></td>
<td>100,000</td>
<td></td>
</tr>
<tr>
<td>WDC</td>
<td>105,000</td>
<td></td>
<td>105,000</td>
<td></td>
<td>105,000</td>
<td></td>
</tr>
<tr>
<td>INDC &amp; DOC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NCTE &amp; CI</td>
<td>335,531</td>
<td></td>
<td>339,531</td>
<td></td>
<td>339,531</td>
<td></td>
</tr>
<tr>
<td>NIF</td>
<td>64,000</td>
<td></td>
<td>64,000</td>
<td></td>
<td>64,000</td>
<td></td>
</tr>
<tr>
<td>Website Income</td>
<td>27,000</td>
<td></td>
<td>27,000</td>
<td></td>
<td>27,000</td>
<td></td>
</tr>
<tr>
<td>International Marketing Group</td>
<td>37,500</td>
<td></td>
<td>37,500</td>
<td></td>
<td>37,500</td>
<td></td>
</tr>
<tr>
<td>Extension 350 Partner funding</td>
<td>478,700</td>
<td></td>
<td>367,700</td>
<td></td>
<td>313,700</td>
<td></td>
</tr>
<tr>
<td>Orchard Income</td>
<td>164,420</td>
<td></td>
<td>164,420</td>
<td></td>
<td>164,420</td>
<td></td>
</tr>
<tr>
<td>MBIE (Action Plan)</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>International Education partnership funding</td>
<td>-</td>
<td></td>
<td>-</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Ecentre</td>
<td>-</td>
<td></td>
<td>-</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>3,182,027</td>
<td></td>
<td>3,019,417</td>
<td></td>
<td>2,657,093</td>
<td></td>
</tr>
</tbody>
</table>

**Less**

| Programme Expenditure         | 994,875  |          | 885,875  |          | 550,975  |          |
| Sectors/NIF                   | 65,000   |          | 65,000   |          | 65,000   |          |
| Investment                    | 300,000  |          | 300,000  |          | 300,000  |          |
| Dividends Management & Marketing | 147,000  |          | 180,000  |          | 37,500   |          |
| Extension 350                 | 438,875  |          | 296,875  |          | 104,475  |          |
| Business Growth               | 32,000   |          | 32,000   |          | 32,000   |          |
| The Orchard                   | 7,000    |          | 2,000    |          | 2,000    |          |
| Salaries                      | 1,550,084 |          | 1,503,844 |          | 1,503,844 |          |
| Overheads                     | 930,827  |          | 929,439  |          | 929,439  |          |
| **Total Expenditure**         | 3,181,356 |          | 3,015,156 |          | 2,984,156 |          |

**Total Net Surplus**

<table>
<thead>
<tr>
<th></th>
<th>2019/20</th>
<th>$ 431</th>
<th>2020/21</th>
<th>$ 259</th>
<th>2021/22</th>
<th>$ 27,205</th>
</tr>
</thead>
</table>

**Note**

- NRC Opex funding as indicated by NRC as at 1 March 19
- NRC Opex funding as indicated by NRC as at 1 March 19
- NRC Opex funding as indicated by NRC as at 1 March 19
- NRC Regional Promotions funding secured
- NRC Regional Promotions funding secured
- NRC Regional Promotions funding secured
- NRC Regional Promotions funding secured
- Action Plan funding from MBIE is uncertain
- Orchard income estimated
- Orchard income estimated
- Orchard income estimated
- Orchard income estimated
- Orchard income estimated
- Orchard income estimated
- Orchard income estimated
- Orchard income estimated
- Orchard income estimated
Appendix C: Supporting Information for Northland Inc Statement of Intent

Introduction
The Statement of Intent for Northland Inc contains Key Performance Indicators (KPI’s). The rationale for choosing the KPI’s and the method in which these indicators are reported on is not always clear, and therefore this document provides more detail around the KPI and the method of reporting.

Rationale
KPI’s need to have a solid rationale, clear line of site back to the activities of Northland Inc, be simple to understand and be measurable. The KPI’s within the Statement of Intent are a mixture of Inputs, Outputs and Outcomes. Some are under the direct control of Northland Inc and some are influenced by Northland Inc activity. It is important to have at least one indicator for each work programme area and where possible a mixture of the different type of indicators. A brief explanation of the rationale for each KPI is provided below.

KPI’s
The KPI’s are as follows:

(Note these have been numbered for ease of reference within this document)

1. Investment and infrastructure
   a. Percentage of IGR business case approvals (by the Board) made within 90 days of receiving application
   b. Number of inward delegations hosted
   c. Investment recommendations are accompanied by a robust business case
   d. Number and value of high impact projects that are implemented

2. Business innovation and growth
   a. Number of unique businesses assisted (by TA and industry)
   b. Value of NZTE and Callaghan Innovation grant funding facilitated
   c. Client satisfaction (as measured by Net Promoter Score)
   d. Orchard occupancy rate

3. Regional promotion and tourism
   a. Visitor spend from target markets
   b. Value of industry investment in regional promotion activity
   c. Equivalent Advertising Value achieved from destination marketing
   d. RTO Net Promoter Score

4. Action Plan
   a. Percentage of milestones completed

5. Māori economic development
   a. Number of unique Māori businesses assisted (by TA and industry)
   b. Number and value of high impact projects that are implemented
   c. Value of NZTE and Callaghan Innovation grant funding facilitated for Māori businesses
   d. Client satisfaction (as measured by Net Promoter Score for Māori businesses)

Rationale and Methodology for individual KPI’s
1.a Rationale: Output measure – indicates the efficiency within which the project management office receives, processes and outputs work.
Methodology: Evidence for KPI is Northland Inc Board minutes.

1.b Rationale: Input measure – indicates that the region is attractive for inward investment. Suggests that the Landing Pad and regional promotion activity are functioning.

Methodology: Evidence for KPI is the number of meetings held and details of attendees.

Inward delegation is a reference to an expression of interest from a reputable company (national or international) who is interested in investing in the region. The KPI is achieved when Northland Inc participates in the hosting (meeting) of the company's representatives (delegates). Note that often Chinese delegates are hosted jointly with Councils as this is the preferred way to establish a relationship with Chinese culture.

1.c Rationale: Outcome measure – measures the quality of the project management office procedures and assessment.

Methodology: Evidence for KPI is Northland Inc board minutes recording decision to recommend investment (either to Council for the Investment and Growth Reserve or to another investment fund). Note that this KPI is intended to include applications to the Provincial Growth Fund that Northland Inc supports. Evidence of robust business case is that no further work is required on the business case to make a decision.

1.d Rationale: Outcome measure – ensures the work area is aligned with the vision and mission.

Methodology: High Impact projects are projects that are likely to make a significant contribution to their sector in one or more of the following areas: employment, training, GDP, household income, sector strength diversity, research and development. All projects are assessed using standardised internal processes to understand the potential impact/contribution.

2.a Rationale: Input measure – measures the volume of work being generated and processed.

Methodology: Evidence for KPI is recorded in Northland Inc’s CRM database. Breakdown of data is presented by TLA and industry.

2.b Rationale: Output measure – provides evidence that the engagements in the previous KPI are resulting in positive activity.

Methodology: Evidence for KPI is recorded in Northland Inc’s CRM database. (Recommended that the annual report include comparison against other similar regions)

2.c Rationale: Outcome measure – independent verification that the services within this work programme are of success.

Methodology: A widely used customer loyalty or satisfaction metric used to measure success across NZTE services. It is an index ranging from -100 to 100 that measures the willingness of customers to recommend a company’s products or services to others.

2.d Rationale: Outcome measure – indicates the level of support within the Economic Development sector in Whangarei for the Orchard co-working space.

Methodology: Orchard occupancy rate is based on the percentage hours per week that desk space is occupied for, using a 40 hr working week as standard. Northland Inc and the Chamber of Commerce (both being tenants in the Orchard space) are not included in this calculation.
3.a Rationale: Outcome measure – indicates sector wide trends and indicates if the Regional Promotion and Tourism work programme area is achieving change (although not suggesting a direct link).

Methodology: Visitor spend is recorded through the MBIE monthly regional tourism expenditure estimates. Target markets are broken into two categories; Domestic (Auckland) and International (Australia, USA, Europe and UK).

3.b Rationale: Input measure - Indicates industry support for the work programme area.

Methodology: Evidence for KPI is recorded through direct payments to Northland Inc for joint marketing activity undertaken and/or payments made to contracted companies for website, media, print material.

3.c Rationale: Output measure – indicates direct value add from work programme activity

Methodology: Equivalent Advertising Value is calculated using standard methods utilised in the public relations and communications industries. These methods measure the size of the coverage gained, its placement and calculates what the equivalent amount of space would cost.

3.d Rationale: Independent verification that the services within this work programme are of success.

Methodology: Evidence for KPI is recorded through the AA Travel Monitor RTO Net Promoter Score (Which Northland Inc pays to receive). Respondents are asked to rate, on scale of 1 (very unlikely) to 10 (very likely), how likely they are to recommend each destination they reported visiting as a place to visit. Those providing a score of 6 or less are classified as ‘Detractors’, 7 or 8 as ‘Neutrals’, and 9 or 10 as ‘Promoters’. The Net Promoter Score is calculated by subtracting the percentage of visitors who are detractors from the percentage who are promoters.

4.a Evidence for KPI is contained within the quarterly reporting for the Action Plan. This includes a breakdown of the agency responsible for each of the milestones.

5.a Rationale: Input measure – measures the volume of work being generated and processed.

Methodology: Evidence for KPI is recorded in Northland Inc’s CRM database. Breakdown of data is to be presented by TLA and industry.

5.b Rationale: Outcome measure – ensures the work area is aligned with the Northland Inc vision and mission.

Methodology: High Impact projects are projects that are likely to make a significant contribution to their sector in one or more of the following areas: employment, training, GDP, household income, sector strength diversity, research and development. All projects are assessed using standardised internal processes to understand the potential impact/contribution.

5.c Rationale: Output measure – provides evidence that the engagements in the previous KPI are resulting in positive activity.

Methodology: Evidence for KPI is recorded in Northland Inc’s CRM database.
5.d Rationale: independent verification that the services within this work programme are of success.

Methodology: A widely used customer loyalty or satisfaction metric used to measure success across NZTE services. It is an index ranging from -100 to 100 that measures the willingness of customers to recommend a company’s products or services to others.
### Appendix B. Prospective Statement of Financial Performance (revised)

<table>
<thead>
<tr>
<th>Income</th>
<th>2015/16</th>
<th>2020/21 Forecast</th>
<th>2021/22 Forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>NVIC Open</td>
<td>1,335,876</td>
<td>1,963,246</td>
<td>1,395,320</td>
</tr>
<tr>
<td>NVIC Feasibility</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
</tr>
<tr>
<td>NVIC Extended Regional Promotions</td>
<td>100,000</td>
<td>100,000</td>
<td>-</td>
</tr>
<tr>
<td>NVIC Extension 350</td>
<td>100,000</td>
<td>100,000</td>
<td>30,600</td>
</tr>
<tr>
<td>NVIC</td>
<td>105,000</td>
<td>105,000</td>
<td>105,000</td>
</tr>
<tr>
<td>PNXC &amp; KDC</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>NZTE &amp; CI</td>
<td>339,511</td>
<td>339,511</td>
<td>339,511</td>
</tr>
<tr>
<td>Rent</td>
<td>64,000</td>
<td>64,000</td>
<td>64,000</td>
</tr>
<tr>
<td>Website Income</td>
<td>327,000</td>
<td>327,000</td>
<td>327,000</td>
</tr>
<tr>
<td>International Marketing Group</td>
<td>57,702</td>
<td>87,500</td>
<td>87,500</td>
</tr>
<tr>
<td>Extension 350 Partner Funding</td>
<td>478,742</td>
<td>330,700</td>
<td>231,700</td>
</tr>
<tr>
<td>Orchard Income</td>
<td>144,420</td>
<td>144,420</td>
<td>144,420</td>
</tr>
<tr>
<td>NZTE (Action Plan)</td>
<td>50,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>International Education partnership funding</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Income</td>
<td>3,182,072</td>
<td>3,018,712</td>
<td>2,557,053</td>
</tr>
<tr>
<td>Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programme Expenditure</td>
<td>964,875</td>
<td>971,875</td>
<td>513,675</td>
</tr>
<tr>
<td>Salaries</td>
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<td>1,510,944</td>
<td>1,509,644</td>
</tr>
<tr>
<td>Overheads</td>
<td>6,676,637</td>
<td>6,621,985</td>
<td>5,738,639</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>8,181,516</td>
<td>8,018,712</td>
<td>5,666,958</td>
</tr>
<tr>
<td>Total Net Surplus</td>
<td>$ 431</td>
<td>$ ND</td>
<td>$ ND</td>
</tr>
</tbody>
</table>

### Notes
- 2015/16: NVIC Open funding as indicated by NVIC as at 30 June 2016
- 2020/21: NVIC Open funding as indicated by NVIC as at 30 June 2021
- 2021/22: NVIC Open funding as indicated by NVIC as at 30 June 2021
- PNXC & KDC funding not confirmed
- NZTE & CI: Funding not confirmed
- International Marketing Group: Funding not confirmed
- Extension 350 Partner Funding: Funding not confirmed
- Orchard Income estimated: based on 2015/16
- International Education partnership funding: Funding not confirmed
- 2021/22: Funding not confirmed

ID: A1183321
Title: Te Taitokerau Māori and Council Working Party: Reconvening the Māori Technical Advisory Group

ID: A1180590

From: Rachel Ropiha, Kaiarahi - Kaupapa Māori

Executive summary/Whakarāpopototanga

This paper seeks endorsement for the reconvening of the Te Taitokerau Māori and Council Working Party’s (TTMAC) Māori Technical Advisory Group (MTAG) for the purpose of reviewing the effectiveness of TTMAC. The process for reviewing TTMAC was discussed by the working party who in turn seek approval from council for this process to occur. It is proposed that up to three meetings of MTAG will be required to inform this process.

In order to comply with council’s Appointed Members’ Policy a resolution of council is required for the purpose of reconvening MTAG.

Recommendation(s)


2. That the council resolve to reconvene the Māori Technical Advisory Group for up to three meetings for the purposes of reviewing the effectiveness of the Te Taitokerau Māori and Council Working Party.

Background/Tuhinga

As part of councils programme of work, it will soon be reviewing its current governance structure, including a review of council’s various working parties. One of these working parties is TTMAC which, unlike council’s other working parties, is a relationship model between tangata whenua of Taitokerau and council.

While council will be undertaking its own review of TTMAC (as part of its governance review) it would be useful for council to hear from the working party itself, whether it considers it has been effective or otherwise. TTMAC discussed reviewing its programme of work and effectiveness at its March meeting, and agreed that both a review was beneficial, and that MTAG would be the best process to drive the review.

This paper seeks endorsement from council for TTMAC to undertake a review of the working party for this purpose of informing council’s discussion on its governance structure; and for the reconvening of MTAG for this purpose.
Considerations

1. Options

<table>
<thead>
<tr>
<th>No.</th>
<th>Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Endorse the recommendations</td>
<td>Allows TTMAC to impartially review its effectiveness and allows for Māori to have input into council’s decision-making processes that pertain directly to Māori.</td>
<td>Nil</td>
</tr>
<tr>
<td>2</td>
<td>Do not endorse recommendations as council is undertaking its own review of its governance structure</td>
<td>Nil</td>
<td>This option does not allow for non-elected members of TTMAC to contribute towards the review. Council would not have the benefit of receiving input from those on TTMAC when it considers the future form and function of the working party.</td>
</tr>
</tbody>
</table>

The staff’s recommended option is option 1, to reconvene MTAG for the purpose of reviewing the effectiveness of TTMAC against the working party’s purpose.

Option 1 is consistent with the Local Government Act 2002 (LGA) which has specific provisions placing responsibility on council to provide for, and maintain, options to enable Māori to contribute to council’s decision-making.

2. Significance and engagement

This agenda item does not trigger council’s Significance and Engagement Policy as per section 79 of the LGA because it has previously been provided for through council’s Long Term Plan and simply looks to comply with a previous decision of council.

3. Policy, risk management and legislative compliance

This is an administrative decision to ensure council is complying with its Appointed Members’ Policy.

4. Financial implications

The establishment and ongoing funding of an annual programme of work by MTAG has previously been considered by council, as has appropriate budget allocation to support this work. Therefore, this work can be accommodated within existing budget.
Further considerations
This decision is relatively minor and consistent with previous decisions of council therefore community views, Māori impact statement and implementation issues have not been discussed in detail.

Attachments/Ngā tapirihanga
Nil

Authorised by Group Manager
Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 05 April 2019
TITLE: Chair's Report to Council  
ID: A1177843  
From: Bill Shepherd, Chairman  

Purpose of Report  
This report is to receive information from the Chair on strategic issues, meetings/events attended, and correspondence sent for the month of March 2019.  

Recommendation  
That the report ‘Chair’s Report to Council’ by Bill Shepherd, Chairman and dated 29 March 2019, be received.  

Strategic issues  
Localism  
Local Government New Zealand is leading a campaign to promote more localism in local government. Compared with other Western democracies New Zealand is an outlier with a small number of local government entities compared with every other jurisdiction.  

But what about the cost of local government? In spite of criticism from successive central governments about recent rises in local government rates, over the last 40 years, central government taxation has risen by approximately 30% as a percentage of GDP, whereas local government rates as a percentage of GDP have flatlined over the same period of time. Rates have definitely risen but not as a percentage of GDP. This comparison is a clear indicator of local government’s share of the economy.  

Our current government promised to decentralise central government and return government to the regions. Unfortunately, their track record indicates the exact opposite! The following examples indicate what they have implemented or intend to implement:  

- Proposed centralisation of the polytechnic and vocational training sector.  
- Initiated a review of ‘Tomorrow’s Schools’ reversing community governance.  
- Proposed mandatory creation of amalgamated 3 Waters companies stripping the communities who own that infrastructure of their decision-making rights and removing their property rights.  
- Initiated centralised Urban Development Authorities with powers to override council planning decisions on which the community has been consulted.  
- Ended oil and gas exploration in Taranaki without consultation.  
- Signalled centralisation of transport control and potentially abandoning the ‘co-investment model’.  
- Signalled the conferring of regulatory powers for water quality to the Environmental Protection Authority (EPA) in competition with regional and unitary councils.  

One is forced to ask what are they up to? Is this local government amalgamation by stealth?
Climate Change
Our council is working hard on climate change initiatives which include:

- Converting our vehicle fleet to electric vehicles (EV’s) as fast as is practicable.
- Working with other parties to build a network of EV charging stations around the region.
- Developing our network of flood protection structures, starting with the $15 million Kaitāia project.
- Issuing flood maps and sea level maps as quickly as we can collate the data.
- Initiating a joint project with MPI and district councils to carry out a LiDAR survey of the entire region to give even better contour information for planning and consenting purposes.

If councils were to be forced into the position of providing compensation for loss of property in coastal and other areas as a result of sea level rise or flood level rises, the cost would become totally prohibitive for ratepayers. It would undoubtedly be way bigger than the “leaky homes” losses.

One of our most important roles is to provide the information on which the private sector can make its own decisions about whether or not to take the risk of purchasing and buying property that may be susceptible to increased flooding or sea level rise. That risk should not be a community risk!

District councils are in a somewhat different position because they have to create consent rules regulating where and at what level people will be able to construct new buildings. Our role in helping them is to ensure that they have the best possible information on which to base their decision.

We live in interesting times!

Meetings/events attended
During this period, I attended the following meetings/events/functions:

- Meetings attended with the council’s CEO, Malcolm Nicolson:
  - Meeting with representatives of the Opononi/Ōmāpere Water Liaison Group to discuss their concerns about water quality in the Hokianga Harbour. Councillor Justin Blaikie also attended.
  - Sir John Goulter and Jon Moore, Northport; and Paul McCreedy, Forme Consulting Group – methyl bromide. Group Manager – Regulatory Services, Colin Dall, also attended.
  - Attended the Northland Sports Awards.
  - Attended a lecture by Professor Myles Allen – Climate Change: The Carbon Challenge.

- Meeting with the new Chair of the Hundertwasser Trust, Thomas Biss to discuss changes to the Trust.
- PGF announcement Whangārei by Hon Kelvin Davis.
- Regular Northland Mayoral Forum conference call.
- Friends of the Chamber of Commerce Get Together.
- Presented the prizes, along with Hon John Carter, at the final prizegiving for the BDO (cycle) Tour of Northland.
• Northland | Forward Together Strategic Planning Workshop held at Far North District Council.
• PGF announcement at Whangārei Youth Space by Hon Willie Jackson.
• Attended the Ballance Farm Environment Awards held at Waitangi along with Councillors David Sinclair and Penny Smart, and our partners.

**Correspondence**

During March I sent out the following correspondence:

<table>
<thead>
<tr>
<th>Date</th>
<th>Addressed To</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.03.19</td>
<td>NorthTec Hospitality</td>
<td>Thanking hospitality students involved in preparing and serving the pest food giveaway at the Northland Agricultural Field Days</td>
</tr>
<tr>
<td>19.03.19</td>
<td>Julie Hardaker</td>
<td>Invitation to attend Northland Regional Council workshop</td>
</tr>
<tr>
<td></td>
<td>Chair Environmental Protection Authority Board</td>
<td></td>
</tr>
<tr>
<td>22.03.19</td>
<td>Rt Hon Winston Peters</td>
<td>National Wilding Conifer Control Programme</td>
</tr>
<tr>
<td></td>
<td>Hon Shane Jones</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hon Kelvin Davis</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dr Shane Reti MP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Willow-Jean Prime MP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Matt King MP</td>
<td></td>
</tr>
</tbody>
</table>

**Attachments/Ngā tapirihanga**

Nil
Recommendation
That the report ‘Chief Executive’s Report to Council’ by Bruce Howse, Group Manager - Environmental Services and Acting Chief Executive Officer and dated 26 March 2019, be received.

7.2.1 HIGHLIGHTS
Predator Free Northland
Following the recent additional funding announcement from Predator Free 2050 Ltd, the Northland Regional Council has submitted an Expression of Interest (EOI) on behalf of Northland communities and agencies, for a large landscape project to eradicate possums from several peninsulas and suppress other predators in Northland. The project will require significant partnerships with key regional organisations, agencies, Iwi and hapu, such as the Department of Conservation, Kiwi Coast Trust, Reconnecting Northland, Integrated Kaipara Harbour Management Group, district councils, and community landcare groups and organisations throughout Northland.

The primary objective of this project is to eradicate possums from key areas of Northland and eventually all of Northland. Funding and resources already committed to existing predator control programmes will be used to leverage additional new funding to implement objectives within the EOI. The project will not put at risk the work communities have already done in predator control in Northland, but should instead enable more support for this work.

While some areas of Northland are closer to being ready to implement possum eradication, other areas such as the Brynderwyn / Kaipara and Western Northland will need more support and discussions about this topic. The project would aim to support these communities to enable large landscape initiatives to be established, and work towards a predator free Northland.

7.2.2 CEO’S OFFICE
COUNCIL PROPERTY UPDATE
• A significant CBD property has sold.
• A draft Sale & Purchase Agreement to purchase a CBD property is currently before the vendor.
• Redevelopment at 8 Kensington Avenue - There were five companies that responded to the Registration of Interest for the head construction contractor. The ROI’s are being analysed.
• Kaipara Service Centre - negotiations with KDC are still underway.
• The Mt Tiger Forest harvest and clean-up is expected to be complete by mid-May 2019.

CURRENT LEGAL PROCEEDINGS

<table>
<thead>
<tr>
<th>Department</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
</table>
### Council Meeting

**ITEM: 7.2**

16 April 2019

<table>
<thead>
<tr>
<th>Department</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent decision appeal</td>
<td>Seventeen groundwater takes for horticultural irrigation at Houhora, Motutangi, and Waiharara</td>
<td>The applicant has circulated amended conditions to other parties, including the council. Other parties have until 12 April 2019 to provide comments to the applicant and the Court on the conditions.</td>
</tr>
<tr>
<td>Consent decision appeal</td>
<td>Replacement consents for, and new consents for an expansion of, Doug’s Opua Boat Yard in Walls Bay, Ōpua.</td>
<td>An Environment Court hearing has been set down to commence on 9 April 2019. The Court hearing is only in relation to the renewal of the existing consents for the boatyard.</td>
</tr>
<tr>
<td>Consents and notification decisions judicial review</td>
<td>Peat/kauri gum and resin extraction operation</td>
<td>The High Court has released its decision on Forest and Bird’s application for costs and ruled that the council pay some of the costs it incurred by Forest and Bird prior to the judicial review proceedings being withdrawn.</td>
</tr>
</tbody>
</table>

#### 7.2.3 CORPORATE EXCELLENCE

**FRAUD DECLARATION**

I am not aware of any fraud nor am I investigating any incidence or suspected incidence of fraud at this time.

**INFORMATION TECHNOLOGYS**

**Regional Software Holdings General Manager Recruitment**

Mark Donnelly has been appointed to the position of General Manager following a thorough and intensive recruitment process. A final shortlist of two candidates was selected from a total of 18 applications received. Mark most recently held a position of Technology Lead for the Healthy Rivers/Wai Ora Project at Waikato Regional Council. Mark has experience in the development of software products, lead product development teams and the implementation of architecture and Business Intelligence disciplines across diverse business roles. Mark is expected to start his new role in early May 2019.

**Enterprise System**

The following provides an update on progress with this project following the most recent update to council in January.

- **Auckland Council** – Ongoing discussions continue with Auckland Council to determine whether the value proposition of leveraging their system as a shared system is viable.
- **Waikato Regional Council** – The comprehensive business has been approved. Our council can review the decision and determine the level of alignment and syndicated procurement opportunities.
- **Our council** – a summary of the intended business benefits have been drafted.

All of these elements will assist with the preparation of the high-level business case and evaluation of options.

The next update to council is to be schedule for April or May.

**Cyber Security**

The Phriendly Phishing education programme continues, with the results for the last year are as follows:
The education programme will continue, with new staff being added to a new campaign set to begin later in the year.

**7.2.4 REGULATORY SERVICES**

**CONSENTS IN PROCESS**

During March 2019, a total of 59 Decisions were issued. These decisions comprised:

- Moorings 5
- Coastal Permits 12
- Air Discharge Permits 1
- Land Discharge Permits 8
- Water Discharge Permits 3
- Land Use Consents 19
- Water Permits 2
- Bore Consents 9

The processing timeframes for the March 2019 consents ranged from:

- 107 to 3 calendar days, with the median time being 28 days;
- 59 to 1 working days, with the median time being 19 days.

Thirty applications were received in March 2019.

Of the 106 applications in progress at the end of March 2019:

- 37 were received more than 12 months ago (most awaiting further information);
- 20 were received between 6 and 12 months ago (most awaiting further information);
- 49 less than 6 months.

*Appointment of Hearing Commissioners*

No commissioners were appointed in March 2019.

*Consents Decisions and Progress on Notified Applications in Process, Objections and Appeals*

The current level of notified application processing activities at the end of March 2019 is (by number):

- Applications Publicly/Limited Notified During Previous Month 1
- Progress on Applications Previously Notified 6
COMPLIANCE MONITORING

The results of compliance monitoring for the period 1 – 31 March 2019 (and year-to-date figures) are summarised in the following table and discussed below.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Total</th>
<th>Full compliance</th>
<th>Non-compliance</th>
<th>Significant non-compliance</th>
<th>Not exercised during period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air discharges</td>
<td>30</td>
<td>24</td>
<td>2</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Coastal permit</td>
<td>45</td>
<td>35</td>
<td>6</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Discharge permit</td>
<td>132</td>
<td>100</td>
<td>12</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Land use consent</td>
<td>44</td>
<td>35</td>
<td>1</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Water permit</td>
<td>109</td>
<td>84</td>
<td>24</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>360</strong></td>
<td><strong>278</strong></td>
<td><strong>45</strong></td>
<td><strong>13</strong></td>
<td><strong>24</strong></td>
</tr>
<tr>
<td><strong>Percentage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>YTD</strong></td>
<td><strong>6321</strong></td>
<td><strong>5090</strong></td>
<td><strong>708</strong></td>
<td><strong>246</strong></td>
<td><strong>277</strong></td>
</tr>
<tr>
<td><strong>Percentage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Coastal

The majority of consents monitored during the reporting period related to coastal discharges (treated municipal sewage and industrial) and coastal structures. Marina water quality sampling was also undertaken.

Hazardous substances

- Seven incidents involving the discharge of hazardous substances and 22 enquiries regarding contaminated land were received and responded to.
- The collection and packaging of hazardous substances continued during the reporting period.

Water, Waste, Air and Land Use Compliance Monitoring

During the month, Compliance staff attended:

- Ngawha Geothermal power station community liaison committee meeting. There were no issues raised for NRC.
- Workshops with WDC, FNDC and KDC compliance staff to collaborate on a consistent approach to monitoring the National Environmental Standard for Plantation Forestry (NES-PF).
- A meeting with the WDC Compliance Team to discuss issues involving both councils and agree on actions.

Monitoring of low flows continue to be undertaken with the dry weather extending through March. Irrigators in areas most affected by the dry weather have been instructed to cease taking water in accordance with low flow conditions on their consent. Water shortage notices are in effect in Opononi/Ōmāpere and Kawakawa, with another notice requested for Kaikohe. Water use records are being assessed closely and non-complying takes are being responded to with appropriate enforcement action.
A one-year review of the NES-PF has commenced with Boffa Miskell contracted to undertake a questionnaire to all councils. Interviews and further discussions are expected to follow the questionnaire.

<table>
<thead>
<tr>
<th>Notices of Activities NES–PF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subpart 1</td>
</tr>
<tr>
<td>Subpart 3</td>
</tr>
<tr>
<td>Subpart 4</td>
</tr>
<tr>
<td>Subpart 6</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

**Environmental incidents**
The dry weather experienced during March continued to result in complaints relating to nuisance dust from unsealed roads. Notification and response to smoke nuisance complaints increased once the total fire ban was lifted.

Further development of an android phone app has been progressed and deployed to Armourguard officers (council contractor) when responding to smoke and odour nuisance complaints throughout the region. The app has been designed to upload information directly to the council’s database at the time of investigation, thus reducing administrative delays and requirements. The app took effect on 1 April.

There were no incidents recorded during the reporting period that resulted in a significant environmental impact.

**ENFORCEMENT**

**Abatement notices, infringement notices and formal warnings**
The following enforcement actions were taken during the period:

<table>
<thead>
<tr>
<th>Nature of Offence</th>
<th>Infringement Notice</th>
<th>Abatement Notice</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burning &amp; smoke nuisance</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Discharge to land</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Earthworks/land use</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Hazardous substances, spills and refuse</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Illegal take, dam or diversion of water</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Other air discharge</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Other water discharge</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Water abstraction</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>
Other Enforcement

- **Dumping and burning of demolition waste, Kaikohe**
  
  Charges have been laid against two companies and one individual (associated with one of the companies) and a landowner for the dumping and burning of demolition waste near Kaikohe. One of the companies entered guilty pleas on 14 November 2018. The other company and the land owner have elected jury trial. The next court date is scheduled for 18 April 2019.

- **Enforcement Order – Paihia Wastewater Treatment Plant (WWTP)**
  
  Following a pre-hearing conference/settlement conference held on 4 March 2019, the Environment Court issued Enforcement Orders to FNDC on 20 March 2019. The orders set out milestones to complete an upgraded WWTP. The first milestone is due on 5 April 2019, when FNDC must notify NRC and the Court of its resolution approving funding for the upgrade.

- **Farm dairy effluent – Waipū**
  
  Charges have been laid against a Waipū farmer for offending which occurred in July and December 2018. The offences relate to discharges of untreated effluent from breakages in irrigation lines and the farmer has a poor history of compliance with regional rules for animal effluent disposal. The next court appearance is scheduled for 18 April 2019, when pleas are due to be entered.

- **Farm dairy effluent – Maungakaramea**
  
  Charges have been laid against a farm owner and his company, as well as the farm manager, for offences which occurred in September 2018. The farmer has a poor history of compliance with regional rules for animal effluent disposal. Court dates have yet to be set.

- **Farm dairy effluent – Maromaku**
  
  Charges have been laid against a farm owner, his company and a farm manager for offences which occurred in September 2018. The farmer has a poor history of compliance with regional rules for animal effluent disposal. Court dates have yet to be set.

HYDROLOGY

**MetService Seminar**

In March 2019, the MetService held a one-day seminar for regional councils to:

- Provide opportunities to discuss the present and future needs of hydrologists, flood managers and emergency managers for weather information.

- Inform technical users of new developments taking place at the MetService, particularly in the areas of observing systems, weather modelling and warning services.

Key points were:

- Central government needs to address the competitive tension between the MetService and NIWA “it’s not the players it’s the rules of the game.”

- Chief forecaster spends a lot of resources countering fake news.

- A new range of products will be available, including nowcasting before extreme weather events, such as convective storms (thunder cells). Work is underway for an algorithm to predict lightning strikes.

- Nowcasting is weather forecasting on a very short term period of up to 2 hours according to the World Meteorological Organization. This type of forecast is under development in New Zealand but is becoming more prevalent.
• MetService recently acquired MetOcean, which will significantly increase the modelling capability of the company. Key products now available are:
  o Predicting water quality in rivers, estuaries and the marine environment.
  o Storm surge.
  o Seasonable variability on freshwater in estuary wetted area.

• Weather Halo is a new product that the public can use which alarms the users on hazards close by such as wind, heavy rain, lightening. This may have applications for field staff.

• MetService now can operate models on their cloud-based platform with the option of plugging into their range of climate and metrological parameters.

Rivers/Rain situation
• Rainfall for March 2019 was below the long-term median for the month in all areas, with Whangarei and Bream Bay being particularly dry (around 20 mm or 40% of the long-term median for the month). The first 27 days of the month were extremely dry, with much of the rain for the month occurring towards the end, from the 28th onwards.
• Northland rivers, particularly in the Bay of Islands and Wairua Catchment remain very low (around 10-year low flows).

• During March, the second round of low flow gaugings was carried out at 28 sites in the Waitangi Catchment. Gaugings will be carried out multiple times over low flows, with the aim of using the data to calibrate a MALF (“Mean Annual Low Flow”) model.
• The third round of low flow gauging project work has also been carried out at 28 Whangārei Harbour tributaries for MALF model calibration.
NATURAL RESOURCES SCIENCE

Coastal
- Samples have been collected from the council’s estuary monitoring sites in Whangārei. The monitoring programme follows the National Estuary Monitoring Protocol, which was developed by Cawthron for use by regional councils. It enables the council to assess the health of representative intertidal sites in our estuaries and can be used to track changes in the health of these sites over time.

Freshwater quality/Freshwater ecology
- The fish monitoring programme was started with 25 sites to be monitored by the end of May.
- Additional staff were trained in periphyton monitoring so that monitoring runs can be rearranged to increase efficiency.
- Four new water quality monitoring sites will be monitored monthly within the Northern Wairoa Catchment starting in April 2019 to increase representative sites in our network.
- The NRC periphyton dataset (over three years of data collected) has been reviewed by NIWA. The monitoring programme has also been assessed as to its suitability for model development to define objectives and water quality limits under the NPS-FM. The draft report was recently received for review by NRC staff.
- The physiographics sediment process attribute layer (S-PAL) project was finalised and the final report recently received. This work will add value to the NRC’s sediment management work.
- The NPS-FM implementation plan has been filled out by NR Science with a number of gaps identified. Further planning and discussion to be had with Planning & Policy team and technical staff from the Science/Monitoring teams.

Air quality
- Ambient PM10 monitoring results for February 2019 for the Whangārei and Marsden Point airsheds and Kaikohe showed that compliance was met with the National Environmental Standards for Air Quality (NESAQ). PM2.5 monitoring results for Whangārei were within the Ambient Air Quality Guideline value.
- Unsealed road PM10 monitoring was concluded for the summer on 28 March 2019, with a total of five sites being monitored this summer. Results will be available in the near future.
- We are currently looking for a suitable PM10 monitoring site in Kawakawa Township.
- We are in a process of finalising a contract with Energy and Technical Services Limited (ETSL) to track NRC’s carbon emissions.

Groundwater
- An Envirolink grant is being scoped to obtain advice on the effects of different types of forestry and land cover on groundwater recharge and surface water flows. This advice will inform the planning of forestry development and assist with future water balance modelling.
- A review of the groundwater quality compliance monitoring is being undertaken to ensure proactive monitoring of the risk of saline intrusion in coastal aquifers resulting from groundwater takes.

Natural Resources Data
- Hilltop Software visited on 20 and 21 March to do work on some of our data management systems.
- More consent holders are now sending their water use records daily via telemetry.
KiEco software (database) is due to be installed in April to improve our management of ecological data.

Forms were created and tested for electronic data capture in the field. The results were very promising and the data capture was easy to use. Further work is required with the GIS team to finalise site updates and data transfer.

**COASTAL/WATER QUALITY FIELD OPERATIONS**

- Water quality sampling of the Whangārei, Bay of Islands and Kaipara harbours and southern estuaries (Mangawhai, Waipū and Ruakākā) was carried out.
- The river water quality runs, including for the priority catchments, were undertaken and cyanobacteria samples were collected at four lakes.
- The annual freshwater fish monitoring programme commenced this month which helps us assess the health of our rivers and streams.
- Our swimming water quality monitoring programme for the 2018/2019 summer was finished on 4 March 2019. In general, water quality was suitable for swimming at open coastal beaches most of the time. However, bacterial levels were elevated at a few coastal sites, and many of Northland’s river sites, particularly after heavy rain, due to runoff of contaminants from surrounding land.
- On 18 March, council held a Seaweek Action Day event at Te Komiti Bay, Tinopai. Around 30 students, parent help and teachers from Tinopai and Maungaturoto schools attended. Students learnt about ecological monitoring methods and marine biosecurity to give them a deeper understanding of their local coastline and NRC’s role.

**7.2.5 ENVIRONMENTAL SERVICES**

**LAND MANAGEMENT**

**Environment Fund Update**

A delegated authority on 22 March 2019 approved 13 Hill Country Erosion Fund (planting) projects totalling $56,075, one Northern Wairoa Freshwater Improvement Fund project and two catchment group projects. The Hill Country Erosion Fund (Boost) is now fully allocated ($50k for 20,000 native trees and 2,500 poplar and willows).

**Farm Environment Plans (FEP) – 2018/19**

This financial year 116 FEP’s have been commenced and 75 completed.

**Hill Country Erosion Fund – Sustainable Hill Country and Regional Priorities (SHaRP)**

The contract is looking to be finalised with MPI before the end of April 2019. Aspects of the contract are being negotiated and the revised total for the fund is looking circa $3.43M. Once the contract is finalised media communications and recruitment will be planned for May 2019.

**Hill Country Erosion Fund (HCEF) Boost Year Fund**

Recent work activities include:

- Identifying regional priorities for planting based on recent research, soil conservation and water quality values. Undertaking analysis to classify priority catchments to identify target land for afforestation and downstream vulnerability to sediment impacts.
- Completing a stocktake of soil conservation activities, afforestation and nursery supplies.
- Stakeholder engagement plan in operation to build uptake and support for soil conservation and afforestation, including:
  a. Iwi Engagement Plan
b. Behaviour Change paper
c. Tree Demand Survey
d. Internal workshop for staff technical advisory group (across departmental)
e. Regional expert stakeholder workshop being held on 4 April.

- Workshop planned with other regional councils re: afforestation in May, to share knowledge, innovation and operational know how.
- Staff training to upskill relative to afforestation and high value advice to landowners.
- Summary of regulatory framework relative to afforestation and NES plantation forestry.

**Northern Wairoa Project**

Recent work activities include:

- Final Te Kawa Waiora work plan and budget is still being developed with project partners. This will be completed by the end of May 2019 and subsequently shared with council for approval of any proposed budget changes.
- This project is in the process of getting a new name and branding, a local company Level has workshoped the necessary information with the partnership to then develop these tools.
- Some partners from the project joined the NRC tent at field days this year. It proved successful with partners appreciative of sharing the space and learning more about NRC. The joint narrative for landowners was also useful.

**Biodiversity**

**FIF Dune Lakes Project**

The main current focus is preparation work for proposed herbicide operations in September-October.

The project’s education program through Enviroschools and Te Aho Tū Roa is fully scheduled and ready to proceed with its pilot outings to the lakes.

Fencing and reticulation projects at lakes Wahakari, Waiparera, Shag and Midgeley are underway.

**Check, Clean, Dry advocacy**

All field surveys and events for the current Check, Clean, Dry season have been completed. White Bait Connection, which is contracted to the project, completed their last event at the Kaitaia’s Farmers Market and are delivering their end of season report in April. The trial Check, Clean, Dry campaign on social media is complete and an analysis of how effective it has been is underway.

**CoastCare**

Events have been held for SeaWeek, including two events at Taipa with Manganui and Taipa Area Schools.

**Biosecurity threats/incursions**

**Auckland Fruit Fly Incursions**

During the month of March, Northland Regional Council has continued to assist with both the ‘Queensland Fruit Fly Response’ (North Shore, Auckland) and the ‘Facialis Fruit Fly Response’ (Otara, Auckland). Three Biosecurity staff have assisted the responses in the positions of Organism Management Manager, Surveillance Manager, and Trapper Team Leader – spending four, six and seven days respectively in these roles. As part of Northland Regional Council’s commitment to the ‘National Biosecurity Capability Network’, several staff remain on standby if the Response requires further assistance – so far, there has been no requests for assistance for the month of April.
BIOSECURITY PARTNERSHIPS

Trap NZ
Biosecurity staff have been assisting Northland pest control groups to set up their projects in Trap NZ. Trap NZ is an online tool to help manage pest control trap catch and monitoring data. Council staff are working closely with Trap NZ developers in a national collaboration to ensure the system is fit for purpose and improvements are made to make it easier to use. All council supported pest control programmes are required to use Trap NZ and will allow council to report regionally on pest control.

KAURI DIEBACK

Kauri Protection Fencing Fund
Progress has been made on the Kauri Protection Fencing Fund with seven land owners confirmed and agreements are being finalised. The fund contribution to these proposed fences is currently sitting at $46,413 of the $77,345 available funds, with another $15,000 proposed for a project with Te Roroa and land owners at Maunganui Bluff.

Kauri Dieback Surveillance and Ground Truthing
Staff are continuing to ground truth potential kauri dieback sites identified through aerial surveillance in Northland. Results are presented in Table 1 below.

Table 1: Kauri Dieback Ground Truthing Results 2018/19

<table>
<thead>
<tr>
<th>Month</th>
<th>No. Sites / Properties Inspected</th>
<th>Land owner Requests</th>
<th>No. Samples Taken</th>
<th>Sample Results</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Surveyed</td>
<td>Positive</td>
<td>Priority 1</td>
<td>Priority 2</td>
</tr>
<tr>
<td>October</td>
<td>5</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>November</td>
<td>11</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>December</td>
<td>11</td>
<td>3</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>January</td>
<td>15</td>
<td>7</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>February</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>March</td>
<td>7</td>
<td>1</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>YTD Total</td>
<td>50</td>
<td>7</td>
<td>18</td>
<td>13</td>
</tr>
</tbody>
</table>

Kauri Dieback Management Plans
11 kauri dieback management plans have been completed and sent to landowners. Plans are being finalised for all positive sites as well as those that are identified as medium–high risk sites. All site occupiers receive advice and a basic management plan about how to best protect their kauri and forest from kauri dieback and other diseases.

Kauri Dieback Wananga – Waipoua
Staff attended Kauri ki uta, Kauri ki tai kauri dieback wananga at Waipoua hosted by The Kauri Project. The aim of the wananga was to bring together scientists, artists, and iwi working with kauri to seek collaborative solutions to kauri dieback.

MARINE BIOSECURITY

2018-2019 Hull Surveillance Programme
The Programme has been running since October 2018 and is on track, with 84% of the annual target (2,000 vessels) completed as of 24 March 2019. In March, 370 vessels were checked by divers for...
marine pests in the harbours of Whangārei, Whangaroa and in the inner Bay of Islands. There were 18 incidents of Mediterranean fanworm found on hulls; 14 in Whangārei Harbour, three in Whangaroa, and one in Houhora. All vessels found with fanworm outside of Whangārei had diver removals at the time of the inspection, and subsequent trace back found all vessels had come from areas of established populations (either Whangārei or Auckland). The Hull Surveillance Programme has proven invaluable to reduce the risks of new invasions by detecting marine pests on vessels, removing them “on-the-spot” when possible and informing the Marine Biosecurity team. These immature fanworms would have grown and caused potential infestations in areas currently free of the marine pests.

Table 2: Hull Surveillance Programme Results (26/2/19 – 24/3/19)

<table>
<thead>
<tr>
<th>Number of vessels surveyed</th>
<th>370</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total year to date</td>
<td>1,684</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Vessels with Marine Pests Found in Surveillance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mediterranean fanworm (Sabella)</td>
</tr>
<tr>
<td>Styela sea squirt</td>
</tr>
<tr>
<td>Japanese kelp (Undaria)</td>
</tr>
<tr>
<td>Australian droplet tunicate (Eudistoma)</td>
</tr>
<tr>
<td>Pyura sea squirt</td>
</tr>
<tr>
<td>Pathways plan compliance</td>
</tr>
</tbody>
</table>

Image: Diver inspecting a fouled hull for marine pests in Houhora Harbour in March 2019 as part of the Hull Surveillance Programme. Photo credit: Sue Rosandich.

Inter-Regional Marine Pathway Plan Consultation

On 18 March 2019, the Top of the North Marine Biosecurity Partnership launched the start of the public consultation period for options of inter-regional rules for marine pests across the four top northernmost regions of New Zealand. The discussion document and survey are available online, and the link was shared widely throughout Northland communities. Other councils and MPI have also shared the link widely throughout their regions and national stakeholders. The survey will close 24 May and a public report produced.
Kaipara Harbour Marine Pest Survey – May 2019
A Charter Agreement was signed by Auckland Council, MPI, and Northland Regional Council to undertake marine pest surveys in the Kaipara Harbour. The last marine pest survey in Kaipara was done by NIWA in 2006, and apart from the hull surveillance and anecdotal data, knowledge of marine pests in this harbour is very limited. Iwi and stakeholder communication and engagement is currently ongoing. The survey is planned in the Northern Kaipara (that falls under NRC jurisdiction) from 13 to 24 May 2019.

Opua Fanworm Eradication Programme
The Opua Fanworm Eradication Programme is still on hold until the visibility improves. The divers have noted increased visibility in the outer area of the harbour, but at <40 cm it is still below what is necessary to dive and survey successfully at Opua Marina. Visibility monitoring is ongoing and the dive surveys will resume as soon as visibility improves to 50 cm. This is expected within the next fortnight.

Two vessels were recently reported with small juvenile fanworm attached to their hulls at or very near Opua marina (during a haul out and during hull surveillance on 25 March). These vessels had not moved for at least six months. Therefore, the juveniles were recruited from within the incursion area in Opua. The locations of the vessels in the marina will be taken into consideration for the eradication surveys.

Marine Biosecurity at SeaWeek
The Marine Biosecurity team participated in organising and delivering several events as part of the 2019 SeaWeek (2 March – 10 March) with the theme Tiakina o Tātou Mōana (Care for our Seas). The events included:
• Marine biosecurity presentations to classes at Whangārei Girls High and Kaitaia College.
• Public presentation during the OceanFest evening in Whangārei (in conjunction with the Ngunguru School teacher and students running a marine pest project).
• All-day field workshops with Tinopai School.

Houhora Harbour Undaria Signs
The first report of the marine pest Undaria (Japanese kelp) in Houhora Harbour was in 2014. Education has taken place since, and last month the Marine Biosecurity Team also deployed large warning signs. These are to educate boaters and other marine users further on the risks from this marine pest, and how they can ensure they do not spread it to other harbours. One sign was deployed at the Houhora Big Game & Sports Fishing Club with their permission and help; the other sign was attached at the Pukenui commercial wharf with permission from Far North Holdings.

FRESHWATER PESTS
Staff have been working with DOC staff, identifying opportunities for new DOC pest fish funding for Northland, with a view to working more collaboratively to maximise limited resources across both organisations. Koi and Rudd have been identified by DOC as the priority species for work in Northland.

PEST PLANTS
Tutukaka High Value Area
The weed focused group of the Tutukaka High Value Area is gathering pace, driven by the volunteer “Specialist Weed Assistance” or ‘S.W.A.T’ Team, and supported with new equipment provided through high value area funding. Over the last month, the S.W.A.T. team and community volunteers have completed 113 hours of weed control, with their latest efforts on the Ngunguru sand spit and at Puke Kopipi netting 1200 moth plant pods that would have released 1,000,000 seeds if they had been left to burst.
Wild Ginger Biocontrol
The predicted life-cycle times of the host testing larvae in London have resulted in the Milestone 3 date of the Sustainable Farming Fund being renegotiated with MPI to accommodate the extended dates. An update is expected by mid-April.

Eradication Plants
Eradication delivery work continues for Mickey Mouse plant, monkey musk, balloon vine, and yellow flag Iris, with the next round of batwing control now commencing. A large Mickey Mouse site in Kerikeri containing >50 mature shrubs and many juveniles was treated, and will be a focus for continued follow up.

Spartina
Ongoing spartina follow-up control in the Hokianga, Whangaroa, and other Mid-North harbours and estuaries, with approximately 50% of the Mid-North sites now inspected and treated. Most sites have little or no spartina, but several small lush patches have been located. One significant sized new patch was sighted, but has yet to be accessed and controlled. Kaipara spartina work has been hampered to some extent by weather and staff availability. A review of all sites and data is currently underway.

Manchurian Wild Rice
The first round of Manchurian wild rice spraying has been completed. Growing conditions has resulted in vigorous growth, and larger populations of healthy rice grass. Some sites could not be treated due to maize and kumara cropping, requiring a hold on the second spray round.

Field Days
The pest plants display at Field days generated the normal high level of interest and follow up requests, and resulted in four confirmed reports of new eradication species sites, including one large salvinia site that has now been handed over to MPI.

BIOSECURITY OPERATIONAL REPORT SUMMARY 2017-2018

Introduction
The primary mechanisms available to council for the control of pests are described in the Northland Regional Pest Management Strategies developed in 2010 in accordance with the Biosecurity Act 1993 (BSA). The law requires operational plans for the implementation of the strategies, and Section 100b of the BSA requires council to prepare a report on the operational plans no later than five months after the end of each financial year.

The Regional Pest Management Strategies (RPMS) describes five-year objectives and management methods for 192 pest organisms comprising 118 weeds, 47 pest animals, and 27 marine pests. These species are represented across 22 operational plans with multiple objectives and 113 performance targets. The RPMS was reviewed to:
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• identify options to improve pest management in Northland;
• reflect recent Biosecurity Act changes; and,
• assess the rationale to include new pest species or remove others.

A new Regional Pest and Marine Pathway Plan was adopted in December 2017 and all appeals have been resolved.

The final annual report on the RPMS 2010-2015 has been presented to council. A summary of the last operational year of the RPMS (2017-2018) is given below. A new operational plan for the RPMP has been developed for the 2018-2019 financial year which will be reported on during the latter half of 2019.

Highlights

Along with other work programmes outlined below, key highlights included:
• 55 projects to manage animal and plant pests funded from the Environment Fund totalling $128,000.
• Additional Environment Funding provided to support new Community Pest Control Areas.
• Helping the Enviroschools programme train over 100 Northland students in “Project Possum”, including the safe use of pesticides.
• 2000 vessel hull surveys for marine pests were undertaken throughout Northland – an increase of 300 hulls on the previous year.
• 151 marine pest incidents were recorded in the year, of which 50% were Styela clava incursions. Mediterranean fanworm was restricted to Whangarei Harbour with the remaining 14 harbours fanworm free, although a recent find (July 2018) of fanworm near Opua is under investigation.
• 132,000 people were reached during Biosecurity Month on social media. One video in particular reached almost 29,000 people with 107 “shares”.

Exclusion and Eradication Pests

Keeping pests out of Northland, or eliminating them before they can establish and spread, is the most cost efficient and effective approach to pest management. The categories of Exclusion and Eradication include management of pest plants and pest animals.

Exclusion Plants

Pest plants that are predicted to impact on our forests, waterways, and rural economy have been prioritised for proactive actions to keep them out of Northland – for example Asiatic knotweed, giant hogweed, and velvetleaf.

Exclusion Freshwater Pests

Freshwater pest fish are an escalating threat in Northland. Staff have identified more than 20 historic records of pest fish releases in Northland, including two references to releases of orfe in the Kaipara/Kaiwaka area. Orfe were thought to have been released only in the Auckland area and subsequently eradicated from the country. It will be a significant discovery if orfe are found to persist still in Northland. It is suspected that at one site orfe may have interbred with koi carp and staff aim to retrieve samples for DNA testing this summer.

Exclusion and Eradication Pests

Eradication Plants

Seventeen species of plant pests were also subject to eradication programmes. Of particular note:
• Spartina: All current sites of spartina have been mapped in the Hokianga, Pārengarenga and Whangârei Harbours, and now only remnant populations of once widespread infestations remain. Ongoing survey to eliminate regrowth and confine any remaining populations is expected to be conducted annually for the following 10 years. Significant infestations still remain
in the Kaipara, and staff time in 2017-2018 was concentrated on revisiting sites that had not had control for a number of years, and controlling several large new infestations.

- **Batwing Passionflower**: A significant input of staff survey time for batwing passionflower has resulted in a steady decline in the number of fruiting plants being found in the known areas around Whangārei and Kerikeri. Many sites are still being monitored with no plants found, however the seed is long lived and several years of survey are required to confirm eradication. New sites are still being detected and reported. This programme represents a significant part of pest plant staff delivery time, as the rapid growth rate requires all 400+ management sites to be visited 3x per annum.

- **Mexican Feather Grass**: A revisit of Mexican feather grass sites found no plants at any site (many of which had not been visited for some years), so the majority have now been designated eradicated. Three sites remain as active where historic records lacked location accurate details, and could not be relocated, and three sites remain under surveillance to ensure the seed bank has been exhausted.

- **Field Horsetail**: No plants were found at the one known site.

- **Royal Fern**: Surveillance and control of a large known royal fern site on the West coast has yet to be undertaken.

- **Wilding Kiwifruit**: Three plants were found and controlled in Kerikeri during batwing surveillance.

- **Gypsywort**: Lake Te Werahi was treated last summer and follow up by boat will be required.

- **Mickey Mouse Plant**: Sites were not monitored last year as they only require monitoring every two years.

- **Other Eradication Plants**: Akebia, balloon vine, cathedral bells, Chilean rhubarb, monkey musk, nut grass, lesser knotweed, firethorn, evergreen buckthorn, Senegal tea, and yellow flag iris sites continue to be monitored and controlled, with decreasing numbers of plant found at most management sites.

**Eradication Animals**

A wallaby sighting in the Hokianga area was investigated however no further sightings nor evidence of this incursion was found. A programme to eliminate feral deer is ongoing, and during the 2017-2018 year two farm escape events were recorded and followed up. Our large kauri forests remain wild deer free, but increasing deer farm escapes and illegal liberations put this at risk. The programme is expected to ramp up in coming years to prevent feral deer establishing. They increase the risk of spreading forest disease such as kauri dieback, and also risk transferring animal diseases into Northland.

**Eradication Freshwater Pests**

Turtle sightings continue to multiply in Northland, with many reports occurring on social media. Two turtles have been handed in including a rare and injured Reeves turtle. They have both been rehomed and there are currently four active turtle sites within the Northland region that require further survey using a purpose built turtle trap.

**Progressive Containment Pests**

These include species which are known to be present in a discrete area within Northland. Whilst their eradication may not be feasible, their containment and prevention of further spread is achievable.

**Manchurian Wild Rice**

Manchurian wild rice (an invader of waterways, wetlands, and pasture) requires long term management and elimination of all outlier sites. This programme is fully funded by MPI and has the goal of containment, reduction, and eventual eradication of populations within Northland. Removal of Manchurian wild rice is proceeding according to a plan which targets outliers first, and these are
now down to <10% of the original infestation. However, it is taking longer than predicted to eradicate this plant pest at all outlier sites.

**Sustained Control Pests**

**Kauri Dieback Disease**

In the previous plan kauri dieback was categorised as a containment species, and it has been the subject of a partnership management programme since 2009 involving the Ministry for Primary Industries, Department of Conservation, several regional councils (Northland, Auckland, Waikato and Bay of Plenty), and tangata whenua from areas with naturally occurring kauri.

Last year 37 disease positive sites were known in Northland, 22 of these on private land, two on district council reserves, and the remainder on public conservation land. Staff began work on developing management plans with landowners, and high priority sites are continuing to be monitored and managed.

Council continues to contribute significantly to the Kauri Dieback Programme, and is undertaking activities on the ground including soil sampling, risk assessments, developing management plans, assisting with fencing applications, workshops and education, and supporting communities to manage and contain the disease.

Significant aerial surveillance was undertaken during 2017-2018 in an attempt to locate areas where the disease may be present in Northland. Over 300 sites were identified that require further follow up (ground truthing) to determine if the kauri dieback disease organism is present in the soil. Council’s total contribution to the programme for 2017-2018 was budgeted at $87,000. This is a small portion of the overall cost of the programme, and helps to fund a number of activities including research, communications, surveillance and the general operations.

It is expected that follow up work to reduce the spread of kauri dieback, and find a cure for the disease will continue. A new national plan to combat the kauri dieback is expected to be approved by the Minister of Biosecurity in September of this year.

**Sustained Control Marine Pests**

The marine biosecurity hull surveillance programme surveyed a total of 2000 vessels and responded to 151 marine pest incursions. Mediterranean fanworm accounted for 29% of pests found with 122 incursions, of these 109 were in the Whangārei area (where Mediterranean fanworm is already established). North of Whangārei there were 13 vessels found with Mediterranean fanworm. In addition to hull surveillance, surveillance in response to high risk infested vessels was carried out in Whangaroa, Tapu Point, Matauwhi Bay, and Tutukaka marina. Structure and seafloor searches found no fanworm. Tutukaka Marina had fanworm removed from structures in 2015, demonstrating good progress towards eradication of the pest from this harbour (2019 will be the last year before eradication can be declared successful).

**Marine Pathway Management Plan**

A new Marine Pathway Management Plan has been adopted by council which sets out rules for acceptable levels of bio-fouling when travelling between designated areas (harbours and islands). This plan was made operative on 1 July 2018. A 3-year period of focus on education and advocacy is planned before enforcement activities begin. We have also collaborated with several other regional councils to propose an inter-regional marine pathways plan. It was presented to the Upper North Island Strategic Alliance in August 2017, and work is continuing to progress a discussion document concerning this initiative.

**Biosecurity partnerships**

Council has continued to build and develop a number of biosecurity partnerships with several Northland communities, iwi, agencies, and other stakeholders to support community led pest control initiatives. The previously introduced term, Biosecurity Partnerships, has been used to group a range of key activities relating to biosecurity, and site and community-led pest management
activities in Northland. Biosecurity Partnerships supports pest management programmes aimed at integrated management of a range of pests such as weeds, animals and diseases.

Partnerships activities include successful programmes such as:

- Community Pest Control Programmes (CPCA),
- Biosecurity Environment Fund (Biofund),
- High Value Areas, and,
- Significant Biosecurity Partnerships.

Working in partnership with other agencies and organisations has been a key focus during 2017-2018 with new Significant Biosecurity Partnerships established with organisations like the Kiwi Coast Trust and Reconnecting Northland. These partnerships are aimed at supporting large-scale community-led pest control programmes, and also involve a number of other partners, agencies, and organisations.

**Kiwi Coast – NRC Partnership**

Council officially formed a new biosecurity partnership with the Kiwi Coast Trust in September 2017. The partnership builds on more than 20 years of successful community-led kiwi recovery work, and will help to support community conservation goals. The annual contribution to the Kiwi Coast Trust will help with the coordination of the Kiwi Coast and eventually enable kiwi to roam safely across the Kiwi Coast.

**Community Pest Control Areas (CPCAs)**

Community Council has now supported and developed sixty Community Pest Control Areas (CPCAs) since the programme was established in 2005 (including six renewed as part of larger new CPCAs). Council established and supported four new CPCAs in 2017-2018 adding over 5960 hectares to the land under pest control. The new CPCAs included Whananaki, Kerikeri Peninsula, Bream Tail Farm, and The Sanctuary (Mangawhai). The total amount of land managed under the CPCA programme is now more than 73,900 hectares.

**Kai Iwi Lakes**

Kai Iwi Lakes are outstanding Northland dune lakes with significant values. The lakes have excellent water quality and outstanding ecological condition, providing habitat for a range of endangered plants and animals, as well as numerous recreational activities. However, the easy accessibility and high recreational use of the lakes result in a significant risk of aquatic pest introduction, which could have a significant impact on the values of the area. There are already significant threats to the lakes from terrestrial weeds and pest animals. Since 2013, council staff have been working with the Taharoa Domain Governance Committee, Kaipara District Council, iwi, and surrounding landowners on a series of projects to reduce the impact of introduced pests, improve wetland and water quality on adjacent farms, and raise public awareness of the lakes and how to look after them.

**Education – Pest Plants**

In 2017-2018 a total of 532 people attended weed awareness workshops in venues from Coopers Beach to Paparoa, and a special session for Taratahi Agricultural Training Centre students held in Whangarei. In addition, children’s weed workshops were held at Ruawai, Maungatoroto, Otaika Valley, and Tangiteroria schools as part of the Enviroschools programme and the council led "Wai-restoration" programme.

**Other RPMP Activities**

Actions that also occurred as part of the RPMP during the 2017-18 year included:

- actively supporting a significant number of new community pest control groups;
- assisting with the response work regarding myrtle rust (a new plant disease affecting pohutukawa and other members of the Myrtaceae family, and,
• assisting MPI with the management of the cattle disease *Mycoplasma bovis*.

**RIVERS**

**River Contract Works**

<table>
<thead>
<tr>
<th>Priority Rivers</th>
<th>Work</th>
<th>Status</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awanui</td>
<td>OpEx</td>
<td>100% complete</td>
<td>Mid-Awanui stop-bank re-alignment.</td>
</tr>
<tr>
<td>Awanui</td>
<td>CapEx</td>
<td>100% complete</td>
<td>Te Ahu stopbank stabilization works and grade control.</td>
</tr>
<tr>
<td>Awanui</td>
<td>CapEx</td>
<td>100% complete</td>
<td>Bell’s Hill Benching</td>
</tr>
<tr>
<td>Kaihu</td>
<td>OpEx</td>
<td>88% complete</td>
<td>Mobilisation was proceeded for tree removal. The last 50% of spraying work is to commence in April following the completion of the machine cleaning.</td>
</tr>
<tr>
<td>Minor Rivers</td>
<td>OpEx</td>
<td>56% complete</td>
<td>Only high priority work is being progressed.</td>
</tr>
</tbody>
</table>

**LTP Projects**

<table>
<thead>
<tr>
<th>Rivers</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awanui</td>
<td>Bell’s Hill Benching and the Te Ahu Rock Armouring have both reached practical completion. Preliminary Scheme design results are scheduled to be delivered in April, with property acquisition starting in June.</td>
</tr>
<tr>
<td>Matangirau</td>
<td>A Kaeo Working Group meeting is scheduled for June at the Matangirau Marae to share the modelling results with the community and agree on a preferred option.</td>
</tr>
<tr>
<td>Kawakawa - Taumarere</td>
<td>NRC Resource Consent has been granted for the Turntable Hill Bridge channel works, further information has been submitted to FNDC which we understand will satisfy FNDC resource consenting requirements. A consultation Hui was held on 22 March at Otiria Marae, further consultation is required.</td>
</tr>
<tr>
<td>Whangarei</td>
<td>Resource Consent has been lodged for the Woods Road floodwall works and the tender for the works closed on 3 April.</td>
</tr>
<tr>
<td>Panguru</td>
<td>A hui was held on 27th February 2019 at the Waimirirangi Marae, Waihou. The hui supported Option A, raising the roads and river works but wish to see evidence on the longer term environmental effects to the harbour (at a second hui in the next months ahead). A meeting with FNDC is scheduled in coming weeks to progress with option A (raising the roads and river works). This requires meeting NZTA’s criteria for low risk low funding.</td>
</tr>
</tbody>
</table>

**NATURAL HAZARDS**

<table>
<thead>
<tr>
<th>Work Streams</th>
<th>Status</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority Rivers Flood Hazard Maps</td>
<td>95%</td>
<td>We expect the maps for Waipu and Paparoa to be released in April due to the reviews taking longer than what we expected.</td>
</tr>
<tr>
<td>Awanui Flood Model</td>
<td>80%</td>
<td>DHI has completed two model calibration runs, with only one remaining. Both calibration runs are being peer reviewed. First round of</td>
</tr>
</tbody>
</table>
Council Meeting
16 April 2019
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<table>
<thead>
<tr>
<th>Work Streams</th>
<th>Status</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>comments/suggestions from peer reviewer have been received and being incorporated in the model. This is the most complex part of the modelling work. Once the remaining calibration run is complete and reviewed, DHI will start design storm runs.</td>
</tr>
</tbody>
</table>

Northland LiDAR Capture
Far North LiDAR capture is largely complete. Remaining sections of mid-north underway. RPS has indicated batch processing of captured data will commencement soon. Capture was at 56% as at 28 March 2019.

7.2.6 STRATEGY, GOVERNANCE AND ENGAGEMENT

PROPOSED REGIONAL PLAN
Refer to Item 6.2 of this agenda.

NATIONAL INITIATIVES
On 25 March 2019 the Government approved the following changes to the Emissions Trading Scheme:

- Introduction of averaging accounting - meaning forest owners who use the new ‘averaging accounting’ option will no longer need to surrender NZUs when they harvest (if they replant). Participants would instead receive fewer NZUs as their forest grows, up to a determined average level of long-term carbon storage.
- making it easier for landowners to determine if forests they establish will be able to earn credits in the ETS
- aligning the ETS reporting cycle better with our international targets
- providing new forestry-specific enforcement tools to ensure the ETS has integrity.

More details are expected in April 2019.

ECONOMIC DEVELOPMENT

Investment and Growth Reserve – Projects Report

<table>
<thead>
<tr>
<th>Project</th>
<th>March update</th>
<th>Future developments/ reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extension 350</td>
<td>Nothing new to report.</td>
<td>Continue receiving progress reporting and invoicing as per funding agreement.</td>
</tr>
<tr>
<td>Resources Enterprise Limited (REL)</td>
<td>Letter to REL regarding March interest and an expectation that the principal will be repaid on time.</td>
<td>Waiting for March interest payment and update on plans.</td>
</tr>
<tr>
<td>Hundertwasser Art Centre (Whangārei)</td>
<td>Receipt of report for February 2019.</td>
<td>Second invoice due at 50% works complete.</td>
</tr>
<tr>
<td>Extended Regional Promotion</td>
<td>Nothing new to report.</td>
<td>Next report due August 2019 for second sixth months 2018/19.</td>
</tr>
<tr>
<td>Twin Coast Cycle Trail (TCCT)</td>
<td>Workshop discussion on progress of resolving easements.</td>
<td>Awaiting further progress report on remaining four easements to</td>
</tr>
</tbody>
</table>
**Project** | **March update** | **Future developments/reporting**
---|---|---
| | | complete funding commitment. Maybe Q4.
Manea Footprints of Kupe | Drafted funding agreement between Trust, Manea operating company and FNHL. | Finalise funding agreement between Trust, Manea operating company and FNHL.

**Other Activities**
- 23rd issue of Northland Economic Quarterly released 22 March and available online at [www.nrc.govt.nz/economicquarterly](http://www.nrc.govt.nz/economicquarterly)
- Presentation on internet speed survey to Northland Forward Together on 25 March.
- Quarterly workshop between Council and Northland Inc held on 12 March.
- Results from Annual Northland Economic Profile provided to Council and available online at [https://ecoprofile.infometrics.co.nz/Northland+Region](https://ecoprofile.infometrics.co.nz/Northland+Region)

**Investment and Growth Reserve – Project Development funding by Northland Inc**
- Northern Adventure Experience — completion of a business plan to reposition the Twin Coast Cycle Trail and develop a tourism experience for the Bay Of Islands Vintage Railway refurbishment and establishment between Kawakawa and Opua - $35,000.
- Update of Kaurinui Tourism Product Development – completion of the business case for the development of the Kaurinui experience – guided visitor tours through Hundertwasser’s Kawakawa home - $30,000.
ONLINE CHANNELS

Most popular post on Facebook
Promotion of the Biofund available to assist community groups, whānau or individuals with traps, toxins and bait stations. The post reached over 15,000 people.

<table>
<thead>
<tr>
<th>Key Performance Indicators</th>
<th>Nov-18</th>
<th>Dec-18</th>
<th>Jan-19</th>
<th>Feb-19</th>
<th>Mar-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEB</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># Visits to the NRC website</td>
<td>21,600</td>
<td>21,100</td>
<td>24,800</td>
<td>24,500</td>
<td>28,000</td>
</tr>
<tr>
<td>E-payments made</td>
<td>6</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td># subscription customers (cumulative)</td>
<td>1,153</td>
<td>1,159</td>
<td>1,167</td>
<td>1,173</td>
<td>1,179</td>
</tr>
<tr>
<td>SOCIAL MEDIA (CUMULATIVE)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># Twitter followers</td>
<td>1,413</td>
<td>1,418</td>
<td>1,416</td>
<td>1,428</td>
<td>1,430</td>
</tr>
<tr>
<td># NRC Facebook fans</td>
<td>7,132</td>
<td>7,198</td>
<td>7,611</td>
<td>7,816</td>
<td>7,968</td>
</tr>
<tr>
<td># NRC Overall Facebook Reach</td>
<td>137,200</td>
<td>70,275</td>
<td>87,800</td>
<td>168,100</td>
<td>219,300</td>
</tr>
<tr>
<td># NRC Engaged Daily Users</td>
<td>10,800</td>
<td>8186</td>
<td>5889</td>
<td>11,700</td>
<td>27,000</td>
</tr>
<tr>
<td># CDEM Facebook fans</td>
<td>16,200</td>
<td>16,400</td>
<td>16,500</td>
<td>16,500</td>
<td>16,600</td>
</tr>
<tr>
<td># CDEM Overall Facebook Reach</td>
<td>47,200</td>
<td>59,299</td>
<td>14,800</td>
<td>43,800</td>
<td>31,900</td>
</tr>
<tr>
<td># CDEM Engaged Daily Users</td>
<td>3,664</td>
<td>6,829</td>
<td>1,051</td>
<td>4,925</td>
<td>2,132</td>
</tr>
<tr>
<td># Instagram followers</td>
<td>615</td>
<td>646</td>
<td>663</td>
<td>689</td>
<td>712</td>
</tr>
</tbody>
</table>

* November data is for a 25-day period due to early reporting deadlines.

ENVIROSCHOOLS / EDUCATION

Events

- **Seaweek Ocean Fest**
  On the evening of 6 March, council held a Seaweek event entitled ‘Ocean Fest’ at The Orchard in Whangārei. 70 people attended the event which included presentations from CoastCare, Coastal Monitoring and Marine Biosecurity. The Seaweek ‘celebrity’ was Steve Hathaway who is a professional underwater videographer and developer of the ‘Young Ocean Explorers’ online teaching resource.

- **First WaiFencing for 2019**
  On 21 March, the first WaiFencing skills course for 2019 was held at the council’s property on Flyger Road. 35 students and teachers from Otamatea High, Tauraroa Area School and Whangarei Boys’ High School took part. The Land Management team and Can Train NZ provided tutors, and a presentation on the importance of fencing off waterways to exclude stock.

- **Enviroschools Reflections**

<table>
<thead>
<tr>
<th>Date</th>
<th>School</th>
<th>Enviroschools Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 March</td>
<td>Celebration with Cathy Erstich</td>
<td>Maungaturoto School</td>
</tr>
<tr>
<td>4 March</td>
<td>Celebration with Cathy Erstich</td>
<td>Paparoa School</td>
</tr>
<tr>
<td>7 March</td>
<td>Celebration with Cr Joce Yeoman</td>
<td>Oruaiti School</td>
</tr>
<tr>
<td>22 March</td>
<td>Celebration with Cr Penny Smart</td>
<td>Tangowahine School</td>
</tr>
</tbody>
</table>
MARKETING AND ENGAGEMENT

Ballance Farm Environment Awards (Thursday 28)
The 2019 BFEA showcased a diverse range of entrants including dairy farmers, horticulturalists and beef, sheep and horses. Bayly’s Farm won the Northland Regional Council Water Quality Improvement Award, the Predator Free NZ Trust Predator Free Award and the Beef and Lamb New Zealand Lifestock Award.

Patrick Malley - Maungatapere Berries Ltd were the Supreme Winners. They also won the Ballance Agri-Nutrients Soil Management Award, Bayleys People in Primary Sector Award, Hill Laboratories Agri-Science Award and Massey University Innovation Award.

The event was well attended with a number of entrants and the past supreme winner formally acknowledging council for its staff, mahi and financial support.

MĀORI ENGAGEMENT

The Cultural Training Programme is in progress for 2019, with a six-week te reo training being launched at the end of April with Te Ataarangi (facilitators of Te Reo Cafe in communities). This will provide an opportunity for staff and governance to practice the use of te reo in-house. Staff will provide further details shortly (including an opportunity to register).

The Maori engagement team have provided resource and advice for a variety of projects and work including:

- Ngāti Rehia have been successful in gaining funding from Council’s iwi monitoring fund for a year-long project – Te Awa o Tākou Water Monitoring Programme.
- Attendance with CE Malcolm Nicolson at the Pōwhiri for the first 20 recruits into the Ngā Māhuri o Ngāti Hine Mānuka Plantation Training Programme for Ngāti Hine Forestry Trust
- Attendance with Chair Bill Shepherd at the tangi of Te Huranga Hohaia - esteemed leader of Ngāti Rehia and member of TTMAC.
- Significant progress made with Te Oneroa-a-Tōhē Board ratifying a proposal to recommence the development of a Beach Management Plan for Te Oneroa-a-Tōhē.
- Participation in the Kaipara Moana Treaty Settlement negotiations between Kaipara Uri and the Crown.

GOVERNANCE SUPPORT

Local Government Official Information (LGOIMA) Requests

<table>
<thead>
<tr>
<th>Month</th>
<th>LGOIMA requests received 2017/18</th>
<th>LGOIMA requests received 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>August</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>September</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>October</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>November</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>December</td>
<td>14</td>
<td>9</td>
</tr>
</tbody>
</table>

ID: A1183321
<table>
<thead>
<tr>
<th>Month</th>
<th>LGOIMA requests received 2017/18</th>
<th>LGOIMA requests received 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>February</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>March</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>April</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>May</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL LGOIMA REQUESTS RECEIVED</strong></td>
<td><strong>159</strong></td>
<td><strong>101</strong></td>
</tr>
<tr>
<td>Total LGOIMA requests not responded to within 20 working days*</td>
<td>15</td>
<td>6</td>
</tr>
</tbody>
</table>

* Details on the requests not completed within 20 working days:

1. REQ.593752 – Request for a list of all operative fill sites in our region. This request was seeking an update of information previously provided to the requester and required time to update. A time extension has been agreed to.

2. REQ.593357 – Request for 2019 Ratepayers’ report from regional authorities and CCO’s. An extension of timeframe was agreed to with the requester.

3. REQ.594280 – Request regarding stormwater management. Requester gave a due date for a response in April which exceeded the 20 working day limit.

4. REQ.593367 – Information relating to all WWTP in Northland. Requester gave a due date for a response which exceeded the 20 working day limit.

5. REQ.593701 – Request for correspondence relating to sustainable solvents. Had to clarify what information the requester wanted.

6. REQ.593427 – Request was seeking information about functions that primarily come under the jurisdiction of territorial authorities. Although the information on the council’s action in relation to the issue was provided late, the information requester did not express concern about this.

### 7.2.7 CUSTOMER SERVICE – COMMUNITY RESILIENCE

**Telephone Inbound Call Statistics**

<table>
<thead>
<tr>
<th></th>
<th>March 2019</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call volume</td>
<td>2620</td>
<td></td>
</tr>
<tr>
<td>Conversion rate</td>
<td>96.2%</td>
<td>&gt;95%</td>
</tr>
<tr>
<td>Average wait time</td>
<td>7 sec</td>
<td></td>
</tr>
<tr>
<td>Calls answered in under 30sec</td>
<td>94.0%</td>
<td>&gt;90%</td>
</tr>
</tbody>
</table>

Inbound call volumes for March were up 10% compared to February. Call conversion rates and response times were slightly down but still exceed performance targets.

**SATISFACTION MONITORING**

**Feedback Cards, Compliments and Complaints**

Feedback cards have been included with compliments and complaints, as appropriate.
Council Meeting
16 April 2019

ITEM: 7.2

Compliments received - March

<table>
<thead>
<tr>
<th>Overall Service</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

Service provided by a specific person
- D Foster & K Pedersen, Biosecurity
- J Giles & K McGregor, Consents
- D Lawrence, Customer Services

<table>
<thead>
<tr>
<th>Quality of Information</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Common themes are that staff are helpful, responsive and listen to people’s needs.

Complaints received - March

<table>
<thead>
<tr>
<th>Standard of service provided</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lack of information or communication</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Regional Customer Service Centres (CSC)

Regional Office Enquiries
March 2019

Other Activity

Surveys - external

The annual Residents’ Survey is about to begin with invitations being sent to 2500 people from the electoral roll beginning 8 April. This year we are also offering all residents an opportunity to opt in to the on-line version of the survey. The results will be both amalgamated to provide a broader perspective on our work, and also be able to be reported separately to ensure continuity with previous results. Results will be available by July.
CIVIL DEFENCE EMERGENCY MANAGEMENT

Emergency Management System Reform
Following the Government’s response to the Technical Advisory Group Report “Better Responses to Natural Disasters and Other Emergencies”, the Department of the Prime Minister and Cabinet (DMPC) is leading a multi-year work programme that will deliver extensive change to New Zealand’s emergency response system. The purpose of the Emergency Management System Reform programme is to move us towards a system that works as one to reduce risks to life and property and facilitate a speedy recovery.

As part of this programme, DPMC are looking at a package of changes to the Civil Defence Emergency Management Act 2002. The changes will focus on strengthening, modernising and professionalising the emergency management system so that it works when and where we need it.

Nelson Fire Deployment
On 5 February 2019 a major fire started in Pigeon Valley, near Nelson. A state of emergency was declared on 6 February and the Nelson Tasman CDEM Group became the lead agency for the response with support from Fire and Emergency NZ, Police, MPI, Defence Force and many other non-government organisations. As the fire grew, requests were made to provide assistance to support the response.

Three Northland CDEM Group personnel were available and deployed – Group Manager, Graeme MacDonald as an Alternate Controller and Welfare Managers Claire Nyberg and Shona Morgan. There were many learnings gained from this experience and these have been shared with the team and will enhance the capability and expertise across the team.

Council Shared Services
Sarah Boniface has been appointed and commenced employed as an Emergency Management Advisor, based out of the Kaitaia NRC office. A detailed work program is being developed, with some initial work focused on the Kaitaia Evacuation Plan, Tsunami Signage and sirens.

The shared services agreements with each of the councils is due for review. It is expected that the current arrangements and agreements will continue.

Northland CDEM Forum
Plans and preparation are currently underway for the upcoming annual Northland CDEM Forum on May 1st. As with past years, we are expecting around 230 CDEM stakeholders, council management, staff and elected officials, lifeline utilities, community and emergency services people to take up the opportunity to attend from across Northland to hear from national and local speakers around areas across the 4 R’s of CDEM.

TRANSPORT

Regional Land Transport Planning
Regional Land Transport Committee (RTC) – April 2019
The following issues that directly impact both present and future regional planning and funding was presented by both the Ministry of Transport (MoT) and the New Zealand Transport Agency (NZTA) at the April 2019 RTC meeting.
• Outcomes of the 2018 Government Policy Statement (GPS);
• 2021 GPS Timeline;
• National Land Transport Plan for the 2021/24 Funding period;
• Pressures placed on the present National Land Transport Fund by trying to meet the 2018 GPS;
• NZTA Long Term Plan for the 2021/24 Funding period;
• Update on Targeted Enhanced Funding Assistance Rates;
Council Meeting
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- Provincial Growth Fund;
- New Road Safety Strategy 2020-2030; and
- Speed Management Implementation Plan.

PASSENGER TRANSPORT ADMINISTRATION

Total Mobility
Total Mobility (TM) figures are reported on one month in arrears, as the required information is unavailable at the time of the agenda deadline.

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Clients</th>
<th>Monthly Actual Expend</th>
<th>Monthly Budget Expend</th>
<th>Variance</th>
<th>Year/Date Actual Expend</th>
<th>Year/Date Budget Expend</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>1,441</td>
<td>$15,650</td>
<td>$25,000</td>
<td>-$9,350</td>
<td>$141,280</td>
<td>$200,000</td>
<td>-$58,720</td>
</tr>
</tbody>
</table>

Photo shoot for Total Mobility Awareness campaign
On 21 March a photo shoot was held at Jane Mander for the Total Mobility Awareness Campaign.

Total Mobility Coordinators meeting - 28 March in Wellington
Main agenda items at this meeting were the Ridewise Two project and Northland leading the other regions towards national brand guidelines for Total Mobility.

Operational Statistics

<table>
<thead>
<tr>
<th>FEBRUARY 2019 (revenue ex GST)</th>
<th>Actual</th>
<th>Budget</th>
<th>Variance</th>
<th>Year/Date Actual</th>
<th>Year/Date Budgeted</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Link Passengers</td>
<td>28,414</td>
<td>25,241</td>
<td>3,172</td>
<td>132,783</td>
<td>136,452</td>
</tr>
<tr>
<td>CityLink Revenue</td>
<td>$37,430</td>
<td>$49,745</td>
<td>-$12,314</td>
<td>$330,519</td>
<td>$402,107</td>
</tr>
<tr>
<td>Mid North Link Passengers</td>
<td>135</td>
<td>384</td>
<td>249</td>
<td>1450</td>
<td>3306</td>
</tr>
<tr>
<td>Mid North Link Revenue</td>
<td>$454</td>
<td>$2,504</td>
<td>-2,050</td>
<td>$5,270</td>
<td>$20,995</td>
</tr>
<tr>
<td>Hokianga Link Passengers</td>
<td>40</td>
<td>48</td>
<td>8</td>
<td>234</td>
<td>276</td>
</tr>
<tr>
<td>Hokianga Link Revenue</td>
<td>$567</td>
<td>$550</td>
<td>17</td>
<td>$3,005</td>
<td>$3,500</td>
</tr>
<tr>
<td>Far North Link Passengers</td>
<td>468</td>
<td>575</td>
<td>107</td>
<td>4534</td>
<td>5042</td>
</tr>
<tr>
<td>Far North Link Revenue</td>
<td>$1,123</td>
<td>$1,437</td>
<td>-314</td>
<td>$10,216</td>
<td>$12,604</td>
</tr>
</tbody>
</table>

Saint Patricks Day Promotion - Saturday 16 March
Cr Dimery and NRC staff were in attendance at the Rose Street terminus to promote the buses. Promotional CityLink giveaways were handed out to patrons who took part and wore green. There was an increase of 20% more passengers on this day.

Council Workshop
At the above workshop held on 20 March 2019, the Transport team updated councillors on the following:
- CityLink Ticketing and Fares;
- Relocation of the CityLink Bus Route Terminus;
- CityLink Operational Update;
• Whangarei Public Transport Trial Services and Community Vehicle Trusts;
• Employment Relations Act Amendment;
• CityLink Bus Back Advertising;
• Mid North Link and Hokianga Link;
• Far North Link; and
• BOI Ferries in the SuperGold Scheme.

Road Safety Update
The current Northland road deaths stands at 8, and nationally at 80 deaths.

Motorcycle crashes continue to be a huge concern. There have been 4 fatal motorcycle crashes on Northland roads in the 2019 year to date. The last 2 fatal crashes in 2018 were also motorcyclists.

New road safety (motorcyclist) road signs are being erected around the popular and high-risk corridors. These have been funded by ACC. Across January and February there have been 46 motorcyclists attending the Ride Forever full-day training courses. This programme is jointly subsidised by ACC & NRC.

Work has also started to develop a Northland Motorcycle Strategy that will help inform road safety partners and road controlling authorities about motorcycle safety including across the popular motorcycle corridors. The Northland Strategy will supplement the NZTA’s ‘Safer Journeys for motorcycling on New Zealand roads’ and the Motorcycle Safety Advisory Council (MSAC) ‘Making Roads Motorcycle Friendly’ advice document.

The Northland Road Policing team will be promoting ‘Crash Free Easter’ leading up to and over this holiday period in a significate road safety campaign. Seat belts, speed and impairment are the key issues being targeted.

Key advertising themes by the New Zealand Transport Agency (NZTA) for March 2019 was centred on ‘Drugs & Distractions’.

Regional Road Deaths Statistics – 2019 & 2018 Comparison Year To Date:

<table>
<thead>
<tr>
<th>Location</th>
<th>YTD 2019</th>
<th>YTD 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Far North</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Whangarei</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Kaipara</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Northland</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>National</td>
<td>80</td>
<td>98</td>
</tr>
</tbody>
</table>

MARITIME
The month of March saw 11 cruise ships call in to the Bay of Islands without incident. There have been no cancellations due to weather so far this season.

The Tier 2 oil spill exercise was held on 13 March with attendees from NRC, RFNZ, Northport and MNZ. This was the first trial of the combined Marsden point response plan. Integration of the different organisations worked well. Work is ongoing with the various transfer sites regarding operator plan testing and operation auditing. Two maritime team members attended national response team training in Picton over two days.

Over the month of March, 11 Incidents were received. 2 Oil spills reported and attended to in the lower Hatea River, and a serious collision between a sailing vessel and charter fishing vessel in the Bay of Islands. The remainder of incidents being minor in nature.
The Whangarei Harbour Safety group meeting was held on the 20\textsuperscript{th} of March with the emphasis being on the incident occurring in which the Cement vessel “Buffalo” contacted Portland wharf. Lessons learnt, and changes to procedures are still being explored for the rare possibility of a repeat visit by this vessel, as well as overall procedures for the harbour. The effective use of the new Northport harbour simulator is also being discussed. The simulator opens numerous opportunities for training and safety trials.

A meeting was had with Neil Rowarth, area manager for Maritime New Zealand concerning the recent incidents and issues surrounding increasing recreational boat use, and the increasing concerns surrounding dangerous behaviour.

Maintenance of Aids to navigation included new signage labels, replacement batteries and upgrades to lights in Kaipara, Rangaunu and Kerikeri inlet. Local feedback will be sought in Opononi and the Hokianga harbour, over the Easter period on proposals for some safety zones to separate swimmers and powered craft due to an increase in activity in the area.

The Harbouormasters office is awaiting to hear from the Ministry of Transport regarding the progress of the Kai Iwi Lakes Navigation Safety Bylaw Infringement Regulation.

The growing number of live aboard vessels in the Lower Hatea River is of concern, along with the number of incidents occurring in this area. Options are being explored to install high definition cameras to assist in monitoring and enforcement of the Navigation Safety Bylaw in this part of the Harbour.

\textbf{Attachments/\textit{Ngā tapirihanga}}

\textit{Nil}
TITLE: Receipt of Committee Minutes
ID: A1180509
From: Chris Taylor, Governance Support Manager

Recommendation
That the unconfirmed minutes of the:
- Civil Defence Emergency Management – 6 March 2019
- Property Subcommittee – 3 April 2019
be received.

Attachments/Ngā tapirihanga
Attachment 1: Civil Defence Emergency Management Meeting - Unconfirmed Minutes from 6 May
Attachment 2: Property Subcommittee Minutes - 3 April 2019 Unconfirmed

Authorised by Group Manager
Name: Chris Taylor
Title: Governance Support Manager
Date: 09 April 2019
Civil Defence Emergency Management Group Meeting Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Wednesday 6 March 2019, commencing at 11.00am

Present:
Chairman, FNDC Councillor Colin Kitchen
KDC Councillor, Anna Curnow
NZ Police Representative, Superintendent Tony Hill
WDC Mayor, Sheryl Mai – arrived at 12.05pm
FENZ Representative, Commander Brad Mosby
NRC Councillor, Rick Stolwerk
MCDEM Representative, John Titmus (Observer Status)

In Attendance:

Full Meeting
NRC (Minute Taker) – Evania Arani
Northland CDEM Group - Shona Morgan
Northland CDEM Group - Murray Soljak
Northland CDEM Group - Tegan Capp
Northland CDEM Group - Sarah Boniface
Northland CDEM Group - Bill Hutchinson
Northland CDEM Group - Victoria Randall
Northland CDEM Group - Sharon Douglas
Northland CDEM Group - Jenny Calder
Northland CDEM Group - Kim Abbott
Northland CDEM Group – Graeme MacDonald
GM - Customer Service & Community Resilience – Tony Phipps
DMPC – Rachel Hyde

The Chair declared the meeting open at 11.13am.

Apologies (Item 1.0)
Moved (Stolwerk/Kitchen)

That the apologies for lateness/possible non-attendance for Sheryl Mai be received.

Carried

Secretarial note: Alternative WDC representative, Councillor Sue Glen sent through her apologies that she was unable to attend.

Declarations of Conflicts of Interest (Item 2.0)

It was advised that members should make declarations item-by-item as the meeting progressed.
Confirmation of Minutes - 4 December 2018 (Item 3.1)
ID: A1163031
Report from Evania Arani, Executive Assistant Customer Services - Community Resilience
Moved (Kitchen/Curnow)
That the minutes of the Civil Defence Emergency Management Group meeting held on 4 December 2018, be confirmed as a true and correct record.
Carried

Presentation on Emergency Management reforms - Legislative review and changes (Item 4.1)
ID: A1167178
Report from Graeme MacDonald, Civil Defence Emergency Management Manager
Moved (Kitchen/Stolwerk)
That the report ‘Presentation on Emergency Management reforms - Legislative review and changes’ by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 25 February 2019, be received.
Carried
Secretarial note: Rachel Hyde from DPMC gave a presentation on the legislative review and changes to the Emergency management system reform.
Rachel advised that she is available to present if there are any groups that may benefit from her presentation. She can be contacted on 02 574 641 or by emailing her at Rachel.Hyde@dpmc.govt.nz

Proposal to establish NZ Fly in Teams (Item 4.2)
ID: A1167161
Report from Graeme MacDonald, Civil Defence Emergency Management Manager
Moved (Kitchen/Stolwerk)
That the report ‘Proposal to establish NZ Fly in Teams’ by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 25 February 2019, be received.
Carried

Update from the Ministry of Civil Defence & Emergency Management (Item 4.3)
ID: A1167166
Report from Graeme MacDonald, Civil Defence Emergency Management Manager
Moved (Stolwerk/Curnow)
That the report ‘Update from the Ministry of Civil Defence & Emergency Management’ by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 25 February 2019, be received.
Carried
Professional Development and Training (Item 5.1)
ID: A1166568
Report from Kim Abbott, Civil Defence Emergency Management Officer
Moved (Kitchen/Curnow)
That the report ‘Professional Development and Training’ by Kim Abbott, Civil Defence Emergency Management Officer and dated 22 February 2019, be received.
Carried

Recovery update (Item 5.2)
ID: A1164334
Report from Jenny Calder, CDEM Group Recovery Manager
Moved (Stolwerk/Mosby)
That the report ‘Recovery update’ by Jenny Calder, CDEM Group Recovery Manager and dated 14 February 2019, be received.
Carried

Welfare Coordination Group Update (Item 5.3)
ID: A1167085
Report from Claire Nyberg, Civil Defence Emergency Management - Welfare
Moved (Kitchen/Curnow)
Carried

Public Information Management (PIM) Update (Item 5.4)
ID: A1166400
Report from Murray Soljak, Public Information Manager
Moved (Stolwerk/Curnow)
That the report ‘Public Information Management (PIM) Update’ by Murray Soljak, Public Information Manager and dated 21 February 2019, be received.
Carried

Northland Lifelines Group Update (Item 5.5)
ID: A1166590
Report from Kim Abbott, Civil Defence Emergency Management Officer
Moved (Kitchen/Stolwerk)
That the report ‘Northland Lifelines Group Update’ by Kim Abbott, Civil Defence Emergency Management Officer and dated 22 February 2019, be received.
Carried
Community Resilience Projects (Item 5.6)
ID: A1167151
Report from Shona Morgan, Civil Defence Emergency Management Officer - Community Resilience
Moved (Stolwerk/Mosby)

That the report ‘Community Resilience Projects’ by Shona Morgan, Civil Defence Emergency Management Officer - Community Resilience and dated 25 February 2019, be received.

Carried

Members of the CDEM Group, CEG and Key Appointments (Item 5.7)
ID: A1167181
Report from Graeme MacDonald, Civil Defence Emergency Management Manager
Moved (Kitchen/Stolwerk)

That the report ‘Members of the CDEM Group, CEG and Key Appointments’ by Graeme MacDonald, Civil Defence Emergency Management Manager and dated 25 February 2019, be received.

Carried

Whangarei District Update (Item 6.1)
ID: A1167579
Report from Victoria Harwood, Civil Defence Emergency Management Officer
Moved (Kitchen/Stolwerk)

That the report ‘Whangarei District Update’ by Victoria Harwood, Civil Defence Emergency Management Officer and dated 25 February 2019, be received.

Carried

Kaipara District Update (Item 6.2)
ID: A1163114
Report from Sharon Douglas, Civil Defence Emergency Management Officer
Moved (Mai/Curnow)

That the report ‘Kaipara District Update’ by Sharon Douglas, Civil Defence Emergency Management Officer and dated 11 February 2019, be received.

Carried

Far North District Update (Item 6.3)
ID: A1167326
Report from Bill Hutchinson, Civil Defence Emergency Management Officer
Moved (Kitchen/Stolwerk)

That the report ‘Far North District Update’ by Bill Hutchinson, Civil Defence Emergency Management Officer and dated 25 February 2019, be received.

Carried
Conclusion

The meeting concluded at 12.40pm.
Property Subcommittee Minutes

Meeting held in the Committee Room
36 Water Street, Whangārei
on Wednesday 3 April 2019, commencing at 12.30pm

Present:
Chair, Councillor Penny Smart
Councillor John Bain
Councillor David Sinclair
Councillor Rick Stolwerk - (Alternate)

In Attendance:

Full Meeting
NRC Chief Executive
Strategic Projects Manager
Property Officer

The Chair declared the meeting open at 12.30pm.

Apologies (Item 1.0)
Moved (Bain/Sinclair)
That the apology from Councillor Shepherd for non-attendance be received.
Carried

Declarations of Conflicts of Interest (Item 2.0)
It was advised that members should make declarations item-by-item as the meeting progressed.

Confirmation of Minutes - 13 February 2019 (Item 3.1)
ID: A1177876
Report from Nicole Inger, Property Officer
Moved (Bain/Sinclair)
That the minutes of the Property Subcommittee meeting held on 13 February 2019 be confirmed as a true and correct record.
Carried
Mount Tiger Forest Quarterly Report January - March 2019 (Item 4.1)

ID: A117920
Report from Nicole Inger, Property Officer

Moved (Sinclair/Stolwerk)

That the report ‘Mount Tiger Forest Quarterly Report January - March 2019’ by Nicole Inger, Property Officer and dated 26 March 2019, be received.

Carried

Discussion Note: The upcoming 2020 – 2025 Forestry Plan report was discussed by Councillors and the NRC Chief Executive. Ian Jenkins to be consulted regarding a Draft Plan once the current harvest is complete.

Secretarial Note: Councillor Sinclair left the meeting at 1.40pm.

Business with Public Excluded (Item 5.0)

Moved (Sinclair/Stolwerk)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Item Issue</th>
<th>Reasons/Grounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Confirmation of Confidential Minutes - 13 February 2019</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.</td>
</tr>
<tr>
<td>5.2</td>
<td>Commercial Property Investment Strategy 2016 - 2019</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).</td>
</tr>
<tr>
<td>5.3</td>
<td>Kaipara Service Centre Geotech Report and Topographical Survey</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).</td>
</tr>
<tr>
<td>5.4</td>
<td>Kaipara Service Centre Tenancy(s)</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).</td>
</tr>
<tr>
<td>5.5</td>
<td>Receipt of Action Sheet</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).</td>
</tr>
</tbody>
</table>

Carried
Property Subcommittee
3 April 2019

Conclusion
The meeting concluded at 1.50pm.
TITLE: Business with the Public Excluded

Executive Summary
The purpose of this report is to recommend that the public be excluded from the proceedings of this meeting to consider the confidential matters detailed below for the reasons given.

Recommendations

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.

2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

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<th>Item Issue</th>
<th>Reasons/Grounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>Confirmation of Minutes - 19 March 2019</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.</td>
</tr>
<tr>
<td>9.2</td>
<td>Receipt of Confidential Committee Minutes</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.</td>
</tr>
<tr>
<td>9.3</td>
<td>Human Resources Report</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).</td>
</tr>
<tr>
<td>9.4</td>
<td>Northland Water Storage and Use Project</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).</td>
</tr>
</tbody>
</table>

3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.

Considerations

1. Options
Not applicable. This is an administrative procedure.

2. Significance and Engagement
This is a procedural matter required by law. Hence when assessed against council policy is deemed to be of low significance.

3. Policy and Legislative Compliance
The report complies with the provisions to exclude the public from the whole or any part of the proceedings of any meeting as detailed in sections 47 and 48 of the Local Government Official Information Act 1987.
4. Other Considerations

Being a purely administrative matter; Community Views, Māori Impact Statement, Financial Implications, and Implementation Issues are not applicable.