Regional Plan for Northland

March 2026

Northland Regional Council
Te Kaunihera ā rohe o Te Taitokerau

Northland REGIONAL COUNCIL
Te Kaunihera ā rohe o Te Taitokerau

Regional Plan for Northland

The Regional Plan for Northland (including the Regional Coastal Plan) was prepared by the Northland Regional Council under the Resource Management Act 1991 (The Act).

At its meeting of 25 March 2025, the Northland Regional Council adopted the Regional Plan for reference to the Minister of Conservation in accordance with Clause 18 of Schedule 1 of the Act.

The common seal of the Northland Regional Council was hereto affixed in the presence of:

THE NORTHLAND REGIONAL COUNCIL
THE COMMON SEAL OF

Jonathan Gibbard
Tāhūhū Rangapū
Chief Executive Officer

Geoff Crawford
Kahurangi
Chair

The Minister of Conservation approved the Regional Plan for Northland by signing it on

07 OCT 2025

Hon Tama Potaka
Minister of Conservation

The Proposed Regional Plan for Northland became operative on 27 March 2026.

Northland REGIONAL COUNCIL
Te Kaunihera ā rohe o Te Taitokerau

Regional Plan for Northland - operative in part

The Regional Plan for Northland (including the Regional Coastal Plan) was prepared by the Northland Regional Council under the Resource Management Act 1991 (The Act).

At its meeting of 31 August 2023, the Northland Regional Council adopted the Regional Plan in part for reference to the Minister of Conservation in accordance with Clause 18 of Schedule 1 of the Act.

The common seal of the Northland Regional Council was hereto affixed in the presence of:

THE NORTHLAND REGIONAL COUNCIL
THE COMMON SEAL OF

Jonathan Gibbard
Chief Executive Officer

Tui Shortland
Kahurangi | Chair

The Minister of Conservation approved the Regional Plan for Northland (operative in part) by signing it on 13 October 2023

Hon Willow-Jean Prime
Minister of Conservation

The Proposed Regional Plan for Northland was made operative in part on Tuesday 16 January 2024. The following provisions became operative on that date: Rules C.1.5.1, C.1.5.2, C.1.10.1, C.1.10.2, Policy D.2.21, Objective F.1.16, Appendix H.11, I Maps – Vehicle exclusion zone and I Maps - e Hā o Tangaroa Protection Areas: Rakaumangamanga Rāhui Tapu, Mimiwhangata Rāhui Tapu and Ngā Au o Morunga Mai Rakaumangamanga Protection Area.

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Karakia

He karakia ki ngā atua	*A prayer to Māori gods*
Ko Rangi	*There is Rangi*
Ko Papa	*There is Papa*
Ka puta	*Then the birth*
Ko Rongo	*Of Rongo*
Ko Tāne Māhuta	*Of Tāne Māhuta*
Ko Tangaroa	*Of Tangaroa*
Ko Tūmatauenga	*Of Tūmatauenga*
Ko Haumietiketike	*Of Haumietiketike*
Ko Tāwhirimātea	*Of Tāwhirimātea*
Ko Rūamoko	*Of Rūamoko*
Tokona te Rangi ki runga	*Separate the sky above*
Te Papa ki raro	*And the land below*
Ka puta te Ira Tāngata	*Humanity is born*
Ki te Whai Ao	*Into the physical world*
Ki te Ao Mārama	*The world of light*
E rongo whakairia ake ki runga	*Let peace be raised back above*
Tūturu whakamaua kia tina! Tina!	*Bind us together*
Haumi e, hui e! Tāiki e!	*Let it be so.*

Whakatauakī

Toitū te marae a Tane mahuta	*If the land is well*
Toitū te marae a Tangaroa	*If the sea is well*
Toitū te tāngata	*The people will thrive*

Mihi

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

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

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

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

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

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

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

Tēnā koutou, tēnā koutou, tēnā tatou katoa.

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

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

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

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

The Regional Plan for Northland (this 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 this 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
Tīmatanga Kōrero

The Regional Plan for Northland (this Plan) has been prepared by Northland Regional Council in accordance with its functions under the Resource Management Act 1991 (the RMA). It is a combined regional air, land, water and coastal plan, which sets controls for the sustainable management of natural and physical resources of the Northland Region.

This Plan has effect over the entire Northland Region, including air, freshwater, land and the coastal waters of the territorial sea to twelve nautical miles.

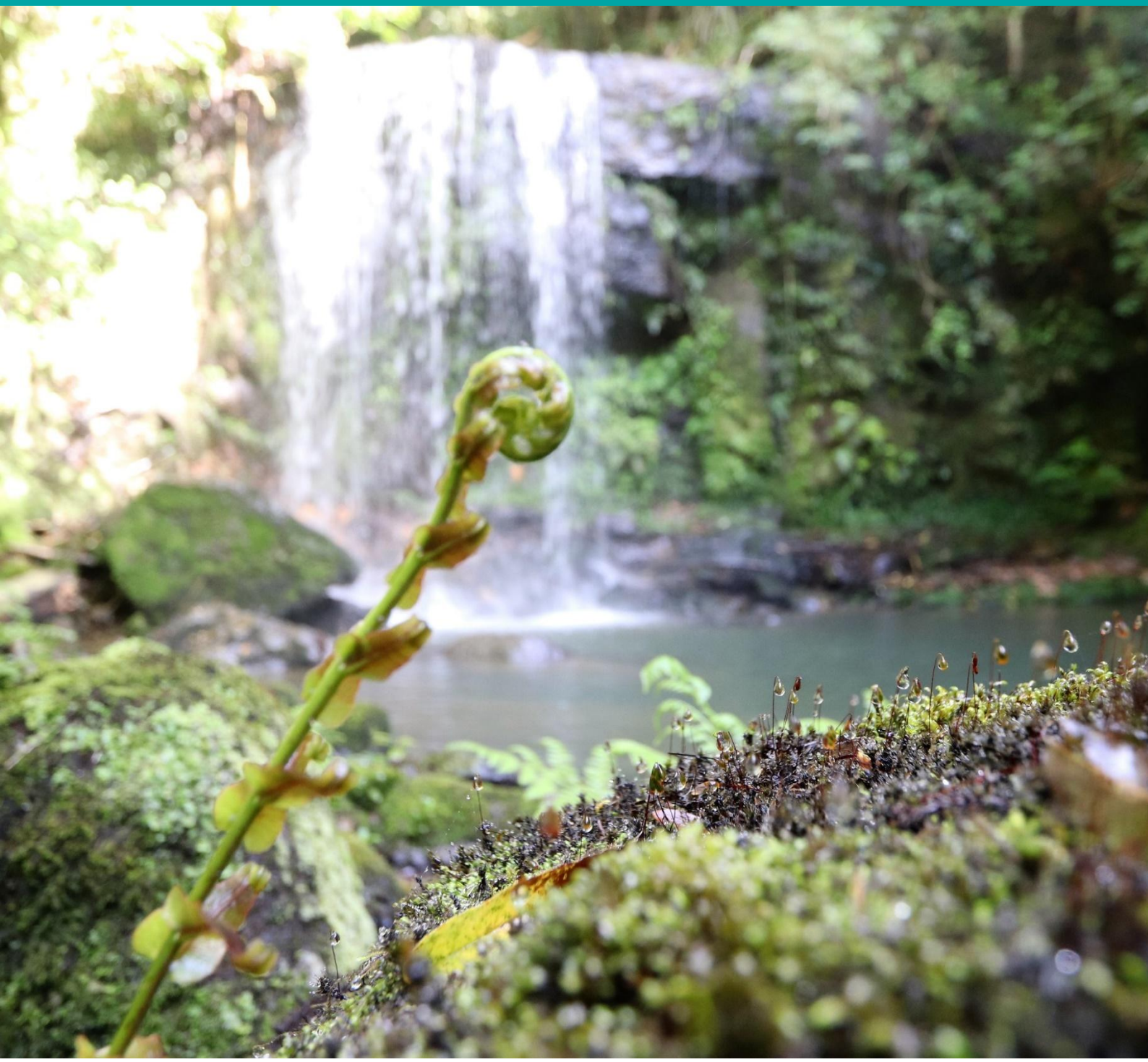
In addition to objectives, policies and rules of this Plan, the Council also undertakes and supports non-regulatory initiatives to maintain and enhance the quality of Northland's natural environment. These actions complement rules and policies in this Plan.

Purpose

This document is the Regional Plan for Northland.

This Plan has been prepared by the Northland Regional Council pursuant to its functions under the Resource Management Act 1991. The Plan became operative in full on 27 March 2026.

B Definitions
Whakamāramatanga



Definitions have the same meaning in the singular and plural. The words in this Plan have the same meaning as in the Resource Management Act 1991, unless otherwise defined in this Plan.

Abrasive blasting	The cleaning, smoothing, roughening, cutting or removing of part of the surface of any article using 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.
Ablative paint	A paint designed to create a hull coating which ablates (wears off) slowly, exposing a fresh layer of paint.
Adaptive management	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 allow activities to be managed in response to monitoring of the effects of the activity to meet specific outcomes / objectives / limits specified in the conditions.
Addition (in relation to a Historic Heritage Site)	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, rooves and seismic upgrading. It does not include Historic Heritage Site repair or maintenance.
Aerial application	The application of a substance taking place from any aircraft, including remotely controlled aircraft.
Aids to navigation	A device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and/or vessel traffic.
Agrichemical	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 or fauna, including agricultural compounds, 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 excluding fertilisers, vertebrate toxic agents and oral nutrition compounds.
Alteration (in relation to a Historic Heritage Site)	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 rooves, either internally or externally, and includes any sign attached to the structure or building and seismic upgrading. It does not include Historic Heritage Site repair or maintenance.
Ambient air quality	The general quality of the surrounding air, reflecting the cumulative effect of all existing activities, both anthropogenic and natural.
Anchoring	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.
Anti-fouling	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.
Archaeological site	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.

	Notes: *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 (eg. World War II army camps).* *2) Installing signs on or into pre-1900 built heritage sites may require an authority from Heritage New Zealand.* *Nineteenth 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.*
Artificial watercourse	A man-made channel constructed in or over land for carrying water and includes an irrigation canal, roadside drains and water tables, water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river, stream or natural wetland.
Aupōuri Aquifer management unit	A groundwater quantity management unit. ***Note:*** *The management unit is depicted in I Maps | Ngā mahere matawhenua.*
Authorised	Expressly allowed by a: 1) national environmental standard or other regulations, 2) a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or 3) a resource consent.
Away from	Means not towards.
Bank full edge	The highest point at which a river can rise without overtopping the bank.
Beach scraping	The transfer of 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.
Biofouling	The accumulation of aquatic organisms such as micro-organisms, plants and animals on surfaces and structures immersed in or exposed to the aquatic environment.
Biogenic habitat	Habitat on the seabed created by the physical structure of living or dead organisms, or by their interactions with the seabed.
Biosolid	A sewage or sewage sludge derived from a sewage treatment plant that has been treated 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.
Bore	A 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.

Buffer	A specified horizontal distance from a downwind spray-sensitive area, measured from the downwind edge of the application area closest to the spray-sensitive area.
Catchment plan	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.
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 2) hazardous substances, and 3) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, and 4) materials that may present a risk to human health, and liquid waste, and 5) materials containing asbestos. It does not include the placement of overburden material as part of any quarrying activity.
Coastal Aquifer	A groundwater quantity management unit. ***Note:*** *The management unit is depicted in I Maps | Ngā mahere matawhenua.*
Coastal riparian and foredune management area	Coastal 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 or shape; and/or the planting of appropriate indigenous plant species. It does not include beach scraping (as defined in this Plan) or works involving hard protection structures.
Coastal River	A river in the Coastal River water quantity management unit. ***Note:*** *The management unit is depicted in I Maps | Ngā mahere matawhenua.*
Compost	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 C.6.3.4(6) Discharges associated with the disposal of dead animals or offal – permitted activity.
Composting operation	Any activity undertaken to produce compost.

Conspicuous change in colour or visual clarity	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.
Constructed wetland	A wetland developed deliberately by artificial means or constructed on a site where: 1) a wetland has not occurred naturally previously, or 2) a wetland has been previously constructed legally. This does not include induced wetland, reverted wetland or wetland created solely for ecological restoration purposes. 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 sedges.* *2) "Constructed wetland" is the same as "man-made wetland" in the Regional Policy Statement for Northland 2016.* *3) The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website.* *4) The relationship between the various types of wetlands is shown in H.6 Wetland definitions relationships.*
Contaminants of concern	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.
Contractor (in relation to agrichemical application)	Any person or organisation 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 an owner, occupier or manager (whether a person or company).
Core Local Infrastructure	District parks and reserves, network infrastructure and public roads maintained by local authorities.
Dairy support cattle	Dry cows and dairy replacement cattle.
Dam	A structure intended primarily to retain or control surface water flows to form a reservoir, including a weir, but excluding a stopbank.
Dam crest	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.
Dam height	The vertical distance from the dam crest to: 1) in the case of a dam across a river, from the natural bed level 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.

Deep soakage system	A hole excavated to use 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.
Deposition of material for beneficial purposes	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.
Dewatering	The removal of groundwater from an excavation that has perforated below the groundwater table.
Demolition (in relation to a Historic Heritage Site)	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.
Dune lake with outstanding or high ecological value	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 5) Wahakari 6) Waihopo 7) Waiparera 8) Ngakapua 9) Ngatu 10) Rotorua ***Karikari Peninsula*** 11) Waiporohita

	Kai Iwi Lakes and North Dargaville 12) Waikare 13) Taharoa 14) Kai-Iwi ***Poutō Peninsula*** 15) Karaka 16) Humuhumu 17) Mokeno 18) Rotokawau 19) Kanono 20) Kahuparere ***Note:*** *For information on the lakes and their rankings see NIWA for Northland Regional Council 2012. Northland Lakes Strategy (NIWA Client Report No: HAM2012-121).*
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, 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 Policy Statement for Northland 2016* on land.
Earth	Any matter constituting the land, such as soil, clay, sand, or rock.
Earthworks	The mechanical disturbance of earth by excavation, cutting and filling, blading, ripping, contouring, quarrying or placing or replacing earth or cleanfill material and includes associated revegetation, but does not include: 1) construction, repair, alteration or maintenance of bores, or 2) the maintenance of walking and other recreational tracks and farm tracks, or 3) the placement of roading aggregates during road and track works, or 4) directional drilling, boring or thrusting up to 250mm diameter, or 5) digging post holes, or 6) planting trees, or 7) land preparation, or 8) vegetation clearance.

Effective shelter	Effective shelter must: 1) be taller (at least >1 metre) than the height of the spray plume[1] when the plume interacts with the shelter; and 2) have foliage that is continuous from top to bottom; and 3) achieve in the order of 50 percent optical and aerodynamic porosity[2]; and 4) have a high surface area (note that fine needles are more effective at collecting fine spray than broad leaves); and 5) not be deciduous; and 6) have a minimum height of 3.5m; and 7) have a width to height ratio of 1:3.5. ***Note:*** *Artificial shelter may also be useful in reducing spray drift (for example overhead hail netting for kiwifruit and apples)*
Effectively excluded	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.
Effects management hierarchy	***Note:*** A*s defined in the National Policy Statement for Freshwater Management 2020, Condition 3.21*
Effluent	Liquid waste or liquid containing waste solids. ***Note:*** *In this Plan, the term is used interchangeably with wastewater.*
Ephemeral river or stream	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.
Erosion control plan	Means a 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 H.2 Erosion Control Plans. For the purposes of preparing Erosion Control Plans, "suitably qualified professional" means a person who: 1) has at least five years' experience in the management of pastoral, horticultural or arable farm systems, and 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 I Maps | Ngā mahere matawhenua.

[1] NB: This is not necessarily the same as the projected height (at point of discharge) as it will typically rise if it drifts.

[2] The thicker the shelter belt the better (eg. multiple lines of plants). Optically you can't see through it but it's still aerodynamically porous.

Farm quarry(ies)	A quarry or quarries where extracted aggregate is only used on the farm that the farm quarry is situated on and is not sold or otherwise commercially disposed of.
Farm wastewater	All wastewater from a farm dairy, dairy yard, feed pad, standoff area, stock yard, sale yard, wintering barn, loafing pad, calf rearing barn, piggery, poultry farm, or any other stock yard, adjacent entrance and exit races, farm transit races when used for standoff, stock underpass or similar. Farm wastewater includes animal effluent, washdown water, pit washings, sediment and other solid matter, milk, milk residue, supplementary feed, molasses, detergents, sterilising agents and other residues associated with routine farming practices. It does not include horticulture wastewater.
Farm wastewater storage facilities	Facilities, including ponds and tanks, for storing or treating farm wastewater, but not 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 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. ***Note:*** *In catchments where the spatial extent of these areas 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.*
Functional need	The need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment. ***Note:*** *This excludes dwellings and guest houses, hotels, motels, cafes, restaurants and shops.*

Genetically modified medical applications	The manufacture, trialling or use of viable and/or non-viable genetically modified organisms for medical purposes recognised as medicines under the *Medicines Act 1981* and approved as safe to use by the Ministry of Health, including Environmental Protection Authority approved releases, except for the outdoor cultivation of pharmaceutical producing organisms.
Genetically modified organism (GMO)	Unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material: 1) have been modified by in vitro techniques; or 2) are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques. This does not apply to genetically modified products that are not viable and are no longer genetically modified organisms, or products that are dominantly non-genetically modified but contain non-viable genetically modified ingredients, such as processed foods.
Genetically modified organism field trials	The carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.
Genetically modified organism release	To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the *Biosecurity Act 1993* or the *Conservation Act 1987*. A release may be without conditions *(Hazardous Substances and New Organisms Act 1996, Section 34)* or subject to conditions set out in the *Hazardous Substances and New Organisms Act 1996, Section 38A*.
Genetically modified veterinary vaccine	A veterinary vaccine that is a genetically modified organism as defined in this Plan.
Geothermal surface feature	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	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	Any method of spray application using ground-based equipment but excluding hand-held spraying equipment.
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 agrichemical 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 an activity from a coastal hazard, including erosion.
High-risk coastal hazard area	Land that has been assessed (and mapped) as being at a 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 is based on a two percent annual exceedance probability event for the year 2065. ***Notes***: 1) *This land is commonly referred to as a 'Coastal Hazard 1 Zone' 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 or trade premises	An industrial or trade premise used for any of the following purposes and that stores, uses or generates hazardous substances on-site that are exposed to rain 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 8) scrap yards including automotive dismantling, wrecking or scrap metal yards, and 9) wood treatment or preservation (including the commercial use of anti-sapstain chemicals during milling), or bulk storage of treated timber.
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 has 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 I Maps | Ngā mahere matawhenua. The thresholds for High Sediment Yielding Land are: land that has an estimated sediment annual average yield of 250 tonnes / km^2 / year or more in the Waitangi, Mangere and Whangārei Harbour Catchments and 500 tonnes / km^2 / year or more in the Doubtless Bay Catchment.
Historic Heritage Area	A Historic Heritage seascape that has been assessed under the *Regional Policy Statement for Northland 2016, Policy 4.5.3* and is shown in I Maps | Ngā mahere matawhenua. ***Note:*** *Historic Heritage Areas may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.*
Historic Heritage Site	A Historic Heritage Site that has been assessed under the *Regional Policy Statement for Northland 2016, Policy 4.5.3* and is shown in I Maps | Ngā mahere matawhenua. ***Note:*** *Historic Heritage Sites may also be separately listed under the Heritage New Zealand Pouhere Taonga Act 2014.*
Horticulture wastewater	Wastewater from vegetable or fruit 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.
Hull and niche areas	The immersed surfaces of a vessel including areas on a vessel or movable structure more susceptible to biofouling accumulation due to different hydrodynamic forces, susceptibility to anti-fouling coating wear or damage or absence of anti-fouling coatings. They include, but are not limited to, waterline, sea chests, bow thrusters, propeller shafts, inlet gratings, jack-up legs, moon pools, bollards, braces and dry-docking support strips.
Impervious area	An area with a surface that prevents or significantly retards the soakage of water into the ground, and includes: 1) rooves, 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 rooves, and 4) permeable artificial surfaces, fields or lawns, and 5) slatted decks.

Īnanga spawning site	The margins of rivers and estuaries that are inundated by spring high tides. ***Note:*** *In the context of this definition, "margins of rivers and estuaries that are inundated at spring high tide" refers to the area of land adjacent to the water in a river or estuary that is not normally covered in water, but that is covered in water during high tides near full and new moon, when the tidal range is at its highest. This occurs twice a month all year round.*
Incineration device	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.
Indigenous dune vegetation	Indigenous vegetation that grows naturally in dune systems. ***Note:*** *This varies around the region and within different parts of the dune system. On Northland foredunes, the key species are spinifex and pingao. Other species that might be found naturally on Northland's foredunes include: sand tussock; sand sedge and sand convovulus; pohuehue; sand coprosma; sand daphne; speckled sedge; wiwi – knobby club rush; oioi – jointed wire rush; flax; New Zealand spinach; sand wind grass; toetoe; and tī kōuka – cabbage tree.*
Indigenous vegetation	Vegetation that occurs naturally in New Zealand or that arrived in New Zealand without human assistance.
Induced wetlands	Wetlands that have formed naturally where wetlands did not previously exist, as a result of human activities, such as construction of roads and railways bunds. Does not include a constructed wetland nor any type of wet, damp or boggy ground that might incidentally occur as a result of land compaction, nor any ditch, drain, silt-trap, pit, bund, stockwater dam, or treatment pond associated with agricultural, pastoral or horticultural activities. ***Notes:*** *1) Induced wetlands are a type of natural wetland.* *2) The relationship between the various types of wetlands is shown in H.6 Wetland definitions relationships.*
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 river or lake.
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.

In-water cleaning	The cleaning of a vessel hull below the water level when the boat is afloat.
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 the *Local Government Act 1974, Section 517Z*.
Landfill	Class 1, 2, 3 and 4 landfills as defined in the *Waste Management Institute of New Zealand, 2018. Technical guidelines for the disposal to land of residual waste and other material*.
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 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 depicted in I Maps | Ngā mahere matawhenua*.
Leachate	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).
Light fouling	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.
Livestock (where used in livestock exclusion provisions in this Plan)	Dairy cows, dairy support cattle, beef cattle, pigs, and deer.
Livestock crossing point	A location where livestock cross a water body or artificial watercourse as part of normal farming operations. The entry and exit points are not more than five metres wide.
Macrofouling	Biofouling with large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms and fronds of algae.
Mahinga kai	Tāngata 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 of these taonga of the natural world has always been tempered by the way Māori perceive their place in the natural world. Manaaki manuhiri is an important aspect of mahinga kai.*
Maintenance (in relation to a Historic Heritage Site)	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 3) the area of occupation is no more than one hectare per marae, and 4) the area of occupation is within the area traditionally harvested by the marae. Sale 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 the *Gambling Act 2003, Section 4(1)*), 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. ***Notes:*** *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 1993, 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 biological diversity, pose a threat to human health, or interfere with legitimate use or protection of natural and physical resources in the coastal environment. ***Note:*** *Marine pests are sometimes referred to as invasive aquatic species or harmful aquatic organisms.*
Marsden Point Refinery Site	Land legally described as Section 10 Block VIII Ruakākā Survey District, with record of title number NA70A/371.
Mataitai	As defined in the *Fisheries (Kaimoana Customary Fishing) Regulations 1998*.

Mātauranga Māori	The knowledge, comprehension or understanding of everything visible or invisible that exists across the universe. ***Note:*** *In a modern context it can include Māori research, science and technology principles and practices*.
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.4 Environmental flows, levels and allocations.
Minimum level	See H.4 Environmental flows, levels and allocations.
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 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.
National Grid	The assets used or owned by Transpower New Zealand Limited.
National Grid structure	The facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the National Grid. It includes transmission line support structures (a tower or pole), telecommunications cables, and telecommunications devices, but does not include an electricity substation.
Natural bed level	The lowest vertical point on a riverbed at a particular location.
Natural inland wetland	***Note:*** *As defined in the National Policy Statement for Freshwater Management 2020, Condition 3.21*
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, or 5) 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.

	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.6 Wetland definitions relationships.*
Noise sensitive activity	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	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	Petroleum-based contaminants which have the potential to contaminate water.
Operational need	The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristic or constraints.
Other Aquifer	A groundwater quantity management unit. ***Note:*** *The management unit is depicted in I Maps | Ngā mahere matawhenua.*
Other property	Any 1) 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, and 2) includes a road.
Outdoor burning	Burning that takes place outside a building or fully enclosed indoor area including in an incineration device.

Outstanding Freshwater Body	Has the same meaning as in the *National Policy Statement for Freshwater Management 2020*. ***Note:*** *Outstanding Freshwater Bodies in Northland are depicted in I Maps | Ngā mahere matawhenua*.
Outstanding Lake	Is a type of Outstanding Freshwater Body.
Outstanding River	Is a type of Outstanding Freshwater Body.
Overland flow path	The path taken by surface stormwater crossing a property comprising low points in the terrain (not including rivers and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.
Partial demolition (in relation to a Historic Heritage Site)	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. ***Note:*** *The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute demolition or partial demolition.*
Passive discharge	The movement of contaminants from contaminated land that are entrained in soil or groundwater through groundwater or surface water movement or the movement of soil gas vapour.
Pastoral land use	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.
Pest or Pest organism	These include: 1) any unwanted living organism including microorganisms, pest agents, plants, animals and marine pests and any genetic structure capable of replicating itself (whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity) that may affect plants, animals, or raw primary produce, and 2) any organism listed in the *Northland Regional Pest Management Plan*, and 3) any organism listed in the *Unwanted Organisms Register* held by the Ministry for Primary Industries, and 4) does not include any human being or living organism which affects only human beings; or any living organism declared not to be a pest for the purposes of the *Biosecurity Act 1993*.
Potentially contaminated land	Land on which either: 1) an activity or industry described in the current edition of the *Ministry for the Environment 2011, Hazardous Activities and Industries List (HAIL)* is being undertaken, or 2) an activity or industry described in the HAIL has been undertaken.
Poultry hatchery	A commercial operation where eggs are incubated and hatched in a controlled environment.

Primary production	Any agricultural, pastoral, horticultural, forestry or aquaculture activities undertaken for the purpose of commercial gain or exchange, and 1) includes any land and auxiliary buildings used for the production of the products that result from the listed activities, but 2) does not include processing of those products.
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. Also includes all adjoining land under 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 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 risen 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 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.
Recognised Recreational Anchorage	A Recognised Recreational Anchorage identified in I Maps | Ngā mahere matawhenua which is: 1) referred to in cruising guides and similar publications as being of value to the boating community because of its shelter, holding, amenity and/or significant recreational value; and 2) commonly used and utilised for overnight anchoring in suitable conditions.
Refuse	1) Anything disposed of or discarded, and 2) defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste), and

	3) any component or element of diverted material, if the component or element is disposed of or discarded.
Regionally Significant Anchorage	A Regionally Significant Anchorage identified in I Maps | Ngā mahere matawhenua which is a strategic anchorage referred to in cruising guides and similar publications as being important shelter for small / large vessels in adverse weather.
Regionally Significant Infrastructure	***Note:*** *See H.9 Regionally Significant Infrastructure for a list of identified Regionally Significant Infrastructure. Regionally Significant Infrastructure extends to the site-related components that enable the asset to function.*
Registered drinking water supply	Has the same meaning as in the *Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007*.
Repair (in relation to a Historic Heritage Site)	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.
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, May 2015 (NZSOLD).*
Restoration	***Note:*** *As defined in the National Policy Statement for Freshwater Management 2020, Condition 3.21*
Reverted wetland	A wetland that has reverted back to its natural state over time. 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.6 Wetland definitions relationships.*
Risk assessment	An assessment of the proposed agrichemical application to identify risks of off-target spray movement and risks to spray-sensitive areas and measures to address those risks and determine if agrichemical application can be done safely and effectively given the conditions on-site at the time. After considering the spray plan, the risk assessment must include an assessment of the matters listed in H.10.2 Risk Assessment.
Root stock survival water	Water provided for the survival of root stock, including permanent horticultural crops (eg. kiwifruit, avocado, stonefruit, pipfruit) 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.

Secondary treatment	The further treatment of primary treated wastewater involving anaerobic or aerobic biological or chemical or physical treatment to remove the bulk of organic contaminants.
Seismic upgrading	Means structural works required to meet relevant earthquake prone buildings legislation and related Council policy.
Sensitive groundwater	Groundwater which is: 1) not artesian, and 2) not 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, eg. 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.
Seven-day mean annual low flow (MALF)	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.
Significant wetland	A natural wetland that meets the significance criteria in the *Regional Policy Statement for Northland 2016, 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: 1) saltmarsh greater than 0.5 hectare in area, or 2) lake margins and riverbeds with shallow water 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) wet heathland (including gumland and ironstone heathland) greater than 0.2 hectare in area, or 6) marsh, fen, ephemeral wetland or seepage greater than 0.05 hectare~~s~~ in area. ***Notes:*** *1) If there is any doubt over wetland extent use: Landcare Research for Meridian Energy Limited 2013. A vegetation tool for wetland delineation in New Zealand.* *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.* *3) The relationship between the various types of wetlands is shown in H.6 Wetland definitions relationships.*

Slime layer	See microfouling.
Small River	A river in the Small River water quantity management unit. ***Note:*** *The management unit is depicted in* I Maps | 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.
Specified infrastructure	***Note:*** *As defined in the National Policy Statement for Freshwater Management 2020, Condition 3.21*
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 4) community buildings and grounds, including places of worship and marae, and 5) certified organic farms, and 6) orchards, crops and commercial growing areas, and 7) water bodies used for the supply of drinking water and for stock drinking, and 8) natural wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the *Regional Policy Statement for Northland 2016*, and 9) roofing for the collection of drinking water; and 10) apiaries.
Suitably qualified and experienced practitioner (SQEP) (in rules relating to contaminated land)	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 (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	Runoff that has been intercepted, channelled, 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 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).

Stormwater treatment system	A system that is specifically designed to reduce concentrations of contaminants in stormwater, prior to its discharge.
Structure (in rules for activities in the coastal marine area)	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.
Surface water	All water, flowing or not, above the ground. It includes water in a continually 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.
Swing mooring	A mooring that allows the secured vessel to swing 360 degrees around the mooring under the influence of wind and tide.
Taiāpure	As defined in the *Fisheries Act 1996*.
Taonga	Treasure or property that are prized and protected as sacred possessions of iwi, hapū or whanau. ***Note:*** *The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Included, for example, are te reo Māori (Māori language), wāhi tapu, waterways, fishing grounds and mountains*.
Temporary military training	A temporary training activity undertaken for defence purposes. ***Note:*** *Defence purposes are those carried out in accordance with the Defence Act 1990.*
Tertiary treatment	Further treatment of secondary treated wastewater to remove contaminants such as nutrients, organic matter~~,~~ and micro-organisms. ***Note:*** *Tertiary treatment can involve processes such as adsorption, absorption, filtration, and disinfection*.
Tikanga Māori	Defined in the RMA as "Māori customary values and practices". ***Note:*** *Tikanga can be described as lore, custom, or practices based on the Māori belief system. The application of tikanga is diverse and can vary depending upon when and where an event takes place. Tikanga provides a framework for rules that govern harvesting, the care and respect for customary resources and the environment*.
Urban area	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.
Vegetation clearance	The cutting, burning, crushing, removal or destruction of vegetation, but does not include clearing: 1) hedges and amenity plants, or 2) vegetation along fences and around dams and ponds, or 3) vegetation around network utilities, or 4) vegetation alongside roads and tracks, or

	5) 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*, or 6) pasture, or 7) agricultural or horticultural crops, or 8) weeds and pest plants. ***Note:*** *The vegetation clearance definition only applies to vegetation clearance in the coastal riparian and foredune management area or within 10 metres of a natural wetland, or within 10 metres of the bed of a continually or intermittently flowing river or lake, as provided for by the rules in C.8.4 Vegetation clearance in riparian areas and foredune management area and related policies.*
Vertebrate toxic agent	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 it has any means of propulsion, and includes: 1) a barge, lighter, raft, or other like vessel, and 2) personal watercraft (jet ski) or paddle craft, and 3) hovercraft, and 4) a submarine or other submersible.
Viable genetically modified veterinary vaccine	A genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.
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.
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 prior to disposal at a landfill.
Wet abrasive blasting	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 and 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) Wet heathlands (including gumland and ironstone heathlands) are wetlands because 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.6 Wetland definitions relationships.*
Wetland enhancement	Action likely to increase the area or function of a wetland where there is either: 1) a net gain of ecological values, or 2) no net loss in ecological values and benefits to either water quality or hydrological flows.
Zone of reasonable mixing	For the purpose of a discharge of a contaminant permitted by a rule in this Plan: 1) in relation to flowing surface water bodies, a distance downstream of the point of discharge that is the lesser of: a) 200 metres if the bed width of the surface water body is greater than 30 metres at the point of discharge, or 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 2) in relation to a lake, wetland or coastal water, a distance 20 metres from the point of discharge. For the purpose of a discharge of a tracer permitted by 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 D.4.4 Zone of reasonable mixing.

C Rules
Ngā ture

Interpretation of rules

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

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

Unless the rule states otherwise, all rules that regulate discharges *(RMA (s15))* apply to the whole region including the coastal marine area.

Rules in 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 activity, this Plan was, where practicable, written to provide for '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 can, therefore, be made under the bundled rule. However, an application under a bundled rule would still result in separate consents being granted for each Section 9 and Sections 12 to 15 (RMA) permission required. For example, a land use consent (Section 9) for earthworks and a discharge permit (Section 15) for associated discharges.

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 this Plan provisions because the regulations are generally, unless stated otherwise, not repeated in this Plan and in most cases the regulations prevail over rules in this Plan.

Controlled and restricted discretionary activities

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

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

Definitions

Words defined in B Definitions | Whakamāramatanga are written in green 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 an NES will prevail over a rule in a Plan unless a condition in that NES authorises a rule to be more lenient or stringent.

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

NESs are available via the Ministry for the Environment's website (https://environment.govt.nz/acts-and-regulations/regulations/).

C.1 Coastal activities

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

C.1.1 General structures

Rule	
C.1.1.1	Existing structures – permitted activity
C.1.1.2	Minor structures in a Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity
C.1.1.3	Temporary coastal structure – permitted activity
C.1.1.4	Aids to navigation – permitted activity
C.1.1.5	Signs – permitted activity
C.1.1.6	Monitoring and sampling equipment – permitted activity
C.1.1.7	Reconstruction, replacement, maintenance or repair of a structure – permitted activity
C.1.1.8	Maintenance, repair or removal of hard protection structures – permitted activity
C.1.1.9	Additions or alterations to structures – permitted activity
C.1.1.10	Removal or demolition of structures - permitted activity
C.1.1.11	Additions or alterations to structures in the Coastal Commercial Zone or Marsden Point Port Zone - controlled activity
C.1.1.12	Structures for scientific, research, monitoring or education purposes – controlled activity
C.1.1.13	Reconstruction, replacement, maintenance or repair of specified infrastructure – controlled activity
C.1.1.14	Structures in the Whangārei City Centre Marine Zone –controlled activity
C.1.1.15	Existing authorised structures in a Coastal Commercial Zone, Marsden Point Port Zone or Marina Zone – controlled activity
C.1.1.16	Works to a Historic Heritage Site within the scope of a Historic Heritage Management Plan – restricted discretionary activity
C.1.1.17	Structures in the Marsden Point Port Zone - restricted discretionary activity
C.1.1.18	Existing hard protection structures - discretionary activity
C.1.1.19	Structures in a Marina Zone, Whangārei City Centre Marine Zone or Coastal Commercial Zone – discretionary activity
C.1.1.20	Laying cables - discretionary activity
C.1.1.21	Existing structures (other) – discretionary activity
C.1.1.22	Structures in Mooring and General Marine Zones – discretionary activity
C.1.1.23	National Grid structures in Mooring and General Marine Zones – discretionary activity
C.1.1.24	Hard protection structures – discretionary activity

Rule	
C.1.1.25	Structures for operation, maintenance, repair or upgrades associated with state highways – discretionary activity
C.1.1.26	Hard protection structures associated with regionally significant or Core Local Infrastructure – discretionary activity
C.1.1.27	Hard protection structures in significant areas – non-complying activity
C.1.1.28	Removal, alteration, extension, demolition, partial demolition or replacement of a Historic Heritage Site – non-complying activity
C.1.1.29	Structures with no functional need or operational need – non-complying activity
C.1.1.30	Structures within a significant area – non-complying activity

C.1.2 Moorings and anchorage

Rule	
C.1.2.1	Vessels not underway – permitted activity
C.1.2.2	Vessels – sewage management – permitted activity
C.1.2.3	Placement of swing moorings in a Mooring Zone – permitted activity
C.1.2.4	Existing mooring in a Mooring Zone – permitted activity
C.1.2.5	Existing swing mooring outside a Mooring Zone – permitted activity
C.1.2.6	Relocation of a mooring by the Harbourmaster – permitted activity
C.1.2.7	Maintenance and repair of a moorings – permitted activity
C.1.2.8	Removal or demolition of a mooring
C.1.2.9	New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity
C.1.2.10	Mooring in a Coastal Commercial Zone or the Marsden Point Port Zone - restricted discretionary activity
C.1.2.11	Vessels not underway – restricted discretionary activity
C.1.2.12	Placement or relocation of a mooring and the occupation of space – discretionary activity
C.1.2.13	Vessels not underway and sewage management – discretionary activity
C.1.2.14	New moorings in significant areas – non-complying activity

C.1.3 Aquaculture

Rule	
C.1.3.1	Re-consenting aquaculture (not finfish) – controlled activity
C.1.3.2	Re-consenting aquaculture (not finfish) in a significant area – restricted discretionary activity
C.1.3.3	Realignment of existing aquaculture – restricted discretionary activity
C.1.3.4	Extensions to authorised aquaculture – restricted discretionary activity
C.1.3.5	Aquaculture outside significant areas and development zones – discretionary activity
C.1.3.6	New aquaculture in an authorised area – discretionary activity
C.1.3.7	Aquaculture in a Māori oyster reserve – discretionary activity
C.1.3.8	Extensions to existing aquaculture in significant areas and development zones – discretionary activity
C.1.3.9	Marae-based aquaculture in significant areas and development zones – discretionary activity
C.1.3.10	Relocation of aquaculture within the Waikare Inlet – discretionary activity
C.1.3.11	Relocation of aquaculture within the Pārengarenga Harbour – discretionary activity
C.1.3.12	Small scale and short duration aquaculture in significant areas and development zones – non-complying activity
C.1.3.13	Aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity
C.1.3.14	Aquaculture in significant areas and development zones – prohibited activity

C.1.4 Mangrove removal

Rule	
C.1.4.1	Mangrove seedling removal – permitted activity
C.1.4.2	Minor mangrove removal for specified authorised activities – permitted activity
C.1.4.3	Mangrove removal for specified purposes – controlled activity
C.1.4.4	Mangrove removal by statutory or incorporated bodies for conservation purposes – restricted discretionary activity
C.1.4.5	Mangrove removal in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone – restricted discretionary activity
C.1.4.6	Mangrove removal existing activities – discretionary activity
C.1.4.7	Mangrove removal – discretionary activity
C.1.4.8	Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – non-complying activity
C.1.4.9	Mangrove removal – non-complying activity

C.1.5 Dredging and disposal

Rule	
C.1.5.1	Conditional use of vehicles on the foreshore or seabed – permitted activity
C.1.5.2	Activities that disturb the foreshore and seabed – permitted activity
C.1.5.3	Sampling and scientific investigation – permitted activity
C.1.5.4	Removal of nuisance marine plant debris – permitted activity
C.1.5.5	Removal or recovery of wrecked vessels – permitted activity
C.1.5.6	Clearing of pipe outlets – permitted activity
C.1.5.7	Clearing artificial water courses – permitted activity
C.1.5.8	Clearing tidal stream mouths – permitted activity
C.1.5.9	Burial of dead animals – permitted activity
C.1.5.10	Maintenance dredging – controlled activity
C.1.5.11	Beach scraping – restricted discretionary activity
C.1.5.12	Deposition of material for beneficial purposes - restricted discretionary activity
C.1.5.13	Dredging, deposition and disturbance activities – discretionary activity
C.1.5.14	Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity
C.1.5.15	Dredging, deposition and disturbance activities for operation, maintenance, repair or upgrades associated with state highways – discretionary activity
C.1.5.16	Other dredging, deposition and disturbance activities – non-complying

C.1.6 Reclamations

Rule	
C.1.6.1	Unlawful public road reclamation – controlled activity
C.1.6.2	Unlawful reclamation – discretionary activity
C.1.6.3	Reclamation for Regionally Significant Infrastructure – discretionary activity
C.1.6.4	Reclamation for the National Grid – discretionary activity
C.1.6.5	Reclamation – discretionary activity
C.1.6.6	Reclamation in significant areas – non–complying activity

C.1.7 Marine pests

Rule	
C.1.7.1	In-water cleaning of vessel hull and niche areas or structures – permitted activity
C.1.7.2	In-water cleaning of other vessel hull and niche areas, structures and barges – controlled activity
C.1.7.3	Vessel hull maintenance on the foreshore – discretionary activity
C.1.7.4	In-water cleaning of vessel hull and niche areas, structures and barges – discretionary activity
C.1.7.5	Marine pests and biofouling - non-complying activity

C.1.8 Coastal works general conditions

Rule
Structures and disturbance
Mangrove removal and pruning
Lighting
Noise

C.1.9 Genetically Modified Organisms

Rule	
C.1.9.1	Genetically modified organisms in the coastal marine area – permitted activities
C.1.9.2	Genetically modified organism field trials – discretionary activity
C.1.9.3	Viable genetically modified veterinary vaccines – discretionary activity
C.1.9.4	Genetically modified organism releases – prohibited activity

C.1.10 Te Hā o Tangaroa Protections Areas

Rule	
C.1.10.1	Temporary or permanent minor damage or destruction or removal of fish, aquatic life or seaweed in a Te Hā o Tangaroa Protection Area – permitted activities
C.1.10.2	Temporary or permanent damage or destruction or removal of fish, aquatic life or seaweed in a Te Hā o Tangaroa Protection Area - prohibited activities

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 that:

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

are permitted activities:

3) outlet pipes, and
4) road and railway culverts, and
5) bridges, and
6) aerial and submarine electricity line and telecommunications line structures, including any support structures, and
7) suspended and submarine pipelines, and
8) jetties up to 10 square metres in area, and
9) hard protection structures in the coastal marine area within Enclosed Waters (I Maps | Ngā mahere matawhenua), and
10) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and
11) dinghy skids used solely for private boat launching and retrieval, and
12) steps, and
13) wharves, jetties, boat ramps, concrete spillways and mooring dolphins in the Coastal Commercial Zone and Marsden Point Port Zone, and
14) non-habitable buildings and structures on and attached to wharves and jetties in the Coastal Commercial Zone and Marsden Point Port Zone

provided:

15) the structure complies with C.1.8 Coastal works general conditions, and
16) the structure is not within a Marina Zone, and
17) 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) for the structure.

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

- Occupation of the common marine and coastal area with a structure (s12(2)).
- Any erection or placement of an existing structure in, on, under or over any foreshore (s12(1)).

Note: *This is included to cover the circumstance (should it arise) where an existing structure is deemed to trigger the s12(1)(b) restriction on erecting or placing a structure.*

C.1.1.2 Minor structures in a 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 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 permitted activities, provided the structure:

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

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)).

C.1.1.3 Temporary coastal structure – permitted activity

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

1) the temporary coastal structure is not an aquaculture activity, 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 a temporary coastal structure necessary for 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
4) the temporary coastal structure does not exceed a two metre vertical projection above mean high water springs 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 Tāngata Whenua (refer I Maps | Ngā mahere matawhenua), and

10) the activities comply with C.1.8 Coastal works general conditions.

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

- Erection, placement, alteration, removal 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)).

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 permitted activities, provided:

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

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)).

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 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 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 permitted activities, provided:

5) the activities comply with C.1.8 Coastal works general conditions, and

6) if the sign is on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure, then:
   a) the total area of signs per enterprise or activity must not exceed 1.25 square metres, and
   b) except for road or maritime risk signage installed by a road controlling authority or network utility operator, 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 over a walkway must be at least 2.4 metres above the walkways, and
   e) the total combined area of all signs (under this rule) on the structure must not exceed five square metres, and
7) signs in a Mooring Zone or general coastal zone must not be lit between 1.00pm and 5.00am, unless necessary for maritime safety purposes.

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

- Erection, placement, alteration or extension of a sign 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 sign (s12(2)).

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 permitted activities provided:

1) it is not an aquaculture activity, and
2) it is not located in a mapped (refer I Maps | Ngā mahere matawhenua) Regionally Significant Anchorage, and
3) the monitoring or sampling equipment does not exceed a two metre vertical projection above mean high water springs or the foreshore, and
4) the monitoring or sampling equipment does not exceed (excluding any anchor(s) and anchor line(s)):
   a) three square metres, or
   b) ten 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
5) the monitoring or sampling equipment does not obstruct access over water to, or the use of, any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and
6) the monitoring or sampling equipment does not prevent public access to and along the foreshore, and
7) any surface buoys are clearly labelled with the owner's name, and
8) 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
9) the conditions of C.1.8 Coastal works general conditions are complied with, and
10) the Regional Council's Compliance Manager and the Regional Council's Harbourmaster are given at least 10 working days' notice (in writing or by email) of each deployment of the monitoring or sampling equipment and the notice includes:
    a) location details of proposed deployment(s), and

b) proposed date(s) and approximate time(s) of deployment, scheduled maintenance and retrieval, and

c) an image and description of the type of equipment to be deployed and its purpose, and

d) details of who is responsible for the deployment.

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

- Erection, placement, alteration or extension of monitoring or sampling equipment 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 monitoring or sampling equipment (s12(2)).

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, other than that resulting from routine maintenance or repair activities, and

3) there is no change to the authorised location of the structure, except where the structure is a network utility pole, and the location of any reconstructed or replaced pole is within two lineal metres of the location of the existing network utility pole it replaces, and

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

5) in the case of maintenance and repair of a Historic Heritage Site (refer I Maps | Ngā mahere matawhenua), work must be within scope of what is defined in this Plan as Historic Heritage Site repair and Historic Heritage Site maintenance and must not result in any of the following:

   a) changes to the existing surface treatment of fabric,[3] painting of any previously unpainted surface, or the rendering of any previously unrendered[4] 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

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

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) and s12(3)).

[3] Fabric refers to doors, windows, and exterior walls and surfaces of a building or structure.

[4] Rendering generally refers to the application of plastering material.

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

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

1) the Regional Council's Compliance Manager is 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, and

2) the maintenance, repair or removal complies with the conditions of C.1.8 Coastal works general conditions, and

3) 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).

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

- Maintenance, repair or removal of hard protection structures on land (s9(2)).
- Maintenance, repair or removal of hard protection structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).

C.1.1.9 Additions 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 permitted activities:

1) aerial and submarine telecommunications cables or aerial or electricity transmission lines provided:

   a) the additions or alterations will not require additional support structures as a result of any increase in the design voltage, and

   b) the new or altered aerial lines will not be lower in height above the foreshore or seabed, and

2) insulators, circuits, earth wires, earth peaks and lightning rods, and

3) bridge footpaths, bridge side rails, bridge road seal, bridge road signs, bridge road lighting, and cables or pipes attached to bridges,

provided:

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

5) the addition or alteration complies with the 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 one percent annual exceedance probability flood event.

Note: *Condition (1) of 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 the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, Regulation 10.*

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) and s12(3)).
- Occupation of the common marine and coastal area with the addition or alteration to a structure (s12(2)).

C.1.1.10 Removal or demolition 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) the activity complies with the conditions of C.1.8 Coastal works general conditions, and

2) the structure is not a Historic Heritage Site (refer I Maps | Ngā mahere matawhenua).

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)).

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

The addition to or alteration of a structure in the Coastal Commercial Zone or Marsden Point Port Zone, the use of the addition or altered part of the structure, and any occupation of the common marine and coastal area by the addition or alteration, that is not a permitted activity under C.1.1.2 Minor structures in a Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity or C.1.1.9 Additions 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 and indigenous biodiversity.

4) Effects on public open space and visual amenity.

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

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

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

8) Effects on Russell and Mangonui heritage precincts (as set out in the *Far North District Plan*).

9) Effects on Outstanding Natural Landscapes.

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

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

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

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

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

2) the structure is not in a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).

Matters of control:

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

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

3) Height of the structure above mean high water springs or the foreshore.

4) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places outstanding or significant:

    a) Nationally Significant Surf Breaks.

    b) Regionally Significant Surf Breaks.

    c) Outstanding Natural Features.

    d) Areas of Outstanding Natural Character.

    e) Significant Ecological Areas.

    f) Regionally Significant Anchorages.

    g) Effects on Outstanding Natural Landscapes.

5) Effects on the characteristics, qualities and values that contribute to a mapped (refer I Maps | Ngā mahere matawhenua) Historic Area or Site.

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

Notification:

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

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

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

C.1.1.13 Reconstruction, replacement, maintenance or repair of specified infrastructure – controlled activity

The reconstruction, replacement, maintenance or repair of a structure, or part of a structure, in the coastal marine area, that does not comply with C.1.8(9) Coastal works general conditions is a controlled activity, provided:

1) All other conditions of C.1.1.7 Reconstruction, replacement, maintenance or repair of a structure – permitted activity are complied with; and
2) The structure, or part of a structure, is:
   a) in the Marsden Point Port Zone, or
   b) the submarine high-voltage cable between Ōpua and Okiato such generally located between the points 174.11557°E, 35.30966°S and 174.12065°E, 35.30538°S, or
   c) the submarine high-voltage cable in Waikare Inlet such generally being located between the points 174.13687°E, 35.31787°S and 174.13557°E, 35.30538°S.

Matters of control:

1) Effects on aquatic ecosystem health and indigenous biodiversity.
2) Effects of disturbance, deposition and discharge associated with the activity, including use of heavy machinery.
3) Method, timing and notification of the activity.
4) Monitoring, remediation, and information requirements.

C.1.1.14 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 C.1.1.1 Existing structures – permitted activity, or
2) permitted activity under C.1.1.2 Minor structures in a Coastal Commercial Zone, Marsden Point Port Zone and the Whangārei City Centre Marine Zone – permitted activity

are controlled activities, provided:

3) there is no restriction on public use of the structure.

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 public open space and visual amenity.
4) Use of structure.
5) Effects on aquatic ecosystem health and indigenous biodiversity.
6) Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.

Notification:

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

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

- Erection, placement, alteration or extension of a structure 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.1.1.15 Existing authorised structures in a 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 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 controlled activities, provided:

1) if the existing structure is in a Marina Zone, it is associated with a marina.

Matters of control:

1) Effects on-coastal processes including effects on shoreline stability in the vicinity.
2) Effects on aquatic ecosystem health and indigenous biodiversity.
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).

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

- Occupation of the common marine and coastal area with an existing authorised structure (s12(2)).
- Use of a structure in the coastal marine area (s12(3)).

Note: *This is included to cover the circumstance (should it arise) where an existing structure is deemed to trigger the s12(1)(b) restriction on erecting or placing a structure.*

C.1.1.16 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 Removal or demolition of structures – permitted activity

are restricted discretionary activities, provided the works are within the scope of a Historic Heritage Management Plan developed by a suitably qualified and experienced professional.

Matters of discretion:

1) Effects on Historic Heritage values.
2) Effects on public access to and along the coastal marine area.
3) Use of the structure.

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

- Erection, reconstruction, placement, alteration, extension, removal, or demolition of any Historic Heritage Site or any part of a Historic Heritage Site that is fixed in, on, under, or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a structure (s12(2)).
- Use of a structure in the coastal marine area (s12(3)).

C.1.1.17 Structures in the Marsden Point Port Zone – restricted discretionary activity

The use, erection, placement, alteration or extension of a structure in the Marsden Point Port Zone and any occupation of the common marine and coastal area by the structure that is not a permitted or controlled activity in C.1.1 General structures 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 and indigenous biodiversity.
3) Effects on public access to and along the coastal marine area.
4) Use of the structure.
5) The positive effects of the activity.
6) Effects on mapped Outstanding Natural Landscapes.

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

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

C.1.1.18 Existing hard protection structures – discretionary activity

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

1) existed at 30 June 2004, or
2) is or was previously authorised,

and the use of the hard protection structure, are discretionary activities, provided:

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

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

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

C.1.1.19 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 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 C.1.1 General structures of this Plan are discretionary activities.

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

C.1.1.20 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.1.1.21 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 C.1.1 General structures of this Plan, and the use of the structure are discretionary activities.

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

C.1.1.22 Structures in Mooring and General Marine Zones – discretionary activity

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

1) it is not in a mapped (refer I Maps | Ngā mahere matawhenua):
    a) Nationally Significant Surf Break, or
    b) Regionally Significant Anchorage, or
    c) Outstanding Natural Feature, or
    d) Area of Outstanding Natural Character, or

e) Site or Area of Significance to Tāngata Whenua, or

f) Outstanding Natural Landscape, or

g) Historic Heritage Area, or

h) Significant Ecological Area, or

i) Significant Bird Area – Critical Bird Habitats, and

2) there is no removal, demolition, partial demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I Maps | Ngā mahere matawhenua), and

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

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

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

C.1.1.23 National Grid structures in Mooring and General Marine Zones – discretionary activity

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a National Grid structure in a Mooring Zone or the General Marine Zone and any occupation of the common marine and coastal area by the structure that is not a permitted, controlled or restricted discretionary activity in Section C.1 Coastal activities of this Plan and the use of the structure are discretionary activities, provided the structure has a functional or operational need to be located in the coastal marine area.

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

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

C.1.1.24 Hard protection structures – discretionary activity

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

1) Nationally Significant Surf Break, or

2) Outstanding Natural Feature in the coastal marine area, or

3) Area of Outstanding Natural Character in the coastal marine area, or

4) Historic Heritage Area, or

5) Site or Area of Significance to Tāngata Whenua, or

6) Outstanding Natural Landscape, or

7) Significant Ecological Area, or

8) Significant Bird Area – Critical Bird Habitats.

Note: *A hard protection structure directly associated with the protection of existing Regionally Significant Infrastructure or Core Local Infrastructure is excluded from this rule and is covered by C.1.1.26 Hard protection structures associated with regionally significant or Core Local Infrastructure – discretionary activity.*

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

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

C.1.1.25 Structures for operation, maintenance, repair or upgrades associated with state highways – discretionary activity

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a structure in the coastal marine area necessary for maintenance, repair or upgrades associated with state highways, and any occupation of the common marine and coastal area by the structure, and the use of the structure, are discretionary activities, provided they are consistent with protecting the characteristics, qualities and values of mapped Significant Bird Area – Critical Bird Habitats (refer I Maps | Ngā mahere matawhenua).

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

- The 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) and s12(3)).
- Occupation of the common marine and coastal area with a structure (s12(2)).
- Use of a structure in the coastal marine area (s12(3)).

C.1.1.26 Hard protection structures associated with regionally significant or Core Local Infrastructure – discretionary activity

The use, erection or placement of a hard protection structure directly associated with

1) the protection of existing Regionally Significant Infrastructure, or

2) Core Local Infrastructure, or

3) a reclamation for Regionally Significant Infrastructure,

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

4) Outstanding Natural Feature in the coastal marine area, or

5) Area of Outstanding Natural Character in the coastal marine area, or

6) Nationally Significant Surf Break, or

7) Outstanding Natural Landscape, or

8) Significant Ecological Area, or

9) Significant Bird Area – Critical Bird Habitats.

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

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

C.1.1.27 Hard protection structures in significant areas – non-complying activity

The use, erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a 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 C.1.1.24 Hard protection structures – discretionary activity, or

2) discretionary activity under C.1.1.26 Hard protection structures associated with regionally significant or Core Local Infrastructure – discretionary activity,

are non-complying activities.

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

- Erection, placement, alteration, extension, maintenance, repair, removal or demolition of hard protection structures (s9(2)).
- Erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a hard protection structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- 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.1.1.28 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 Historic Heritage Site (refer I Maps | Ngā mahere matawhenua), and any occupation of the common marine and coastal area by the structure, are non-complying activities.

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

- Replacement, alteration, extension, removal or demolition of a Historic Heritage Site 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)).

C.1.1.29 Structures with no functional need or operational need – non-complying activity

The use, erection or placement of a structure with no functional need or operational need to occupy the common marine and coastal area, and any occupation of the common marine and coastal area by the structure, are non-complying activities.

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 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.1.1.30 Structures within a significant area – non-complying activity

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

1) Nationally Significant Surf Break, or
2) Regionally Significant Anchorage, or
3) Outstanding Natural Feature in the coastal marine area, or
4) Area of Outstanding Natural Character in the coastal marine area, or
5) Historic Heritage Area, or
6) Site or Area of Significance to Tāngata Whenua, or
7) Outstanding Natural Landscape, or
8) Significant Ecological Area, or
9) Significant Bird Area – Critical Bird Habitats,

and is not a permitted, controlled, restricted discretionary or discretionary activity in C.1.1 General structures of this Plan, and the use of the structure are non-complying activities.

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

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

C.1.2 Moorings and anchorage

Note: *The rules in C.1.1 General structures 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 permitted activities, provided:

4) the vessel is not:

   a) in Enclosed Water (refer I Maps | Ngā mahere matawhenua) for more than 14 consecutive days or part days. At the conclusion of this period the vessel must leave the Enclosed Water and cannot return to that Enclosed Water within three calendar days or part days, or

   b) in the outer Bay of Islands and outer Whangaroa Harbour (refer I Maps | Ngā mahere matawhenua) between 1 November and 31 March, and

      i. the vessel is not secured or placed in one position, or within 1,000 metres of that position, for longer than 14 consecutive days or part days, and

      ii. if it leaves that position, or within 1,000 metres of that position after 14 consecutive days, 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) Conditions (4)(a) and (4)(b) and Condition (6) do not apply to a vessel secured to an authorised mooring or marina berth, and

8) Conditions (4)(a) and (4)(b) do not apply where a longer period is made necessary due to bad weather[5], accident, or emergency.

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

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

[5] 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.

C.1.2.2 Vessels – sewage management – permitted activity

Staying overnight on a vessel within a Marine Pollution Limit (refer I Maps | Ngā mahere matawhenua) is a permitted activity provided:

1) the vessel is equipped with:
   a) a sewage treatment system which is specified in *Schedule 5 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, or
   c) a portable toilet, or
   d) a composting toilet, and
2) 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 and capacity of sewage containment, or
   b) a copy of written evidence from a boat builder or marine engineer detailing the method and capacity of sewage containment, and
   c) the number of persons staying overnight.
3) 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 mooring, and
   c) the following marine farms, where anchoring up to 200 metres from the marine farm is permitted:
      i. in the Waikare Inlet, any marine farm west of a line from 1703263mE 6092240mN to 1703691mE 6092173mN (all coordinates in New Zealand Transverse Mercator 2000), and
      ii. adjacent to Stephenson Island.

Notes:

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

1) grade A or B treated sewage, or

2) sewage discharges near a marine farm, marine reserve or mataitai reserve.

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

- Staying overnight on a vessel in the coastal marine area (s12(3)).

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

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

1) the Mooring Zone has space available for the swing mooring during all weather and tidal conditions such that 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 C.1.8 Coastal works general conditions, and

4) the mooring is not in any of the following Mooring Zones:

Table 1: Mooring Zones (new swing moorings)

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

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

- Placement of a swing mooring in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).

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

The occupation of the common marine and coastal area with a mooring and a vessel using the mooring is a permitted activity, provided:

1) the mooring is in a Mooring Zone, and
2) the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and
3) the activity complies with C.1.8 Coastal works general conditions, and
4) the owner of the mooring holds a current mooring licence[6] for the mooring, and
5) the mooring is not located in a designated channel or fairway, and
6) there is only one vessel attached to a swing mooring at any one time (except for dinghies).

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

- Occupation of the common marine and coastal area with a mooring and associated moored vessel(s) (s12(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 swing mooring and a vessel using the mooring is a permitted activity, provided:

1) the mooring is not in a Mooring Zone, and
2) the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and

[6] A license issued by Northland Regional Council under the relevant bylaw for moorings

3) the activity complies with the conditions of C.1.8 Coastal works general conditions, and

4) the owner of the mooring holds a current mooring licence[7] for the mooring, and

5) the mooring is the only mooring associated with a property, and

6) there is no change in size of the existing mooring block, and

7) no part of the mooring or moored vessel is within the following mapped areas (I Maps | Ngā mahere matawhenua):

   a) Regionally Significant Anchorage, or

   b) Site or Area of Significance to Tāngata Whenua, or

   c) Marina Zone.

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

- Occupation of the common marine and coastal area with a mooring and associated moored vessel(s) (s12(2)).

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

The relocation of a mooring as directed by the Regional Council's Harbourmaster, for navigation safety purposes and the efficient use of available space, is a permitted activity, provided:

1) If the new position of the mooring block is:

   a) outside a Mooring Zone, and

   b) in a Significant Bird Area – Critical Bird Habitats mapped area (refer I Maps | Ngā mahere matawhenua)

   then the new position must not be more than 200 metres from the original mooring block position, and

2) the mooring is not relocated into the following mapped areas (refer I Maps | Ngā mahere matawhenua):

   a) Outstanding Natural Feature, or

   b) Area of Outstanding Natural Character, or

   c) Significant Ecological Area outside a Mooring Zone, or

   d) Regionally Significant Anchorage, or

   e) Recognised Recreational Anchorage, or

   f) Site or Area of Significance to Tāngata Whenua, or

   g) Marina Zone, or

   h) Historic Heritage Area or Historic Heritage Site, or

   i) Outstanding Natural Landscape.

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

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

[7] A license issued by Northland Regional Council under the relevant bylaw for moorings

C.1.2.7 Maintenance or repair of a mooring – permitted activity

The maintenance 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 C.1.8 Coastal works general conditions.

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

- The maintenance or repair of a mooring in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).

C.1.2.8 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.1.2.9 New mooring in a Mooring Zone with limited shore-based facilities – restricted discretionary activity

The placement of a 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 restricted discretionary activities provided:

1) The mooring is in one of the following Mooring Zones:

Table 2: Mooring Zones (limited shore base facilities)

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

2) there is only one vessel attached to the swing mooring at any one time (except for dinghies).

Matters of discretion:

1) Effects on land-based facilities associated with a mooring, including parking, toilet facilities, refuse disposal and dinghy storage.

2) The availability of space within the mooring area.

3) The location of the mooring.

4) The type, size and construction of the mooring.

5) Noise and lighting.

6) The positive effects of the activity.

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

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

C.1.2.10 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.1.2.11 Vessels not underway – restricted discretionary 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),

in one position, or within 1,000 metres of that position, for up to 28 days or part days is a restricted discretionary activity, provided:

4) the vessel (including its anchor) is not secured or placed within a mapped (refer I Maps | Ngā mahere matawhenua):

   a) Regionally Significant Anchorage, or

   b) Site or area of significance to Tāngata Whenua, or

   c) Historic Heritage Site, or

   d) Marina Zone, and

5) the vessel (including its anchor) is not within 75 metres of an authorised marine farm structure

Matters of discretion:

1) Effects on the opportunity for recreational use of the waters in the vicinity.
2) Effects on navigation and safety.
3) Effects on the characteristics, qualities and values of mapped Significant Ecological Areas (refer I Maps | Ngā mahere matawhenua).
4) Methods to contain or treat sewage.
5) Positive effects of the activity.

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

- 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.1.2.12 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 C.1.2 Moorings and anchorage of this Plan are discretionary activities.

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

- Erection, 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)).
- Occupation of the common marine and coastal area with a mooring and associated moored vessel(s) (s12(2).

C.1.2.13 Vessels not underway and sewage management – discretionary activity

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

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

that is not a permitted or a restricted discretionary activity in C.1.2 Moorings and anchorage of this Plan are discretionary activities.

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

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

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

1) Outstanding Natural Feature, or
2) Area of Outstanding Natural Character, or
3) Regionally Significant Anchorage, or
4) Areas of Significance to Tāngata Whenua, or
5) Historic Heritage Site, or
6) Outstanding Natural Landscape, or
7) Significant Ecological Area, or
8) Significant Bird Area – Critical Bird Habitats,

are non-complying activities.

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

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

C.1.3 Aquaculture

Notes:

1. *The rules in Section C.1.1 General structures do not apply to aquaculture activities.*
2. *The Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 may also apply to existing aquaculture.*
3. *Re-consenting of finfish aquaculture is not covered by a rule in this section – refer Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020.*

C.1.3.1 Re-consenting aquaculture (not finfish) – controlled 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 an aquaculture activity, and any associated erection or placement of structures, is a controlled activity, provided:

1) it is not finfish aquaculture, and
2) no part of the area of occupation is in a mapped (refer I Maps | Ngā mahere matawhenua):
   a) Significant Ecological Area, or
   b) Outstanding Natural Feature, or
   c) Area of Outstanding Natural Character, or
   d) Site or Area of Significance to Tāngata Whenua, or
   e) Outstanding Natural Landscape, and
3) there is an existing coastal permit for the aquaculture activity, or a coastal permit for the aquaculture activity existed less than one year before the date the application is made, 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:

1) Measures to manage effects on reefs and biogenic habitats within the footprint of the structure and:
   a) twenty metres around the footprint of the surface structures of an intertidal marine farm; or
   b) twenty metres from the boundary of the consented area of a subtidal marine farm.
2) Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury and mortality.
3) The management of biosecurity risks.
4) The management of the effects on the environment of noise, rubbish and debris.
5) Integrity and security of the structure.
6) The layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm, for the purpose of ensuring:
   a) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and
   b) navigational safety, including the provision of navigations warning devices and signs; and
   c) with respect to colour, the visibility and coherent appearance of marine farm structures.
7) The need to upgrade, replace or remove any derelict or disused structures.

8) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.

9) Effects associated with the operation of the marine farm on public facilities and infrastructure.

10) When occupation is authorised in relation to seasonal activities such as spat catching.

Notification:

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

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

- Any 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 deposition of shell and other biota onto the foreshore or seabed incidental to the activity (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge~~s~~ of sediment or water into water incidental to the activity (s15(1)).

C.1.3.2 Re-consenting aquaculture (not finfish) in a significant area – restricted 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 an aquaculture activity, and any associated erection or placement of structures, in a mapped (refer I Maps | Ngā mahere matawhenua):

1) Significant Ecological Area, or

2) Outstanding Natural Feature, or

3) Area of Outstanding Natural Character, or

4) Site or Area of Significance to Tāngata Whenua, or

5) Outstanding Natural Landscape

is a restricted discretionary activity, provided:

6) it is not finfish aquaculture, and

7) there is an existing coastal permit for the aquaculture activity, or a coastal permit for the aquaculture activity existed less than one year before the date the application is made, and

8) the area to be occupied is the same as, or less than, the area authorised by the existing, expired or lapsed coastal permit, and

9) the application is for a marine farm on the same site as authorised by the existing, expired or lapsed coastal permit, and

10) the species to be farmed are only those authorised by the existing, expired or lapsed coastal permit, and

11) the structures and anchoring systems are to be the same as, or similar to, those authorised by the existing, expired or lapsed coastal permit, including in height, reflectivity and bulk (but not including in colour).

Matters of discretion:

1) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places outstanding or significant:

    a) Areas of Outstanding Natural Character.

    b) Outstanding Natural Features.

c) Significant Ecological Areas.

d) Sites and Areas of Significance to Tāngata Whenua.

e) Outstanding Natural Landscapes.

2) Effects of the activity on reefs, biogenic habitat and regionally significant benthic species within the footprint of the structure, and:

a) twenty metres around the footprint of the surface structures of an intertidal marine farmland, or

b) twenty metres from the boundary of the consented area of a subtidal marine farm.

3) Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury and mortality.

4) The management of biosecurity risks.

5) The management of the effects on the environment of noise, rubbish and debris.

6) Integrity and security of the structure.

7) The layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm, for the purpose of ensuring:

a) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and

b) navigational safety, including the provision of navigations warning devices and signs; and

c) with respect to colour, the visibility and coherent appearance of marine farm structures.

8) The need to upgrade, replace or remove any derelict or disused structures.

9) Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment.

10) Effects associated with the operation of the marine farm on public facilities and infrastructure.

11) The positive effects of the aquaculture.

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

13) When occupation is authorised in relation to seasonal activities.

Notification:

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

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

- Any 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 deposition of shell and other biota onto the foreshore or seabed incidental to the activity (s12(1)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge~~s~~ of sediment or water into water incidental to the activity (s15(1)).

C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity

The realignment of an area occupied by an authorised aquaculture activity in the common marine and coastal area, the associated erection or placement of a structure, and any associated discharge,~~-~~are restricted discretionary activities, 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 (⅔) of the existing authorised area remains, and

4) the new area is no more than one-third (⅓) of the existing authorised area, and

5) the new area is contiguous to the existing authorised area, and

6) the aquaculture activity in the new area is the same as that approved for the existing authorised area.

Matters of discretion:

1) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places outstanding or significant:

   a) Areas of Outstanding Natural Character.

   b) Outstanding Natural Features.

   c) Significant Ecological Areas.

   d) Sites and Areas of Significance to Tāngata Whenua.

   e) Regionally Significant Anchorages.

   f) Outstanding Natural Landscape.

2) Effects of the activity on reefs, biogenic habitat and regionally significant benthic species within the footprint of the structure, and:

   a) twenty metres around the footprint of the surface structures of an intertidal marine farmland, or

   b) twenty metres from the boundary of the consented area of a subtidal marine farm.

3) Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury and mortality.

4) The management of biosecurity risks.

5) The management of the effects on the environment of noise, rubbish and debris.

6) Integrity and security of the structure.

7) The layout, colour, positioning, density, lighting and marking of marine farm structures within a marine farm, for the purpose of ensuring:

   a) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and

   b) navigational safety, including the provision of navigations warning devices and signs; and

   c) with respect to colour, the visibility and coherent appearance of marine farm structures.

8) The need to upgrade, replace or remove any derelict or disused structures.

9) Bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment.

10) Effects on Historic Heritage in the coastal marine area.

11) Effects associated with the realignment and operation of the marine farm on public facilities and infrastructure.

12) The positive effects of the activity.

13) 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 the RMA (s17) for the area of occupation.*

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).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge~~s~~ of a contaminant (including feed) or water into water (s15(1)).

C.1.3.4 Extensions to authorised aquaculture – restricted discretionary activity

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

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

Matters of discretion:

1) Effects on the characteristics, qualities and values that contribute to make any of the following adjacent mapped (refer I Maps | Ngā mahere matawhenua) places outstanding or significant:
    a) Areas of Outstanding Natural Character.
    b) Outstanding Natural Features.
    c) Significant Ecological Areas.
    d) Sites and Areas of Significance to Tāngata Whenua.
    e) Regionally Significant Anchorages.
    f) Outstanding Natural Landscape.
2) Effects on the characteristics, qualities and values that contribute to any mapped (refer I Maps | Ngā mahere matawhenua) Historic Heritage Area.

3) Effects on reefs and biogenic habitat.

4) Effects on food (plankton) availability in the water.

5) The risk of introducing or spreading marine pests.

6) Adverse effects on marine mammals and seabirds, including minimising interactions with the marine farm, such as entanglement.

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.

10) Effects on existing recreational activities.

11) The need to upgrade, replace or remove any derelict or disused structures.

12) The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.

13) Effects associated with the extension and operation of the marine farm on public facilities and infrastructure.

14) The positive effects of the activity.

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

16) For an aquaculture activity within the Bay of Islands Aquaculture Exclusion Area referred to in D.5.3 Aquaculture in the Bay of Islands Aquaculture Exclusion Zones, effects on the characteristics, qualities and values that contribute to mapped (refer I Maps | Ngā mahere matawhenua) Areas of High Natural Character.

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))
- Deposition onto the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water into water (s15(1)).

C.1.3.5 Aquaculture outside significant 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 aquaculture activities, and any associated discharges, that are not controlled or restricted discretionary activities in C.1.3 Aquaculture of this Plan are discretionary activities, provided the area of occupation is not in a mapped (refer I Maps | Ngā mahere matawhenua),

1) Aquaculture Exclusion Area, or

2) Significant Ecological Area, or

3) Outstanding Natural Feature, or

4) Area of Outstanding Natural Character, or

5) Historic Heritage Area, or

6) Regionally Significant Anchorage, or

7) Mooring Zone, or

8) Coastal Commercial Zone, or

9) Site or Area of Significance to Tāngata Whenua, or

10) Outstanding Natural Landscape.

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.6 New aquaculture in an authorised area – discretionary activity

New aquaculture activities, in an area that 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, that are not restricted discretionary activities under the *Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020* are discretionary activities.

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- 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)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.7 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 aquaculture activities in a Māori oyster reserve[8] in the Kaipara Harbour, and any associated discharges, that are not controlled or restricted discretionary activities in C.1.3 Aquaculture of this Plan are discretionary activities, provided the aquaculture is consistent with the *Deed of Settlement to Settle Te Uri o Hau Historical Claims, December 2000, Section 5.10*.

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

[8]Refer *Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9*.

C.1.3.8 Extensions to existing aquaculture in significant areas and development zones - discretionary activity

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

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

are discretionary activities, provided:

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

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water into water associated with the aquaculture activities (s15(1)).

C.1.3.9 Marae-based aquaculture in significant 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 marae-based aquaculture, and any associated discharges in a mapped (refer I Maps | Ngā mahere matawhenua):

1) Aquaculture Exclusion Area, or
2) Significant Ecological Area, or
3) Outstanding Natural Feature, or
4) Area of Outstanding Natural Character, or
5) Historic Heritage Area, or
6) Regionally Significant Anchorage, or

7) Mooring Zone, or

8) Coastal Commercial Zone, or

9) Outstanding Natural Landscape

are discretionary activities.

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.10 Relocation of aquaculture within the Waikare Inlet – discretionary activity

The relocation of authorised aquaculture activities within the Waikare Inlet, 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 C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity,

are discretionary activities, provided:

2) the proposed area to be occupied is no greater than the existing authorised area, and

3) the current space approved for occupation and the proposed space to be occupied is east of a line from 1703263mE 6092240mN to 1703003mE 6091467mN (all coordinates in New Zealand Transverse Mercator 2000).

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.11 Relocation of aquaculture within the Pārengarenga Harbour – non-complying activity

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

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

are non-complying activities, provided the proposed area to be occupied is no greater than the existing authorised area.

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.3.12 Small scale and short duration aquaculture in significant areas 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 aquaculture activities, and any associated discharge, in a mapped (refer I Maps | Ngā mahere matawhenua):

1) Aquaculture Exclusion Area, or
2) Significant Ecological Area, or
3) Outstanding Natural Feature, or
4) Area of Outstanding Natural Character, or
5) Historic Heritage Area, or
6) Regionally Significant Anchorage, or
7) Recognised Recreational Anchorages, or
8) Outstanding Natural Landscape, or
9) Mooring Zone, or
10) Coastal Commercial Zone, or
11) Site or Area of Significance to Tāngata Whenua,

that are not a:

12) restricted discretionary activity under C.1.3.3 Realignment of existing aquaculture – restricted discretionary activity, or
13) discretionary activity under C.1.3.9 Extensions to existing aquaculture in significant areas and development zones - discretionary activity, or
14) discretionary activity under C.1.3.8 Aquaculture in a Māori oyster reserve – discretionary activity, or
15) discretionary activity under C.1.3.10 Marae-based aquaculture in significant areas and development zones – discretionary activity,

are non-complying activities, provided:

16) the area of occupation (excluding the anchoring or mooring system) is less than 5,000 square metres, and
17) the consent duration applied for is no longer than five years, and
18) the area of occupation has not been authorised for aquaculture activities any time in the five years preceding the time the Regional Council receives the application under this rule, and
19) no part of the area of occupation is within 200 metres of an existing area authorised for aquaculture activities.

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)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge of a contaminant~~s~~ (including feed) or water into water associated with the aquaculture activity (s15(1)).

C.1.3.13 Aquaculture in a Significant Ecological Area in the Kaipara Harbour – 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 aquaculture activities, and any associated discharge, in a mapped Significant Ecological Area in the Kaipara Harbour (refer I Maps | Ngā mahere matawhenua) that is not a:

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

are non-complying activities, 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).

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)).
- Occupation of the common marine and coastal area by the aquaculture activity (s12(2)).
- Discharge of a contaminant (including feed) or water into water associated with the aquaculture activities (s15(1)).

C.1.3.14 Aquaculture in significant areas 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 aquaculture activities, and any associated discharge, in a mapped (refer I Maps | Ngā mahere matawhenua):

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

6) Regionally Significant Anchorage, or

7) Mooring Zone, or

8) Coastal Commercial Zone, or

9) Site or Area of Significance to Tāngata Whenua, or

10) Outstanding Natural Landscape

that is not a restricted discretionary, discretionary or non-complying activity in:

- C.1.3 Aquaculture of this Plan, or
- the *Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020*

are prohibited activities.

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)).
- Occupation of the common marine and coastal area with aquaculture activities (s12(2)).
- Discharge of contaminants (including feed) or water to water associated with the aquaculture activities (s15(1)).

C.1.4 Mangrove removal

C.1.4.1 Mangrove seedling removal – permitted activity

The removal of mangrove seedlings 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 are permitted activities provided:

1) the seedlings are less than 50 centimetres tall and unbranched, and
2) the seedlings are not under the canopy area of any existing mangrove, and
3) the removal is by hand or using hand-held tools (excluding motorised), and
4) any removal is not undertaken between 1 August and 31 March (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and
5) the seedlings are not within a mapped Significant Ecological Area, and
6) the activity is not a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – non-complying activity, and
7) the activities comply with C.1.8 Coastal works general conditions.

Note: *The use of vehicles on the foreshore associated with mangrove removal is controlled by C.1.5.1 Use of vehicles on beaches and other activities that disturb the foreshore and seabed.*

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

- Damage or disturbance of any foreshore or seabed associated with removal of mangroves (s12(1)).
- Removal of mangroves in the coastal marine area and any associated damage or disturbance of the foreshore or seabed (s12(3).
- Disturbance of the bed of any river, associated with removal of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to removal of mangroves (s15(1)).

C.1.4.2 Minor mangrove removal for specified authorised activities – 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 3: Maximum allowable area of mangrove removal* and any associated damage or disturbance to the foreshore, seabed or bed of a river, are permitted activities, provided:

1) where the activity is located within a mapped (refer I Maps | Ngā mahere matawhenua):
    a) Significant Ecological Area, or
    b) Outstanding Natural Character Area, or
    c) Outstanding Natural Landscape, or
    d) Significant Bird Area, or
    e) Site or Area of Significance to Tāngata Whenua (subject to (3) below)

    the total area of mangroves removed is less than 200 square metres in any 12-month period, and such removal or pruning is not undertaken between 1 August and 31 March (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and

2) the mangrove removal or pruning does not exceed the limits in *Table 3: Maximum allowable area of mangrove removal*, and

3) the activity is not a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – non-complying activity, and

4) the activities comply with the mangrove removal and disturbance general conditions in C.1.8 Coastal works general conditions.

Table 3: Maximum allowable area of mangrove removal

Authorised activity	Maximum allowable area of mangrove removal
Boat ramps and jetties	Restricted to within: 1) ten metres around the footprint of the structure, and 2) a five-metre wide access channel between the structure and the nearest permanently navigable coastal water.
Wharves, and marina berths	Restricted to: 1) within 10 metres around the footprint of the structure, and 2) a five-metre wide access channel between the structure and the nearest permanently navigable coastal water.
Authorised pipe outlets Also refer to: C.1.5.6 Clearing of pipe outlets – permitted activity.	Restricted to: 1) five metres either side of the authorised pipe outlet, and 2) the lineal extent of the removal or pruning is limited to that required to create a free-draining path from the authorised pipe outlet to coastal water.
Artificial watercourses and rivers Also refer to: C.1.5.7 Clearing artificial water courses – permitted activity, C.1.5.8 Clearing tidal stream mouths – permitted activity, and C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity.	Restricted to: 1) five metres either side of the artificial watercourse, and 2) the extent of the clearance is limited to that required to create a free-draining flow path to coastal water, and 3) sites where the adjacent or upstream land or infrastructure is likely to become unsafe, flooded or damaged if the mangroves are not removed.
Roads, railway lines and bridges	Restricted to: 1) five metres 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 is undertaken in accordance with *Austroads 2016, Guide to Road Design Part 3: Geometric Design, Edition 3.2*.
Electricity transmission structures	Restricted to within four metres of the footprint of the structure.
Electricity transmission lines and cables	Restricted to within two metres either side of the vertical projection of the line on the ground.
Suspended telecommunication lines	Restricted to within four metres either side of the vertical projection of the cable on the ground.
All other structures and farm fencing	Restricted to within one metre of the footprint of the structure.

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

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3).
- Disturbance of the bed of any river, associated with removal or pruning of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.3 Mangrove removal for specified purposes – controlled activity

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

1) provide a single track 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 provided the purpose is not to improve views,

is a controlled activity provided the activity is not a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – non-complying activity, and the mangrove removal or pruning does not exceed the limits below:

4) two hundred square metres in any 12-month period if the activity is located within a mapped (refer I Maps | Ngā mahere matawhenua):
    a) Significant Ecological Area, or
    b) Outstanding Natural Character Area, or
    c) Outstanding Natural Landscape, or
    d) Significant Bird Area, or
    e) Site or Area of Significance to Tāngata Whenua, and
5) five hundred square metres in any 12-month period in all other areas except private land, and
6) two hundred square metres in any 12-month period in relation to private land.

Matters of control:

1) Method, timing and extent of activities.
2) Effects on aquatic ecosystem health and indigenous biodiversity.
3) The need for an assessment under the *Regional Policy Statement for Northland 2016, Appendix 5*.
4) Navigation and safety.
5) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places significant, where the removal or pruning is proposed in a location in or near any:
    a) Historic Area or Site.
    b) Significant Ecological Area.

c) Significant Bird Area.

d) Site or Area of Significance to Tāngata Whenua.

6) Effects on the characteristics, qualities and values that make any of the following mapped (refer I Maps | Ngā mahere matawhenua) Areas or Features of "High" or "Outstanding" Value, where the removal or pruning is proposed in a location in or near any:

a) Outstanding Natural Character Area.

b) High Natural Character Area.

c) Outstanding Natural Landscape.

7) Effects on tāngata whenua cultural values.

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3).
- Disturbance of the bed of any river, associated with removal or pruning of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.4 Mangrove removal by statutory or incorporated bodies for conservation purposes – restricted discretionary activity

The removal or pruning of mangroves in the coastal marine area or in the bed of a river by a statutory or incorporated body in the performance of its statutory functions or powers for the purpose of maintaining or enhancing biodiversity and intertidal habitats, and any associated damage or disturbance to the foreshore, seabed or bed of a river that is not a permitted or controlled activity in C.1.4 Mangrove removal of this Plan, or a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – non-complying activity, is a restricted discretionary activity.

Matters of discretion:

1) Method, timing and extent of activities.

2) Effects on aquatic ecosystem health and indigenous biodiversity.

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, where the removal or pruning is proposed in a location in or near any:

a) Historic Area or Site.

b) Significant Ecological Area.

c) Significant Bird Area.

d) Site or Area of Significance to Tāngata Whenua.

5) Effects on the characteristics, qualities and values that make any of the following mapped (refer I Maps | Ngā mahere matawhenua) areas or features of "high" or "outstanding" value, where the removal or pruning is proposed in a location in or near any:

a) Outstanding Natural Character Area.

b) High Natural Character Area.

c) Outstanding Natural Landscape.

6) Effects on tāngata whenua cultural values.

Applications for removal of mangroves under this rule shall demonstrate that the activity avoids:

1) adverse effects on values of particular significance (of the types identified in D.2.18(1)(a) Managing adverse effects on indigenous biodiversity, including those identified in this Plan; and

2) significant adverse effects on values of significance (of the types identified in D.2.18(1)(b) Managing adverse effects on indigenous biodiversity, including those identified in this Plan.

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3).
- Disturbance of the bed of any river, associated with removal or pruning of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.5 Mangrove removal in the Whangārei City Centre Marine Zone and the Coastal Commercial Zone – restricted discretionary activity

The removal of mangrove seedlings and removal or 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 C.1.4 Mangrove removal of this Plan, are restricted discretionary activities.

Matters of discretion:

1) Effects on natural systems and indigenous biodiversity in the coastal marine area.

2) Effects on navigation and safety.

3) Effects on visual amenity values.

4) Effects on Historic Heritage in the coastal marine area.

5) The positive effects of the activity.

6) Effects on tāngata whenua cultural values.

7) Effects on Outstanding and High Natural Character.

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.6 Mangrove removal existing activities – discretionary 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 3: Maximum allowable area of mangrove removal* and any associated damage or disturbance to the foreshore, seabed or bed of a river, that are not permitted by C.1.4.2 Minor mangrove removal for specified authorised activities – permitted activity and are not a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua - non-complying activity are discretionary activities.

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3)).
- Disturbance of the bed of any river, associated with removal or pruning of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.7 Mangrove removal – discretionary activity

The removal of mangrove seedlings and 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 a permitted, controlled or restricted discretionary activity in C.1.4 Mangrove removal of this Plan, or a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua - non-complying activity, is a discretionary activity, provided the removal is consistent with protecting the characteristics, qualities and values of the following mapped areas (I Maps | Ngā mahere matawhenua):

1) Significant Ecological Area, or
2) Significant Bird Area, or
3) Outstanding Natural Character Area, or
4) Outstanding Natural Landscape, or
5) Site or Area of Significance to Tāngata Whenua.

Applications for removal of mangroves under this rule shall demonstrate that the activity avoids:

1) adverse effects on values of particular significance (of the types identified in D.2.18(1)(a) Managing adverse effects on indigenous biodiversity, including those identified in this Plan; and
2) significant adverse effects on values of significance (of the types identified in D.2.18(1)(b) Managing adverse effects on indigenous biodiversity, including those identified in this Plan.

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3)).
- Disturbance of the bed of any river, associated with removal or pruning of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – non-complying activity

The removal of mangrove seedlings and 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:

1) a permitted activity in C.1.4.2 Minor mangrove removal for specified authorised activities – permitted activity or a discretionary activity in C.1.4.6 Mangrove removal existing activities – discretionary activity for the continuation of authorised infrastructure comprising roads, railway lines, bridges, suspended telecommunications lines, electricity transmission structures and electricity transmission lines and cables, or

2) a restricted discretionary activity in C.1.4.4 Mangrove removal by statutory or incorporated bodies for conservation purposes – restricted discretionary activity undertaken by the Department of Conservation,

is a non-complying activity within the following mapped areas (refer I Maps | Ngā mahere matawhenua):

1) Sites and Areas of Significance to Tāngata Whenua – Ruakākā

2) Sites and Areas of Significance to Tāngata Whenua – Takahiwai

3) Sites and Areas of Significance to Tāngata Whenua – Mangawhati

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3)).
- Disturbance of the bed of any river, associated with removal or pruning of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

Note: *The removal or pruning of mangroves under C.1.4.4 Mangrove removal by statutory or incorporated bodies for conservation purposes – restricted discretionary activity undertaken by a statutory body other than the Department of Conservation, or by an incorporated body, is a non-complying activity under this rule.*

C.1.4.9 Mangrove removal – non-complying activity

The removal of mangrove seedlings and 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 a permitted, controlled, restricted discretionary or discretionary activity in C.1.4 Mangrove removal of this Plan, or a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua - non-complying activity, is a non-complying activity.

Note: *This rule applies in the following mapped areas (refer I Maps | Ngā mahere matawhenua):*

1) Significant Ecological Area.

2) Significant Bird Area.

3) Outstanding Natural Character Area.

4) Outstanding Natural Landscape.

5) Site or Area of Significance to Tāngata Whenua.

Applications for removal of mangroves under this rule shall demonstrate that the activity avoids:

1) adverse effects on values of particular significance (of the types identified in D.2.18(1)(a) Managing adverse effects on indigenous biodiversity, including those identified in this Plan; and

2) significant adverse effects on values of significance (of the types identified in D.2.18(1)(b) Managing adverse effects on indigenous biodiversity, including those identified in this Plan.

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

- Damage or disturbance of any foreshore or seabed associated with removal or pruning of mangroves (s12(1)).
- Removal or pruning of mangroves in the coastal marine area (s12(3)).
- Disturbance of the bed of any river, associated with removal or pruning of mangroves (s13(1)).
- Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.5 Dredging, disturbance and disposal

C.1.5.1 Conditional use of vehicles on the foreshore or seabed – permitted activity

The use of a vehicle on the foreshore or seabed and any associated disturbance of the foreshore and seabed is a permitted activity, provided that apart from emergency services vehicles providing an emergency response[9]:

1) vehicle access to the foreshore is only via authorised or existing lawful vehicle access points; and
2) there is no disturbance of, or damage to, indigenous or migratory bird nesting or roosting sites; and
3) there is no disturbance of, or damage to, a mapped Historic Heritage Area (refer I Maps | Ngā mahere matawhenua); and
4) there is no disturbance of, or damage to, a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua); and
5) vehicles do not drive over pipi or cockle beds except where necessary for the use, maintenance, repair or removal of infrastructure, and do not damage or destroy other shellfish beds[10]; and
6) vehicles do not drive over saltmarsh, saltmeadow, saltmeadow turfs, seagrass meadows[11], mangroves or mangrove aerial roots (pneumatophores) and do not damage or destroy other indigenous vegetation; and
7) vehicles do not drive on the foreshore or seabed within a mapped Vehicle Exclusion Zone (refer I Maps | Ngā mahere matawhenua) unless the activity is for one or more of the following listed activities:
    a) access to property where the only access is via the coastal marine area, or
    b) the launching or retrieval of vessels at the closest practicable point[12] along the foreshore from the vehicle access, or
    c) the use, maintenance, repair or removal of an authorised structure (including hard protection structures, aids to navigation structures and infrastructure structures), or
    d) conservation and reserve management activities undertaken by, or formally on behalf of, the Department of Conservation or local authority in accordance with its statutory functions, or
    e) environmental monitoring or data collection undertaken by consent holders, the Regional Council, district councils, universities and research institutes (such as NIWA), or their authorised agents, or
    f) kaitiakitanga monitoring in accordance with Mātauranga Māori, or
    g) access to customary marine title group where the only access is via the coastal marine area, or
    h) attending to a rescue of stranded marine mammals, or
    i) burial of dead animals or marine mammals (including the customary processing of carcasses before burial) by the Department of Conservation, tāngata whenua, local authority or their delegated agents, or
    j) clearance of pipe outlets, artificial water courses and tidal stream mouths, or

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[9] Including, but not limited to, surf lifesaving operations, law enforcement operations and works undertaken by a local authority or network utility operator (in relation to any project or work that is approved as a requiring authority) for the purpose of emergency works as defined by the *Resource Management Act 1991, Sections 330 or 330B*.

[10] This rule does not apply to the use of vehicles in the harvesting of Te Oneroa-a-Tōhe (GLM9) mussel spat off Te Oneroa-a-Tōhe (90 Mile Beach).

[11] For the purposes of condition 6, a "seagrass meadow" is a contiguous area of seagrass of 10 square metres or more.

[12] The "closest practicable point" will require an assessment of each vehicle access point and the nearest area of reasonable access to the foreshore or coastal water. It is not anticipated to involve using vehicles to travel hundreds of metres to the "best" or preferred area.

k) removal or recovery of wrecked vessels, or

l) dune and coastal restoration, enhancement and maintenance projects undertaken by a registered coast care group or group authorised by the territorial authority, or

m) access for people with mobility disabilities (while displaying a mobility card) to the closest practicable point along the foreshore from the vehicle access, or

n) surf lifesaving operations and law enforcement operations, and

8) the activity complies with C.1.8 Coastal works general conditions, with the exception of C.1.8(5).

Note: *District councils may also have bylaws that control (including prohibiting) the use of vehicles on beaches as well as dunes. The taking and using of vehicles within reserves is also regulated (including prohibited) under the Northland Reserves Bylaws 2007. Compliance with C.1.5.1 Conditional use of vehicles on the foreshore or seabed – permitted activity does not remove the need to comply with all relevant bylaw provisions.*

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

- 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 Activities that disturb the foreshore and seabed – permitted activity

The disturbance of the foreshore and seabed by any activity not the subject of any other rule in this Plan, are permitted activities, provided:

1) there is no disturbance of, or damage to, saltmarsh, saltmeadow turfs, mangroves, seagrass meadows and there is no damage or destruction of other indigenous vegetation or shellfish beds, and

2) the activities do not involve the exclusive occupation of space in the coastal marine area, and

3) there is no disturbance of, or damage to, indigenous or migratory bird nesting or roosting sites,

4) there is no disturbance of, or damage to, a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua), and

5) there is no disturbance of, or damage to, a mapped Historic Heritage Area (refer I Maps | Ngā mahere matawhenua), and

6) the activity complies with C.1.8 Coastal works general conditions.

Note: *This rule does not apply to disturbance of the seabed or foreshore arising from the lawful harvesting of any plant or animal.*

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

- Disturbance of any foreshore or seabed by an activity not the subject of any other rule in this Plan (s12(1)).

C.1.5.3 Sampling and scientific investigation – permitted activity

The disturbance of the foreshore or seabed and any removal of sand, shingle, shell or other natural material for the purposes of sampling and scientific investigation in the coastal marine area are permitted activities provided:

1) in a mapped Site or Area of Significance to Tāngata Whenua or a mapped Historic Heritage Area (refer I Maps | Ngā mahere matawhenua), 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 C.1.8 Coastal works general conditions.

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

- 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.1.5.4 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 a beach, are permitted activities, provided:

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

2) if the activity occurs within a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua), the relevant tāngata whenua are notified at least 24 hours before the start of any removal, and

3) if the activity occurs within a Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between 1 August and 31 March, a person with expertise in bird ecology is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity shall ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and

4) if the activity occurs within a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua) a person with expertise in ecology is on site prior to the works commencing to assist with identification of the attributes, qualities and values of the Significant Ecological Area. If particular areas of significance are identified during the inspections, the person undertaking the activity must ensure that those areas are not adversely affected, and

5) removed marine plant debris is disposed of outside the coastal marine area and at a location authorised to take such material, and

6) the activity complies with C.1.8 Coastal works general conditions.

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

- 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, are permitted activities provided:

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

2) if the activity occurs within a mapped Site or Area of Significance to Tāngata Whenua (refer 'I Maps | Ngā mahere matawhenua'), the relevant tāngata whenua are notified at least 24 hours before the start of any removal, and

3) the activity complies with C.1.8 Coastal works general conditions.

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

- 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 pipe outlets – permitted activity

The clearing of material from a 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, are permitted activities, provided:

1) any removal of mangroves complies with the requirements of C.1.4.1 Mangrove seedling removal – permitted activity, and

2) the extent of the clearance is limited to that required to create a free-draining path from the outlet to coastal water at mean low water springs, and

3) if the activity occurs in a mapped Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between 1 August and 31 March, a person with expertise in bird ecology is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and

4) 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

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

7) if the activity occurs within a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua), the relevant tāngata whenua are notified at least three working days prior to work being undertaken, and

8) if the activity occurs within a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua) a person with expertise in ecology is on site prior to the works commencing to assist with identification of the attributes, qualities and values of the Significant Ecological Area. If particular areas of significance are identified during the inspections, the person undertaking the activity must ensure that those areas are not adversely affected, and

9) the activity complies with C.1.8 Coastal works general conditions.

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

- 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)).
- 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 watercourse in the coastal marine area, including any associated disturbance of the foreshore or seabed and deposition of sediment on the foreshore or seabed, are permitted activities provided:

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

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

- Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from an artificial watercourse and the deposition of material cleared (excluding mangroves) from the artificial watercourse onto the foreshore or seabed (s12(1)).
- Clearing material (excluding mangroves) from an artificial watercourse in the coastal marine area (s12(3)).
- 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, are permitted activities, provided:

1) the extent of the clearance is limited to that required to create a free-draining path from the stream to coastal water 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 1 August and 31 March, a person with expertise in bird ecology is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and

5) 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 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

7) if the activity occurs within a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua), the relevant tāngata whenua are notified at least two working days before the start of work, and

8) if the activity occurs within a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua) a person with expertise in ecology is on site prior to the works commencing to assist with identification of the attributes, qualities and values of the Significant Ecological Area. If particular areas of significance are identified during the inspections, the person undertaking the activity must ensure that those areas are not adversely affected, and

9) the activity complies with C.1.8 Coastal works general conditions.

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

- 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)).
- 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, are permitted activities, provided:

1) the activity complies with 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.

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

- 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)).

C.1.5.10 Maintenance dredging – controlled activity

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

Matters of control:

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

Notification:

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

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

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

C.1.5.11 Beach scraping – restricted discretionary activity

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

Matters of discretion:

1) Volume and depth of material removed and deposited.
2) Methods used to carry out the activity.
3) Effects on coastal processes, including effects on the stability of the seabed and nearby shorelines.

4) Effects of the disturbance and, deposition associated with the activity.

5) Effects on aquatic ecosystem health and indigenous biodiversity.

6) Effects on tāngata whenua and their taonga.

7) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places outstanding or significant:

   a) Nationally Significant Surf Break and Regionally Significant Surf Break.

   b) Outstanding Natural Feature.

   c) Area of Outstanding Natural Character.

   d) Site or Area of Significance to Tāngata Whenua.

   e) Significant Ecological Area.

   f) Significant Bird Area.

   g) Outstanding Natural Landscape.

8) Effects on the characteristics, qualities and values that contribute to any mapped (refer I Maps | Ngā mahere matawhenua) Historic Heritage Area or Site.

9) The positive effects of the activity.

10) Effects on the characteristics, qualities and values of Outstanding Natural Landscapes.

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

- Destruction, damage or disturbance of any foreshore or seabed and the deposition of material on the foreshore or seabed associated with beach scraping, (s12(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.1.5.12 Deposition of material for beneficial purposes – restricted discretionary activity

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

Matters of discretion:

1) Volume and location of material to be deposited.

2) Methods used to carry out the activity and timing of the activity.

3) Effects on coastal processes, including effects on the stability of the seabed and nearby shorelines.

4) Effects on the foreshore and seabed associated with the deposition activity.

5) Effects on indigenous biodiversity and aquatic ecosystem health.

6) Effects on tāngata whenua and their taonga.

7) Effects on existing uses and activities undertaken in the area of deposition.

8) Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps | Ngā mahere matawhenua) places outstanding or significant:

   a) Nationally Significant Surf Breaks.

   b) Regionally Significant Surf Breaks.

c) Outstanding Natural Features.

d) Areas of Outstanding Natural Character.

e) Site or Area of Significance to Tāngata Whenua.

f) Significant Ecological Area.

g) Significant Bird Area.

h) Outstanding Natural Landscape.

9) Effects on the characteristics, qualities and values that contribute to any mapped (refer I Maps | Ngā mahere matawhenua) Historic Heritage 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.1.5.13 Dredging, deposition and disturbance activities – discretionary activity

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

1) Nationally Significant Surf Break, or

2) Outstanding Natural Feature, or

3) Area of Outstanding Natural Character, or

4) Historic Heritage Area or Site, or

5) Significant Ecological Area, or

6) Site or Area of Significance to Tāngata Whenua, or

7) Outstanding Natural Landscape, or

8) Significant Bird Area – Critical Bird Habitats.

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

- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Removal of sand, shingle, shell, or other natural material (s12(2)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.14 Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity

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

Notes:

1) This rule repeats the requirements of the Resource Management (Marine Pollution) Regulations 1998, Regulation 4(2), which specifies that these activities must be treated as a discretionary activity in a Regional Coastal Plan. It is, therefore, 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 the Resource Management (Marine Pollution) Regulations 1998, Schedule 3.

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

- Dumping of waste and other matter in the coastal marine area (s15A).

C.1.5.15 Dredging, deposition and disturbance activities for operation, maintenance, repair or upgrades, associated with state highways – discretionary activity

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material onto the foreshore or seabed necessary for maintenance, repair or upgrades associated with state highways are discretionary activities, provided that they are consistent with protecting the characteristics, qualities and values of mapped Significant Bird Area – Critical Bird Habitats (refer I Maps | Ngā mahere matawhenua.

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

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

C.1.5.16 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 C.1.5.13 Dredging, deposition and disturbance activities – discretionary activity, or
2) discretionary activity under C.1.5.14 Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity, or

3) discretionary activity under C.1.5.15 Dredging, deposition and disturbance activities for operation, maintenance, repair or upgrades of state highways – discretionary activity,

are non-complying activities.

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

- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Discharge of 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 effects of any remedial works necessary to mitigate adverse effects.

2) Effects on coastal processes, including effects on shoreline stability in the vicinity of the site.

3) Effects on tāngata whenua and their taonga.

Notification:

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

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

- Reclamation of any foreshore or seabed (s12(1)).

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 C.1.6.1 Unlawful public road reclamation – controlled activity,

and the use of the reclamation, are discretionary activities.

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

- Reclamation of any foreshore or seabed (s12(1)).
- 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 C.1.6.2 Unlawful reclamation – discretionary activity, are discretionary activities, provided they are not in a mapped (refer I Maps | Ngā mahere matawhenua):

1) Significant Ecological Area, or

2) Outstanding Natural Feature, or

3) Area of Outstanding Natural Character, or

4) Outstanding Natural Landscape, or

5) Significant Bird Area – Critical Bird Habitats

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

- Reclamation of any foreshore or seabed and any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on to the foreshore or seabed (s12(1)).

- Use of a reclamation in the coastal marine area (s12(3)).
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to the activity (s15(2A)).

C.1.6.4 Reclamation for the National Grid – discretionary activity

Any reclamation in the coastal marine area and any associated destruction, damage or disturbance of the foreshore or seabed, deposition of material onto the foreshore or seabed, and the use of the reclamation for the National Grid are discretionary activities, provided the National Grid has a functional or operational need to be located in the coastal marine area.

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

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

C.1.6.5 Reclamation – discretionary activity

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

1) discretionary activity under C.1.6.2 Unlawful reclamation – discretionary activity, or
2) discretionary activity under C.1.6.3 Reclamation for Regionally Significant Infrastructure – discretionary activity,

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

3) Nationally Significant 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 Tāngata Whenua, or
9) Regionally Significant Anchorage, or
10) Outstanding Natural Landscape, or
11) Significant Bird Area – Critical Bird Habitats.

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

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

C.1.6.6 Reclamation in significant 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 C.1.6.5 Reclamation – discretionary activity, or

2) discretionary activity under C.1.6.3 Reclamation for Regionally Significant Infrastructure – discretionary activity, or

3) a discretionary activity under C.1.6.4 Reclamation for the National Grid – discretionary activity

are non-complying activities.

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

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

C.1.7 Marine pests

C.1.7.1 In-water cleaning of vessel hull and niche areas or structures – permitted activity

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:
   a) since arrival in New Zealand it has been removed from the water and cleaned; or
   b) the vessel exceeds either a gross tonnage of 500 or 50 metres in length, and
      i. the vessel operator has an In-Water Cleaning Plan containing the details required by H.8.1 In-Water Cleaning Plan Specifications; and
      ii. the Regional Council's Biosecurity Manager is given at least seven working days' notice (in writing or by email) of the dates in-water cleaning will occur and the notice includes a copy of the plan required by (1)b)(i) above; or
   c) the vessel exceeds either a gross tonnage of 500 or 50 metres in length, and
      i. the vessel has been removed from the water and cleaned not more than one month before entering New Zealand waters, and
      ii. the vessel has not berthed, anchored or moored for more than seven consecutive days in any international locality since the clean required by (1)(c)(i) above took place, and
      iii. the Regional Council's Biosecurity Manager is given at least seven working days' notice (in writing or by email) of the dates in-water cleaning will occur and the notice includes the information required by H.8.2 Information requirements for recently cleaned vessels.
2) there is only light fouling or barnacles; or where (1)(b) applies:
   a) no more than 15 percent of the vessel hull and niche areas may be covered in macrofouling (excluding any extent of slime and barnacles), and
   b) macrofouling greater than 50 micrometres in diameter (excluding goose barnacles) must be captured and disposed of at an approved landfill.
3) the cleaning is not undertaken within 50 metres of a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua), and
4) the vessel is not a barge, and
5) the in-water cleaning of the vessel or structure is undertaken in an in-water cleaning zone (refer I Maps | Ngā mahere matawhenua)[13], a consented grid (inter-tidal poles), and
6) the cleaning method does not compromise existing anti-fouling, and
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 must not resume until notification to do so is obtained from the Regional Council's Biosecurity Manager and the Ministry for Primary Industries.

[13] Coastal Commercial Zone; a Marina Zone; a Mooring Zone and within 100 metres of a Mooring Zone (with the exception of Houhoura Harbour mooring area, this excludes Significant Ecological Areas and saltmarsh and mangrove habitat in Ota Bay, Whangaroa).

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

- Deposition of material on the foreshore or seabed incidental to the activity (s12(1)).
- In-water cleaning of vessel hull and niche areas or structures in the coastal marine area (s12(3)).
- Deposition of material in or on the bed of a river incidental to the activity (s13(1)).
- Discharge of contaminants into water incidental to the activity (s15(1)).
- Discharge of a harmful substance from a ship or offshore installation into water incidental to the activity (s15B(1)).

C.1.7.2 In-water cleaning of vessel hull and niche areas, structures and barges – controlled activity

In-water cleaning of vessel hull and niche areas, structures that cannot comply with C.1.7.1 In-water cleaning of vessel hull and niche areas or structures – permitted activity, or any barge, is a controlled activity, provided:

1) the vessel, structure or barge has not been in foreign territorial waters, unless:
   a) since arrival in New Zealand, it has been removed from the water and cleaned, or
   b) the vessel exceeds either a gross tonnage of 500 or 50 metres in length and since arrival in New Zealand it has been cleaned to a level of fouling no greater than a slime layer and/or goose barnacles; and
2) the cleaning is undertaken in a Coastal Commercial Zone, a Marina Zone, or within 100 metres of a Mooring Zone (refer I Maps | Ngā mahere matawhenua), or in a consented grid, and
3) the cleaning is not undertaken within 50 metres of a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua).

Matters of control:

1) Measures to avoid introduction or spread of marine pests, such as capture of fouling.
2) The method used to carry out the activity.
3) Effects on 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, such as effects of anti fouling debris.
6) Effects on aquatic ecosystem health and indigenous biodiversity.
7) Navigation and safety (including notification to the Regional Council's Harbourmaster and Maritime New Zealand).

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

- 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.1.7.3 Vessel hull maintenance on the foreshore – discretionary activity

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

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

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

In-water cleaning of vessel hull and niche areas, structures or barges that is not a permitted or controlled activity in C.1.7 Marine pests of this Plan is a discretionary activity.

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

- 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.1.7.5 Marine pests and biofouling – 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.

Note: *The Northland Regional Pest Management Plan 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*.

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

- Deposit 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)).
- The activities listed in Conditions (1) to (4) of this rule (s12(3)).
- Discharge of a marine pest into water (s15(1)).

C.1.8 Coastal works general conditions

General conditions apply to activities, when referred to in the rules of C.1 Coastal activities .

Structures and disturbance

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

1) Prior to undertaking activities on private land, including land owned by a territorial authority, written approval must be obtained from the landowner and provided to the Regional Council's Compliance Manager upon request, unless the works are being undertaken for emergency remedial works and entry upon the land is:

   o) necessary in circumstances of probable danger to life or property, or

   p) immediately necessary to maintain the continuity or safety of the supply and distribution of electricity.

2) Structures must at all times:

   a) be maintained in good order and repair, and

   b) except for culverts, not impede fish passage between freshwater and coastal water. For culverts, there must be no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to coastal water, except that temporary restrictions of fish passage may occur to enable construction work to be carried out, and

   c) not cause a hazard to navigation.

3) Maintenance, alteration or addition to a structure must not result in a weakening of the structural integrity or strength of the structure.

4) Restrictions on public access along and through the coastal marine area beyond the footprint of the structure, during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternative access route or controlled access is provided.

5) Disturbance, construction, alteration, addition, maintenance or removal activities must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays. The exceptions to this are:

   a) the requirement to undertake emergency remedial work such as, but not limited to, if a structure is damaged by a natural hazard event, and

   b) maintenance of Regionally Significant Infrastructure, where the maintenance is required to be undertaken outside these times to minimise disruption to the services provided by the Regionally Significant Infrastructure, and

   c) the removal of nuisance marine plant debris under C.1.5.4 Removal of nuisance marine plant debris – permitted activity.

6) Upon the completion of a new structure (which does not include a structure which replaces an existing structure and meets the requirements of Conditions (1) to (5) of C.1.1.7 Reconstruction, replacement, maintenance or repair of a structure – permitted activity), the structure owner must notify in writing (including a scale plan of the completed works) the Regional Council's Compliance Manager.

7) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity. Additionally:

   a) vehicles and equipment must be in a good state of repair and free of any fuel or oil leaks; and

   b) refuelling must not be carried out in the coastal marine area, except:

i. where there is a functional or operational need to refuel equipment or machinery onboard a vessel, in which case refuelling must be undertaken using leak-proof containers and contained spill capture areas (which prevent any fuel entering the coastal marine area), or

ii. where there is a functional or operational need to refuel equipment or machinery on a structure in the coastal marine area, in which case refuelling must be undertaken using leak-proof containers and bunds to prevent any fuel entering the coastal marine area; and

c) 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, except where contact with coastal water is necessary to undertake the activity.

8) There must be no damage to shellfish beds in mapped Significant Ecological Areas (refer I Maps | Ngā mahere matawhenua) and no damage to saltmarsh or seagrass meadows, except as necessary for the installation of an aid to navigation under C.1.1.4 Aids to navigation – permitted activity.

9) There must be no damage to rhodolith bed, bryozoan beds, sponge gardens or vermetid reefs, except as necessary for the installation of an aid to navigation under C.1.1.4 Aids to navigation – permitted activity.

10) Any visible disturbance of the foreshore or seabed must be remedied or restored within 48 hours of completion of works in a mapped (refer I Maps | Ngā mahere matawhenua):

a) Area of Outstanding Natural Character, or

b) Outstanding Natural Feature, or

c) Site or Area of Significance to Tāngata Whenua, or

d) Significant Ecological Area, or

e) Outstanding Natural Landscape, or

f) Significant Bird Area – Critical Bird Habitats.

11) There must be no disturbance of indigenous bird nesting sites (during the period 1 August and 31 March inclusive), and no disturbance of flocks of roosting coastal sea and shore birds within two hours of high tide[14], unless the activity is undertaken in accordance with C.1.4.1 Mangrove seedling removal – permitted activity, C.1.4.2 Minor mangrove removal for specified authorised activities – permitted activity, C.1.5.1 Conditional use of vehicles on the foreshore or seabed – permitted activity, C.1.5.4 Removal of nuisance marine plant debris – permitted activity, C.1.5.6 Clearing of pipe outlets – permitted activity or C.1.5.8 Clearing tidal stream mouths – permitted activity, in which case this condition does not apply.

12) Outside Outstanding Natural Character, Outstanding Natural Feature, Significant Ecological Areas or Significant Bird Area – Critical Bird Habitats, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days of completion of works, provided that should adverse circumstances arise that make it unsafe to conduct remediation and restoration work in the coastal marine area, then such remediation or restoration work shall be carried out within ten working days.

13) The structure or activity must not:

a) cause permanent scouring or erosion of banks, or

b) cause or exacerbate flooding of other property, or

c) materially reduce the ability of a river to convey flood flows into the coastal marine area (including as a result of debris accumulating against structures).

14) Any discharge must not:

a) occur for more than five consecutive days, and for more than 12 hours per day, or

b) cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:

[14] For the purposes of condition (11), a "flock" is ten birds of the same species that are roosting together.

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

15) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.

16) Mangrove removal must minimise the creation of protruding stumps, by cutting mangrove trunks close to the ground.

17) The activity must not disturb or damage areas of seagrass, saltmarsh, or other natural wetland.

18) Chemical herbicides must not be used.

19) Access to removal and pruning areas must, where practicable, use existing open areas or paths where these exist and avoid disturbance of shellfish beds, soft sand and mud.

20) The Regional Council's Compliance Manager must be notified (in writing or by email) of the proposed time, location and extent of removal at least 10 working days prior to the work being undertaken, when:

    a) more than 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, Area of Outstanding Natural Character, Outstanding Natural Landscape or Sites or Areas of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).

Lighting

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

    a) a hazard to navigation and safety, or a hazard to traffic safety, wharves, ramps and adjacent roads, or

    b) a nuisance to other users of the surrounding coastal marine area or adjacent land.

Noise

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

Table 4: Noise limits

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

    a) noise must be measured in accordance with *New Zealand Standard. Acoustics – Measurement of Environmental Sound (NZS 6801:2008)* and assessed in accordance with *New Zealand Standard. Acoustics – Environmental Noise (NZS 6802:2008)*, and

    b) construction activities shall be managed in accordance with, and meet the noise limits set out in *Tables 5 and 6* below, and

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

Time of week	Time period	Duration of work					
		Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)	
		Leq	*Lmax*	*Leq*	*Lmax*	*Leq*	*Lmax*
Weekdays	0630 to 0730	60	75	65	75	55	75
	0730 to 1800	75	90	80	95	70	85
	1800 to 2000	70	85	75	90	65	80
	2000 to 0630	45	75	45	75	45	75
Saturdays	0630 to 0730	45	75	45	75	45	75
	0730 to 1800	75	90	80	95	70	85
	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75
Sundays and public holidays	0630 to 0730	45	75	45	75	45	75
	0730 to 0800	55	85	55	85	55	85
	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75

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

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

c) helicopter landing areas shall be managed in accordance with, and comply with, the recommended noise limits specified in *New Zealand Standard. Noise Management and Land Use Planning for Helicopter Landing Areas (NZS 6807:1994).*

23) The *Table 4: Noise limits* and Condition (22)(c) 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.

24) The *Table 4: Noise limits* and Condition (22)(c) noise limits do not apply to temporary military training. Noise generated by 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 noise sensitive activity: 500 metres from 7:00am to 7:00pm, and 1,250 metres from 7:00pm to 7:00am, and

iii. where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any noise sensitive activity: 95dBC from 7:00am to 7:00pm, and 85dBC from 7:00pm to 7:00am, and

b) mobile noise sources must comply with the noise limits set out in *New Zealand Standard. Acoustics – Construction Noise (NZS 6803:1999), Tables 2 and 3*, with reference to 'construction noise' taken to refer to mobile noise sources[15], and

c) fixed (stationary) noise sources must comply with the noise limits set out in *Table 7: Noise limits – temporary military training* when measured at the notional boundary of any noise sensitive activity.

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

Table 7: Noise limits – temporary military training

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

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

C.1.9 Genetically modified organisms

C.1.9.1 Genetically modified organisms in the coastal marine area – permitted activities

The following activities in the coastal marine area involving genetically modified organisms are permitted activities:

1) research and trials within contained laboratories, and
2) medical applications (including vaccines) including the use of viable and/or non-viable genetically modified organisms, and
3) veterinary applications of genetically modified organisms (including vaccines) provided that any veterinary application of viable genetically modified organism vaccines is supervised by a veterinarian.

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

- Use of genetically modified organisms in the coastal marine area (s12(3)).
- Discharge of genetically modified organisms that are "contaminants" under the definition in Section 2 of the RMA (s15(1)(a)).

C.1.9.2 Genetically modified organism field trials – discretionary activity

A genetically modified organism field trial in the coastal marine area is a discretionary activity provided:

1) the genetically modified organism field trial has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.
2) a Risk Management Plan is provided that addresses all matters set out in D.5.35 Liability for adverse effects from genetically modified organism activities.
3) details of a performance bond, with an approved trading bank guarantee, is provided that addresses all matters set out in D.5.34 Avoiding adverse effects of genetically modified organism field trials.

Notification:

Any application for resource consent under this rule must be publicly notified.

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

- Use of genetically modified organisms in the coastal marine area (s12(3)).
- Discharge of genetically modified organisms that are "contaminants" under the definition in Section 2 of the RMA (s15(1)(a)).

C.1.9.3 Viable genetically modified veterinary vaccines – discretionary activity

The use of any viable genetically modified veterinary vaccine that is not a permitted activity under C.1.9.1 Genetically modified organisms in the coastal marine area – permitted activities is a discretionary activity, provided:

1) the genetically modified veterinary vaccine has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.

2) Details of a performance bond, with an approved trading bank guarantee, is provided and addresses all matters set out in D.5.34 Avoiding adverse effects of genetically modified organism field trials.

Notification:

Any application for resource consent under this rule must be publicly notified.

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

- Use of genetically modified organisms in the coastal marine area (s12(3)).
- Discharge of genetically modified organisms that are "contaminants" under the definition in Section 2 of the RMA (s15(1)(a)).

C.1.9.4 Genetically modified organism releases – prohibited activity

Any:

1) genetically modified organism release, or

2) genetically modified organism field trial, or

3) use of any viable genetically modified veterinary vaccine,

that is not a permitted or discretionary activity in C.1.8 Coastal works general conditions of this Plan, is a prohibited activity.

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

- Use of genetically modified organisms in the coastal marine area (s12(3)).
- Discharge of genetically modified organisms that are "contaminants" under the definition in Section 2 of the RMA (s15(1)(a)).

C.1.10 Te Hā o Tangaroa Protection Areas

Notes:

1) The rules in this section do not apply to aquaculture activities (refer C.1.3 Aquaculture)

2) Further regulations apply under the Fisheries Act 1996 in relation to kina / sea urchin harvest and mussel re-seeding.

3) *By operation of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, Section 10(d), these rules do not prevent customary (non-commercial) fishing provided for in regulations made in accordance with the Fisheries Act 1996, Part 9 or the Fisheries (Amateur Fishing) Regulations 2013, Regulations 50-52.*

C.1.10.1 Temporary or permanent minor damage or destruction or removal of fish, aquatic life or seaweed in a Te Hā o Tangaroa Protection Area – permitted activities

The following activities in a Te Hā o Tangaroa Protection Area(I Maps | Ngā mahere matawhenua) involving the temporary or permanent damage or destruction or removal of fish, aquatic life or seaweed are permitted activities, subject to any other applicable rules:

1) Te Hā o Tangaroa Protection Areas: Rākaumangamanga Rāhui Tapu; Mimiwhangata Rāhui Tapu; and Ngā Au o Morunga Mai Rākaumangamanga Protection Area:

   a) kina / sea urchin harvest (or kina / sea urchin management);

   b) mussel re-seeding;

   c) resource consent monitoring undertaken in accordance with resource consent conditions;

   d) marine biosecurity incursion investigation and/or response;

   e) wildlife rescue;

   f) monitoring and enforcement carried out by a regulatory agency;

   g) mooring, anchoring and hauling small vessels ashore;

   h) scientific research, conservation activities and monitoring undertaken by, under the supervision of, or on behalf of, the following entities:

      - a hapū or iwi;
      - Crown research institutes;
      - recognised Māori research entities;
      - tertiary education providers;
      - Regional Councils;
      - Department of Conservation;
      - Ministry for Primary Industries;
      - an incorporated society having as one of its objectives the scientific study of marine life or natural history, or the study of Mātauranga Māori.

2) In Te Hā o Tangaroa Protection Area: Ngā Au o Morunga Mai Rākaumangamanga Protection Area (in addition to those listed in (1) above):

   a) any activity involving the temporary or permanent damage or destruction or removal of fish, aquatic life or seaweed that is not a prohibited activity in C.1.10 Te Hā o Tangaroa Protection Areas of this Plan.

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

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)).
- Use of the coastal marine area (s12(3)).

C.1.10.2 Temporary or permanent damage or destruction or removal of fish, aquatic life or seaweed in a Te Hā o Tangaroa Protection Area - prohibited activities

The following activities in a Te Hā o Tangaroa Protection Area(I Maps | Ngā mahere matawhenua) involving the temporary or permanent damage or destruction or removal of fish, aquatic life or seaweed are prohibited activities:

1) In Rākaumangamanga and Mimiwhangata Rāhui Tapu areas:
    a) any activity that is not a permitted activity in C.1.10.1 Temporary or permanent minor damage or destruction or removal of fish, aquatic life or seaweed in a Te Hā o Tangaroa Protection Area – permitted activities of this Plan.
2) In Ngā Au o Morunga Mai Rākaumangamanga Protection Area:
    a) bottom trawling;
    b) bottom pair trawling;
    c) Danish seining; or
    d) purse seining.

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

- Damage, destruction or disturbance of the foreshore or seabed (s12(1)).
- Use of the coastal marine area (s12(3)).

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 this 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 (the Freshwater Fisheries Regulations 1983, Part VI).*

C.2.1 Activities in the beds of lakes and rivers

Rule	
C.2.1.1	Introduction or planting of plants in rivers and lakes – permitted activity
C.2.1.2	Extraction of material from rivers – permitted activity
C.2.1.3	Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity
C.2.1.4	Existing structures – permitted activity
C.2.1.5	Maintenance or repair of authorised flood defence – permitted activity
C.2.1.6	Fish passage structures – permitted activity
C.2.1.7	Demolition or removal of existing structures – permitted activity
C.2.1.8	Construction and installation of structures – permitted activity
C.2.1.9	Minor riverbank protection works – permitted activity
C.2.1.10	Freshwater structures – controlled activity
C.2.1.11	Activities in the beds of lakes and rivers - discretionary activity
C.2.1.12	National Grid structures in a significant area – discretionary activity
C.2.1.13	Regionally Significant Infrastructure structures outside the coastal environment and in a significant area - non-complying activity
C.2.1.14	New flood defence – discretionary activity
C.2.1.15	Structures in a significant area – non-complying activity
C.2.1.16	New flood defence in significant areas – non-complying activity

C.2.2 Activities affecting wetlands

Rule	
C.2.2.1	Natural wetland maintenance and enhancement – permitted activity
C.2.2.2	Structures in wetlands – permitted activity
C.2.2.3	Constructed wetland alteration – permitted activity
C.2.2.4	Activities in wetlands – discretionary activity
C.2.2.5	National Grid activities in significant wetlands – discretionary activities
C.2.2.6	Activities in significant wetlands – non-complying activities

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 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 the introduction or planting of:
    a) a pest organism, or
    b) an exotic aquatic plant except watercress (*Rorippa nasturtium-aquaticum*), or
    c) black alder (*Alnus glutinosa*), or
    d) the following willow species or hybrids involving:
        i. crack willow (*Salix fragilis*), or
        ii. grey willow (*Salix caprea*), or
        iii. weeping willow (*Salix babylonica*), and
2) the bed of the water body is not disturbed to a depth or extent greater than that required to undertake the activity, and
3) any indigenous vegetation damage, destruction, disturbance or removal is limited to the minimum extent necessary, and
4) the planted species do not create an obstruction to the free flow of water or spread to other properties, and
5) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream as a result of the planting, and
6) the activity must not dam or divert water in a way that causes flooding or ponding on any other property, and
7) the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, and
8) the activity does not involve planting exotic trees in a mapped Outstanding Natural Character Area or an Outstanding Freshwater Body (refer I Maps | Ngā mahere matawhenua), and
9) the activity is not in a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).

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

- 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 of material from rivers – permitted activity

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

1) the total volume excavated from a river does not exceed 100 cubic metres in any 12-month period, and
2) the Regional Council's Compliance Manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
3) there is no refuelling of equipment on any area of the riverbed, and

4) on completion of the activity, the riverbed is graded to natural contours (generally avoiding dips, humps and hollows) so that there are no barriers to water movement in the channel, and

5) the material is excavated from an area of the riverbed not covered by water at the time of the extraction, and

6) there is no stockpiling of excavated gravel on the riverbed, and

7) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream as a result of the activity, and

8) the activity is not in a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua), and

9) the activity does not impede existing legal public access to the river, and

10) the activity does not take place in an Outstanding Freshwater Body.

11) no machinery shall operate in an area of the river bed covered by water, unless for crossings to access and haul gravel. For this purpose, river crossing should be limited to one crossing point at each extraction site, and

12) all plant, machinery, equipment or material operating or used in a water body, must be free of plant contaminants, seeds or vegetative material, and

13) the extraction:

    i. is not more than 0.5 metres below the original height of the beach, and

    ii. must not extend to a level lower than 0.1 metres above the adjacent water level.

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

- 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

The disturbance of the bed of a river for the purpose of removing the accumulated material and vegetation to maintain the free flow of water or mitigating bank erosion, and any associated diversion of water, are permitted activities, provided:

1) the Regional Council's Compliance 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 activities do not exacerbate flood hazard risk on any other property, and

3) 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 activities do not result in deepening of the channel by more than five percent or widening of the channel by more than 20 percent, so long as any widening or deepening is not beyond the original cross-section and gradient of the channel, and

7) any diversion of water, or realignment of the bed of the river is restricted to within the bank full edge of the riverbed, and

8) there is no damage to, or restriction of the use of, authorised structures as a result of the activity, and

9) good management practice erosion and sediment control measures, equivalent to those set out in the *Auckland Council 2016, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (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.

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

- Disturbing the bed of a river to maintain the free flow of water in a river or to mitigate bank erosion, and any incidental deposition of a substance in, on, or under the bed (s13(1)).
- Diversion of water around the activity site and any incidental damming or taking of water (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.4 Existing structures – permitted activity

The use, repair, replacement, maintenance or reconstruction of a structure in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, 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 C.2.1 Activities in the beds of lakes and rivers of this 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
2) the use of the structure is not the subject of any other rule in this Plan, and
3) 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
4) the activities comply with all relevant conditions of C.2.3 General conditions, and
5) upon completion of the activities there is no increase to the structure's footprint, other than that resulting from routine maintenance or repair activities.

Note: *This rule 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 the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, Regulation 14.*

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

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

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

Notwithstanding any other rule in C.2.1 Activities in the beds of lakes and rivers, the maintenance 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, are permitted activities, provided:

1) the maintenance 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 activities comply with all relevant conditions of C.2.3 General conditions.

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

- 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 Fish passage structures – permitted activity

The erection, reconstruction, placement, alteration, or extension 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, or under the bed, are permitted activities, provided:

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

2) 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

3) the activities comply with all relevant conditions of C.2.3 General conditions.

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

- Erection, reconstruction, placement, alteration or extension of a fish passage structure in, on, under, or over the bed of a lake or river (s13(1)).
- Disturbance of the bed of a lake or river or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of the fish passage structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.7 Demolition or removal of existing structures – permitted activity

The removal or demolition of an existing structure in, on, under, or over the bed of a lake or river, and any associated bed disturbance, are permitted activities, 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) prior to demolition, impounded sediment is removed from behind the structure, as far as is reasonably practicable, and
4) the activities comply with all relevant conditions of C.2.3 General conditions, and
5) 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.

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

- 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.2.1.8 Construction and installation of structures – permitted activity

The 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, are permitted activities, provided:

1) the activities, including any temporary damming and diversions around work sites, comply with all relevant conditions of C.2.3 General conditions, and
2) the 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 or railway line, 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 riverbank level unless it is necessary for a road, and
    f) 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 10 working days of the request, and

h) the culvert is not in a significant wetland, an Outstanding Freshwater Body or mapped (refer I Maps | Ngā mahere matawhenua):

i. Outstanding Natural Character Area, or

ii. Outstanding Natural Feature, or

iii. Site or Area of Significance to Tāngata 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 and foundations are constructed parallel to the river, and

d) on request by the Regional Council, records of structure design and flow calculations must be provided within 10 working days of the request, and

e) the bridge is not in a significant wetland, an Outstanding Freshwater Body or mapped (refer I Maps | Ngā mahere matawhenua):

i. Outstanding Natural Character Area, or

ii. Outstanding Natural Feature, or

iii. Site or Area of Significance to Tāngata 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 activity must not result in discontinuity in the flow of water under any flow conditions, and

c) the ford is not in a significant wetland, an Outstanding Freshwater Body or mapped (refer I Maps | Ngā mahere matawhenua):

i. Outstanding Natural Character Area, or

ii. Outstanding Natural Feature, or

iii. Site or Area of Significance to Tāngata Whenua, and

6) for maimai / game bird shooting shelter structures:

a) the structure does not exceed 10 square metres, and

7) for cables, electricity and telecommunication lines and pipelines:

a) the cable, line or pipeline, including site related structures that enable the cable, line or pipeline to function, does not cause diversion or blockage of any river, and

b) the 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 I Maps | Ngā mahere matawhenua):

i. Outstanding Natural Character Area, or

ii. Outstanding Natural Feature, or

iii. Site or Area of Significance to Tāngata Whenua, and

c) for any wastewater pipeline to be erected or placed on, in, over, or under the bed of a continually or intermittently flowing river or lake, the person doing the 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.

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

- 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.2.1.9 Minor riverbank protection works – permitted activity

The:

1) placement, or alteration (including maintenance or repair) of a riverbank protection structure 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 temporary damming, taking or diversion of water around the activity site,

are permitted activities, provided:

4) the 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 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 riverbank, 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 activities uses good practice erosion and sediment control measures, including where practicable temporary diversion of 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 riverbank, and

12) the works are not in a mapped Site or Area of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).

Note: *This rule solely applies to riverbank 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 Maintenance or repair of authorised flood defence – permitted activity.*

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

- Placement or alteration (including repair or maintenance) of a riverbank protection structure in, on, under or over the bed of a river and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the placement, or alteration (including repair or maintenance) of a structure (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.10 Freshwater structures – controlled activity

The 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 permitted by C.2.1.8 Construction and installation of structures – permitted activity are controlled activities, provided:

1) the activities are not in a significant wetland, an Outstanding Freshwater Body or a mapped (refer I Maps | Ngā mahere matawhenua):
   a) Outstanding Natural Character Area, or
   b) Outstanding Natural Feature, or
   c) Site or Area of Significance to Tāngata Whenua,

   unless necessary for the purpose of meeting C.8.1.2(5) Access of livestock (and where specified, sheep) to the bed of a waterbody or continually flowing artificial watercourse – permitted activity, and
2) the length of a culvert does not exceed 25 metres unless it passes under a local authority road, and
3) the structure does not prevent indigenous fish or trout passage, and
4) the activities do not impede existing legal public access to the river.

Matters of control:

1) Effects on:
   a) hydrological values, and Natural Character values.
   b) authorised structures and activities.
   c) fish passage.
   d) aquatic ecosystem health and indigenous biodiversity.
   e) structural integrity.
   f) mahinga kai and access to mahinga kai.
   g) the characteristics and qualities of Outstanding Natural Landscapes.

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

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

C.2.1.11 Activities in the beds of lakes and rivers – discretionary activity

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) 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.

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

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

Note: *Advice on the fish populations can be obtained from the Regional Council, the Department of Conservation, or the Northland Fish and Game Council.*

C.2.1.12 National Grid structures in a significant area – discretionary activity

The use, erection, reconstruction, placement, alteration, or extension of a National Grid structure in, on, under or over the bed of a lake or river, that is part of a significant wetland or an Outstanding Freshwater Body, or mapped (refer I Maps | Ngā mahere matawhenua):

1) Outstanding Natural Character Area, or
2) Outstanding Natural Feature, or
3) Site or Area of Significance to Tāngata Whenua,

and 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, controlled or restricted discretionary activity in C.2.1 Activities in the beds of lakes and rivers of this Plan, are discretionary activities.

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

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

C.2.1.13 Regionally Significant Infrastructure structures outside the coastal environment and in a significant area – discretionary activity

The use, erection, reconstruction, placement, alteration, or extension of a structure forming part of Regionally Significant Infrastructure, that is located in, on, under or over the bed of a lake or river, that is part of a significant wetland or an Outstanding Freshwater Body, or mapped (refer I Maps | Ngā mahere matawhenua):

1) Outstanding Natural Feature, or

2) Site or Area of Significance to Tāngata Whenua,

but is located outside the coastal environment, and 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, controlled or restricted discretionary activity in C.2.1 Activities in the beds of lakes and rivers of this Plan, are discretionary activities.

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

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

C.2.1.14 New flood defence – discretionary activity

The:

1) use, erection or placement of a new flood defence structure in, on, under, or over the bed of a lake or river, or

2) deposition of a flood defence in, on, or under the bed of a lake or river, or

3) alteration or extension of an existing flood defence, and

4) any associated disturbance of the bed, reclamation or drainage of the bed or damming or diversion of water,

are discretionary activities, provided they are not in an Outstanding Freshwater Body or mapped (refer I Maps | Ngā mahere matawhenua):

5) Outstanding Natural Feature, or

6) Outstanding Natural Character Area, or

7) Site or Area of Significance to Tāngata Whenua.

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

- Use, erection, reconstruction, placement, alteration, or extension of a flood defence outside the bed of a lake or river (s9(2)).
- Use, erection, reconstruction, placement, alteration, or extension of a flood defence in, on, under, or over the bed of a lake or river or the deposition of a flood defence in, on, or under the bed, and any associated disturbance of the bed or reclamation or drainage of the bed (s13(1)).

- Damming, taking or diversion water around the activity site during the erection, reconstruction, placement, alteration, or extension of a flood defence or ongoing damming or diversion of water around the flood defence (s14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

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

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 part of a significant wetland or an Outstanding Freshwater Body, or mapped (refer I Maps | Ngā mahere matawhenua):

1) Outstanding Natural Character Area, or
2) Outstanding Natural Feature, or
3) Site or Area of Significance to Tāngata Whenua,

that is not the subject of any other rule in this Plan, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, C.2.1 Activities in the beds of lakes and rivers are non-complying activities.

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

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

The:

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

in a mapped (refer I Maps | Ngā mahere matawhenua):

5) Outstanding Freshwater Body, or
6) Outstanding Natural Feature, or
7) Outstanding Natural Character Area, or
8) Site or Area of Significance to Tāngata Whenua,

are non-complying activities.

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

- 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 Natural wetland maintenance and enhancement – permitted activity

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

1) the damage, destruction, disturbance, or removal of plants is limited to exotic plants or pest species, and
2) any introduced plant is not a pest species, and
3) the activity is not for the purposes of extracting kauri from the wetland, and
4) the activities comply with all relevant conditions of C.2.3 General conditions, and
5) if the activities are 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.

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

- Damage, destruction or disturbance of a natural 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 natural 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 natural 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 natural wetland that is part of a bed of a lake or river, and introduction of a plant in a natural 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, erection, reconstruction, placement, alteration, extension, demolition or removal of any fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure, 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:

3) in a significant wetland:
    a) any bird-watching hide, maimai, or game bird shooting structures do not exceed 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

c) 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 200 square metres, and

d) any other structure does not exceed five square metres in area, and

e) 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

the activities comply with all relevant conditions of C.2.3 General conditions.

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

- 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

The damage, destruction, disturbance, or removal of vegetation, deliberate introduction of a plant or disturbance of the bed of 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 permitted activities provided:

1) the activities comply with all relevant conditions of C.2.3 General conditions, and

2) do not cause flooding or ponding on any other property, and

3) 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.

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

- 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 natural and constructed wetlands – discretionary activity

In natural or constructed wetlands 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,

that is not the subject of any other rule in this Plan are discretionary activities, provided the activities are not undertaken in a significant wetland.

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

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 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 National Grid activities in significant wetlands – discretionary activities

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,

for the National Grid, provided the National Grid has an operational or functional need to be located in the wetland and that is not a permitted, controlled or restricted discretionary activity in C.2.2 Activities affecting wetlands of this Plan, is a discretionary activity.

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

Activities relating to plants:

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

Activities relating to structures:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is not part of the bed of a lake or river (s9(2)).
- Erection, placement, alteration or extension of a structure in, on, under or over any foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a structure in a wetland in the coastal marine area (s12(2)).
- Use of a structure in a wetland in the coastal marine area (s12(3)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

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

C.2.2.6 Activities in significant wetlands – non-complying activities

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.

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

Activities relating to plants:

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

Activities relating to structures:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is not part of the bed of a lake or river (s9(2)).
- Erection, placement, alteration or extension of a structure in, on, under or over any foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a structure in a wetland in the coastal marine area (s12(2)).
- Use of a structure in a wetland in the coastal marine area (s12(3)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

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

C.2.3 General conditions

General conditions apply to activities when referred to in the rules of C.2.1 Activities in the beds of lakes and rivers, C.2.2 Activities affecting wetlands or C.3.1 Damming and diverting water.

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 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) beyond the zone of reasonable mixing, the discharge must not give rise to any conspicuous change in the colour or visual clarity, and
   d) 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 for no more than 14 consecutive days.

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 prior to entering the bed of the water body, 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 on completion of the activity.

Avoiding pest introduction

5) All plant, machinery, equipment or material operating or used in a water body, must be free of pests, plant contaminants, seeds, and vegetative material.

River alignment and flooding effects

6) The activities must not:
   a) cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream, or
   b) compromise the structural integrity or use of any other authorised structure or activity in the bed of the river or lake, or
   c) dam or divert water in a way that causes flooding or ponding on any other property.
7) 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

8) 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.

9) The vegetation and the bed of any natural wetland are not disturbed to a depth or an extent greater than that required to give effect to the permitted activities.

10) There is no disturbance of roosting and nesting areas of fernbird, New Zealand dabchick, banded rail, brown teal, or Australasian bittern.

Indigenous vegetation disturbance or removal

11) Any indigenous vegetation damage, destruction, disturbance, clearance or removal is limited to the minimum extent necessary to give effect to the permitted activities.

Fuel storage and refuelling

12) Fuel must not be stored and machinery must not be refuelled in any location where fuel may enter water, including:

    a) on, over, or in the bed of a surface waterbody or the coastal marine area, or

    b) within 10 metres of a surface waterbody or coastal water.

13) Fuel must not be discharged to water, or the bed of a surface waterbody, or to land, in circumstances where the fuel can enter water.

Freshwater structures

Erosion and sediment discharges associated with a structure

14) The presence of the structure must not cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream.

15) 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 sediment discharges.

Structure durability, maintenance and off-site effect avoidance

16) The structure must be maintained in a sound condition and function for the purpose it was designed for, and at all times be capable of withstanding a one percent annual exceedance probability (AEP) flood without structural failure or risk to people or other property.

17) 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 activities.

18) The activities must not cause damage to, or restriction of the use of, any other authorised structure.

19) The activities must not prevent existing lawful public access or navigation to or along a continually or intermittently flowing river or lake, unless provided by an existing authorisation.

20) Dam structures must be designed, constructed, operated and maintained so that:

    a) vegetation 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 or faces of the dam.

21) 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, May 2015 (NZSOLD).*

Fish passage

22) 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, riverbed 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 temporary flow diversion around work sites, as referred to in Condition (26), but for no more than a total of 48 hours, or in the case of culvert installation under C.2.1.8 Construction and installation of structures – permitted activity in the months of January to July (inclusive) for no more than seven consecutive days, or

    c) when otherwise provided for by an existing design and authorisation.

Note: *Advice on the potential pest fish populations located downstream of the structure can be obtained from the Regional Council, the Department of Conservation, or the Northland Fish and Game Council.*

Any person or persons constructing a structure likely to impede fish passage (including culverts, fords, dams or diversion structures) will need to be aware of and comply with the requirements of the Freshwater Fisheries Regulations 1983, administered by the Department of Conservation.

Construction activity controls

23) Construction material and ancillary structures must be removed from the bed following completion of the activities, or earlier if reasonably practicable.

24) The contact of wet concrete or concrete ingredients with flowing or standing water must be avoided.

Notifying the Regional Council

25) The person undertaking the 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 are greater than 50 hectares and the activities involve 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

        iv. the proposed date of commencement and duration of the activities.

Temporary flow diversion around work sites

26) The temporary damming, diverting or pumping of river flow around work sites in the bed of a water body must:

    a) only be undertaken 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 no greater than 600 millimetres, and

    d) when pumping, use a fish screen with the intake screen mesh spacing not greater than three millimetres, and

    e) 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.

C.3 Damming and diverting water

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

Notes:

1) *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 (Freshwater Fisheries Regulations 1983, Part VI).*

2) *For good design practice and advice on dams, reference should be made to the New Zealand Dam Safety Guidelines, May 2015 (NZSOLD).*

3) *The rules in this section do not apply to damming and diversion provided for in C.2.1 Activities in the beds of lakes and rivers, C.2.2 Activities affecting wetlands and C.4.1 Land drainage and flood control.*

C.3.1 Damming and diverting water

Rule	
C.3.1.1	Off-stream damming and diversion – permitted activity
C.3.1.2	Small dam - permitted activity
C.3.1.3	Existing in-stream dam – permitted activity
C.3.1.4	Dam maintenance - permitted activity
C.3.1.5	Existing in-stream large dams – controlled activity
C.3.1.6	Reinstatement and restoration of natural flows - controlled activity
C.3.1.7	River channel diversion - discretionary activity
C.3.1.8	Damming or diverting water – discretionary activity
C.3.1.9	Obstructions that divert water onto other property – discretionary activity
C.3.1.10	Damming or diversion of water in a significant wetland or significant area – non-complying activity

C.3.1 Damming and diverting water

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

The damming or diversion of rainfall runoff, including in sediment ponds and stormwater detention structures, or water in an artificial watercourse are permitted activities, provided:

1) the activities do not dam or divert water in a continually or intermittently flowing river, natural wetland or lake, and
2) the 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 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 activities must not cause change to the seasonal or annual range in water level of any natural wetland, 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 be capable of withstanding a one percent annual exceedance probability flood without structural failure or risk to people or other property, and
8) 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 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.

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

- 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 permitted activities, provided:

1) the activities are 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 activities are not in a significant wetland or an Outstanding Freshwater Body or mapped (refer I Maps | Ngā mahere matawhenua):
    a) Outstanding Natural Character Area, or
    b) Outstanding Natural Feature, or
    c) Site or Area of Significance to Tāngata Whenua, and

3) the width of 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 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 person undertaking the 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, the values being enhanced, and

8) the activities comply with all relevant conditions of C.2.3 General conditions.

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

- 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 permitted activities, provided:

1) the damming or diversion is 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) necessary for maintaining the wetland's natural ecosystem and not associated with any consented water take, and

3) 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

4) the dam is not in an Outstanding Freshwater Body, and

5) the dam structure complies with all relevant conditions of C.2.3 General conditions.

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

- 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 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 permitted activities, provided:

1) the activities do not increase the authorised reservoir capacity, scale or extent of the dam, and
2) the extraction of accumulated material and the disturbance of the bed is limited to the area directly impounded by the dam, and
3) the activities comply with all relevant conditions of C.2.3 General conditions.

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

- 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 are not permitted activities under C.3.1.3 Existing in-stream dam – permitted activity are controlled activities, provided:

1) the dam is authorised, and
2) the dam is not in an Outstanding Freshwater Body, and
3) 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
4) the activities comply with all relevant conditions of C.2.3 General conditions.

Matters of control:

1) Minimum and flushing flows.
2) Provision for fish passage.
3) Effects on water quality.
4) Effects on a Site or Area of Significance to Tāngata Whenua.
5) The structural integrity of the dam and any upgrade works or maintenance required.
6) Effects on aquatic ecosystem health.

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

- 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 Reinstatement and restoration of natural flows – controlled activity

The diversion of water in a river and any associated disturbance of the bed or deposition of material on the bed, for the purpose of flood plain habitat restoration and either reinstating natural meander channels or oxbow loops, provided:

1) the activities are not in a significant wetland, an Outstanding Freshwater Body, or a mapped (refer I Maps | Ngā mahere matawhenua):
    a) Outstanding Natural Character Area, or
    b) Outstanding Natural Feature, or
    c) Site or Area of Significance to Tāngata Whenua, and
2) the activities do not:
    a) impede existing legal public access to the river, and
    b) compromise the structural integrity or use of any other authorised structure or activity in the bed of the river or lake, and
    c) dam or divert water in a way that causes flooding or ponding on any other property, and
    d) reduce the flow in a continually or intermittently flowing river below a minimum flow, or minimum level.

Matters of control:

1) Effects on:
    a) minimum, flushing and flood flows.
    b) Fish passage and spawning habitat
    c) Water quality.
    d) Any Site or Area of Significance to Tāngata Whenua.
    e) Aquatic ecosystem health and indigenous biodiversity.
    f) Mahinga kai and access to mahinga kai.
2) Methods of pest control.
3) Riverbed scour and erosion controls.

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

- 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 River channel diversion – discretionary activity

The diversion 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 are discretionary activities, provided it is not in a significant wetland, an Outstanding Freshwater Body, or a mapped (refer I Maps | Ngā mahere matawhenua):

1) Outstanding Natural Character Area, or
2) Outstanding Natural Feature, or
3) Site or Area of Significance to Tāngata Whenua.

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

- 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.3.1.8 Damming or diverting water – discretionary activity

The use, erection, reconstruction, placement, alteration or extension of a dam in the bed of a 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 are discretionary activities.

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

- 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.3.1.9 Obstructions that divert water onto other property – discretionary activity

The placement of an obstruction (including a structure) in 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.

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

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

The damming or diversion of water in a significant wetland, an Outstanding Freshwater Body or mapped (refer I Maps | Ngā mahere matawhenua):

1) Outstanding Natural Character Area, or
2) Outstanding Natural Feature, or
3) Site or Area of Significance to Tāngata Whenua, and

that is not a permitted activity in C.3.1 Damming and diverting water of this Plan is a non-complying activity.

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

- 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 this Plan. Refer to specified rules for detailed requirements.

C.4.1 Land drainage and flood control

Rule	
C.4.1.1	Land drainage – permitted activity
C.4.1.2	Existing authorised stopbanks - permitted activity
C.4.1.3	Repair and maintenance of a stopbank or floodgate – permitted activity
C.4.1.4	Repair, maintenance and clearance of a drain – permitted activity
C.4.1.5	Re-consenting flood control schemes – controlled activity
C.4.1.6	Existing land drainage schemes – controlled activity
C.4.1.7	Other land drainage and flood control activities – discretionary activity
C.4.1.8	Activities affecting flood control schemes - discretionary activity
C.4.1.9	Land drainage and flood control general conditions

C.4.1 Land drainage and flood control

C.4.1.1 Land drainage – permitted activity

The damming, diversion and discharge of water associated with land drainage are permitted activities, provided:

1) the activity complies with all relevant conditions of C.4.1.9 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 in or from the same catchment in which the water would naturally flow, and
4) the discharge is not within the catchment of an Outstanding Lake or a dune lake with outstanding or high ecological value, and
5) a new drain is not constructed within 15 metres of an existing wastewater disposal area.

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

- 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 permitted activities, provided:

1) the activity complies with all relevant conditions of C.4.1.9 Land drainage and flood control general conditions, and
2) The owner or person responsible for the stopbank can provide, if requested by the Regional Council, a copy of the authorisation of the stopbank.

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

- 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 – 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, are permitted activities, provided:

1) the activity complies with all relevant conditions of C.4.1.9 Land drainage and flood control general conditions, and

2) there is no increase to the length, width or height of the original stopbank or floodgate, 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) of the details of the proposed works.

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

- The repair or maintenance (forms of alteration) of a stopbank or floodgate that is outside the bed of a lake or river (s9(2)).
- The repair or maintenance (forms of alteration) of a stopbank or floodgate in, on, under, or over the bed of a lake or river, and the incidental disturbance of the bed and deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking and diversion of water around the activity site during the repair or maintenance of a stopbank or floodgate (s14(2)).
- Discharge of sediment or water into water or onto land where it may enter water incidental to the repair or maintenance of a stopbank or floodgate (s15(1)).
- Discharge of sediment onto land incidental to the repair or maintenance of a stopbank or floodgate (s15(2A)).

C.4.1.4 Repair, maintenance and clearance of a drain – permitted activity

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.4.1.9 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.

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.4.1.5 Re-consenting flood control schemes – controlled activity

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 Resource Management Act 1991 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 tāngata 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).

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.4.1.6 Existing land drainage schemes – controlled activity

In an existing Drainage District (refer I Maps | Ngā mahere matawhenua), the:

1) taking, diversion and discharge of drainage water associated with the drainage of land, or
2) clearing of drainage channels and floodgates, or
3) maintenance and repair (forms of alteration) and reconstruction of land drainage scheme assets,

that are not a:

4) permitted activity under C.4.1.2 Existing authorised stopbanks – permitted activity, or
5) permitted activity under C.4.1.3 Repair and maintenance of a stopbank or floodgate – permitted activity, or
6) permitted activity under C.4.1.4 Repair, maintenance and clearance of a drain – permitted activity,

are controlled activities provided:

7) the work is carried out by a local authority or group of landowners who have assumed control of the scheme pursuant to the *Local Government Act 1974, Sections 517A to 517ZM*.

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 tāngata whenua and their taonga.
6) Fish passage.
7) Effects on any natural wetlands.
8) Effects on freshwater fish (excluding pest species) and in particular eels.

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

- 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.4.1.7 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 C.4.1 Land drainage and flood control of this Plan are discretionary activities.

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

- 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.4.1.8 Activities affecting flood control schemes – discretionary activity

The following activities within a Regional Council flood control scheme (refer I Maps | Ngā mahere matawhenua) that are not a permitted activity under Rule C.2.1.9 Minor riverbank protection works – permitted activity are discretionary activities:

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.

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

- 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.4.1.9 Land drainage and flood control general conditions

General conditions apply to activities when referred to in the rules of C.4.1 Land drainage and flood control.

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 of a lake or continually or intermittently flowing river.
3) New land drainage does not occur within 50 metres of any natural wetland.
4) 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.
5) 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.
6) There is no damage to a flood defence or any other authorised structure.
7) Fish passage is maintained, unless an existing authorisation provides otherwise, or temporary works to enable repair and replacement works are being carried out.
8) Eels, 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.
9) Refuelling of machinery does not take place in the bed of a river or lake.
10) 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.
11) The discharge to the water body or coastal marine area does not, beyond the zone of reasonable mixing:
    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 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, except in an Outstanding Freshwater Body where it must not be changed by more than one degree Celsius, and
    f) cause contamination which may render freshwater taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment.
12) 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.
13) Where in-river works involve bed disturbance from mechanical vegetation clearance or sediment removal:
    a) if undertaken between 1 August and 31 December, a visual inspection of the works area must be undertaken, immediately prior to in-river work starting. If a shoal of whitebait is present, no in-river works shall be undertaken until the shoal passes; and

b) the works shall not occur more than once in any area between 1 August and 31 December of any year.

14) River bank disturbance is limited to one side of the waterway, at any one time.

15) When mechanically clearing aquatic vegetation, a weed bucket shall be used with a curved flat base and a slatted back.

16) The activity does not take place in an īnanga spawning site between 1 March and 30 September.

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 this Plan. Refer to specified rules for detailed requirements.

C.5.1 Taking and use of water

Rule	
C.5.1.1	Minor takes – permitted activity
C.5.1.2	Taking and use of coastal water - permitted activity
C.5.1.3	Temporary take for road construction or maintenance - permitted activity
C.5.1.4	Water take from an off-stream dam – permitted activity
C.5.1.5	Water take from an artificial watercourse – permitted activity
C.5.1.6	Water take associated with bore development, bore testing or dewatering – permitted activity
C.5.1.7	Water takes associated with existing quarry and mine site dewatering - controlled activity
C.5.1.8	Replacement water permits for registered drinking water supplies - controlled activity
C.5.1.9	Takes existing at the notification date of this plan - controlled activity
C.5.1.10	High flow allocation - restricted discretionary activity
C.5.1.11	Takes existing at the notification date of this plan - discretionary activity
C.5.1.12	Other water takes – discretionary activity
C.5.1.13	Water take for registered drinking water supply below a minimum flow or water level – non-complying activity
C.5.1.14	Water take for registered drinking water supply that will exceed an allocation limit – non-complying activity
C.5.1.15	Water take affecting a dune lake – non-complying activity
C.5.1.16	Water take below a minimum flow or water level - prohibited activity
C.5.1.17	Water take that will exceed an allocation limit - prohibited activity

C.5.1 Taking and use of water

Note: *The RMA, Section 14(3) states that a person is not prohibited from taking, using damming or diverting any water, heat, or energy if:*

- *in the case of freshwater, 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 tāngata 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 the Fire and Emergency New Zealand Act 2017, Section 48 (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 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 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 C.5.1.16 Water take below a minimum flow or water level – prohibited 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 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) 10 cubic metres, or
   b) 30 cubic metres for the purposes of dairy shed wash down and milk cooling water existing at 1 September 2017, and
3) if two or more properties are amalgamated after 1 September 2017, total daily takes authorised by Conditions 2(a) and (b) that existed prior to the amalgamation do not need to be reduced, and
4) the rate of take from a river does not exceed 10 percent of the instantaneous flow at the point and time of the take, and
5) the maximum rate of geothermal heat take (without taking water) does not exceed 7,500 megajoules per day, and
6) the take does not cause any change to the seasonal or annual level of any natural wetland, and
7) the take does not adversely affect the reliability of any existing authorised take, and
8) for a surface water take, 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 0.12 metres per second, and

b) if the take is from a Coastal River, Outstanding River or Lake, the intake structure has a fish screen with the intake screen mesh spacing not greater than 1.5 millimetres, or

c) if the take is from a Small River or Large River, the intake structure has a fish screen with mesh spacing not greater than three millimetres, and

9) any reticulation system and its components are maintained to minimise leakage and wastage, and

10) 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

11) 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.

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

- Taking and use of water from a river, lake or aquifer, and any associated heat or energy from geothermal water (s14(2)).

C.5.1.2 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.5.1.3 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) 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 0.12 metres per second, and

b) a take from a Coastal River or lake has a fish screen with mesh spacing not greater than 1.5 millimetres, or

c) a take from a Small River or Large River has a fish screen with mesh spacing not greater than three millimetres, and

6) 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.

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

- Taking and use of water from a river or lake for road construction, road dust suppression or road maintenance purposes (s14(2)).

C.5.1.4 Water take from an off-stream dam – permitted activity

The taking and use of water from an off-stream dam is a permitted activity.

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

- Taking and use of freshwater from an off-stream dam (s14(2)).

C.5.1.5 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.

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

- Taking and use of freshwater from an artificial watercourse (s14(2)).

C.5.1.6 Water take associated with bore development, bore testing or dewatering – permitted activity

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

1) if 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
2) if the take is from the Aupōuri Aquifer management unit:
    a) the activity is completed within seven days of its commencement for takes up to 1000 cubic metres per day, or
    b) the activity is completed within three days of its commencement for takes up to 2500 cubic metres per day, or
3) 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, or
4) 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

5) the activity does not adversely affect the reliability of water supply of an authorised water take, and

6) the activity is not in a natural wetland or does not cause any permanent change to water levels in any natural wetland, and

7) any resulting ground settlement or reduction in groundwater levels does not cause adverse effects on buildings, structures, underground infrastructure or services.

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

- 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 C.6.9.6 Discharges to land or water not provided for by other rules – permitted activity.*

C.5.1.7 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 freshwater 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 C.6.9.6 Discharges to land or water not provided for by other rules – permitted activity.*

C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity

An application for a 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 that address the matters in D.4.14 Reasonable and efficient use of water – group or community water supplies.

3) Effects on:

   a) aquatic ecosystem health and indigenous biodiversity, and

b) mahinga kai and access to mahinga kai, and

c) indigenous biodiversity in the bed of a water body where it affects tāngata 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 Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).

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

- Taking and use of freshwater for a registered drinking water supply from a river, lake or aquifer (s14(2)).

C.5.1.9 Takes existing at the notification date of this plan – controlled activity

The taking and use of water from a river, lake or aquifer that existed 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) an application for resource consent to authorise the activity is lodged within 12 months of the operative date of this rule, and

4) the application contains evidence that the take existed at the notification date of this Plan.

Matters of control:

1) The timing, rate and volume of the take, including restrictions on abstraction required to give effect to the minimum flows set in H.4 Environmental flows and levels.

2) The design, location and maintenance of the intake structure to minimise adverse effects on fish species.

3) Measures to ensure the reasonable and efficient use of water, including ensuring consistency with industry good practice.

4) Effects on the identified values of mapped Sites and Areas of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).

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

- Taking and use of water from a river, lake or aquifer (s14(2)).

C.5.1.10 High flow allocation – restricted discretionary activity

The taking and use of water from a river when the flow in the river is above the median flow that is not a permitted or controlled activity under C.5.1 of this Plan is a restricted discretionary activity, provided 50 percent of the river flow above the median flow remains in the river at the point and time of take.

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.

2) Measures to ensure the reasonable and efficient use of water.

3) The positive effects of the activity.

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

- Taking and use of water from a river (s14(2)).

C.5.1.11 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 authorised 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.

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

- Taking and use of water from a river, lake or aquifer (s14(2)).

C.5.1.12 Other water takes – discretionary activity

The taking and use of water, or the taking and use of heat or energy from water or heat or energy from the material surrounding geothermal water, that is not the subject of any other rule in this Plan is a discretionary activity.

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

- 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.5.1.13 Water take for registered drinking water supply below a minimum flow or water level – non-complying activity

The taking and use of freshwater from a river, lake or natural wetland for registered drinking water supply 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.4 Environmental flows and levels, and that is not permitted by a rule in this Plan, is a non-complying activity.

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

- Taking and use of freshwater from a river, lake or natural wetland (s14(2)).

C.5.1.14 Water take for registered drinking water supply that will exceed an allocation limit – non-complying activity

The taking and use of freshwater for registered drinking water supply that would cause an allocation limit set in H.4 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.

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

- Taking and use of freshwater from a river, or aquifer (s14(2)).

C.5.1.15 Water take affecting a dune lake – non-complying activity

The taking and use of freshwater that would change the level of a dune lake as referred to in H.4.2 Minimum levels for lakes and natural wetlands, and that is not permitted by a rule in this plan, is a non-complying activity.

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

- Taking and use of freshwater from a river, lake, natural wetland or aquifer (s14(2)).

C.5.1.16 Water take below a minimum flow or water level – prohibited activity

The taking of freshwater 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.4 Environmental flows and levels, and that is not permitted by a rule in this Plan or a non-complying activity under C.5.1.14 Water take for registered drinking water supply that will exceed an allocation limit – non-complying activity or C.5.1.16 Water take below a minimum flow or water level – prohibited activity, is a prohibited activity.

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

- Taking and use of water from a river, lake or natural wetland (s14(2)).

C.5.1.17 Water take that will exceed an allocation limit – prohibited activity

The taking and use of freshwater that would cause an allocation limit set in H.4 Environmental flows and levels for a river or aquifer to be exceeded, and that is not permitted by a rule in this Plan or a non-complying activity under C.5.1.15 Water take affecting a dune lake – non-complying activity, is a prohibited activity.

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

- Taking and use of freshwater from a river or aquifer (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 this Plan. Refer to specified rules for detailed requirements.

C.6.1 On-site domestic wastewater discharges

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

C.6.2 Wastewater network and treatment plant discharges

Rule	
C.6.2.1	Discharge from a pump station or pipe network – discretionary activity
C.6.2.2	Wastewater treatment plant discharge – discretionary activity
C.6.2.3	Wastewater discharge – prohibited activity

C.6.3 Production land discharges

Rule	
C.6.3.1	Farm wastewater discharges to land – permitted activity
C.6.3.2	Horticulture wastewater discharges to land - permitted activity
C.6.3.3	Discharges associated with the making or storage of silage - permitted activity
C.6.3.4	Discharges associated with the disposal of dead animals or offal - permitted activity
C.6.3.5	Emergency discharge of milk to land - permitted activity
C.6.3.6	Wastewater discharges to land – discretionary activity
C.6.3.7	Horticulture wastewater discharges to water – discretionary activity
C.6.3.8	Farm wastewater discharges to water - non-complying activity
C.6.3.9	Farm wastewater discharges into water – prohibited activity

C.6.4 Stormwater discharges

Rule	
C.6.4.1	Stormwater discharges from a public stormwater network – permitted activity
C.6.4.2	Other stormwater discharges – permitted activity
C.6.4.3	Stormwater discharges – controlled activity
C.6.4.4	Re-consenting of existing stormwater discharges from the Marsden Point Refinery Site – controlled activity
C.6.4.5	New stormwater discharges from the Marsden Point Refinery Site – restricted discretionary activity
C.6.4.6	Stormwater discharges onto or into contaminated land or from high-risk industrial or trade premises - discretionary activity

C.6.5 Agrichemicals and vertebrate toxic agents

Rule	
C.6.5.1	Application of agrichemicals – permitted activity
C.6.5.2	Application of agrichemicals into water – permitted activity
C.6.5.3	Ground based application of vertebrate toxic agents – permitted activity
C.6.5.4	Aerial application of vertebrate toxic agents – controlled activity
C.6.5.5	Application of agrichemicals and vertebrate toxic agents – discretionary activity

C.6.6 Industrial and trade wastewater discharges

Rule	
C.6.6.1	Discharge of cooling water - permitted activity
C.6.6.2	Discharge of contaminants from a water treatment plant - permitted activity
C.6.6.3	Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water - permitted activity
C.6.6.4	Re-consenting of existing discharges from the Marsden Point Refinery Site – controlled activity
C.6.6.5	New discharges from the Marsden Point Refinery Site – restricted discretionary activity
C.6.6.6	Industrial or trade discharges - discretionary activity

C.6.7 Solid waste

Rule	
C.6.7.1	Discharges to land from closed landfills – permitted activity
C.6.7.2	On site refuse disposal – permitted activity
C.6.7.3	Discharges from composting operations less than 10 cubic metres - permitted activity
C.6.7.4	Discharges from composting operations greater than 10 cubic metres – permitted activity
C.6.7.5	Discharges from waste transfer stations – controlled activity
C.6.7.6	Discharges from closed landfills – controlled activity
C.6.7.7	Other solid waste discharges – discretionary activity

C.6.8 Contaminated land

Rule	
C.6.8.1	Investigating potentially contaminated land - permitted activity
C.6.8.2	Discharges from contaminated land - permitted activity
C.6.8.3	Contaminated land remediation - controlled activity
C.6.8.4	Re-consenting passive discharges from contaminated land - controlled activity
C.6.8.5	Investigating potentially contaminated land - restricted discretionary activity
C.6.8.6	Contaminated land - discretionary activity

C.6.9 Other discharges of contaminants

Rule	
C.6.9.1	Discharge of dust suppressants – permitted activity
C.6.9.2	Discharge of tracers – permitted activity
C.6.9.3	Discharge of fertiliser – permitted activity
C.6.9.4	Discharge of sluicing water, water from a public water supply network or reservoir - permitted activity
C.6.9.5	Discharges from shellfish harvesting, washing and sorting - permitted activity
C.6.9.6	Discharges to land or water not provided for by other rules - permitted activity
C.6.9.7	Other discharges – discretionary activity
C.6.9.8	Discharges of untreated sewage from a ship or offshore installation – prohibited activity

C.6.1 On-site domestic wastewater discharges

C.6.1.1 Existing on-site domestic type wastewater discharge – permitted activity

The discharge of domestic type wastewater into or onto land from an on-site system that was a permitted activity at the notification date of this Plan, and the associated discharge of any odour into air from the on-site system, are permitted activities, 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) one hundred percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or
   b) thirty 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, 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.

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

- 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 human effluent from a pit toilet into land and the associated discharge of odour into air from the pit toilet are permitted activities, provided:

1) there is no discharge from a domestic wastewater system into the pit toilet, and
2) the pit toilet is situated outside exclusion areas and setback distances in *Table 8: Exclusion areas and setback distances for pit toilets*, and
3) the pit toilet is constructed in soil with an infiltration (percolation) rate not exceeding 150 millimetres per hour, and
4) the pit toilet is constructed to prevent rainfall and surface water runoff from entering it, and
5) the discharge does not contaminate any groundwater water supply or surface water, and
6) there is no surface runoff or ponding of wastewater, and
7) there is no offensive or objectionable odour beyond the property boundary.

Table 8: Exclusion areas and setback distances for pit toilets

Feature	Pit toilet
Exclusion areas	
Floodplain	1% Annual Exceedance Probability
Horizontal setback distances	
Identified stormwater flow path (including a formed road with kerb and channel) that is down-slope of the disposal area	5 metres
Water-table drain, off-stream dam or pond that is down-slope of the disposal area	10 metres
River, lake, stream, or natural wetland	20 metres
Coastal marine area	20 metres
Existing water supply bore	20 metres
Property boundary	1.5 metres
Vertical setback distances	
Winter groundwater table	1.2 metres

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

- 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 are permitted activities, 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) for wastewater that has received secondary treatment or tertiary treatment, it is discharged via:
    a) a trench or bed system in soil categories 3 to 5 that is designed in accordance with the *Australian/New Zealand Standard On-Site Domestic Wastewater Management (AS/NZS 1547:2012), Appendix L*; or
    b) an irrigation line system that is dose loaded and covered 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 disposal area, and
    c) where there is an up-slope catchment that generates stormwater runoff, a diversion system is 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 by a minimum of 100 millimetres of topsoil, mulch, or bark, and

7) the disposal area and reserve disposal area are situated outside the relevant exclusion areas and setbacks in *Table 9: 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) one hundred percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or

b) thirty 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 in accordance with the manufacturer's specifications, 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 9: Exclusion areas and setback distances for on-site domestic wastewater systems

Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater
Exclusion areas			
Floodplain	5% annual exceedance probability	5% annual exceedance probability	5% annual exceedance probability
Horizontal setback distances			
Identified stormwater flow path (including a formed road with kerb and channel, and water-table drain) that is down-slope of the disposal area	5 metres	5 metres	5 metres
River, lake, stream, pond, dam or natural wetland	20 metres	15 metres	15 metres
Coastal marine area	20 metres	15 metres	15 metres
Existing water supply bore	20 metres	20 metres	20 metres
Property boundary	1.5 metres	1.5 metres	1.5 metres
Vertical setback distances			
Winter groundwater table	1.2 metres	0.6 metres	0.6 metres

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

- 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, 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.

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

- 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 are not a permitted, controlled, or prohibited activity under any other rules in C.6.1 On-site domestic wastewater discharges of this Plan are discretionary activities.

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

- 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.

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

- Discharge of untreated domestic type wastewater into water (s15(1)).

C.6.2 Wastewater network and treatment plant discharges

C.6.2.1 Discharge from a pump station or pipe network – discretionary activity

The discharge of wastewater from a wastewater network into water or onto or into land, and any associated discharge of odour to air resulting from the discharge are discretionary activities.

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

- 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.6.2.2 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, are discretionary activities.

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

- 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.6.2.3 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 is a prohibited activity.

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

- 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 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 are permitted activities, provided:

1) there is no discharge:
   a) into surface water or to the coastal marine area via overland flow, or
   b) into surface water or to the coastal marine area via any tile, mole or other subsurface drain, or
   c) into an artificial watercourse, and
2) there is no discharge onto or into land or overland flow within:
   a) twenty metres of continually or intermittently flowing river, lake, natural wetland, or the coastal marine area, or
   b) fifty metres of the water body for a distance of 2,000 metres upstream of a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and
   c) twenty metres of an artificial watercourse, or
   d) twenty metres of a neighbouring property owned or occupied by another person, or
   e) twenty metres of a public road or public space, or
   f) twenty metres of the head of any drinking water supply bore, or
   g) fifty metres of a 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 result in ponding on the land for longer than three hours after the discharge, and
   c) minimises overland flow, and
   d) does not cause an offensive or objectionable odour beyond the 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
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) 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 working volume available between 1 March and 1 May each year, and
   c) 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 to the Regional Council that shows compliance with (a), and
8) farm wastewater storage facilities are sealed or lined so that seepage is minimised, and

9) 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

10) 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) land application area, and

    c) application rates and depths, and

    d) maximum number of cows being milked and milking regime, and

    e) maintenance records.

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

- 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.6.3.2 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) twenty metres of a stream, continually or intermittently flowing river, artificial watercourse, lake, natural wetland, or the coastal marine area, or

    b) twenty metres of a neighbouring property owned or occupied by another person, or

    c) fifty metres of any dwelling owned or occupied by another person, or

    d) twenty 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 *Horticulture New Zealand 2017, Vegetable Washwater Discharge Code of Practice*, *Section 2* and

4) the discharge of greenhouse nutrient solution is undertaken in accordance with *Horticulture New Zealand 2007, Code of Practice for the Management of Greenhouse Nutrient Discharges*, 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.

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.6.3.3 Discharges associated with the making or storage of silage – permitted activity

The discharge of a contaminant onto or into land resulting from the making or storage of silage, and any associated discharge of odour to air, are permitted activities, provided:

1) there is no discharge onto land within a setback distance in Condition (2), and
2) the storage site is not located within:
    a) fifty metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or
    b) fifty metres of the head of any water supply bore, or
    c) fifty metres of a dwelling owned or occupied by another person, or
    d) twenty 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 storage site, and
5) the discharge does not cause an offensive or objectionable odour beyond the property boundary.

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

- 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.6.3.4 Discharges associated with the disposal of dead animals or offal – permitted activity

The discharge of a contaminant onto or into land resulting from the disposal of dead animals or offal, and any associated discharge of odour to air, are permitted activities, provided:

1) the disposal site is not located within:
    a) fifty metres of surface water, a continually or intermittently flowing river, artificial watercourse, lake, natural wetland or the coastal marine area, or
    b) fifty metres of the head of any water supply bore, or
    c) fifty metres of a dwelling owned or occupied by another person, or
    d) twenty metres of a public road or space, and
2) the discharge does not contaminate any groundwater supply or surface water, and
3) catchment runoff is prevented from entering the disposal site, and
4) the disposal site is covered or otherwise contained, and
5) the discharge does not cause an offensive or objectionable odour beyond the property boundary, and
6) where a composting process is used, only dead animals or animal parts from the production land activity within the property are to be composted, and industry guidelines specific to the type of dead animal being composted are complied with.

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 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.6.3.5 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, are permitted activities, provided:

1) there is no discharge onto or into land within:
    a) fifty metres of surface water or the coastal marine area, or
    b) fifty metres of the head of any water supply bore, or
    c) fifty metres of a dwelling owned or occupied by another person, or
    d) twenty 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.

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

- 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.6.3.6 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 are not permitted, restricted discretionary, non-complying activity, or prohibited activities in C.6.3 Production land charges of this Plan, are discretionary activities.

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

- Discharge of farm wastewater, horticulture wastewater, contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land where it may enter water (s15(1)).
- Discharge of farm wastewater, horticulture wastewater, contaminants associated with the making or storage of silage, contaminants associated with the disposal of dead stock or offal, or milk onto or into land, and any associated discharge of odour to air (s15(2A)).

C.6.3.7 Horticulture wastewater discharges to water – discretionary activity

The discharge of treated horticulture wastewater into water is a discretionary activity, provided the discharge is not into a dune lake, surface water flowing into a 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 horticulture wastewater into water (s15(1)).

C.6.3.8 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)).

C.6.3.9 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.

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

- 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:

1) the discharge is not from a public stormwater network servicing an urban area listed in *Table 10: Urban areas*, and
2) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and
3) the discharge is not within 100 metres of a geothermal surface feature, and
4) the discharge does not contain contaminants used, stored or generated in trade or industrial premises, and
5) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and
6) 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 conspicuous change in the colour or visual clarity, or
    c) an emission of objectionable odour, or
    d) the rendering of freshwater unsuitable for consumption by farm animals, or
    e) the rendering of freshwater taken from a mapped Priority Drinking Water Abstraction Point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment.

Table 10: Urban areas

Far North District	Whangārei District	Kaipara District
Kaitaia	One Tree Point - Marsden Cove	Dargaville
Kaikohe	Ruakākā	Mangawhai - Mangawhai Heads
Kerikeri	Waipū	
Paihia	Whangārei City	
Waipapa - Haruru		

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

- 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 from an impervious area 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 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

3) where the 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 system, or

   b) there is a secondary containment system in place to intercept any spillage of hazardous substances and either discharges that spillage to a trade waste system or stores it for removal and treatment, or

   c) if the stormwater contains oil contaminants, the stormwater is passed through a stormwater treatment system designed in accordance with the *Ministry for the Environment 1998, Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand* prior to discharge, and

4) where the diversion or discharge is from an industrial or trade premises:

   a) the stormwater collection system is designed and operated to prevent any 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, 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) the diversion or discharge is not into potentially contaminated land, or onto potentially contaminated land that is not covered by an impervious area, 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, and

7) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and

8) 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 conspicuous change in the colour or visual clarity, or

   c) an emission of objectionable odour, or

   d) the rendering of freshwater unsuitable for consumption by farm animals, or

   e) the rendering of freshwater taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment.

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

- Diversion of stormwater (s14(2)).
- Discharge of stormwater into water or onto or into land where it may enter water from an impervious area or by way of a stormwater collection system (s15(1)).

C.6.4.3 Stormwater discharges – controlled activity

The diversion and discharge of stormwater into water or onto or into land where it may enter water that is not a permitted activity or discretionary activity in C.6.4 Stormwater discharges of this Plan is a controlled activity.

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 caused by the stormwater network.
5) The design and operation of the stormwater system and any staging of works.

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

- Diversion of stormwater (s14(2)).
- Discharge stormwater into water or onto or into land where it may enter water (s15(1)).

C.6.4.4 Re-consenting of existing stormwater discharges from the Marsden Point Refinery Site – controlled activity

The re-consenting of a diversion and discharge of stormwater into water, or onto or into land where it may enter water, from the Marsden Point Refinery Site is a controlled activity, provided:

1) the discharge is authorised by an existing resource consent at the time of the re-consent application, and
2) there is no increase in the rate and volume of the discharge or change to the composition of the discharge as authorised by the current resource consent.

Matters of control:

1) The concentration or load of contaminants in the discharge.
2) The location and velocity of the discharge.
3) The size of the zone of reasonable mixing.
4) The effects on Sites and Areas of Significance to Tāngata Whenua mapped in the Regional Plan (refer I Maps | Ngā mahere matawhenua).
5) Consideration of the treatment of the discharge prior to disposal.
6) Effects on indigenous biodiversity and ecosystems.

Notification:

Resource consent applications under this rule are precluded from public notification (but are not precluded from limited notification).

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

- Diversion of stormwater (s14(2)).
- Discharge 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.6.4.5 New stormwater discharges from the Marsden Point Refinery Site – restricted discretionary activity

A new diversion and discharge of stormwater into water, or onto or into land where it may enter water, from the Marsden Point Refinery Site is a restricted discretionary activity, provided:

1) the discharge does not cause any of the following effects in receiving water after reasonable mixing:
    a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
    b) any conspicuous change in the colour or visual clarity, or
    c) any emission of objectionable odour, or
    d) any significant adverse effect on aquatic life, and
2) the discharge does not scour or erode the bed of any water body or the coastal marine area.

Matters of discretion:

1) The concentration or load of contaminants in the discharge.
2) The location and velocity of the discharge.
3) The effects on Sites and Areas of Significance to Tāngata Whenua mapped in the Regional Plan (refer I Maps | Ngā mahere matawhenua).
4) Consideration of the treatment of the discharge prior to disposal.
5) Effects on indigenous biodiversity and ecosystems.

Notification:

Resource consent applications under this rule are precluded from public notification (but are not precluded from limited notification).

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

- Diversion of stormwater (s14(2)).
- Discharge 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.6.4.6 Stormwater discharges onto or into contaminated land 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

is a discretionary activity.

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

- Diversion of stormwater (s14(2)).
- Discharge of stormwater into water or onto or into land where it may enter water (s15(1)).
- Discharge of stormwater onto or into land (s15(2A)).

C.6.5 Agrichemicals and vertebrate toxic agents

C.6.5.1 Application of agrichemicals – permitted activity

The discharge of an agrichemical into air or onto or into land is a permitted activity, provided:

1) for all methods (including hand-held spraying, ground-based spraying and aerial application):
   a) the applicator must:
      i. take all practicable steps to ensure that agrichemicals are used appropriately and accurately, and are confined to target applications areas;
      ii. take all practicable steps to ensure that no adverse effects occur beyond the application area; and
      iii. ensure that relevant tolerable exposure limits (TELs) and environmental exposure limits (EELs) are not exceeded.
   b) the discharge does not result in:
      i. any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area[16], or
      ii. damage to any spray-sensitive areas beyond the boundary of the subject property or in the coastal marine area, and
   c) there is no direct discharge into or onto water, and
   d) notification is given, either:
      i. other than for spraying in plantation forestry where notification must be given at least 24 hours and no more than 60 working days before spraying commences, neighbouring properties receive notification no less than 24 hours and no more than three weeks before the spraying activity is to take place, as set out in *Table 11: Spraying notification requirements*, or
      ii. according to an alternative notification agreement, that meets the requirements of *Table 11: Spraying notification requirements*; and
   e) 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. 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, indication of any specific hazards and the application method. A record of the signage undertaken must be kept and made available to the Regional Council on request, and
   f) for spraying by any method in public road corridors and rail corridors:
      i. other than for handheld spraying of roadside boundary fence lines adjacent to private land, a public notice must be placed in a newspaper, or a letter drop made to properties within 30 metres (or 200 metres for aerial application) from the area to be sprayed, at least seven days and not more than one month before spraying is to take place, and
      ii. the signs, public notice and letter drop 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, and the application method, and
      iii. vehicles used for spraying must display prominent signs (front and back) advising that spraying is in progress, and

[16] Refer to H.7 Interpretation of noxious, dangerous, offensive and objectionable effects

iv. a record of the signage undertaken must be kept and made available to the Regional Council on request.

Table 11: Spraying notification requirements

Spraying method	Properties to be notified	Notification requirements
Hand-held spraying	Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).	Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).
Ground-based spraying	Any property with a spray-sensitive area within 50m 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.	Either: 1) Notification: a) is to be undertaken by the owner or occupier of the property where agrichemicals will be applied unless delegated to the applicator, management company, forest manager, or pack house operator, and 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 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 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. 2) Alternative notification agreement: a) Notification is undertaken according to a notification agreement with the occupier. The notification agreement must: i. contain (as a minimum) method of notification and minimum time for notification prior to spraying ii. be recorded in writing and signed by all parties iii. be reviewed and re-signed annually
Aerial application	Any property with a spray-sensitive area within 200m 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.	
Granules, gels and agrichemical baits	Any property with a spray-sensitive area within 30m 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.	

2) 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, which shall be made available to the Council and the occupiers of spray-sensitive areas on request: and

c) where the activity is undertaken within 100 metres of a spray-sensitive area or 300 metres for aerial application:

i. every spray activity must be undertaken in accordance with a risk assessment, that is recorded in a spray diary or equivalent and made available to the Council and the occupiers of spray-sensitive areas on request;

ii. the risk assessment must be carried out prior to the application to determine the site characteristics on the day, particularly wind speed and wind direction, the level of risk present, and use of appropriate methods to address that risk. Where the risk of off-target spray movement cannot be addressed, agrichemical application must not be undertaken;

iii. the applicator must re-evaluate the risk assessment during the spray application to assess whether the conditions have changed and ensure that the application methods and drift mitigations are still appropriate;

iv. the activity must be undertaken in accordance with the risk assessment, and the Spray Plan;

v. agrichemical application must not occur if wind speeds are greater than five metres per second plus gusts and wind direction is towards a spray-sensitive area; and

vi. the requirements in *Table 12: Spray buffer requirements* must be met:

Table 12: Spray buffer requirements

Wind speed[17]	Wind direction	Buffer distance requirement	Additional requirements to be assessed
Ground-based – low risk			
1-3 m/s	Wind away from spray-sensitive areas	Nil	Nil
Ground-based – assessed risk			
0 - 1 m/s	Any wind direction (not inversion conditions)	There is a buffer distance on all boundaries of the target application area of at least: Boom spraying: • 2m with effective shelter, or • 10m without effective shelter. Airblast spraying: • 10m with effective shelter, or • 30m without effective shelter.	• The buffer distance to be observed on all boundaries of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Use of agrichemical direct application methodology (eg. shrouds)

[17] Refer to H.10.1 Measurement of wind speed for measurement of wind speed requirements

Wind speed[17]	Wind direction	Buffer distance requirement	Additional requirements to be assessed
1 - 5 m/s	Wind toward spray-sensitive area	There is a buffer distance on the downwind boundary of the target application area of at least: Boom spraying: • 2m with effective shelter, or • 10m without effective shelter. Airblast spraying: • 10m with effective shelter, or • 30m without effective shelter.	• The buffer distance to be observed on the downwind boundary of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1m below the top of the shelter to prevent spray drift) • Spray quality • Sensitivity of receivers • Toxicity of spray • Use of agrichemical direct application methodology (eg. shrouds)
3 - 6 m/s	Wind away from spray-sensitive area	Nil	• Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1m below the top of the shelter to prevent spray drift) • Spray quality • Sensitivity of receivers • Toxicity of spray
Aerial spraying – assessed risk			
0 - 1 m/s	Any wind direction (not inversion conditions)	There is a buffer distance on all boundaries of the target application area of at least: • 100m with effective shelter, or • 300m without effective shelter.	• The buffer distance to be observed on all boundaries of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Spray quality is as coarse as possible
1 - 5 m/s	Wind away from spray-sensitive area	Nil	• Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Spray quality being as coarse as possible
1 - 3 m/s	Wind toward spray-sensitive area	There is a buffer distance on the downwind boundary of the target application area of at least: • 100m with effective shelter, or • 300m without effective shelter.	• The buffer distance to be observed on the downwind boundary of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Spray quality being as coarse as possible

Wind speed[17]	Wind direction	Buffer distance requirement	Additional requirements to be assessed
Greater than 3 m/s – 5 m/s	Wind toward spray-sensitive area	There is a buffer distance on the downwind boundary of the target application area of at least: • 100m with effective shelter, or • 300m without effective shelter.	• Spray quality being as coarse as possible • Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Implement spray drift mitigation controls identified in risk assessment

d) agrichemical application must not occur if:

i. wind speeds[18] are greater than six metres per second plus gusts; or

ii. wind speeds[19] are between zero and one metres per second and inversion conditions are present or likely to be present during application;

e) the buffer distance requirements in (2)(c) above do not apply to agrichemical application if the occupier of the spray-sensitive area has provided written approval for the type and method of agrichemical application; and

i. the written approval is re-signed annually; and

ii. the occupier is provided with a copy of the annual spray plan; and

iii. the written approval has not been withdrawn, withdrawal only being effective if three months' notice has been provided;

f) agrichemical application undertaken in a fully enclosed environment that remains enclosed during and immediately after spraying (for example a greenhouse) is not subject to the requirements in (2) above.

Agrichemical application that does not meet all of the requirements under (2) above is a discretionary activity under C.6.5.5 Application of agrichemicals and vertebrate toxic agents – discretionary activity.

3) for ground-based spraying:

a) an applicator who is a contractor holds a current GROWSAFE Registered Chemical Applicators Certificate or a qualification that meets the requirements of H.10.3 Qualifications required for the application of agrichemicals of this Plan, and

b) an applicator who is not a contractor holds a current GROWSAFE Standard Certificate (or its equivalent) or is under direct supervision of a person with a GROWSAFE Registered Chemical Applicator's Certificate or GROWSAFE Advanced Certificate or a qualification that meets the requirements of H.10.3 Qualifications required for the application of agrichemicals of this Plan, and

4) for aerial application:

a) an applicator holds a current GROWSAFE Pilot Agrichemical Rating Certificate issued by the Civil Aviation Authority of New Zealand, and

[18] Refer to H.10.1 Measurement of wind speed

[19] Refer to H.10.1 Measurement of wind speed

5) for agrichemicals containing 2,4-D:

   a) the agrichemical is non-volatile or is slightly volatile[20], or

   b) application is by hand-held spraying, or

   c) application by ground-based spraying or aerial application only occurs between 1 May and 31 August.

Notes:

1) In addition to the requirements of C.6.5.1 Application of agrichemicals – permitted activity 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.

2) 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.

3) 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.

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

- 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 water is a permitted activity provided:

1) other than for the control of plant pest species listed in the *Regional Pest and Marine Pathway Management Plan for Northland 2017 - 2027* or the *National Pest Plant Accord*, there is no discharge into coastal water, and

2) the discharge does not cause, beyond the zone of reasonable mixing in the receiving waters from the point of discharge:

   a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or

   b) an increase in the temperature by more than three degrees Celsius, or

   c) the pH to fall outside the range of 6.5 - 8.5 or change the pH by more than one pH unit, or

   d) the dissolved oxygen to be less than five milligrams per litre, or

   e) any conspicuous change in the colour or visual clarity, or

   f) the rendering of freshwater unsuitable for consumption by farm animals if the water is used for stock drinking water, and

3) an applicator holds a recognised application qualification (GROWSAFE with an aquatic component or a qualification that meets the requirements of H.10.3 Qualifications required for the application of agrichemicals of this Plan), and

[20] Vapour pressure less than 1 x 10^{-4}mmHg

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

5) where the activity is undertaken within 100 metres of a spray-sensitive area or 300 metres for aerial application:

   a) every spray activity must be undertaken in accordance with a risk assessment, that is recorded in a spray diary or equivalent and made available to the Council and the occupiers of spray-sensitive areas on request;

   b) the risk assessment must be carried out prior to the application to determine the site characteristics on the day, particularly wind speed and wind direction, the level of risk present, and use of appropriate methods to address that risk. Where the risk of off-target spray movement cannot be addressed, agrichemical application must not be undertaken;

   c) the applicator must re-evaluate the risk assessment during the spray application to assess whether the conditions have changed and ensure that the application methods and drift mitigations are still appropriate;

   d) the activity must be undertaken in accordance with the risk assessment and the Spray Plan;

   e) agrichemical application must not occur if wind speeds are greater than five metres per second plus gusts and wind direction is towards a spray-sensitive area; and

   f) the requirements in *Table 13: Spray buffer requirements* must be met:

Table 13: Spray buffer requirements

Wind speed[21]	Wind direction	Buffer distance requirement	Additional requirements to be assessed
Ground-based – low risk			
1-3 m/s	Wind away from spray-sensitive areas	Nil	Nil
Ground-based – assessed risk			
0 - 1 m/s	Any wind direction (not inversion conditions)	There is a buffer distance on all boundaries of the target application area of at least: Boom spraying: • 2m with effective shelter, or • 10m without effective shelter. Airblast spraying: • 10m with effective shelter, or • 30m without effective shelter.	• The buffer distance to be observed on all boundaries of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Use of agrichemical direct application methodology (eg. shrouds)

[21] Refer to H.10.1 Measurement of wind speed

Wind speed[21]	Wind direction	Buffer distance requirement	Additional requirements to be assessed
1 - 5 m/s	Wind toward spray-sensitive area	There is a buffer distance on the downwind boundary of the target application area of at least: Boom spraying: • 2m with effective shelter, or • 10m without effective shelter. Airblast spraying: • 10m with effective shelter, or • 30m without effective shelter.	• The buffer distance to be observed on the downwind boundary of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1m below the top of the shelter to prevent spray drift) • Spray quality • Sensitivity of receivers • Toxicity of spray • Use of agrichemical direct application methodology (eg. shrouds)
3 - 6 m/s	Wind away from spray-sensitive area	Nil	• Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1m below the top of the shelter to prevent spray drift) • Spray quality • Sensitivity of receivers • Toxicity of spray
Aerial spraying – assessed risk			
0 - 1 m/s	Any wind direction (not inversion conditions)	There is a buffer distance on all boundaries of the target application area of at least: • 100 m with effective shelter, or • 300 m without effective shelter.	• The buffer distance to be observed on all boundaries of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Spray quality is as coarse as possible
1 - 5 m/s	Wind away from spray-sensitive area	Nil	• Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Spray quality being as coarse as possible
1 - 3 m/s	Wind toward spray-sensitive area	There is a buffer distance on the downwind boundary of the target application area of at least: • 100m with effective shelter, or • 300m without effective shelter.	• The buffer distance to be observed on the downwind boundary of the target application area and whether effective shelter is present • Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Sensitivity of receivers • Toxicity of spray • Spray quality being as coarse as possible

Wind speed[21]	Wind direction	Buffer distance requirement	Additional requirements to be assessed
Greater than 3 m/s – 5 m/s	Wind toward spray-sensitive area	There is a buffer distance on the downwind boundary of the target application area of at least: • 100m with effective shelter, or • 300m without effective shelter.	• Spray quality being as coarse as possible • Height of spray release and risk of spray drift (release should be no higher than 1m below the top of the shelter to prevent spray drift) • Implement spray drift mitigation controls identified in risk assessment

g) agrichemical application must not occur if:

i. wind speeds[22] are greater than six metres per second plus gusts; or

ii. wind speeds[23] are between zero to one metres per second and inversion conditions are present or likely to be present during application;

h) the buffer distance requirements in (5)(f) above do not apply to agrichemical application if the occupier of the spray-sensitive area has provided written approval for the type and method of agrichemical application; and

i. the written approval is re-signed annually; and

ii. the occupier is provided with a copy of the annual spray plan; and

iii. the written approval has not been withdrawn, withdrawal only being effective if three months' notice has been provided;

i) agrichemical application undertaken in a fully enclosed environment that remains enclosed during and immediately after spraying (for example a greenhouse) is not subject to the requirements in (5) above.

Agrichemical application that does not meet all of the requirements under (5) above is a discretionary activity under C.6.5.5 Application of agrichemicals and vertebrate toxic agents – discretionary activity.

6) notification is given either:

a) other than for spraying in plantation forestry where notification must be given at least 24 hours 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. an indication of any specific hazards (including toxicity to bees), and

[22] Refer to H.10.1 Measurement of wind speed

[23] Refer to H.10.1 Measurement of wind speed

v. the application method, or

e) notification is undertaken according to a notification agreement with the occupier. The notification agreement must:

i. contain (as a minimum) method of notification and minimum time for notification prior to spraying

ii. be recorded in writing and signed by all parties

iii. be reviewed and re-signed annually, and

7) in addition, for aerial application into water:

a) an applicator holds a current GROWSAFE Pilot Chemical Rating Certificate (or equivalent qualification) issued by the Civil Aviation Authority of New Zealand, and

b) there is no aerial application in urban areas, and

8) 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. 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, an indication of any specific hazards (including toxicity to bees), and the application method. A record of the signage undertaken must be kept and made available to the Regional Council on request, and

9) 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, and remain in place until spraying is complete, and

b) a public notice must be placed in a newspaper or a letter drop made to properties within 30 metres (or 200 metres for aerial application) from the area to be sprayed at least seven days and not more than one month before spraying is to take place, and

c) the signs, public notice and letter drop must include the contact details of the property owner or applicator, details on the agrichemical to be sprayed, the time period during which the spraying is likely to take place, an indication of any specific hazards (including toxicity to bees), and the application method, and

d) vehicles used for spraying must display prominent signs (front and back) advising that spraying is in progress, and

e) a record of the signage undertaken must be kept and made available to the Regional Council on request.

Notes:

1) In addition to the requirements of this rule, 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.

2) 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.

3) 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.

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

- Discharge of an agrichemical into water (s15(1)).

C.6.5.3 Ground-based application of vertebrate toxic agents – permitted activity

The ground-based application of vertebrate toxic agents onto or into land, other than those complying with the *Resource Management (Exemption) Regulations 2017*, is a permitted activity, provided the substance is used as approved by the Environmental Protection Authority under the *Hazardous Substances and New Organisms Act 1996.*

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.*

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

- Discharge of a vertebrate toxic agent onto or into land (s15(2A)).

C.6.5.4 Aerial application of vertebrate toxic agents – controlled activity

The aerial application of a vertebrate toxic agent onto or into land and any incidental discharge into water or incidental discharge of dust to air, other than those complying with the *Resource Management (Exemption) Regulations 2017*, are controlled activities, provided:

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.*

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

- 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 agrichemical or vertebrate toxic agent that is not a permitted or controlled activity in C.6.5 Agrichemicals and vertebrate toxic agents of this Plan is a discretionary activity.

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

- Discharge of an agrichemical or vertebrate toxic agent into water, onto or into land where it may enter water, or into air (s15(1)).
- 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
2) the discharge is not within 100 metres of a geothermal surface feature, 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 temperature of more than three degrees Celsius, or
    b) the pH to fall outside a range of 6.5 - 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
4) the discharge does not cause any permanent scouring or erosion of the bed of a water body at the point of discharge.

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

- Discharge of cooling water into water (s15(1)).

C.6.6.2 Discharge of contaminants from a water treatment plant – permitted activity

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 - 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.6.6.3 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 system~~s~~, 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) there is no discharge:
   a) into surface water via overland flow, or
   b) into surface water via any tile, mole or other subsurface drain, and
8) there is no discharge to land or overland flow within:
   a) twenty metres of any river, lake, natural wetland, or the coastal marine area, or
   b) twenty metres of any artificial watercourse when containing water, or
   c) twenty metres of a neighbouring property owned or occupied by another person, or
   d) fifty metres of the head of a bore for any water supply, or
   e) fifty metres of any dwelling owned or occupied by another person, and
9) The discharge occurs in a manner that:
   a) does not result in ponding on the land for more than three hours after the discharge, and
   b) evenly distributes it over the entire infiltration surface of the disposal system, and
10) there is a reserve area equivalent to 100 percent of the disposal area, and
11) there is no clogging of the disposal system or soils.

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

- Discharge of cooling water, filter backwash water, vehicle wash-water, or rock aggregate wash-water onto or into land (s15(2A)).

C.6.6.4 Re-consenting of existing discharges from the Marsden Point Refinery Site – controlled activity

Except as provided for by C.6.6.1 Discharge of cooling water – permitted activity, C.6.6.2 Discharge of contaminants from a water treatment plant – permitted activity or C.6.6.3 Discharge of cooling water, filter backwash water, vehicle wash-water and rock aggregate wash-water – permitted activity, the re-consenting of a discharge of a contaminant (except for a contaminant entrained in stormwater) into water, or onto or into land, from the Marsden Point Refinery Site is a controlled activity, provided:

1) The discharge is authorised by an existing resource consent at the time of the re-consent application, and

2) there is no increase in the timing, rate and volume of the discharge or change to the composition of the discharge as authorised by the current resource consent.

Matters of control:

1) The timing, rate, volume and composition of the discharge.

2) The location and velocity of the discharge.

3) The effects on Sites and Areas of Significance to Tāngata Whenua mapped in this Plan (refer I Maps | Ngā mahere matawhenua).

4) Consideration of the treatment of the discharge prior to disposal.

5) Effects on indigenous biodiversity and ecosystems.

Notification:

Resource consent applications under this rule are precluded from public notification (but are not precluded from limited notification).

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

- 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)).

C.6.6.5 New discharges from the Marsden Point Refinery Site – restricted discretionary activity

A new discharge of a contaminant (except for a contaminant entrained in stormwater) into water, or onto or into land, from the Marsden Point Refinery Site is a restricted discretionary activity, provided:

1) the discharge complies with the coastal water quality standards in H.3.3 Coastal water quality standards, and

2) the discharge does not cause any of the following effects in receiving water after reasonable mixing:

   a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or

   b) any conspicuous change in the colour or visual clarity, or

   c) any emission of objectionable odour, or

   d) any significant adverse effect on aquatic life, and

3) the discharge does not scour or erode the bed of any water body or the coastal marine area.

Matters of discretion:

1) The timing, rate, volume and composition of the discharge.

2) The location and velocity of the discharge.

3) The effects on Sites and Areas of Significance to Tāngata Whenua mapped in this Plan (refer I Maps | Ngā mahere matawhenua).

4) Consideration of the treatment of the discharge prior to disposal.

5) Effects on indigenous biodiversity and ecosystems.

Notification:

Resource consent applications under this rule are precluded from public notification (but are not precluded from limited notification).

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

- 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)).

C.6.6.6 Industrial or trade discharges – discretionary activity

The discharge of a contaminant (except for a contaminant entrained in stormwater) from an industrial or trade premises into water, or onto or into land, that is not the subject of any other rule in this Plan is a discretionary activity.

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

- 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 C.6.4 Stormwater discharges of this Plan.*

C.6.7 Solid waste

C.6.7.1 Discharges to land from closed landfills – permitted activity

The discharge of a contaminant from a closed landfill onto or into land 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.

Notes:

1) The current risk screening system for closed refuse disposal facilities <15,000 cubic metres municipal solid waste is contained in the document Ministry for the Environment 2002, Small Landfill Closure Criteria – Risk Assessment for Small Closed Landfills and for closed refuse disposal facilities >15,000 cubic metres municipal solid waste in the procedures set out in the document Ministry for the Environment 2001, A Guide to the Management of Closing and Closed Landfills in New Zealand.

2) The discharge to air from a closed landfill is covered by C.7.2.4 Discharges to air from closed landfills – permitted activity.

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

- Discharge of a contaminant from a closed landfill onto or into land (s15(2A)).

C.6.7.2 On-site refuse disposal – permitted activity

The discharge of a contaminant from primary production or household waste, except dead animals and offal, 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 agrichemical containers or hazardous substances, and

3) the waste is generated on the property where the discharge site is located, and

4) the property is not located within 20 kilometres by road of a territorial authority waste transfer station that accepts bulk refuse, and

5) the property is more than four hectares in area, and

6) the volume of waste discharged does not exceed 12 cubic metres per property per calendar year, and

7) the discharge is not located within:

   a) fifty metres of the coastal marine area, a stream, river, lake or natural wetland, or

   b) fifty metres from the bore head of any water supply bore, or

   c) fifty metres of a geothermal surface feature, or

   d) fifty metres of any neighbouring property owned or occupied by another person, or

   e) a one-in-100-year flood hazard area, and

8) stormwater is prevented from entering the waste discharge site, and

9) the waste discharge site is not subject to groundwater or saltwater intrusion or inundation, and

10) the waste is covered to prevent wind-blown refuse, and

11) the surface of the discharge site is re-vegetated when no longer in use to avoid erosion and sediment runoff, and

12) 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 C.6.3.4 Discharges associated with the disposal of dead animals or offal – permitted activity.*

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

- Discharge of a contaminant from primary production or household waste, except dead animals and offal, onto or into land where it may enter water (s15(1)).
- Discharge of a contaminant from primary production or household waste, except dead animals and offal, onto or into land and any incidental discharge of odour and dust (s15(2A)).

C.6.7.3 Discharges from composting operations less 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 are permitted activities, 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.

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

- 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.6.7.4 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 where the total volume of material composted at any time exceeds 10 cubic metres are permitted activities, provided:

1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons, fats, offal or animal carcasses, and
2) leachate from the composting site is not discharged to surface water 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, and
5) the activity is not located within:
    a) fifty metres of any water supply bore, stream, river, lake or natural wetland, or
    b) fifty metres of a geothermal surface feature, or
    c) fifty metres of the coastal marine area, or
    d) a high-risk flood hazard area, and

6) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property.

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

- 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 waste transfer stations – controlled activity

The discharge of a contaminant~~s~~ from a waste transfer station onto or into land and the associated discharge of a contaminant into air are controlled activities.

Matters of control:

1) Measures in place to limit 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.

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

- 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.6.7.6 Discharges from closed landfills – controlled activity

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 freshwater 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.7.2.4 Discharges to air from closed landfills – permitted activity.*

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 C.6.7 Solid waste of this Plan is a discretionary activity.

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

- 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: *For the purposes of this Plan, the term contaminated land has the same meaning as in the Resource Management Act. Users should refer to Section 2 of the Resource Management Act for the full definition.*

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

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 certified by a suitably qualified and experienced practitioner, and

2) the person or organisation initiating the site investigation provides a copy of the site investigation report to the Regional Council within three months of the completion of the investigation, and

3) site investigations undertaken to assess the concentrations of contaminants in soil are undertaken in accordance with *Ministry for the Environment 2011, Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils*.

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).*

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

- Disturbance of land for a site inspection to assess the concentration of a hazardous substance in soil or water (s9(2)).
- Discharge of a contaminant onto or into land, or onto or into land where it may enter water, or into air incidental to the activity (s15(1)).
- Discharge of a contaminant onto or into land and into air incidental to the activity (s15(2A)).

C.6.8.2 Discharges from contaminated land – permitted activity

The passive discharge of a contaminant from contaminated land into water, or onto or into land where it may enter water is a permitted activity, provided:

1) 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 *Ministry of Health 2005, Drinking Water Standards for New Zealand (revised 2008)*, and

   b) the relevant contaminant concentrations measured as dissolved concentrations in *ANZECC 2000, Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1, Table 3.4.1* 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

2) in non-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 the relevant contaminant concentrations measured as dissolved concentrations in *ANZECC 2000, Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1, Table 3.4.1* at the level of 80 percent protection of species, except for benzine which is to be applied at a level of 1 milligram per litre (95 percent protection of species), and

3) 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 *ANZECC 2000, Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1, Table 3.4.1* at the level of 95 percent protection of species, and

4) concentrations of chlorinated solvents in soil gas do not exceed the land use specific Interim Health Investigation Levels for soil gas at one metre depth in the *National Environment Protection (Assessment of Site Contamination) Measure 1999, Table 1A(2) of Schedule B1 (Guideline on Investigation Levels for Soil and Groundwater)* (updated 2013) at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and

5) concentrations of petroleum hydrocarbons in soil gas do not exceed the land use specific target soil air concentrations at one metre depth in *Ministry for the Environment 2011, Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand, Appendix 4J* at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and

6) light non-aqueous phase liquids (LNAPLs)[24] must have a LNAPL transmissivity of less than 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

7) for dense non-aqueous phase liquids (DNAPL)[25] a suitably qualified and experienced practitioner must certify that the DNAPL is unlikely to be mobile and in free phase form using a lines of evidence approach, and

8) non-aqueous phase liquids do not extend across the property boundary, and

9) a site investigation has been certified by a suitably qualified and experienced practitioner that the passive discharge complies with Conditions (1) to (7) of this rule as relevant, and

10) 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 Conditions (1) to (7) above.

Note: *C.6.8.1 Investigating potentially contaminated land – permitted activity and this rule reference several standards which list a range of contaminants. It is expected that compliance with these rules will focus on contaminants that may be present at concentrations that could pose a potential human health and/or environmental risk. These are known as contaminants of concern. Dischargers are not expected to test for, or otherwise demonstrate compliance for, contaminants that are not relevant to the site's history. The rules also require dischargers to "demonstrate" compliance. This can be achieved, depending on site-specific circumstances, through a lines of evidence approach using one or more or a combination of expert knowledge of contamination mechanisms and the physical and chemical properties of the contaminants that may be present, testing or sampling, chemical fate and transport assessment or modelling, or similar techniques.*

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)).
- Discharge of a contaminant onto or into land (s15(2A)).

[24] Light non-aqueous phase liquids are liquids that have a specific gravity of less than one.

[25] Dense non-aqueous phase liquids are liquids that have a specific gravity of greater than one.

C.6.8.3 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 *Ministry for the Environment 2011, Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand*.

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.6.8.4 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 *Ministry for the Environment 2011, Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand.*
3) The need for a financial bond to secure ongoing performance of conditions relating to:
   a) remedial restoration or maintenance work, and
   b) ongoing monitoring of long-term effects

   having regard to factors including the:

   c) means of the consent holder to achieve compliance with consent conditions, and
   d) risk of abandonment of the site.

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.6.8.5 Investigating potentially contaminated land – restricted discretionary activity

The disturbance of land for a site investigation to assess the concentration of hazardous substances in soil that is not a permitted activity under C.6.8.1 Investigating potentially contaminated land – permitted activity is a restricted discretionary activity.

Matters of discretion:

1) Effects on water quality.
2) Effects on air quality beyond the site boundary.
3) The area and volume of material to be disturbed.
4) Methods to manage the discharge of contaminants including, but not limited to:
    a) volume and composition of the discharge, and
    b) the location and velocity of the discharge, and
    c) sediment control measures, and
    d) consideration of the treatment of the discharge prior to disposal.
5) The adequacy of the site investigations, including:
    a) site sampling,
    b) laboratory analysis, and
    c) risk assessment.

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

- Disturbance of land for a site inspection to assess the concentration of a hazardous substance in soil (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.6.8.6 Contaminated land – discretionary activity

The:

1) disturbance of land for a site investigation to assess the concentration of a hazardous substance~~s~~ that may be present in soil or water, or
2) discharge of a contaminant from contaminated land

that is not a permitted or controlled activity in C.6.8 Contaminated land of this Plan is a discretionary activity.

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

- 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 the dust suppressant:

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

2) has been determined by the Environmental Protection Authority 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 lifecycle for all substances that are approved. The controls must be complied with to use the substance legally, including all conditions on the product label.*

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

- 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 the zone of reasonable mixing:

   a) a conspicuous change in the colour or visual clarity, or

   b) the rendering of freshwater unsuitable for consumption by farm animals, and

4) the Regional Council's Compliance Manager is given at least 24 hours' notice (in writing or by email) prior to the discharge.

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.6.9.3 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 the *Fertiliser Association 2013, Code of Practice for Nutrient Management – With Emphasis on Fertiliser Use, Sections 5.2 and 5.3.*

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

- 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 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
2) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:
    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 freshwater unsuitable for consumption by farm animals.

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

- 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.6.9.5 Discharges from shellfish harvesting, washing and sorting – permitted activity

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 freshwater 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.6.9.6 Discharges to land or water not provided for by other rules – permitted activity

The discharge of water or a contaminant into water, or onto or into land where it may enter water, that is not the subject of any other rule in this Plan is a permitted activity, provided:

1) 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 milligrams per litre of hydrocarbons, and
2) the discharge does not contain biosolids, 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 the temperature of the water by more than three degrees Celsius, or
    b) the pH of freshwater to be outside of the range of 6.5 - 8.5, or
    c) the dissolved oxygen in freshwater to be less than five milligrams per litre, or
    d) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
    e) a conspicuous change in the colour or visual clarity, or
    f) an emission of objectionable odour, or
    g) the rendering of freshwater unsuitable for consumption by farm animals, and
4) the discharge does not cause permanent scouring or erosion of the bed of any water body or the coastal marine area at the point of discharge.

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

- 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.6.9.7 Other discharges – 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.6.9.5 Discharges from shellfish harvesting, washing and sorting – permitted activity, and
6) The discharge of water or a contaminant into water, or onto or into land where it may enter water, that is not a permitted activity under C.6.9.6 Discharges to land or water not provided for by other rules – permitted activity.

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)).
- Discharge of a contaminant onto or into land (s15(2A)).

C.6.9.8 Discharges of untreated sewage from a ship or offshore installation – prohibited activity

The discharge of untreated sewage from a vessel or offshore installation is prohibited within:

1) any location landward of the Marine Pollution Limits (refer I Maps | Ngā mahere matawhenua), except Whangaroa Harbour provided:
    a) wind conditions at the mouth of the harbour exceed 25 knots and sea swells exceed 2.5 metres, and
    b) discharge may only take place during the first three hours of an outgoing tide, and
    c) the discharge occurs more than 500 metres from mean high water springs and in water depths greater than five metres, and
2) the 'Marine Pollution Limits – Bay of Islands large vessel limits' (refer I Maps | Ngā mahere matawhenua) for vessels that have a certificate of survey to carry more than 49 passengers and crew.

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

- 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 this Plan. Refer to specified rules for detailed requirements.

C.7.1 Burning

Rule	
C.7.1.1	Outdoor burning outside the Whangārei Airshed – permitted activity
C.7.1.2	Outdoor burning in the Whangārei Airshed - permitted activity
C.7.1.3	Burning for fire training purposes – permitted activity
C.7.1.4	Outdoor burning for biosecurity purposes – permitted activity
C.7.1.5	Flaring natural gas – permitted activity
C.7.1.6	Burning for energy (electricity or heat) generation less than 40 kilowatts – permitted activity
C.7.1.7	Burning for energy (electricity or heat) generation more than 40 kilowatts – permitted activity
C.7.1.8	Existing authorised burning – restricted discretionary activity
C.7.1.9	Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity
C.7.1.10	Outdoor burning – non-complying activity

C.7.2 Other air discharges

Rule	
C.7.2.1	Wet abrasive blasting – permitted activity
C.7.2.2	Dry abrasive blasting within an enclosed booth – permitted activity
C.7.2.3	Venting natural gas – permitted activity
C.7.2.4	Discharges to air from closed landfills – permitted activity
C.7.2.5	Discharges to air from industrial or trade premises - permitted activity
C.7.2.6	Discharges to air from quarries (excluding farm quarries) – permitted activity
C.7.2.7	Discharges to air from the use of public roads by motor vehicles – permitted activity
C.7.2.8	Discharges to air not regulated in this Plan – permitted activity
C.7.2.9	Spray application of surface coatings containing diisocyanates or organic plasticisers for infrastructure maintenance – permitted activity
C.7.2.10	Discharges to air from saw milling – controlled activity
C.7.2.11	Discharges to air from quarries (excluding farm quarries) – controlled activity
C.7.2.12	Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity

Rule	
C.7.2.13	Existing authorised air discharges from industrial or trade premises – restricted discretionary activity
C.7.2.14	Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity
C.7.2.15	Discharges to air from fumigation – discretionary activity

C.7.1 Burning

C.7.1.1 Outdoor burning outside the Whangārei Airshed – permitted activity

The discharge of a contaminant into air from outdoor burning outside the Whangārei Airshed (refer 'I Maps | Ngā mahere matawhenua') is a permitted activity, provided:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area, and
2) the only materials burnt are:
    a) untreated wood, paper, cardboard, vegetative matter, and
    b) animal carcasses and offal on production land, and
3) 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
4) 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.

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.*

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

- Discharge of a contaminant into air from outdoor burning (15(1) and s15(2A)).

C.7.1.2 Outdoor burning in the Whangārei Airshed – permitted activity

The discharge of a contaminant into air from outdoor burning in the Whangārei Airshed (refer 'I Maps | Ngā mahere matawhenua') is a permitted activity, provided:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants 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 greater than one hectare in area, and
4) no burning takes place during June, July or August, and

5) conditions (3) and (4) above do not apply provided the burning is:
   a) on an industrial and trade premise, in an incineration device and only material generated on-site is burnt, or
   b) in a wood-fired kiln, or
   c) a bonfire organised by a community-controlled organisation and the Regional Council and Fire and Emergency New Zealand are notified five working days in advance, and
6) if the burning is an outdoor fire used for cooking food or in an appliance designed for cooking food outdoors, then Conditions (3) and (4) above do not apply, and gas, liquid fuel or charcoal may also be burnt in addition to the materials listed in Condition (2) above, and
7) 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.

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

- 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 Burning for fire training purposes – permitted activity

The discharge of a contaminant into air from 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, dust, or any noxious or dangerous levels of airborne contaminants 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, 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 three-month period at the same property.

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

- Discharge of a contaminant into air from burning (15(1) and s15(2A)).

C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity

The discharge of a contaminant into air from outdoor burning of any material for the purpose of meeting a requirement of the *Biosecurity Act 1993* is a permitted activity, provided the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area.

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

- Discharge of a contaminant into air from outdoor burning (15(1)).
- Discharge of a contaminant into air from outdoor burning (s15(2A)).

C.7.1.5 Flaring natural gas – permitted activity

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 six megawatts, 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 2,000 kilopascals 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 2,000 kilopascals 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.7.1.6 Burning for energy (electricity or heat) generation less than 40 kilowatts – permitted activity

The 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 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 40 kilowatts, and
2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area.

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

- 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.7.1.7 Burning for energy (electricity or heat) generation more than 40 kilowatts – permitted activity

The discharge of a contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood in a burning device of more than 40 kilowatts 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 megawatts, and
   b) natural gas, biogas and liquid petroleum gas– does not exceed 10 megawatts, and
   c) untreated wood burning – does not exceed 2.5 megawatts, and
2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area, and
3) the discharge of particulates is less than 250 milligrams per cubic metre of non-toxic particulates, corrected to 0°C, 12 percent CO_2, 1 Atmosphere, and a dry gas basis, and
4) either:
   a) the stack height is calculated in accordance with the chimney height requirements in H.1 Stack height requirements, and the stack vertical efflux velocity is not less than 10 metres per second, 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, and
5) 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 Ringlemann 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
6) 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 percent 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 C.7.2.14 Discharge into air not a permitted, controlled, restricted discretionary, non-complying or prohibited activity – discretionary activity. Additionally, where there is more than one burning device on one property, the total generating capacity of the site must be less than the specifications for the relevant fuel.*

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

- Discharge of any contaminant into air from the burning of coal, oil, natural gas, biogas, liquid petroleum gas or untreated wood (15(1) and s15(2A)).

C.7.1.8 Existing authorised burning – 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[26] (but not waste oil), natural gas, biogas, oil refining process gas, liquid petroleum gas or untreated wood 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 (but not limited) 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.
2) The location of the discharge in relation to sensitive areas.
3) The method of discharge, including stack height, design and exit velocity.
4) Emission control equipment, its effectiveness, operation and maintenance.
5) Combustion rate, efficiency, operation and maintenance.
6) Fuel use, quality (including sulphur content), storage and handling.
7) Requirement for, and contents of, a management plan.
8) Emission limits (concentrations and rates) on the discharge.
9) Local air quality, compliance with the standards prescribed in the *Resource Management (National Environmental Standards for Air Quality) Regulations 2004, Schedule 1*, and ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the *Ministry for the Environment 2008, Good Practice Guide for Assessing Discharges to Air from Industry*.
10) Effects on tāngata whenua cultural values.

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

- Discharge of a contaminant into air from the burning of coal, oil (but not waste oil), natural gas, biogas, oil refining process gas, liquid petroleum gas or untreated wood (s15(1) and s15(2A)).

C.7.1.9 Burning not a permitted, restricted discretionary or a non-complying activity – discretionary activity

The discharge of a contaminant into air from burning a substance that is not a permitted, restricted discretionary or non-complying activity in C.7.1 Burning of this Plan is a discretionary activity.

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

- Discharge of a contaminant into air from burning a substance (15(1) and s15(2A)).

[26] For the purposes of this rule, "oil" includes petrol, diesel fuel, asphalt, kerosene, jet fuel and fuel oils

C.7.1.10 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 C.7.1.3 Burning for fire training purposes – permitted activity, or
17) a permitted activity under C.7.1.4 Outdoor burning for biosecurity purposes – permitted activity

is a non-complying activity.

Note: *The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 generally prohibit the burning of bitumen on a road, coated wire, tyres, oil, waste and gas at landfills.*

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

- 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, dust, or any noxious or dangerous levels of airborne contaminants 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 five percent by dry weight free silica, and
5) 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) increase the temperature by more than three degrees Celsius, or
    c) 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
    d) cause the dissolved oxygen to be less than five milligrams per litre, or
    e) any conspicuous change in the colour or visual clarity, or
    f) the rendering of freshwater unsuitable for consumption by farm animals.

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

- Discharge of a contaminant from wet abrasive blasting onto or into land or into air (s15(1) and s15(2A)).

C.7.2.2 Dry abrasive blasting within an enclosed booth – permitted activity

The discharge of a contaminant into air from dry abrasive blasting within a purpose-built enclosed blasting booth is a permitted activity, provided:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants 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.

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

- Discharge of a contaminant from dry abrasive blasting into air (s15(1) and s15(2A)).

C.7.2.3 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 two 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.7.2.4 Discharges to air from closed landfills – permitted activity

The discharge of a contaminant into air from any closed landfill is a permitted activity, provided:

1) the landfill was closed before the 1 September 2017, and
2) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants 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 an existing resource consent to discharge to air, prior to the expiry of the consent it is demonstrated to the Regional Council, by a risk assessment prepared by a suitably qualified and experienced practitioner, that Conditions (2) and (3) of this rule are met.

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

- Discharge of a contaminant into air from a closed landfill (s15(1) and s15(2A)).

C.7.2.5 Discharges to air from industrial or trade premises - permitted activity

The discharge of a contaminant into air from the following industrial or trade 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 other 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 dry-cleaning 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

6) the operation of industrial and commercial refrigeration systems, and

7) moving or stationary engine exhaust systems, and

8) premises used as or associated with funeral parlours, chapels, or stonemasons, but excluding crematoria, and

9) 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

10) 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

11) 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

12) yards used to hold stock and/or buildings used solely for animal slaughtering and skinning, and

13) premises used for portable 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

14) premises used for saw milling that are more than 250 metres from any residential buildings and associated garden areas, schools, hospital buildings and care facilities and their grounds, and

15) premises or activities where water vapour or steam are released, and

16) the construction, repair, maintenance and demolition of buildings, and

17) the refilling, storage and dispensing of tallow, and

18) the construction, use and maintenance of roads (including unsealed roads) and railways on industrial and trade premises, and

19) the loading and unloading and on-site movement of materials, and

20) a recycling depot, and

21) premises used for the bulk storage, mixing and distribution of fertiliser, and

22) farm quarries, earthworks and clean fill operations, and

23) rotational plastic moulding, and

24) a poultry hatchery or poultry feed mill,

provided the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area.

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

- Discharge of a contaminant into air (s15(1)).

C.7.2.6 Discharges to air from quarries (excluding farm quarries) – permitted activity

The discharge of a contaminant into air from quarrying operations (excluding farm quarries) is a permitted activity, provided that:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area; and

2) if the quarrying operation is either within 500 metres of any residential buildings and associated garden areas, school, hospital building and care facility and grounds or in excess of 50,000 tonnes per annum is transported from the quarry, then:

   a) the quarry existed and the discharge of contaminants to air from the quarrying operations were authorised as at 1 January 2020, and

   b) the quarry is operating in compliance with a Dust Management and Monitoring Plan which the Regional Council's Compliance Manager has certified is in accordance with the *Ministry for the Environment 2016, Good Practice Guide for Assessing and Managing Dust, Appendix 4* and with reference to the following matters:

      i. amount of exposed area that could potentially generate windblown dust, and

      ii. speed of trucks on site, and

      iii. separation distances between the activity and any residential buildings and associated garden areas, schools, hospital buildings and care facilities and grounds, and

      iv. emissions management and monitoring, including where appropriate in respect of PM_{10} and respirable crystalline silica, and

      v. the availability of water for dust suppression.

   c) upon request of the Regional Council, the quarry operator provides the Regional Council with evidence of how the Dust Management and Monitoring Plan is being complied with.

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

- Discharge of a contaminant into air (s15(1)).

C.7.2.7 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.

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

- Discharge of a contaminant into air from the use of public roads by motor vehicles (s15(2A)).

C.7.2.8 Discharges to air not regulated in this Plan – permitted activity

The discharge of a contaminant into air that is not the subject of any other rule in 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, dust, or any noxious or dangerous levels of airborne contaminants 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 C.7.2.12 Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity.

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

- Discharge of a contaminant into air (s15(2A)).

C.7.2.9 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 areas within 30 metres of the activity, and

2) there is an exclusion zone that prevents public access within 15 metres 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.7.2.10 Discharges to air from saw milling – controlled activity

The discharge of a contaminant into air from saw milling, that is not a permitted activity under C.7.2.5 Discharges to air from industrial or trade premises – permitted activity is a controlled activity, provided:

1) discharges to air shall not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious levels of airborne contaminants beyond the boundary of the subject property; and

2) the saw mill operates a dust collection, conveyance and storage system which, as a minimum, includes a filtration system with a maximum PM_{10} emission limit of 50 milligrams per standard subic metre; and

3) for saw mills established after 1 January 2020, discharges to air from the saw mill do not result in an exceedance of the following standards, measured at or as near as possible to any residential buildings and associated garden areas, school, hospital building and care facility and grounds:

    a) the ambient standard for PM_{10} in the *Resource Management (National Environmental Standards for Air Quality) Regulations 2004, Schedule 1*; or

    b) five micrograms per cubic metre (for hard wood PM_{100}) and 10 micrograms per cubic metre (for soft wood PM_{100}) when expressed as a one-hour average.

Matters of control:

1) The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including methods to ensure the discharge does not result in an exceedance of an ambient air quality standard in the current edition of *Resource Management (National Environmental Standards for Air Quality) Regulations 2004* and the one-hour ambient standards derived from current *WorkSafe Workplace Exposure Standards* for hard and soft wood at locations beyond the site boundary where people are likely to be exposed.[27]

2) Dust mitigation measures.

3) Dust monitoring methods.

4) Content, adequacy and implementation of a dust management and monitoring plan, prepared in accordance with the *Ministry for the Environment 2016, Good Practice Guide for Assessing and Managing Dust, Appendix 4*.

5) Measures necessary to ensure the ability of equipment and/or site management practices to mitigate and/or disperse contaminants, including chimney height, chimney design and emission velocity, to achieve compliance with Conditions (1), (2) and (3) above.

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

- Discharge of a contaminant from sawmilling into air (s15(1) and s15(2A)

C.7.2.11 Discharges to air from quarries (excluding farm quarries) – controlled activity

The discharge of a contaminant into air from quarrying operations (excluding farm quarries) that is not a permitted activity under C.7.2.6 Discharges to air from quarries (excluding farm quarries) – permitted activity is a controlled activity, provided that:

1) the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property; and

2) for quarries established after 1 January 2020 that are in excess of 50,000 tonnes per annum transported from the quarry and are within 500 metres of any residential buildings and associated garden areas, school, hospital building and care facility and grounds, discharges to air from the quarrying operation of particulate matter less than 10 micrometres in diameter (PM_{10}) shall not cause an exceedance of the standard for PM_{10} in the *Resource Management (National Environmental Standard for Air Quality) Regulations 2004, Schedule 1* measured at or as near as possible to any residential buildings and associated garden areas, school, hospital building and care facility and grounds.

Matters of control:

1) Any measures necessary to ensure the ability of site activities and processes to mitigate and/or manage discharges to air to achieve compliance with Condition (1) and, if applicable, Condition (2) above and good management practice. These shall include, but are not limited to:

   a) amount of exposed area that could potentially generate windblown dust;

   b) speed of trucks on site;

[27] The reference for the wood dust ambient standards is *WorkSafe Exposure Standards and Biological Exposure Indices (WorkSafe New Zealand 2019*, refer here for hard wood and soft wood species classifications) corrected to a one-hour average by dividing by 100 for carcinogenic contaminants in accordance with the *Ministry for the Environment 2016, Good Practice Guide for Assessing Discharges to Air from Industry*.

c) separation distances between any residential buildings and associated garden areas, schools, hospital buildings and care facilities and grounds;

d) emissions management and monitoring, including where appropriate in respect of PM_{10} and respirable crystalline silica; and

e) the availability of water for dust suppression.

2) Carrying out of measurements, analyses, surveys, investigations or inspection, if necessary, to assess the ongoing implications of discharges to air on any applicable ambient standards for PM_{10} and respirable crystalline silica.

3) Content, adequacy and implementation of the Dust Management and Monitoring Plan.

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

- Discharge of a contaminant into air (s15(1)).

C.7.2.12 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.7.2.13 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 the *Resource Management (National Environmental Standards for Air Quality) Regulations 2004, Schedule 1*, and ambient air quality effects relative to appropriate air quality criteria referenced in order of priority as set out in the *Ministry for the Environment 2008, Good Practice Guide for Assessing Discharges to Air from Industry*.

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.7.2.14 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 a permitted (including through C.7.2.8 Discharges to air not regulated in this Plan – permitted activity), controlled, restricted discretionary, non-complying or prohibited activity under another rule in this Plan, is a discretionary activity.

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.7.2.15 Discharges to air from fumigation – discretionary activity

The discharge of a contaminant to air from fumigation is a discretionary activity.

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 this Plan. Refer to specified rules for detailed requirements.

C.8.1 Livestock exclusion

Rule	
C.8.1.1	Access of livestock to the bed of an ephemeral or intermittently flowing river – permitted activity
C.8.1.2	Access of livestock (and where specified, sheep) to the bed of a water body or permanently flowing artificial watercourse – permitted activity
C.8.1.3	Access of livestock to rivers, lakes, and wetlands – discretionary activity
C.8.1.4	Access of livestock to an Outstanding Freshwater Body or the coastal marine area – non-complying activity

C.8.2 Land preparation

Rule	
C.8.2.1	Land preparation – permitted activity
C.8.2.2	Land preparation – controlled activity

C.8.3 Earthworks

Rule	
C.8.3.1	Earthworks – permitted activity
C.8.3.2	Earthworks - controlled activity
C.8.3.3	Earthworks in a flood hazard area - controlled activity
C.8.3.4	Earthworks – discretionary activity

C.8.4 Vegetation clearance in riparian areas and foredune management area

Rule	
C.8.4.1	Coastal dune restoration within the coastal riparian and foredune management area – permitted activity
C.8.4.2	Vegetation clearance in riparian areas – permitted activity
C.8.4.3	Vegetation clearance - discretionary activity

C.8.5 Bores

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

C.8.6 Re-building

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

C.8.1 Livestock exclusion

Note: *Catchment-specific 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 C.8.1.2 Access of livestock (and where specified, sheep) to the bed of a water body or continually permanently flowing artificial watercourse – permitted activity.*

C.8.1.1 Access of livestock to the bed of an ephemeral or intermittently flowing river – permitted activity

The access of livestock to an ephemeral river or an intermittently flowing river is a permitted activity.

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

- Allow livestock to enter or pass across the bed of an ephemeral river or an intermittently flowing river (s13(2)).

C.8.1.2 Access of livestock (and where specified, sheep) to the bed of a water body or continually flowing artificial watercourse – permitted activity

The access of livestock (and where specified, sheep) to a natural wetland, the bed of a lake or a continually flowing river, or a continually flowing artificial watercourse is a permitted activity, provided:

1) indigenous vegetation in a natural wetland is not destroyed, and
2) the access does not cause or induce noticeable slumping, pugging or erosion of the bed of the water body, and
3) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and
4) livestock and sheep are effectively excluded from any īnanga spawning sites, and
5) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse in accordance with the requirements in *Table 14: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses*, and
6) livestock crossing points used by livestock (excluding deer) more than once per week must be bridged or culverted by the dates in *Table 14: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses*, and
7) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
    a) led or driven across the water body or artificial watercourse in one continuous movement, and
    b) effectively excluded from the river or drain between crossings by the dates in *Table 14: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses.*

Table 14: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses (for the purposes of Conditions (4), (5) and(6))

<table>
<tr><th>Livestock type</th><th>Continually flowing rivers, streams and artificial watercourses greater than one metre wide*</th><th>All continually flowing rivers, streams and artificial watercourses</th><th>Natural wetlands >500m² (0.05ha)</th><th>Lakes >1ha</th></tr>
<tr><td>Pigs and dairy cows</td><td>Excluded from the date Rule C.8.1.2 becomes operative.</td><td colspan="2">Excluded from 1 January 2023.</td><td rowspan="4">Excluded from the date Rule C.8.1.2 becomes operative.</td></tr>
<tr><td rowspan="3">Beef cattle, dairy support cattle and deer</td><td colspan="3">Lowland areas as mapped in I Maps | Ngā mahere matawhenua</td></tr>
<tr><td>Excluded from 1 January 2025.</td><td>Excluded from 1 January 2030.</td><td>Excluded from 1 January 2025.</td></tr>
<tr><td colspan="3">Hill country areas as mapped in I Maps | Ngā mahere matawhenua
No exclusion required.</td></tr>
</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.

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

- 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.8.1.3 Access of livestock to rivers, lakes, and wetlands –discretionary activity

The access of livestock to a natural wetland that is larger than 500 square metres, the bed of a lake or a continually flowing river, or a continually flowing artificial watercourse that is not:

1) a permitted activity under C.8.1.2 Access of livestock (and where specified, sheep) to the bed of a water body or continually 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.8.1.4 Access of livestock to an Outstanding Freshwater Body or the coastal marine area – non-complying activity,

is a discretionary activity.

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

- 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)).
- Discharge of a contaminant to water or onto or into land incidental to the activity (s15(1)).

C.8.1.4 Access of livestock to an Outstanding Freshwater Body or the coastal marine area – non-complying activity

The access of livestock to an Outstanding Freshwater Body or the coastal marine area is a non-complying activity.

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

- 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 Land preparation

C.8.2.1 Land preparation – permitted activity

Land preparation and any associated damming and diversion of stormwater, and discharge of stormwater into water or onto or into land where it may enter water, are permitted activities,-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:
   a) on erosion-prone land, or
   b) within 10 metres of īnanga spawning sites, or
   c) within 10 metres of lake beds, or
   d) within 10 metres of natural wetlands, or
   e) within 10 metres of the bed of a continually or intermittently flowing river, unless:
      i. the mean slope of the paddock adjoining the riverbed is 10 degrees or less, and
      ii. sediment control measures are installed and maintained in accordance with the *Horticulture New Zealand 2014, Erosion and Sediment Control Guidelines for Vegetable Production*

   in which case the setback may be reduced to five metres.
3) if the land preparation is associated with horticulture and Condition (2)(a), (2)(c), (2)(d) or (2)(e) is not complied with, it is undertaken in accordance with the *Horticulture New Zealand 2014, Erosion and Sediment Control Guidelines for Vegetable Production*, 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) any conspicuous change in colour or visual clarity, or
   b) rendering freshwater unsuitable for consumption by farm animals.

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

- 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 – controlled activity

Land preparation 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 – permitted activity are controlled activities.

Matters of control:

1) Measures to avoid or mitigate adverse effects on surface and groundwater quality.
2) The scale, location, and timing of land preparation.
3) Erosion and sediment control measures.

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

- 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, īnanga spawning site 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 permitted activities provided:

1) the area and volume of earthworks at a particular location or associated with a project complies with the thresholds in *Table 15: Permitted activity earthworks thresholds*.

Table 15: Permitted activity earthworks thresholds

Location	Earthworks thresholds
Within 10m of a natural wetland, the bed of a continually or intermittently flowing river or lake	200m^2 of exposed earth at any time, and 50m^3 of moved or placed earth in any 12-month period.
Within 10m of an īnanga spawning site	200 m^2 of exposed earth at any time, and 50m^3 of moved or placed earth in any 12-month period.
Catchment of an Outstanding Lake	2,500m^2 of exposed earth at any time.
Erosion-prone Land	2,500m^2 of exposed earth at any time.
High-risk flood hazard area	50m^3 of moved or placed earth in any 12-month period.
Coastal riparian and foredune management area	Excluding for coastal dune restoration, 200m^2 of exposed earth at any time.
Flood hazard area	100 m^3 of moved or placed earth in any 12-month period.
Other areas	5,000m^2 of exposed earth at any time.

2) the discharge is not within 20 metres of a geothermal surface feature, and

3) except for coastal dune restoration activities, good management practice erosion and sediment control measures equivalent to those set out in the *Auckland Council 2016, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (GD2016/005),* are implemented for the duration of the activity, and

4) batters and side castings are stabilised to prevent slumping, and

5) exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, and

6) 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 watercourse, or the coastal marine area, and

7) the earthworks activity does not:

   a) reduce the height of a dune crest in a coastal 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

8) 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) any conspicuous change in colour or visual clarity, or

   b) the rendering of freshwater unsuitable for consumption by farm animals, or

   c) contamination which may render freshwater taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment, and

9) 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, and

10) 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 sand dunes within a coastal-riparian and foredune management area.

Notes:

1) 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.

2) This rule enables progressive closure and stabilisation works being utilised as part of a continuing project to remain within the permitted thresholds.

3) The thresholds identified within Table 15: Permitted activity earthworks thresholds apply to the land disturbance activity, irrespective of whether or not the activity occurs on contaminated land or potentially contaminated land. Discharges from contaminated land or potentially contaminated land are provided for under C.6.8 Contaminated Land, while the territorial authority is responsible for managing the disturbance of contaminated land.

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.8.3.2 Earthworks – controlled activity

Earthworks outside the bed of a river or lake, wetland and the coastal marine area that 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 controlled activities, provided the earthworks are not located:

1) within 10 metres of a natural wetland, the bed of a continually or intermittently flowing river or lake, or

2) within 10 metres of an īnanga spawning site, or

3) in a catchment of an Outstanding Lake, or

4) on erosion-prone land, or

5) in a flood hazard or high-risk flood hazard area, or

6) in the coastal riparian and foredune management area.

Matters of control:

1) The design and adequacy of erosion and sediment control measures with reference to good management practice guidelines, equivalent to those set out in the *Auckland Council 2016, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (GD2016/005)*.
2) The location, extent, timing, and duration of earthworks.
3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.
4) Adverse effects on water bodies and coastal water.
5) Management of flooding effects and avoiding increased natural hazard risks on other property.
6) Adverse effects on Regionally Significant Infrastructure.
7) Adverse effects on the following, where present in adjacent freshwater bodies or the coastal marine area:
    a) wāhi tapu, and
    b) the identified values of mapped Sites and Areas of Significance to Tāngata 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 in a flood hazard area – controlled activity

Earthworks in a high-risk flood hazard area that involve more than 50 cubic metres or earthworks in a flood hazard area that involve more than 100 cubic metres, but not more than 1,000 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 freshwater bodies or the coastal marine area:
    a) wāhi tapu, and
    b) mapped Sites and Areas of Significance to Tāngata 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.8.3.4 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 C.8.3 Earthworks of this Plan.

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.8.4 Vegetation clearance in riparian areas and foredune management area

C.8.4.1 Vegetation clearance of coastal dunes and coastal dune restoration within the coastal riparian and foredune management area – permitted activity

Vegetation clearance of coastal dunes and coastal dune restoration in the coastal 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, are permitted activities, provided:

1) indigenous coastal dune vegetation is not removed or cleared, and
2) except during coastal dune restoration, the area of cleared dune 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 indigenous dune vegetation as soon as practicable, but no later than two months after clearance, and
4) there is no disturbance of indigenous or migratory bird nesting sites, and
5) the vegetation clearance of coastal dunes does not exacerbate coastal hazard risks on other property, and
6) for vegetation clearance on coastal dunes or coastal dune restoration, the Regional Council's Compliance Manager is given at least 10 working days' notice (in writing or by email) of the week when any works will start, and
7) for vegetation clearance on coastal dunes or coastal dune restoration, the Department of Conservation is given at least 10 working days' notice (in writing or email) of the week when any works will start, and
8) any discharge of 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 freshwater unsuitable for consumption by farm animals.

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

- Vegetation clearance of coastal dunes and coastal dune restoration (s9(2)).
- Damming and diversion of stormwater associated with vegetation clearance of coastal dunes and coastal dune restoration (s14(2)).
- Discharge of stormwater associated with vegetation clearance of coastal dunes and coastal dune restoration into water or onto or into land where it may enter water (s15(1)).

C.8.4.2 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, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities, provided:

1) the area of cleared vegetation does not exceed 200 square metres in any 12-month period, and

2) vegetation is felled away from rivers, lakes, and natural wetlands, except where it is unsafe or impractical to do so, and

3) vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise 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

4) 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 freshwater unsuitable for consumption by farm animals, or

   c) the rendering of surface water taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment.

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

- 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 are not a permitted activity in C.8.4 Vegetation clearance in riparian areas and foredune management area of this Plan are discretionary activities.

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

- 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, are permitted activities, provided:

1) 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 for water 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 the *New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:20001), Section 4* 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: *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.*

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

- Construction or alteration of a bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.2 Alteration or decommissioning of a bore – permitted activity

The alteration or decommissioning of a bore, and any associated discharge of drilling fluid or drilling fluid additives, are permitted activities provided:

1) any alteration does not change the depth of the bore, and
2) it is done in accordance with the *New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001), Sections 2 and 4* 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.

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

- Alteration or decommissioning of a bore (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.3 Construction or alteration of a bore – controlled activity

The construction or alteration of a bore, and any associated discharge of drilling fluid or drilling fluid additives, that are not:

1) a permitted activity under C.8.5.1 Temporary bore for geotechnical or groundwater investigation, mineral exploration, or mineral extraction – permitted activity, or

2) a permitted activity under C.8.5.2 Alteration or decommissioning of a bore – permitted activity,

   are controlled activities, provided 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 4411:2001)*.

Matters of control:

1) Pump testing requirements.

2) The location of the bore, including distance from any refuse disposal site, wastewater discharge site, or offal pit.

3) The bore design (including bore head security), construction (including depth), operation and maintenance requirements.

4) Ensuring compliance with the requirements set out in the *New Zealand Standard. Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001)*.

5) Measures to avoid, remedy or mitigate:

   a) effects on the quality and quantity of groundwater and connected surface water, and

   b) effects on tāngata whenua and their taonga.

6) Provision of information related to the construction of the bore.

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

- Construction or alteration of a bore (s9(2)).
- Discharge of drilling fluid and drilling fluid additives into water or onto or into land where they may enter water (s15(1)).
- Discharge of drilling fluid and drilling fluid additives into or onto land (s15(2A)).

C.8.5.4 Construction, alteration, and decommissioning of a bore that is not a permitted or controlled activity – discretionary activity

The construction, alteration, or decommissioning of a bore, including any associated discharge of drilling fluid or drilling fluid additives, that is not a permitted or controlled activity under any other rule in C.8.5 Bores of this Plan are discretionary activities.

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

- 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 the application for the resource consent includes a natural hazard assessment from a suitably qualified professional.

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) 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.

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

- 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 restricted discretionary activity under C.8.6.1 Re-building of materially damaged or destroyed buildings – restricted discretionary activity is a non-complying activity.

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

- Re-building of materially damaged or destroyed buildings (s9(2)).

D Policies
Ngā kaupapa

Application of objectives and policies

1) Regard must be had to all the relevant objectives and policies in this Plan when considering an application for a resource consent.
2) Where policies in this plan are in conflict, the more directive policies shall prevail.
3) Regard must be had to any relevant provisions of the *Regional Policy Statement for Northland 2016 and* National Policy Statements, and where appropriate *Part 2 of the RMA*, when considering an application for a resource consent.

This is an index and guide to the policies in this section. It does not form part of this Plan.

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D.1 Tāngata whenua[28]

D.1.1 When an analysis of effects on tāngata 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 tāngata whenua and their taonga[29] if one or more of the following is likely:

1) adverse effects on mahinga kai[30] or access to mahinga kai[31], or
2) any damage, destruction or loss of access to wāhi tapu, sites of customary value and other ancestral sites and taonga with which Māori have a special relationship[32], or
3) adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tāngata whenua to carry out cultural and traditional activities[33], or
4) the use of genetic engineering and the release of genetically modified organisms to the environment, or
5) adverse effects on taiāpure, mataitai or Māori non-commercial fisheries,[34] or
6) adverse effects on protected customary rights,[35] or
7) adverse effects on Sites and Areas of Significance to Tāngata Whenua mapped in the Regional Plan (refer I Maps | Ngā mahere matawhenua).

D.1.2 Requirements of an analysis of effects on tāngata whenua and their taonga

If an analysis of the effects of an activity on tāngata 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 tāngata 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
   b) the outcomes of any consultation with tāngata whenua with respect to the consent application, and
   c) statutory acknowledgements in treaty settlement legislation, and

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[28] The RMA definition of tāngata whenua is "in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area". For an analysis of effects, the appropriate iwi or hapū will need to be identified. Council officers will be available to assist with this.

[29] An analysis of effects on tāngata whenua and their taonga may be necessary in circumstances not outlined in this policy – it will depend on the circumstances.

[30] Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.

[31] This includes, for instance, kai awa (river food) kai repo (swamp food) and kaimoana (seafood).

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[33] This includes, for instance, use of rongoa (medicinal) plants, and uses for raranga (weaving).

[34] Māori non-commercial fisheries are defined in the *Fisheries Act 1996*.

[35] As defined by the *Marine and Coastal Area (Takutai Moana) Act 2011*.

3) follow best practice,[36] including requesting, in the first instance, that the relevant tāngata whenua undertake the assessment, and

4) specify the tāngata whenua that the assessment relates to, 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,[37] 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 persons

The following persons must be considered an affected person regarding notification[38] where the adverse effects on the following resources and activities are minor or more than minor:

Table 16: Circumstances where tāngata whenua are adversely affected for purposes of notification

Person	Resource or activity
The tāngata whenua identified in an analysis of the effects undertaken in accordance with D.1.2 Requirements of an analysis of effects on tāngata whenua and their taonga.	Cultural resources or activities identified in an analysis of effects undertaken in accordance with D.1.2 Requirements of an analysis of effects on tāngata whenua and their taonga.
The committee of management of a taiāpure.	Taiāpure
The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai.	Mataitai
The tangāta kaitiaki / tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana.	Non-commercial Māori fisheries.

D.1.4 Managing effects on places of significance to tāngata 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 tāngata whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

[36] Best practice can be determined by relevant professional bodies.

[37] The full range of effects defined in *Section 3 of the RMA* need to be considered.

[38] For resource consent applications for restricted-discretionary, discretionary and non-complying activities.

D.1.5 Places of significance to tāngata whenua[39]

For the purposes of this Plan, a place of significance to tāngata whenua:

1) 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
2) is:
   a) a Historic Heritage resource, or
   b) ancestral land, water, site, wāhi tapu, or other taonga, and
3) is either:
   a) a Site or Area of Significance to Tāngata 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 tāngata whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified,[40] and
4) 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, including permanent, 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
      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

[39] This policy sets out how a place of significance to tāngata whenua is to be identified and described. In order to be included in the mapped Sites and Areas of Significance to Tāngata Whenua in this Plan, a plan change will be required. Places which have been identified and described in the manner required by the policy but have not been subject to a plan change and hence are not included in this Plan, can still be given weight in consent application decisions.

[40] A landscape of significance to tāngata whenua may include Sites and/or Areas of Significance to Tāngata Whenua.

c) cultural associations, which include but are not limited to:

   i. the web of whanaungatanga[41] 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

d) spiritual associations which pervade all environmental and social realities, and include but are not limited to:

   i. the role of the atua Ranginui and Papatūānuku,[42] 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

5) must:

a) be based on traditions and tikanga, and

b) be endorsed for evidential purposes by the relevant tāngata 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 tāngata whenua groups determining and endorsing the assessment, and

f) geographically define the areas where values can be adversely affected.

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[41] Whanaungatanga, as in (3)(c)(i), is not limited to genealogical connections between people, living and dead, but includes connections with the deities Ranginui and Papatūānuku and their progeny, as in (3)(d)(i). Those children are personifications of and proxy for natural resources, such as Tāne Mahuta for the forests. Further, as elder or tuakana, those atua and their associated natural resources command respect from people, as junior or teina.

[42] Ibid.

D.2 General

D.2.1 Rules for managing natural and physical resources

Include rules to manage the use, development and protection of natural and physical resources that:

1) are the most efficient and effective way of achieving national and regional resource management objectives, and
2) are as internally consistent as possible, and
3) use or support good management practices, and
4) minimise compliance costs, and
5) enable use and development that complies with any relevant *National Policy Statement, the Regional Policy Statement for Northland 2016* and the objectives and policies of this Plan, and
6) focus on effects and, where suitable, use performance standards.

D.2.2 Social, cultural and economic benefits of activities

Regard must be had to the social, cultural and economic benefits of a proposed activity, recognising significant benefits to local communities, Māori and the region including local employment and enhancing Māori development, particularly in areas of Northland where alternative opportunities are limited.

D.2.3 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.2.4 Adaptive management

Regard should be had to the appropriateness of an adaptive management approach where:

1) there is an adequate 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.2.5 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.2.6 National Grid infrastructure

Recognise and provide for the national, regional and local benefits of sustainable, secure and efficient National Grid infrastructure.

D.2.7 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 D.1 Tāngata whenua, and
   b) D.2.16 Managing adverse effects on Historic Heritage, and
   c) D.2.17 Managing adverse effects on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features, and
   d) D.2.18 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 H.4.3 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.2.8 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.2.9 Appropriateness of Regionally Significant Infrastructure proposals (except the National Grid)

When considering the appropriateness of a Regionally Significant Infrastructure activity (except the National Grid), have regard and give appropriate weight to:

1) the benefits of the activity in terms of D.2.5 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 the *Civil Defence Emergency Management Act 2002, Schedule 1* as a lifeline utility and meets the reasonably foreseeable needs of Northland, and

7) the extent to which the adverse effects of the activity can be practicably managed, inclusive of any positive effects and environmental offsets or compensation 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.2.10 Operation, maintenance, upgrading and development of the National Grid

1) Enable the reasonable operation, maintenance and minor upgrading of existing National Grid infrastructure.

2) Provide for the major upgrading of existing National Grid infrastructure and the development of new National Grid infrastructure to which D.2.17 Managing adverse effects on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features and D.2.18 Managing adverse effects on indigenous biodiversity apply, where:

   a) the route, site and method selection demonstrate that, as far as practicable given the constraints imposed by the technical, locational or operational requirements of the network:

      i. for areas and taxa referred to in D.2.18(1)(a) Managing adverse effects on indigenous biodiversity and D.2.18(2)(a) Managing adverse effects on indigenous biodiversity, and Outstanding Natural Character Areas and Outstanding Natural Landscapes and features referred to in D.2.17(1) Managing adverse effects on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features, in order of preference:

         1. infrastructure will be located outside of the areas, landscapes and features in (i) or located to avoid adverse effects on the taxa in (i);

         2. infrastructure will be located in more compromised parts of the areas, landscapes and features in (i), where that reduces adverse effects on the characteristics, qualities and values of the areas, landscapes in features in (i);

         3. techniques (such as structure selection) will be used to avoid any remaining adverse effects on the areas, landscapes, features and taxa in (i);

         4. any remaining adverse effects on the areas, landscapes and features and taxa in (i) that cannot be avoided, will be remedied or mitigated; and

      ii. for other Natural Character Areas and other natural landscapes and features in the coastal environment referred to in D.2.17(1) Managing adverse effects on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features and areas and taxa referred to in D.2.18(1)(b) Managing adverse effects on indigenous biodiversity and D.2.18(2)(b) Managing adverse effects on indigenous biodiversity, in order of preference:

1. infrastructure will be located to avoid significant adverse effects on the areas, landscapes, features and taxa in (ii);
2. techniques (such as structure selection) will be used to avoid any rema8ining significant adverse effects on the areas, landscapes, features and taxa in (ii);
3. any remaining adverse effects on the areas, landscapes and features and taxa in (i) that cannot be avoided, will be remedied or mitigated; and

b) when applying (a), recognise that, in some circumstances, the adverse effects on the values of the areas, landscapes, features and taxa in (a)(i) and significant adverse effects on the values of the areas, landscapes, features and taxa in (a)(ii), may be such that the effects will need to be avoided;

c) other adverse effects are avoided, remedied or mitigated.

D.2.11 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.2.12 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.2.13 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.2.14 Resource consent duration

When determining the expiry date for a resource consent, have particular regard to:

1) 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) certainty of effects (the less certain the effects, the shorter the consent duration), and

4) whether the activity is associated with Regionally Significant Infrastructure (generally longer consent durations for Regionally Significant Infrastructure), and

5) where the resource consent application is to re-consent an activity, the applicant's past compliance with the conditions of any previous resource consent (significant previous non-compliance should generally result in a shorter duration).

D.2.15 Recognising other plans and strategies

When considering a resource consent application have 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 this Plan or strategy has a bearing on the resource management issues of the region.

D.2.16 Managing adverse effects on Historic Heritage

Manage the adverse effects of activities on Historic Heritage by:

1) avoiding significant adverse effects on the characteristics, qualities and values that contribute to Historic Heritage, and

2) recognising that Historic Heritage Sites and Historic Heritage Areas in the coastal marine area identified in I Maps | Ngā mahere matawhenua have been identified in accordance with the criteria outlined in the *Regional Policy Statement for Northland 2016, Policy 4.5.3*, and

3) recognising the following as being significant adverse effects to be avoided:

   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, taking into account the scale of any proposal, and

4) recognising that despite (2), there are not likely to be significant adverse effects if:

a) the Historic Heritage 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 the *Regional Policy Statement for Northland 2016, Policy 4.5.3*, 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

5) 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-assessment reports available on the Regional Council's 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. tāngata whenua in instances where Historic Heritage has identified values of significance to tāngata whenua, and

c) where considered necessary, a Historic Heritage impact assessment produced by a suitably qualified and experienced heritage professional, and

d) any values identified in addition to those listed in the *Regional Policy Statement for Northland 2016, Policy 4.5.3* 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

v. education (the resource contributes, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures), and

6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:

a) careful design, scale and location proposed in relation to Historic Heritage values, including proposed use and development adjacent to Historic Heritage, and

b) the use of setback, buffers and screening from Historic Heritage, and

c) reversing previous damage or disturbance to Historic Heritage, and

d) improving the public use, value, or understanding of the Historic Heritage, and

e) the development of management and 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 *International Council on Monuments and Sites (ICOMOS) New Zealand Charter (Revised 2010)*, and

7) 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

8) recognising that for the purposes of the *RMA, Section 95E*, 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.2.17 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 outlined in *Table 17: Adverse effects to be avoided*.

Table 17: Adverse effects to be avoided

Place / value	Location of the place	Effects to be avoided
Areas of Outstanding Natural Character Outstanding Natural Features Outstanding Natural Landscapes	Coastal marine area and freshwater bodies in the coastal environment.	Adverse effects on the characteristics, qualities and values that contribute to make the place outstanding.
Natural Character (incl. High Natural Character) Other Natural Features and Landscapes	The coastal marine area and freshwater bodies in the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to Natural Character or other natural features and landscapes.
Natural Character Outstanding Natural Features Outstanding Natural Landscapes	Freshwater bodies outside the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to Natural Character or which make the Natural Character or landscape outstanding.

2) recognising that, in relation to Natural Character in water bodies and the coastal environment (where not identified as Outstanding Natural Character), appropriate methods of avoiding, remedying or mitigating adverse effects may include:

a) ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and

b) in areas of High Natural Character in the coastal environment, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and

c) in freshwater, minimising to the extent practicable modification (disturbance, structures, extraction of water and discharge of contaminants), and

3) recognising that, in relation to Outstanding Natural Features in water bodies outside the coastal environment, appropriate methods of avoiding, remedying or mitigating adverse effects may include:

a) requiring that the scale and intensity of bed disturbance and modification is appropriate, taking into account the feature's scale, form and vulnerability to modification of the feature, and

b) requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics, qualities and values of the Outstanding Natural Feature, and

4) recognising that uses and development form part of existing landscapes, features and water bodies and have existing effects.

D.2.18 Managing adverse effects on indigenous biodiversity

Manage the adverse effects of activities on indigenous biodiversity by:

1) 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. the values and characteristics of areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in the *Regional Policy Statement for Northland 2016, Appendix 5*, and

iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and

b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:

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 estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and

2) 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 the *Regional Policy Statement for Northland 2016, Appendix 5*, 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

3) 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

4) 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 area of indigenous biodiversity, and

5) assessing the potential adverse effects of the activity on identified values of indigenous biodiversity, including by:

a) taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal habitats, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and

b) recognising that existing activities may be having existing acceptable effects, and

c) recognising that minor or transitory effects may not be an adverse effect, and

d) recognising that where effects may be irreversible, then they are likely to be more than minor, and

e) recognising that there may be more than minor cumulative effects from minor or transitory effects, and

6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:

a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and

b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and

c) considering 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) the development of ecological management and restoration plans, and

7) recognising that significant residual adverse effects on biodiversity values can be offset or compensated:
   a) in accordance with the *Regional Policy Statement for Northland 2016, Policy 4.4.1*, and[43]
   b) after consideration of the methods in (6) above, and
8) recognising the benefits of activities on biodiversity values that:
   a) restore, protect or enhance ecosystems, habitats and processes, ecological corridors and indigenous biodiversity, and
   b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.

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

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

1) areas and values including:
   a) Areas of Outstanding and High Natural Character, and
   b) Outstanding Natural Landscapes, and
   c) Outstanding Natural Features, and
   d) Historic Heritage, and
   e) Areas of significant indigenous biodiversity, and
   f) Places of significance to tāngata whenua, and
2) land-based infrastructure including:
   a) toilets, and
   b) car parks, and
   c) refuse facilities, and
   d) boat ramps, and
   e) boat and dinghy storage, and

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

3) any demonstrated functional need for the activity, and
4) the nature and scale of effects, and
5) the proximity of mapped Outstanding Natural Landscapes outside the coastal marine area and the potential for activities in the coastal marine area to have adverse effects on the identified natural values, characteristics and qualities of such Outstanding Natural Landscapes, and
6) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.

[43] Biodiversity offsetting and environmental compensation are defined in the *Regional Policy Statement for Northland 2016*

D.2.20 Precautionary approach to managing effects on significant indigenous biodiversity and the coastal environment

That decision makers adopt a precautionary approach where the adverse effects of proposed activities are uncertain, unknown or little understood, on:

1) indigenous biodiversity, including Significant Ecological Areas, Significant Bird Areas and other areas that are assessed as significant under the criteria in the *Regional Policy Statement for Northland 2016, Appendix 5*; and

2) the coastal environment where the adverse effects are potentially significantly adverse, particularly in relation to coastal resources vulnerable to the effects of climate change.

D.2.21 Te Hā o Tangaroa Protection Areas – manage adverse effects

In Te Hā o Tangaroa Protection Areas:

1) avoid adverse effects of activities on the identified characteristics, qualities and values of Te Hā o Tangaroa Protection Areas: Rākaumangamanga Rāhui Tapu and Mimiwhangata Rāhui Tapu;

2) avoid, remedy or mitigate adverse effects of activities on the identified characteristics, qualities and values of Te Hā o Tangaroa Protection Area: Ngā Au o Morunga Mai Rākaumangamanga Protection Area; and

3) encourage and support initiatives from tāngata whenua and the community generally for the restoration or enhancement of marine areas of cultural, ecological and Natural Character significance.

D.3 Air

D.3.1 General approach to managing air quality

When considering resource consent applications for discharges to air:

1) 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
2) apply the best practicable option when managing the discharge of contaminants listed in the *Resource Management (National Environmental Standards Air Quality) Regulations 2004*, and
3) H.1 Stack height requirements when assessing height requirements for fuel burning devices of more than 40 kilowatts capacity, and
4) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on sensitive areas, and
5) take into account the *Ministry for the Environment 2002, Ambient Air Quality Guidelines* when assessing the effects of the discharge on ambient air quality, and
6) 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
7) recognise that discharges to air may have adverse effects across the property boundary (including reverse sensitivity effects) and adverse effects on Natural Character, and
8) take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and
9) 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
10) use national guidance produced by the Ministry for the Environment, including:
    a) the *Ministry for the Environment 2016, Good Practice Guide for Assessing and Managing Odour*, and
    b) the *Ministry for the Environment 2016, Good Practice Guide for Assessing and Managing Dust,* and
    c) the *Ministry for the Environment 2016, Good Practice Guide for Assessing Discharges to Air from Industry*, or
    d) any subsequent update or revision of these national guidance documents, and
11) 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 General approach to managing adverse effects of discharges to air

Adverse effects from the discharge of contaminants to air are managed by:

1) avoiding, remedying, or mitigating cross-boundary effects on dust, odour, smoke and spray-sensitive areas from discharges of dust, smoke, agricultural spray drift and odour; and
2) protecting dust, odour, smoke and spray-sensitive areas from exposure to dangerous or noxious levels of gases or airborne contaminants; and
3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue where appropriate.

D.3.3 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 tāngata 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 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.3.4 Dust and odour generating activities

When considering resource consent applications for discharges to air from dust or odour generating activities:

1) require a dust or odour management plan to be produced where there is a likelihood that there will be objectionable or offensive discharges of dust or odour at the boundary of the site where the activity is to take place, or where the activity is likely to cause a breach of the ambient air quality standard for PM_{10} in the *Resource Management (National Environmental Standard for Air Quality) Regulations 2004, Schedule 1*. The dust or odour management plan must include:

a) a description of dust or odour generating activities, and

b) potentially affected dust-sensitive areas or odour-sensitive areas, and

c) details of good management practices that will be used to control dust or odour to the extent that adverse effects from dust or odour at the boundary of the site are avoided, remedied or mitigated, and

2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor dry abrasive blasting or wet abrasive blasting.

Note: *This policy does not apply to odour associated with the controlled discharge of gas containing an odorant (such as mercaptan) from pipelines and ancillary equipment.*

D.3.5 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,[44] 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 or offensive discharges of spray across the boundary of the site where the activity is to take place. The spray management plan must include:

a) a description of the 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 manage the risk of spray-drift to the extent that adverse effects from spray at the boundary of the site are avoided, remedied or mitigated.

D.3.6 Activities in the Marsden Point Airshed

The *Marsden Point Air Quality Strategy* must be taken into account when considering resource consent applications for discharges to air in the Marsden Point Airshed as shown in I Maps | Ngā mahere matawhenua. In particular, resource consent applications involving the discharge of sulphur dioxide (SO_2) to air must avoid adverse effects on the operation of Regionally Significant Infrastructure within the Marsden Point Airshed.

[44] Including significant environmental and biodiversity protection

D.4 Land and water

D.4.1 Maintaining overall water quality

When considering an application for a resource consent to discharge a contaminant into water or onto or into land where it may enter water or onto land where it may enter water:

1) ensure that the quality of fresh and coastal water is at least maintained, and

2) where a water quality standard in H.3 Water quality standards and guidelines is currently met:

   a) ensure that the quality of water in a river, lake or the coastal marine area will continue to meet the standards in H.3 Water quality standards and guidelines; and

   b) consider whether any improvements to water quality are required in order to achieve F.1.2 Water quality;

3) where a water quality standard in H.3 Water quality standards and guidelines is currently exceeded, ensure that any resource consent for a new discharge will not, or is not likely to, cause or contribute to a further exceedance of a water quality standard in H.3 Water quality standards and guidelines;

4) where a water quality standard in H.3 Water quality standards and guidelines is currently exceeded and the exceedance of the water quality standard is caused or contributed to by an existing activity for which a replacement resource consent is being considered, ensure any replacement resource consent granted for the existing discharge includes a condition(s) that:

   a) requires the quality of the discharge to be improved over the term of the consent to reduce the contribution of the discharge to the exceedance of the water quality standard in H.3 Water quality standards and guidelines; and

   b) sets out a series of time bound steps, demonstrating how the activity will be managed to achieve the water quality improvements required by (4)(a).

5) ensure that the discharge will not cause an acute toxic adverse effect within the zone of reasonable mixing

6) where a discharge will, or is likely to, cause or contribute to:

   a) an exceedance of the coastal sediment quality guidelines in H.3.4 Coastal sediment quality guidelines, or

   b) a transitory exceedance of the toxicants, metals and metalloids standard in *Table 22: Water quality standards for ecosystem health in rivers*, and the activity is associated with the establishment, operation, maintenance or upgrade of Regionally Significant Infrastructure,

   determine whether higher levels of contaminants in the particular location affected by the discharge can be provided for while still achieving F.1.2 Water quality, and set appropriate levels of contaminants in accordance with best practice methodology to safeguard the ecosystem values present at the location affected by the discharge; and

7) where existing water quality is unknown, or the effect of a discharge on water quality is unknown, the activity must be managed using a precautionary approach, which may include adaptive management.

Note: *For the purpose of (6)(b) of this policy, best practice methodology can be determined by reference to ANZECC 2000, Australian and New Zealand Guidelines for Fresh and Marine Water Quality Number 4, Volume 1 or any replacement guidelines.*

D.4.2 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.

D.4.3 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 environmentally, economically or practicably viable.

D.4.4 Zone of reasonable mixing

When determining what constitutes the zone of reasonable mixing 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) using the smallest zone necessary to achieve the required water quality in the receiving waters as determined under D.4.1 Maintaining overall water quality, and
2) ensuring that within the mixing zone contaminant concentrations and levels of dissolved oxygen will not cause acute toxicity effects on aquatic ecosystems.

Note: *See also the definition of zone of reasonable mixing.*

D.4.5 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 freshwater including on any ecosystem associated with freshwater, and
    b) the extent to which it is feasible and dependable that any more than minor adverse effect on freshwater, and on any ecosystem associated with freshwater 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 contact with freshwater, 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 contact with freshwater resulting from the discharge will be avoided.

3) This policy applies to the following discharges (including a diffuse discharge by any person or animal):

a) a new discharge, or

b) a change or increase in any discharge of any contaminant into freshwater, 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 freshwater.

4) Condition (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) Condition (2) of this policy does not apply to any application for consent first lodged before the *National Policy Statement for Freshwater Management 2014* took effect.

D.4.6 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

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 substance 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 substance, including any accidental spillage, it is contained on-site and does not enter surface waterbodies, groundwater or stormwater systems.

D.4.7 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.

D.4.8 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 to minimise contamination of the receiving environment, and
4) receiving environment monitoring, and
5) ensuring landfills are managed in accordance with site-specific landfill management plans, and
6) ensuring new landfills are located to avoid sensitive aquifers and aquifer recharge zones, and
7) 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
8) ensuring landfills are closed and monitored in accordance with the *Ministry for the Environment 2001, A Guide for the Management of Closing and Closed Landfills in New Zealand*.

D.4.9 Application of biosolids to land

The application of biosolids to land must be managed in accordance with the N*ew Zealand Water and Wastes Association 2003, Guidelines for the Safe Application of Biosolids to Land in New Zealand*.

D.4.10 Avoiding over-allocation

For the purpose of assisting with the achievement of F.1.1 Freshwater quantity of this Plan:

1) apply the allocation limits set in H.4 Environmental flows, levels and allocations when considering and determining applications for resource consents to take, use, dam or divert freshwater, and
2) ensure that no decision will likely result in over-allocation.

D.4.11 Integrated surface water and groundwater management

Prepare and consider applications for resource consents to take groundwater in accordance with H.5 Managing groundwater and surface water connectivity so that surface and groundwater resources are managed in an integrated way.

D.4.12 Minimum flows and levels

1) For the purpose of assisting with the achievement of F.1.1 Freshwater quantity of this Plan, ensure that the minimum flows and levels in H.4 Environmental flows, levels and allocations apply to activities that require water permits pursuant to rules in this Plan, and
2) Notwithstanding Condition (1), water permits granted prior to 4 May 2019 that set different minimum flows or levels to a minimum flow or level in H.4.1 Minimum flows for rivers or H.4.2 Minimum levels for lakes and natural wetlands of this plan are recognised as interim environmental flows and levels.
3) An alternative minimum flow (comprising the minimum flow set in H.4 Environmental flows, levels and allocations less a specified rate of flow particular to an activity) may be applied where the water is to be taken, dammed or diverted for:
    a) the health of people as part of a registered drinking water supply, or
    b) an individual's reasonable domestic needs or the reasonable domestic needs of a person's animals for drinking water that is, or is likely to be, having an adverse effect on the environment and is not permitted by a rule in this Plan, or
    c) a non-consumptive take.

D.4.13 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 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. 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 that occur in nine out of 10 years.

D.4.14 Reasonable and efficient use of water – group or community water supplies

An application for a resource consent to take or use water for community 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.4.15 Reasonable and efficient use of water – other uses

An application for resource consent to take water for any use of water other than that addressed under D.4.13 Reasonable and efficient use of water - irrigation or D.4.14 Reasonable and efficient use of water – group or community water supplies 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 opportunities for re-use or conservation.

D.4.16 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 surface water catchment or aquifer where it is confined to that 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) real time 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.4.17 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, the water meter to be telemetered to the Regional Council, and
3) clearly define when the water take must be restricted or cease to ensure compliance with environmental flows and levels, and
4) 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
5) ensure intake structures are designed, constructed and maintained to minimise adverse effects on fish species in accordance with good practice guidelines, and
6) specify when and under what circumstances the permit will be reviewed pursuant to the *RMA (s128(1)*, including by way of a common review date with other water permits in a catchment.

D.4.18 Transfer of water permits

An application to transfer a water permit, permanently or temporarily, pursuant to the *RMA (s136)* 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.4.19 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 freshwater 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 freshwater and of any associated ecosystem resulting from the change would be avoided.
2) This policy applies to:
   a) any new activity, and
   b) change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of freshwater 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 freshwater, 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 the National Policy Statement for Freshwater Management 2017, Policy B1 (allocation limits) and Policy B2 (allocation), have become operative.*

D.4.20 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.4.21 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 dewatering are avoided, or where avoidance is not possible, remedied or mitigated, and
5) maintain the values of natural wetlands, and
6) maintain existing fish passages and where possible, encourage development of new fish passage opportunities.

D.4.22 Natural wetlands – requirements

Activities affecting a natural wetland:

1) must maintain the following important functions and values of wetlands:
   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) avoid, remedy, or mitigate adverse effects on important wetland functions and values so they are not significant, or
3) must provide biodiversity off-setting or environmental biodiversity compensation, so that residual adverse effects on the important functions and values of wetlands are no more than minor.

D.4.23 Natural inland wetlands

The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

1) the loss of extent or values arises from any of the following:
   a) the customary harvest of food or resources undertaken in accordance with tikanga Māori;
   b) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management) activities;
   c) scientific research;
   d) the sustainable harvest of sphagnum moss;
   e) the construction or maintenance of wetland utility structures (as defined in *the Resource Management (National Environmental Standards for Freshwater) Regulations 2020*);
   f) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*);
   g) natural hazard works (as defined in the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*); or
2) the Regional Council is satisfied that:
   a) the activity is necessary for the construction or upgrade of specified infrastructure; and
   b) the specified infrastructure will provide significant national or regional benefits; and
   c) there is a functional need for the specified infrastructure in that location; and
   d) the effects of the activity are managed through applying the effects management hierarchy; or
3) the Regional Council is satisfied that:
   a) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the *National Policy Statement on Urban Development 2020*); and
   b) the urban development will provide significant national, regional or district benefits; and
   c) the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and

d) the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; and

e) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

f) the effects of the activity will be managed through applying the effects management hierarchy; or

4) the Regional Council is satisfied that:

a) the activity is necessary for the purpose of quarrying activities; and

b) the extraction of the aggregate will provide significant national or regional benefits; and

c) there is a functional need for the activity to be done in that location; and

d) the effects of the activity will be managed through applying the effects management hierarchy; or

5) the Regional Council is satisfied that:

a) the activity is necessary for the purpose of:

i. the extraction of minerals (other than coal) and ancillary activities; or

ii. the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and

b) the extraction of the mineral will provide significant national or regional benefits; and

c) there is a functional need for the activity to be done in that location; and

d) the effects of the activity will be managed through applying the effects management hierarchy; or

6) is required to support the extraction of aggregates as referred to in Condition (4); or

7) is required to support the extraction of minerals as referred to in Condition (5); and

a) there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and

b) the effects of the activity will be managed through applying the effects management hierarchy."

D.4.24 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 active restoration or enhancement works are required.

D.4.25 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 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) activities in continually or intermittently flowing rivers during fish migration periods, and
    b) spawning habitat disturbance, particularity during spawning periods.

D.4.26 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
2) Regionally Significant Infrastructure, and
3) enhanced fish passage and ecological connectivity between the coastal marine area and the upstream extent of water bodies, and
4) flood protection and the safeguarding of public health and safety, and
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.4.27 Land preparation, earthworks and vegetation clearance

When assessing an application for a resource consent for an earthworks, vegetation clearance or land preparation activity and any associated discharge of a contaminant, ensure that the activity:

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) drinking water supplies, and
   b) areas of high recreational use, and
   c) aquatic ecosystem health, indigenous biodiversity in water bodies and coastal water and receiving environments that are sensitive to sediment or phosphorus accumulation.

D.4.28 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.4.29 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 continually flowing river, a continually flowing artificial watercourse, a natural wetland, or the coastal marine area, have regard to:

1) any relevant priorities and recommendations in a farm environment plan prepared 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 and economic 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 effects of grazing the banks of water bodies, including suppression of weeds and maintenance of grass cover to minimise contaminant inputs to water bodies.

D.4.30 Rivers

The loss of river extent and values is avoided, unless the Regional Council is satisfied:

1) that there is a functional need for the activity in that location; and
2) the effects of the activity are managed by applying the effects management hierarchy.

Note: Effects management hierarchy *is as defined in the National Policy Statement for Freshwater Management 2020, Condition 3.21*

D.5 Coastal

D.5.1 Aquaculture – benefits

Recognise the significant benefits that existing and new aquaculture can provide to local communities, Māori and the region by providing for aquaculture in appropriate places. Those benefits may include:

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) a method Māori can use for the management and enhancement of Māori oyster reserves (as defined in the *Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986*).

D.5.2 Aquaculture – existing activities, realignment, extensions, and small scale short duration activities

Subject to the other relevant policies in D.1 Tāngata whenua, D.2 General and D.5 Coastal of this Plan, provide for:

1) the continued operation of existing aquaculture activities (including their realignment), and
2) the extension of existing aquaculture activities (except in the areas addressed in D.5.3 Aquaculture in the Bay of Islands Aquaculture Exclusion Area), and
3) small scale short duration aquaculture research trials and experimental aquaculture activities (except in the areas addressed in D.5.3 Aquaculture in the Bay of Islands Aquaculture Exclusion Area).

D.5.3 Aquaculture in the Bay of Islands Aquaculture Exclusion Area

In the Bay of Islands Aquaculture Exclusion Area:

1) new aquaculture activities are not appropriate (except for any activity within the scope of the *Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020, Part 4*, and except for any activity within the scope of C.1.3.6 New aquaculture in an authorised area – discretionary activity where that activity will result in a net environmental improvement), and
2) extensions and small-scale short duration research trials and experimental aquaculture activities are generally inappropriate unless:
    a) the policies in D.1 Tāngata whenua, D.2 General and D.5 Coastal are met; and
    b) there are no practicable alternative locations for the aquaculture activity; and
    c) for extensions, the existing authorised aquaculture activity is fully developed or will be following the proposed extension;

d) for small-scale short duration research trials and experimental aquaculture activities:

   i. all adverse effects of the activity will be reversible based on best available science; and

   ii. the area will be rehabilitated and/or returned to its original state (as appropriate) within one year of the consent expiry.

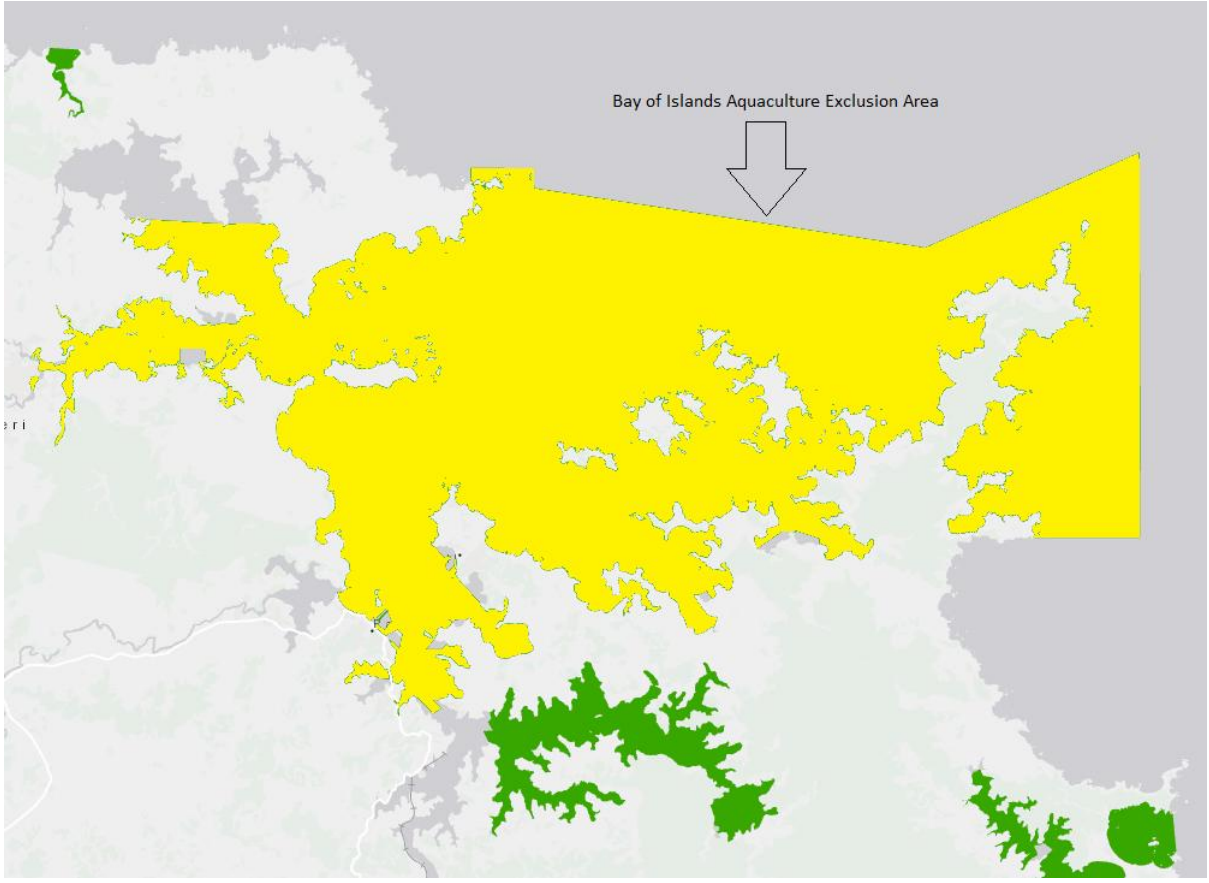

Image 1: *The Bay of Islands Aquaculture Exclusion Area is shown in yellow. This and other Aquaculture Exclusion Areas can also be viewed at I Maps | Ngā mahere matawhenua.*

D.5.4 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 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 or recreation areas, and

4) recognised navigational routes, and

5) Regionally Significant Anchorages, 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) taiāpure 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*,[45] and
    g) any marine park established by or through statutory or regulatory processes, and
12) Mooring Zones.

D.5.5 Aquaculture – avoid significant adverse effects

In addition to any other requirement to avoid adverse effects, aquaculture activities should avoid significant adverse effects and avoid, remedy or mitigate other effects on:

1) the integrity, functioning and resilience of coastal processes and ecosystems, and
2) public access to and along the coast,
3) use or functioning of coastal reserves and conservation areas, and
4) Recognised Recreational Anchorages.

D.5.6 Aquaculture – general matters

New aquaculture activities should:

1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure, facilities and operations where required, and
2) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing or harvesting of shellfish, where the aquaculture is for the purpose of directly harvesting shellfish for human consumption, and
3) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

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[45] The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

D.5.7 Aquaculture – 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 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.5.8 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.

D.5.9 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.

Development that is inconsistent with (1) or (2) will not necessarily be inappropriate.

D.5.10 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.5.11 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, 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, and
3) demonstrate why it is not practical to be in a Mooring Zone, and
4) not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless directly associated with a maritime-related commercial enterprise or existing authorised industrial activity, and
5) demonstrate why short-term anchorage or land-based vessel storage is not practical, and
6) not be in the following areas (refer I Maps | Ngā mahere matawhenua):
   a) Areas of Outstanding Natural Character, or
   b) Historic Heritage Areas, or
   c) Nationally Significant Surf Breaks, or
   d) Outstanding Natural Features, or
   e) Regionally Significant Anchorages, or
   f) Sites or Areas of Significance to Tāngata Whenua,

   unless

   g) the mooring is associated with a property that is only legally accessible by water, or
   h) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
   i) 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.

D.5.12 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 mooring areas outlined in *Table 18: Mooring Zones with limited shore-based facilities*:

Table 18: Mooring Zones with limited shore-based facilities

Location	Mooring Zone
Mangonui Harbour	All Mooring Zones
Whangaroa Harbour	Totara North
Kerikeri Inlet	Opito Bay
Ōpua	English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River

Location	Mooring Zone
Russell	Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay
Te Rawhiti Inlet	Waipiro Bay and Te Uenga Bay
Whangaruru Harbour	All Mooring Zones
Mangawhai Harbour	Mangawhai

2) only granting coastal permits for moorings in these locations if the applicant can demonstrate that:
   a) adequate parking and dinghy storage is available to serve the existing moorings and the proposed mooring at all times of the year, or
   b) adequate parking, toilet facilities, refuse disposal and dinghy storage are provided at all times of the year on private property near the proposed mooring, and
3) where an applicant demonstrates provision of adequate parking, toilet facilities, refuse disposal and dinghy storage at private property in accordance with Condition (2), the coastal permit must include a condition precluding the transfer of the mooring unless the services for the mooring will be provided from a property owned by the transferee.

D.5.13 Regionally Significant Anchorages

Manage Regionally Significant Anchorages (refer I 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.5.14 Recognised Anchorages

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publications.

D.5.15 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 shore-based facilities, including parking, public toilets, boat racks, public access, and
3) mitigate 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) be designed and constructed in a manner that reflects the benefits of landscaping and urban design treatment, and
5) 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.5.16 Marinas – recognising the benefits of marina development

Recognise that the benefits of marina development include:

1) efficient use of water space for boat storage, and
2) responding to demand for boat storage and associated services, and
3) opportunities to enhance public facilities and access to the coastal marine area, and
4) socio-economic opportunities through construction and ongoing operation.

D.5.17 Marina Zones – purpose

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

D.5.18 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.5.19 Marinas and moorings in high demand areas

Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand Mooring Zones. Therefore, high density on-water boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on-water boat storage in:

1) Mangonui, and
2) Kerikeri, and
3) Russell, and
4) Ōpua, and
5) Tutukākā.

D.5.20 Reclamation

Reclamation of land in the coastal marine area shall be avoided unless all the following criteria are met:

1) land outside the coastal marine area is not available for the proposed activity;
2) the activity which requires the reclamation can only occur in or adjacent to the coastal marine area;
3) there are no practicable alternative methods of providing the activity; and
4) the reclamation will provide significant regional or national benefit.

D.5.21 Reclamation

When considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.

D.5.22 Reclamation

Recognise the potential benefits of reclamations when they are undertaken to:

1) maintain or repair an authorised reclamation, or
2) carry out rehabilitation or remedial works, or
3) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.

D.5.23 Unlawful reclamation

Consider the following matters when assessing unlawful reclamations 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.5.24 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.5.25 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.5.26 Dumping (deliberate disposal) of dredge spoil and other waste material

Discourage the 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 Tāngata Whenua, or
    f) Historic Heritage Area.

The dumping (deliberate disposal) of dredge spoil or other waste that is inconsistent with Conditions (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.

D.5.27 Underwater noise

Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

1) adopt the best practicable option to manage noise so that it does not exceed a reasonable level, and

2) in the case of marine seismic surveying, demonstrate compliance with the *Department of Conservation 2013, Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Surveying Operations,* and

3) avoid adverse effects on marine mammals listed as threatened or at risk in the *New Zealand Threat Classification System*, and

4) 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.

D.5.28 Mangrove removal – purpose

Subject to D.2.18 Managing adverse effects on indigenous biodiversity, mangrove pruning or removal may be appropriate where:

1) it is demonstrated that the purpose of the mangrove removal in 2 a) to n) below can be achieved; and

2) it is necessary to maintain, restore or improve one or more of the following:

   a) biodiversity, aquatic ecosystem health, natural features, or scheduled historic places, or

   b) critical habitats that have recently been displaced by mangroves, such as seagrass meadows and shell bank roost areas, or

   c) the removal of mangrove seedlings is in areas from within which mangroves have previously been lawfully removed, or

   d) public recreation and walking access to, or along, the coastal marine area, or

   e) connections with reserves or publicly owned land and the coast, or

   f) public use and public amenity values, or

   g) water access for vessels and navigation, or

   h) public health and safety, including sightlines and traffic safety, or

   i) access to the coast from marae, or to areas of traditional use, or

   j) ongoing authorised activities, or

   k) infrastructure, or

   l) maintenance of drainage channels, control of flooding or erosion caused by mangroves, or

   m) tidal flows, or

   n) scientific research, and

3) its purpose is not for the improvement of private views.

D.5.29 Mangrove removal – adverse effects

When considering resource consents for mangrove removal, take into account effects specific to the removal of seedlings or of mature trees and shrubs, and have regard to a range of potential adverse effects, in particular:

1) effects on ecological values, including:
    a) disturbance, displacement or loss of fauna and habitat, and
    b) disturbing or displacing birds classified as threatened or at risk in the *New Zealand Threat Classification System*, particularly within Significant Bird Areas, and
    c) disturbing ecological sequences~~,~~ or corridors, and
    d) removal of a buffer to sensitive ecological areas, and
    e) disturbance of the foreshore and seabed, including compaction, sediment redistribution, and mangrove biomass deposition, and
2) increased risk of coastal erosion where mangroves provide a buffer against coastal processes causing erosion, and
3) effects on tāngata 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.

D.5.30 Significant surf breaks

Provide for the use and enjoyment of Nationally and Regionally Significant Surf Breaks (refer I Maps | Ngā mahere matawhenua) by:

1) ensuring that resource consent applications for activities within the coastal marine area that are within a one kilometre radius of a Nationally Significant Surf Break or a Regionally Significant Surf Break are accompanied by an assessment of environmental effects of the activity on the identified values of the Surf Break, and
2) avoiding adverse effects on the characteristics, qualities and values that contribute to make Nationally Significant Surf Breaks significant, and
3) avoiding significant adverse effects on the characteristics, qualities and values that contribute to make Regionally Significant Surf Breaks significant, and
4) avoiding, remedying or mitigating other adverse effects on Nationally and Regionally Significant Surf Breaks, and
5) maintaining or enhancing access to Nationally and Regionally Significant Surf Breaks.

D.5.31 Managing effects on surf breaks

Have regard to the following effects on mapped Surf Breaks (refer I Maps | Ngā mahere matawhenua):

1) effects on the quality or consistency of the Surf Break by considering the extent to which the activity may:
    a) change or interrupt coastal sediment dynamics, and

b) change or interrupt swell within the swell corridor including through reflection, refraction or diffraction of wave energy, and

c) change the morphology of the foreshore or seabed, and

2) effects on:

a) amenity values, and

b) the feeling of wilderness or isolation.

D.5.32 Precautionary approach to assessing and managing genetically modified organisms

Adopt a precautionary approach to assessing and managing the:

1) risks;

2) uncertainty and lack of information; and

3) significance, scale and nature of potential adverse effects

associated with the use of genetic engineering or the release of genetically modified organisms in the coastal marine area.

D.5.33 Adaptive approach to the management of genetically modified organisms

Adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism, including through periodic reviews of the genetically modified organism provisions, particularly if new information on the benefits and/or adverse effects of a genetically modified organism activity becomes available.

D.5.34 Avoiding adverse effects of genetically modified organism field trials

Ensure that any resource consent granted for genetically modified organism field trials avoid, as far as can reasonably be achieved, risk to the environment, adverse effects on indigenous flora and fauna, and the relationship of tāngata whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism.

D.5.35 Liability for adverse effects from genetically modified organism activities

Require consent holders for a genetically modified organism activity to be liable, including financial accountability, (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.

D.5.36 Bonds for genetically modified organism activities

Require bonds as a condition of resource consents for the use of genetically modified organisms to provide for the redress of any adverse effects (including any adverse economic effects on third parties) that become apparent during or after expiration of a consent, including consideration of (but not limited to) the following:

1) the significance, scale, nature and timescale of potential adverse effects;
2) the proposed measures to be taken to avoid those effects;
3) the monitoring proposed to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied; and
4) the likely scale of costs associated with remediating any adverse effects that may occur.

D.5.37 Risk management plan for genetically modified organism field trials

A risk management plan for genetically modified organism field trials must include, but is not limited to, the following:

1) the species, characteristics and lifecycle of the genetically modified organism;
2) all research undertaken that characterises and tests the genetically modified organism, and the certainty associated with the accuracy of that information;
3) the areas in which the genetically modified organism, including discharges, is to be confined;
4) proposed containment measures for the commencement, duration and completion of the proposed field trial;
5) the actual and potential adverse effects to the environment, cultural values and economy associated with the field trial, including in the event the genetically modified organism escapes from the contained area;
6) the proposed measures, including contingency measures, that will be taken to avoid, remedy or mitigate actual and potential adverse effects;
7) details of the monitoring to be undertaken, including how and by whom monitoring will be undertaken;
8) reporting requirements; and
9) recommended conditions of resource consent covering the matters listed above.

D.6 Natural Hazards

D.6.1 Appropriateness of hard protection structures

Priority will be given to the use of non-structural measures over the use and construction of hard protection structures when managing hazard risk.

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:
    a) existing or planned Regionally Significant Infrastructure, or
    b) existing Core Local Infrastructure, or
    c) concentrations of existing vulnerable development, and
    d) they provide a better outcome for the local community, district or region, compared to no hard protection structure, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.

Hard protection structures, when considered necessary to protect private assets, should not be located on public land unless there is significant public or environmental benefit in doing so.

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 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 timeframe, including the projected effects of a sea level rise, using the latest national guidance and best available information.

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 can 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

Application of objectives and policies

1) Regard must be had to all the relevant objectives and policies in this Plan when considering an application for a resource consent.
2) Where policies in this plan are in conflict, the more directive policies shall prevail.
3) Regard must be had to any relevant provisions of the *Regional Policy Statement for Northland 2016* and National Policy Statements, and where appropriate Part 2 of the RMA, when considering an application for a resource consent.

E.1.1 Catchment-specific values

Recognise the following values in the Doubtless Bay, Waitangi, Poutō, Mangere and Whāngarei Harbour Catchments:

1) cultural and recreational uses associated with fresh and coastal waters, and
2) the ability to gather mahinga kai, and
3) the Natural Character of waterbodies and their margins, and
4) the quality of habitat for aquatic native species, and
5) access to freshwater for productive uses.

E.2 Policy

E.2.1 Catchments

When considering resource consent applications in the Doubtless Bay, Waitangi, Poutō, Mangere and Whangārei Harbour Catchments, have regard to the following:

1) reducing the amount of sediment entering waterways from hill slope and stream-bank erosion, and
2) improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather mahinga kai, and
3) protecting the ecosystem health and Natural Character of freshwater bodies, particularly Outstanding Lakes, and
4) enabling the extraction and use of freshwater where this will not compromise other values or exceed a minimum flow or level, or an allocation limit.

E.3 Rules

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

Note: *The rules in this section are from Catchment Management Plans developed for the Doubtless Bay, Waitangi, Mangere, 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

Rule	
E.3.1.1	Erosion control plans in the Doubtless Bay Catchment – controlled activity
E.3.1.2	Water takes from Lake Waiporohita – discretionary activity

E.3.2 Poutō Catchment

Rule	
E.3.2.1	Water takes from a lake in the Poutō Catchment – permitted activity
E.3.2.2	New plantation forestry in the Poutō Forestry Restriction Area – restricted discretionary activity
E.3.2.3	New plantation forestry within 20 metres of outstanding Poutō Lakes – restricted discretionary activity

E.3.3 Waitangi Catchment

Rule	
E.3.3.1	Erosion control plans in the Waitangi Catchment – controlled activity

E.3.4 Mangere Catchment

Rule	
E.3.4.1	Access of livestock (and where specified, sheep) to the bed of a water body or continually permanently flowing watercourse in the Mangere Catchment – permitted activity
E.3.4.2	Erosion control plans in the Mangere Catchment – controlled activity

E.3.5 Whangārei Harbour Catchment

Rule	
E.3.5.1	Access of livestock (and where specified, sheep) to the bed of a water body in the Whangārei Harbour Catchment – permitted activity
E.3.5.2	Erosion control plans in the Whangārei Harbour Catchment – controlled activity

E.3.1 Doubtless Bay Catchment

E.3.1.1 Erosion control plans in the Doubtless Bay Catchment – controlled activity

Pastoral land use after 1 January 2025 on High Sediment Yielding Land in the Doubtless Bay Catchment (I Maps | Ngā mahere matawhenua) is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

1) the effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion, and

2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

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

- Pastoral land use on High Sediment Yielding Land (s9(2)).

E.3.1.2 Water takes from Lake Waiporohita – discretionary activity

The taking and use of freshwater from Lake Waiporohita for any purpose is a discretionary activity, provided:

1) water is not taken when a flow or water level is below a minimum flow or minimum level, and

2) any new take (after the notification date of this plan) does not cause an allocation limit set in H.4 Environmental flows and levels to be exceeded.

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

- The taking and use of freshwater from Lake Waiporohita (s14(2)) and s14(3)(b)).

E.3.2 Poutō Catchment

E.3.2.1 Water takes from a lake in the Poutō Catchment – permitted activity

The taking and use of water from a lake in the Poutō Catchment (refer I Maps | Ngā mahere matawhenua) (other than for reasonable stock drinking or domestic needs which are allowed under the *RMA (s14(3)(b))* is a permitted activity, provided:

1) there is only one take per property, and
2) the take is from a lake that is two hectares or more in area, and
3) the total daily take does not exceed:
    a) from Outstanding Freshwater Bodies (lakes) (refer I Maps | Ngā mahere matawhenua), 10 cubic metres or 200 litres per hectare of property, up to a maximum of 20 cubic metres, or
    b) from other Poutō lakes, 10 cubic metres or 200 litres per hectare of property up to a maximum volume of 50 cubic metres, and
4) water is not taken when the lake water level is below a minimum level, and
5) the take does not adversely affect the reliability of any existing authorised take, and
6) a screen must cover the intake structure of surface water takes and have a minimum aperture (mesh size) of 1.5 millimetres to protect native fish species, and the velocity across the screen must not exceed 0.3 metres per second, and
7) the take does not lower the water level in a natural wetland, and
8) the reticulation system is constructed and maintained to minimise leakage and wastage, and
9) 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.

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

- The taking and use of freshwater from a lake in the Poutō Catchment (s14(2)).

Note: *Where the conditions of this rule cannot be met, C.5.1.12 Other water takes – discretionary activity applies.*

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 | 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.

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

- New plantation forestry in the Poutō Forestry Restriction Area (s9(2)).

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 | Ngā mahere matawhenua) is a restricted discretionary activity.

Matters of discretion:

1) The location and extent of trees within the setback.

2) The potential effects of the activity on outstanding Poutō lakes.

3) The positive effects of the activity.

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.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.

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

- Pastoral land use on High Sediment Yielding Land (s9(2)).

E.3.4 Mangere Catchment

E.3.4.1 Access of livestock (and where specified, sheep) to the bed of a water body or continually permanently flowing watercourse in the Mangere Catchment – permitted activity

The access of livestock (and where specified, sheep) to a natural wetland, the bed of a lake or a continually flowing river, or a continually flowing artificial watercourse in the Mangere Catchment (refer I Maps | Ngā mahere matawhenua) is a permitted activity, provided:

1) indigenous vegetation in a natural wetland is not destroyed, and
2) the access does not cause or induce noticeable slumping, pugging or erosion of the bed of the water body, and
3) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and
4) livestock and sheep are effectively excluded from īnanga spawning sites, and
5) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse in accordance with the requirements in *Table 19: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment*, and
6) livestock crossing points used by livestock (excluding deer), more than once per week on average, must be bridged or culverted by the dates in *Table 19: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment*, and
7) at a livestock crossing point that is not required to be bridged or culverted, livestock are:
   a) led or driven across the water body or artificial watercourse in one continuous movement, and
   b) effectively excluded from the river or drain between crossings by the dates in *Table 19: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment*.

Table 19: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Mangere Catchment (for the purposes of Conditions (4), (5) and (6))

Livestock type	Continually flowing rivers, streams and artificial watercourses greater than 1m wide *	All continually flowing rivers, streams and artificial watercourses	Natural wetlands >500m^2 (0.05ha)	Lakes (>1ha)
Pigs and dairy cows	Excluded from the date Rule E.3.4.1 becomes operative.	Excluded from 1 January 2023.	Excluded from three years after date Rule E.3.4.1 becomes operative.	Excluded from the date Rule E.3.4.1 becomes operative.
Beef cattle, dairy support cattle and deer	Lowland and Hill Country Areas as mapped in I Maps | Ngā mahere matawhenua Excluded by 1 January 2025.	Lowland and Hill Country Areas as mapped in I Maps | Ngā mahere matawhenua Excluded from 1 January 2030.	Lowland areas as mapped in I Maps | Ngā mahere matawhenua Excluded from 1 January 2025.	
			Hill country areas as mapped in I Maps | Ngā mahere matawhenua No exclusion required.	

** 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.*

Note: *Where the conditions of this rule cannot be met, C.8.1.3 Access of livestock to rivers, lakes, and wetlands –discretionary activity applies.*

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

- 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.3.4.2 Erosion control plans in the Mangere Catchment – controlled activity

Pastoral land use after 1 January 2025 on High Sediment Yielding Land in the Mangere Catchment (refer I Maps | Ngā mahere matawhenua) is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

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

- Pastoral land use on High Sediment Yielding Land (s9(2)).

E.3.5 Whangārei Harbour Catchment

E.3.5.1 Access of livestock (and where specified, sheep) to the bed of a water body in the Whangārei Harbour Catchment – permitted activity

The access of livestock (and where specified, sheep) to a natural wetland, the bed of a lake or a continually flowing river or a continually flowing artificial watercourse in the Whangārei Harbour Catchment (refer I Maps | Ngā mahere matawhenua) is a permitted activity, provided:

1) indigenous vegetation in a natural wetland is not destroyed, and

2) the access does not cause or induce noticeable slumping, pugging or erosion of the bed of the water body, and

3) livestock are effectively excluded from the water body for a distance of 1,000 metres upstream of a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua), and

4) livestock and sheep are effectively excluded from īnanga spawning sites, and

5) other than at a livestock crossing point, livestock are effectively excluded from the full extent of the water body or artificial watercourse in accordance with the requirements in *Table 20: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment*, and

6) livestock crossing points used by livestock (excluding deer) more than once per week on average must be bridged or culverted by the dates in *Table 20: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment*, and

7) at a livestock crossing point that is not required to be bridged or culverted, livestock are:

   a) led or driven across the water body or artificial watercourse in one continuous movement, and

   b) effectively excluded from the river or drain between crossings by the dates in *Table 20: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses in the Whangārei Catchment*.

Table 20: Dates when livestock must be excluded from water bodies and continually flowing artificial watercourses in the Whangārei Harbour Catchment (for the purposes of Conditions (4), (5) and (6))

<table>
<tr><th>Livestock type</th><th>Continually flowing rivers, streams and artificial watercourses greater than 1m wide*</th><th>All continually flowing rivers, streams and artificial watercourses</th><th>Natural wetlands >500m^2 (0.05ha)</th><th>Continually flowing rivers upstream of swimming sites on Hātea and Raumanga rivers (‘I Maps’)</th><th>Lakes (>1ha)</th></tr>
<tr><td>Pigs and dairy cows</td><td>Excluded from date Rule E.3.5.1 becomes operative.</td><td colspan="2">Excluded from 1 January 2023</td><td rowspan="5">Excluded from two years after Rule E.3.5.1 becomes operative.</td><td rowspan="5">Excluded from date Rule E.3.5.1 becomes operative.</td></tr>
<tr><td rowspan="3">Beef cattle, dairy support cattle and deer</td><td colspan="3">Lowland areas as mapped in I Maps | Ngā mahere matawhenua</td></tr>
<tr><td>Excluded by 1 January 2025</td><td>Excluded from 1 January 2030</td><td>Excluded from 1 January 2025</td></tr>
<tr><td colspan="3">Hill country areas as mapped in I Maps | Ngā mahere matawhenua No exclusion required.</td></tr>
</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.*

Note: *Where the conditions of this rule cannot be met, C.8.1.3 Access of livestock to rivers, lakes, and wetlands –discretionary activity applies.*

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

- 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.3.5.2 Erosion control plans in the Whangārei Harbour Catchment – controlled activity

Pastoral land use after 1 January 2025 on High Sediment Yielding Land in the Whangārei Harbour Catchment (refer I Maps | Ngā mahere matawhenua) is a controlled activity, if an erosion control plan has not been developed for the land.

Matters of control:

1) The effectiveness of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.
2) The location, timing and prioritisation of measures to control or mitigate sediment loss from areas of gully, landslide and earthflow erosion.

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

- Pastoral land use on High Sediment Yielding Land (s9(2)).

F Objectives
Ngā whāinga

Application of objectives and policies

1) Regard must be had to all the relevant objectives and policies in this Plan when considering an application for a resource consent.
2) Where policies in this plan are in conflict, the more directive policies shall prevail.
3) Regard must be had to any relevant provisions of the *Regional Policy Statement for Northland 2016* and National Policy Statements, and where appropriate Part 2 of the RMA, when considering an application for a resource consent.

F.1.1 Freshwater quantity

Manage the taking, use, damming and diversion of freshwater so that:

1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater are safeguarded and the health of freshwater ecosystems is maintained, and
2) the significant values, including hydrological variation in Outstanding Freshwater Bodies and natural wetlands are protected, and
3) the extent of littoral zones in lakes are maintained, and
4) 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 valued introduced species such as trout, and
5) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies, and
6) adverse effects associated with saline intrusion and land subsidence above are avoided (except where the taking, use, damming or diversion is for groundwater management at the Marsden Point refinery, in which case this condition does not apply), and
7) it is a reliable resource for consumptive and non-consumptive uses.

Note: *This objective was included in this plan pursuant to the National Policy Statement for Freshwater Management 2017, Policy B1.*

F.1.2 Water quality

Manage the use of land and discharges of contaminants to land and water so that:

1) existing water quality is at least maintained, and improved where it has been degraded below the river, lake or coastal water quality standards set out in H.3 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 the health of freshwater ecosystems is maintained, 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 the National Policy Statement for Freshwater Management 2017, Policy A1 will be included in this Plan at a later date as per the Council's programme for implementing the National Policy Statement.*

F.1.3 Indigenous ecosystems and biodiversity

In the coastal marine area and in freshwater bodies, 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.1.4 Fish passage

The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.

F.1.5 Enabling economic well-being

The use and development of Northland's natural and physical resources is efficient and effective and managed in a way that will improve the economic, social and cultural well-being of Northland and its communities.

F.1.6 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.1.7 Security of energy supply

Northland's energy supplies are secure and reliable, and generation (particularly when it uses renewable sources) and transmission of energy that benefits the region is supported.

F.1.8 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, and
5) is undertaken in a way that recognises it can have effects outside the coastal marine area.

F.1.9 Tāngata whenua role in decision-making

Tāngata whenua's kaitiaki role is recognised and provided for in decision making over natural and physical resources.

F.1.10 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 the potential impacts on coastal biodiversity values, 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, communities and natural systems, and
7) recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard prone areas, and
8) anticipating and providing for, where practicable, landward migration of coastal biodiversity values affected by sea level rise and natural hazard events.

F.1.11 Improving Northland's natural and physical resources

Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.

F.1.12 Natural Character, Outstanding Natural Features, Historic Heritage and places of significance to tāngata whenua

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 freshwater bodies, and
   b) Areas of Outstanding and High Natural Character in the coastal marine area and in freshwater bodies within the coastal environment, and
   c) Natural Character in freshwater bodies outside the coastal environment, and
   d) Outstanding Natural Landscapes 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 tāngata whenua in the coastal marine area and freshwater bodies.

F.1.13 Air quality

Human health, ambient air quality, cultural values, amenity values and the environment are protected from significant adverse effects caused by the discharge of contaminants to air.

F.1.14 Hazardous substances and contaminated land

Protect human health, and minimise the risk to the environment, from:

1) discharges of hazardous substances, and
2) discharges of contaminants from contaminated land.

F.1.15 Use of genetic engineering and the release of genetically modified organisms

The coastal marine area is protected from adverse effects on the environment associated with the use of genetic engineering and the release of genetically modified organisms.

F.1.16 Te Hā o Tangaroa Protection Areas

Protect from inappropriate use, disturbance, and development the characteristics, qualities and values that make up Te Hā o Tangaroa Protection Areas.

G Administrative matters
Ngā take whakahaere

G.1 Cross-River Coastal Marine Area Boundary

The Cross-River Coastal Marine Area Boundary is shown on the maps – refer I Maps | Ngā mahere matawhenua.

Under the RMA, the Cross-River Coastal Marine Area Boundary is referenced to the mouth of the river – the lesser of one kilometre upstream of the mouth of the river or the point upstream calculated by multiplying the width of the river by five. Only the Cross-River Coastal Marine Area is shown on the maps. The mouth of the river can be determined by back-calculating from the Cross-River Coastal Marine Area Boundary.

Where the landward boundary of the coastal marine area aligns with a physical structure in the river (for example, a bridge) the landward boundary is the seaward side of the structure, and the structure is not in the coastal marine area.

For rivers where the Cross-River Coastal Marine Area Boundary is not shown in the maps (I Maps | Ngā mahere matawhenua), and which enter the sea on the Open Coast and not through estuaries, inlets or harbours, the Cross-River Coastal Marine Area Boundary is a straight line representing the continuation of mean high water springs on each side of the river at the point it enters the sea, as shown in *Image 2: Identifying Cross-River Coastal Marine Area Boundary* (A)

Image 2: *Identifying Cross-River Coastal Marine Area Boundary (A)*

For rivers where the Cross-River Coastal Marine Area Boundary is not shown in the maps (I Maps | Ngā mahere matawhenua), and which enter the sea through estuaries, inlets or harbours:

1) 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 *Image 3: Identifying Cross-River Coastal Marine Area Boundary* (B)

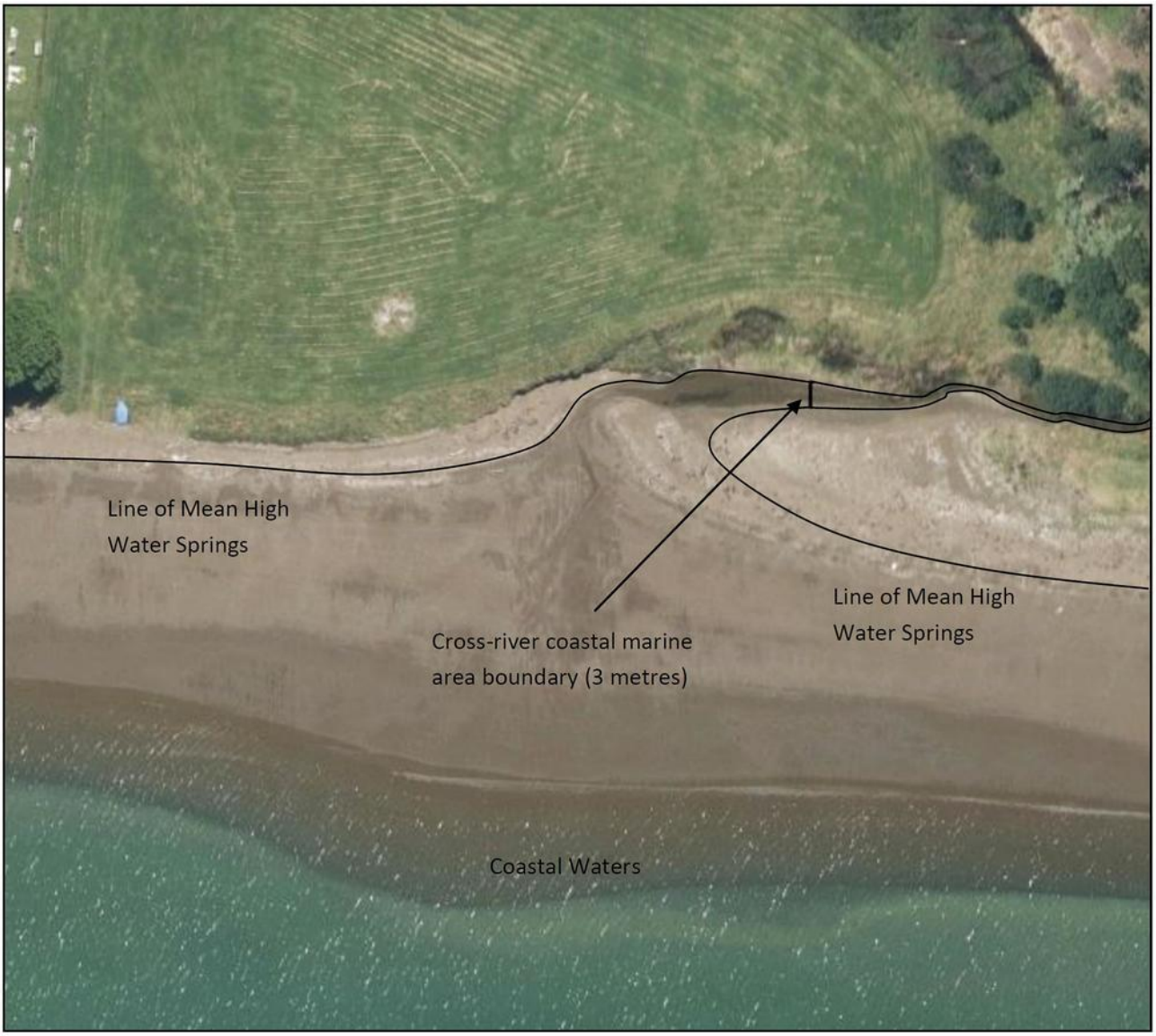

Image 3: *Identifying Cross-River Coastal Marine Area Boundary (B)*

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[46] to attach statutory acknowledgements to Regional Plans and Regional Policy Statements. Rather than attaching statutory acknowledgements to the *Regional Plan* and *Regional Policy Statement for Northland 2016*, 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 tāngata 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 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:

1) identification and description of the statutory area,
2) a statement of association detailing the relationship between the relevant iwi or hapū with the statutory area, and
3) the specific requirements of the statutory acknowledgement.

Statutory acknowledgements enhance the ability of iwi and hapū to participate in Resource Management Act 1991 processes. They include requirements for Council to:

1) have regard to effects on statutory acknowledgment areas when determining notification of resource consent applications, and
2) provide summaries of resource consent applications to the iwi or hapū.

G.3 Coastal occupation charging

The *RMA, Section 64A* requires the Regional Plan to implement a coastal occupation charging regime[47] 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.

[46] Set out in the relevant Treaty of Waitangi settlement legislation

[47] To persons occupying any part of the common marine and coastal area

H Appendices
Āpitihanga

H.1 Stack height requirements

This appendix sets out the methods for complying with the stack height requirements of C.7.1.7 Burning for energy (electricity or heat) generation more than 40 kilowatts – permitted activity.

Fuel burning devices and buildings must meet the requirements of one of the following methods to comply with C.7.1.7 Burning for energy (electricity or heat) generation more than 40 kilowatts – permitted activity:

Method 1:

The activity must comply with *Table 21: Fuel burning devices and building dimensions* and the point of discharge must be more than 2.5 kilometres from land higher than the effective stack height.[48]

Table 21: Fuel burning devices and building dimensions

Fuel type	Fuel combustion threshold (MW)	Maximum building height (m)	Maximum building footprint (m^2)	Minimum stack height above ground level (m)
Coal	0.04 - 0.5	5	900	18
Wood	0.04 - 0.5	5	900	18
Natural Gas	0.04 - 10	5	900	17
LPG	0.04 - 10	5	900	17
Diesel / Fuel Oil	0.04 - 0.5	5	900	16

Notes:

1) *The SO_2 emission rate was based on a sulphur content of fuel of 1 percent 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 percent (10ppm) 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:

   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 2002, Ambient Air Quality Guidelines*, and

3) the person or organisation initiating the air dispersion modelling provides a copy of the report detailing how the requirements of Condition (2) are met to the Regional Council within three months of the modelling being completed.

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[48] 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).

Notes:

1) *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.*

2) *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.*

H.2 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; and
8) evidence to support the recommendations in item (6) above.

H.3 Water quality standards and guidelines

The water quality standards and guidelines in this Plan only apply when considering applications for resource consent to discharge a contaminant into water or onto or into land when it may enter water, and do not apply to unregulated natural or diffuse discharge.

Policy H.3.1 Water quality standards for continually or intermittently flowing rivers

The water quality standards in *Table 22: 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 22: Water quality standards for ecosystem health in rivers

Attribute	Unit	Compliance metric	Outstanding Rivers	Other rivers
Nitrate (toxicity)	mg NO_3-N/L	Annual median	≤ 1.0	≤ 1.0
		Annual 95th percentile	≤ 1.5	≤ 1.5
Ammonia (toxicity)	mg NH_4-N/L	Annual median	≤ 0.03*	≤ 0.24*
		Annual maximum	≤ 0.05*	≤ 0.40*
Temperature*	°C	Summer period measurement of the Cox-Rutherford Index (CRI), averaged over the five (5) hottest days (from inspection of a continuous temperature record)	≤ 20°C	≤ 24°C
Dissolved oxygen	mg/L	7-day minimum	≥ 8.0	≥ 5.0
		1-day minimum	≥ 7.5	≥ 4.0
pH	pH units are dimensionless	Annual minimum and annual maximum	6.5 < pH < 8.0	6.0 < pH <9.0
Periphyton biomass (chlorophyll a) – hard-bottomed wadeable rivers	mg chl-a/m^2	Exceeded by no more than 8% of samples (default class rivers) Exceeded by no more than 17% of samples in productive class rivers Based on monthly samples collected over three years	≤ 50	≤ 200
Temperature change*	°C	Summer period measurement of the Cox-Rutherford Index (CRI)**, averaged over the five (5) hottest days (from inspection of a continuous temperature record).	≤ 1°C	≤ 3°C

Attribute	Unit	Compliance metric	Outstanding Rivers	Other rivers
OMCI (wadeable rivers) change*	Index value	Equivalence test between five (5) replicate 01m^2 Surber samples (protocol C3 hard-bottomed quantitative as per Stark et al. (2001)** from each upstream and downstream site	≤ 20 (not more than 20% reduction)	≤ 20 (not more than 20% reduction)
Toxicants, metal sand metalloids (excludes nitrate or ammonia toxicity)	Default guideline value (DGV) for toxicant, metal or metalloid in *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018: ANZG (2018)*	Maximum	99% species protection	95% species protection
Visual clarity change*	Metres (m)	Maximum	≤ 20% Not more than 20% decrease in black disc or equivalent measurement	≤ 30% Not more than 30% decrease in black disc or equivalent measurement
Deposited fine sediment change – hard-bottomed wadeable rivers*	% cover	Sample average (All transect observations at each site using SAM2 protocol Clapcott et al. 2011**	≤ 10% (Not more than 10% increase in cover)	≤ 10% (Not more than 10% increase in cover)

1) Unless **naturally occurring processes** as defined in the *National Policy Statement for Freshwater Management 2020* prevent the waterbody from achieving the standard.

2) At low risk sites monitoring may be conducted using visual estimates of periphyton cover. Should monitoring based on visual cover estimates indicate that a site is approaching the relevant periphyton abundance threshold, monitoring should then be upgraded to include measurement of chlorophyll-a.

3) Rivers are categorised as productive according to types in the *River Environment Classification (REC)*. Productive rivers are those that fall within the REC "Dry" Climate categories (ie., Warm-Dry (WD) and Cool-Dry (CD)) and the REC Geology categories that have naturally high levels of nutrient enrichment due to their catchment geology (ie., Soft-Sedimentary (SS), Volcanic Acidic (VA) and Volcanic Basic (VB)). Therefore, productive rivers are those that belong to the following REC defined types: WD/SS, WD/VB, WD/VA, CD/SS, CD/VB, CD/VA.

** **Note:** Change is to be measured between appropriately matched habitats upstream and downstream of discharges to water or, where there is no suitable upstream site, between reference condition and downstream site.*

**As referenced in: *NIWA for the Ministry of the Environment 2013. National Objectives Framework Temperature, Dissolved Oxygen & pH thresholds for discussion, (HAM2013-056). Cawthron Institute 2001. Sediment Assessment Methods: Protocols and guidelines for assessing the effects of deposited fine sediment on in-stream values.*.

*** Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.

Table 23: Water quality standards for human contact in rivers

Attribute	Unit	Compliance metric	Outstanding Rivers	Other rivers
Escherichia coli (E. coli)	*E. coli*/100ml	Does not exceed any of the four attributes states in *Table 9 of the NPS FM (2020)* % exceedance over 540 % exceedance over 260 Median concentration 95th percentile of *E. coli*	≤ 20% ≤ 34% ≤ 130 ≤ 1,200	≤ 20% ≤ 34% ≤ 130 ≤ 1,200
E. coli in primary contact sites during the bathing season	*E. coli*/100ml	95th percentile	≤ 540 all rivers	≤ 540 all rivers
Periphyton cover (periphyton weighted composite cover – periWCC) – hard-bottomed wadeable rivers	% cover	Seasonal maximum weighted composite cover on visible stream bed in a reach (1 November to 30 April)	≤ 30%	≤ 30%

Policy H.3.2 Water quality standards for lakes

The water quality standards in *Table 24: Water quality standards for ecosystem health in lakes* apply to Northland's lakes, and they apply after allowing for reasonable mixing.

Table 24: Water quality standards for ecosystem health in lakes

Attribute	Unit	Compliance metric	Shallow lakes (≤ 10m)	Deep lakes (>10 m)
Phytoplankton (chl-a)	mg Chl-a/m^3	Annual median	≤ 1.0	≤ 1.0
		Annual maximum	≤ 1.5	≤1.5
Total nitrogen	mg/m^3	Annual median	≤ 800	≤ 350
Total phosphorus	mg/m^3	Annual median	≤ 20	≤ 10
Ammonia (toxicity)	mg NH_4-N/L	Annual median	≤ 0.03*	≤ 0.03*
		Annual maximum	≤ 0.05*	≤ 0.05*

**Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.*

Policy H.3.3 Coastal water quality standards

The water quality standards in *Table 25: 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.

Table 25: Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption

Attribute	Unit	Compliance Metric	Coastal water quality management unit			
			Hātea River	Tidal Creeks	Estuaries	Open coastal water
Dissolved oxygen	mg/L	Annual median	> 6.2	> 6.3	> 6.9	No discernible change
		Minimum	4.6			
Temperature	°C	Maximum change	3			

Attribute	Unit	Compliance Metric	Coastal water quality management unit			
			Hātea River	Tidal Creeks	Estuaries	Open coastal water
pH	pH units are dimensionless	Annual minimum and annual maximum	7.0 - 8.5			8.0 - 8.4
Turbidity	NTU	Turbidity must be maintained at or below the current annual median or at or below pre-existing levels, whichever is lesser.	< 7.5	< 10.8	< 6.9	No discernible change
Secchi depth	m	Annual median	> 0.8	> 0.7	> 1.0	No discernible change
Chlorophyll-a	mg/L	Annual median	< 0.003	< 0.004	< 0.004	No discernible change
Total phosphorus	mg/L	Annual median	< 0.119	< 0.040	< 0.030	No discernible change
Total nitrogen	mg/L	Annual median	< 0.860	< 0.600	< 0.220	No discernible change
Nitrite-nitrate nitrogen	mg/L	Annual median	< 0.580	< 0.218	< 0.048	No discernible change
Ammoniacal nitrogen	mg/L	Annual median	< 0.099	< 0.043	<0.023	No discernible change
Copper	mg/L	Maximum	0.0013			0.0003
Lead	mg/L	Maximum	0.0044			0.0022
Zinc	mg/L	Maximum	0.0150			0.0070
Faecal coliforms	MPN/100mL	Median	Not applicable		≤ 14	≤ 14
		Annual 90th percentile	Not applicable		≤ 43	≤ 43
Enterococci	Enterococci /100mL	Annual 95th percentile	≤ 500	≤ 200	≤ 200	≤ 40

Advice Note: *Water quality values will vary throughout the year and the values stated as annual median or percentile values may be exceeded for short periods of time during that annual period without the median or percentile standard being exceeded.*

Policy H.3.4 Coastal sediment quality guidelines

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 26: Coastal sediment quality guidelines for Northland coastal marine areas

Attribute	Unit	Compliance Metric	Coastal water quality management unit			
			Hātea River	Tidal Creeks	Estuaries	Open Coast
Copper	mg/kg	Maximum	65		18.7	
Lead	mg/kg	Maximum	50		30.2	
Zinc	mg/kg	Maximum	200		124	
Chromium	mg/kg	Maximum	80		52.3	
Nickel	mg/kg	Maximum	21		15.9	
Cadmium	mg/kg	Maximum	1.5		0.68	

H.4 Environmental flows, levels and allocations

In calculating the allocation limits, minimum flows and levels in accordance with H.4, council will use the best information available at the time, which may include information that is provided by an applicant and will apply the methodologies set out in H.4.1 Minimum flows for rivers to H.4.4 Allocation limits for aquifers.

Policy H.4.1 Minimum flows for rivers

The minimum flows in *Table 27: Primary minimum flows for rivers* and *Table 28: Secondary minimum flows for rootstock survival purposes* apply to all consumptive takes from Northland's rivers (excluding ephemeral rivers or streams) unless a lower minimum flow is provided for under D.4.12 Minimum flows and levels.

Table 27: Primary minimum flows for rivers

River water quantity management unit	Minimum flow (l/s)
Outstanding Rivers	100% of the seven-day mean annual low flow
Coastal Rivers	90% of the seven-day mean annual low flow
Small Rivers	80% of the seven-day mean annual low flow
Large Rivers	80% of the seven-day mean annual low flow

Table 28: Secondary minimum flows for root stock survival processes

River water quantity management unit	Minimum flow (l/s)
Coastal Rivers	85% of the seven-day mean annual low flow
Small Rivers	75% of the seven-day mean annual low flow
Large Rivers	75% of the seven-day mean annual low flow

Table 28 is subject to the following:

1) Root stock survival water may only be taken after four consecutive days below the primary minimum flow.
2) Water for root stock survival water must not be taken once the secondary minimum flow for root stock survival water purposes in *Table 28: Secondary minimum flows for root stock survival processes* is reached.
3) Root stock survival water in *Table 28: Secondary minimum flows for root stock survival processes* is only available if there is no other practicable alternative source of water available.
4) The minimum flow will be applied at a gauging station(s) that is representative of the hydrological conditions of the proposed site of the point of take and any downstream flow recorder sites, as determined by the Regional Council.
5) The seven-day mean annual low flow (MALF) at flow gauging site(s) will be determined using the lowest average river flow for any consecutive seven-day period for each year of record based on a minimum of ten years of measured and/or simulated flow.
6) If there is no minimum flow information available numerical modelling will be undertaken to determine long term trends for river levels from which MALF could be calculated.

Policy H.4.2 Minimum levels for lakes and natural wetlands

The minimum levels in *Table 29: 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 Policy D.4.12 Minimum flows and levels.

Table 29: Minimum levels for lakes and natural wetlands

Management unit	Minimum level
Deep lakes (> 10m in depth)	Median lake levels are not changed by more than 0.5m, and there is less than a 10% change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter levels) remain unchanged from the natural state.
Shallow lakes (≤ 10m in depth)	Median lake levels are not changed by more than 10%, and there is less than a 10% change in mean annual lake level fluctuation and patterns of lake level seasonality (relative summer versus winter) remain unchanged from the natural state.
Dune lakes	There is no change in lake levels.
Natural wetlands	There is no change in their seasonal or annual range in water levels.

Note: *Dune lakes are subject to natural variation in lake levels. "No change" means that as a result of the abstraction of water, median water levels, mean annual water level fluctuations, and patterns of water level seasonality (relative summer versus winter) remain unchanged.*

Policy H.4.3 Allocation limits for rivers

1) The quantity of freshwater 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 30: Allocation limits for rivers* and *Table 31: Root stock survival water allocation block,* 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.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity, C.5.1.9 Takes existing at the notification date of this Plan – controlled activity and C.5.1.11 Takes existing at the notification date of this Plan – discretionary activity.
2) The allocation limits specified in Condition (1) include volumes allowed to be taken under the *RMA* (*s14(3)(b)*) and permitted to be taken by rules in this Plan, and the estimated or measured volumes associated with such takes should be considered when making decisions on applications water permits.
3) The allocation limits specified in Condition (1) apply to applications for water permits for the taking and use of freshwater from rivers, but do not apply to non-consumptive components of takes.

Table 30: Allocation limits for rivers

River water quantity management unit	Allocation limit (m^3/day)
Outstanding Rivers	10% of the seven-day mean annual low flow
Coastal Rivers	30% of the seven-day mean annual low flow
Small Rivers	40% of the seven-day mean annual low flow
Large Rivers	50% of the seven-day mean annual low flow

Table 31: Root stock survival water allocation blocks

River water quantity management unit	Allocation limit (m^3/day)	Condition of take (in addition to other consent conditions
Coastal Rivers	4% of the seven-day mean annual low flow	The amount of water for each individual consent should be limited to the water demand requirements to maintain root stock in drought conditions, not exceeding 25% of the irrigation demand.
Small Rivers	5% of the seven-day mean annual low flow	
Large Rivers	6% of the seven-day mean annual low flow	

Notes:

1) *The allocation limit will be applied at a gauging station(s) that is representative of the hydrological conditions of the proposed site of 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 gauging site(s) will be determined using the lowest average river flow for any seven consecutive day period for each year of record based on a minimum of 10 years of measured and/or simulated flow.*

3) *If there is no minimum flow information available, numerical modelling will be undertaken to determine long term trends for river levels from which MALF could be calculated.*

Policy H.4.4 Allocation limits for aquifers

1) The quantity of freshwater that can be taken from an aquifer must not exceed the following limits:
   a) for the Aupōuri Aquifer, the relevant limits in *Table 32: 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. ten percent of the average annual recharge of the aquifer, or
      ii. the quantities of water authorised to be taken by:
         1. resource consents at the date of public notification date of this Plan less any resource consents subsequently surrendered, lapsed, cancelled or not replaced, and
         2. takes that existed at the notification date of this Plan that are subsequently authorised by resource consents under: C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity, C.5.1.9 Takes existing at the notification date of this Plan – controlled activity and C.5.1.11 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.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity, C.5.1.9 Takes existing at the notification date of this Plan – controlled activity and C.5.1.11 Takes existing at the notification date of this Plan – discretionary activity.

2) The allocation limits specified in Condition (1) include volumes allowed to be taken under the *RMA (s14(3)(b))* 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 Condition (1) apply to applications for water permits for the taking and use of freshwater from aquifers, but do not apply to:

a) non-consumptive components of takes, or

b) the taking of water for temporary dewatering purposes, or

c) the taking and use of geothermal water and associated heat and energy.

Table 32: Allocation limits for the Aupōuri Aquifer management unit

Sub-aquifer	Allocation limit (m^3/year)
Aupōuri - Waihopo	1,278,200
Aupōuri - Houhora	3,211,950
Aupōuri - Motutangi	1,604,400
Aupōuri - Waiparera	3,468,300
Aupōuri - Paparore	3,787,500
Aupōuri - Waipapakauri	1,192,800
Aupōuri - Awanui	4,640,400
Aupōuri - Sweetwater	4,675,000
Aupōuri - Ahipara	922,500
Aupōuri - other	Not applicable. The allocation limit for the Aupōuri-other sub-aquifer is 15% of its annual average recharge.

H.5 Managing groundwater and surface water connectivity

Table 33: Classifying and managing groundwater and surface water connectivity

Hydraulic Connection Category	Classification	Pumping Schedule	Management Approach
Direct	Where the calculated surface water depletion effect is assessed as greater than 90% of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the maximum seven-day volume averaged over seven days. Pumping duration of seven days continuous abstraction.	The groundwater take will be managed as an equivalent surface water take for allocation purposes and subject to minimum flows and water levels set in H.4 Environmental flows and levels.
High	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is greater than 60% 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: • 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. • for takes with a pumping duration in excess of 150 days, a pumping duration of 150 days will be assumed.	The calculated surface water depletion effect is included in the surface water allocation regime set in H.4 Environmental flows and levels. The remainder of the seasonal volume is managed as groundwater allocation. Takes with a daily average abstraction rate greater than 1L/s are subject to relevant minimum flows water and levels set in H.4 Environmental flows and levels.
Moderate	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is between 40% and 60% of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.	The calculated surface water depletion effect is included in the surface water allocation regime set in H.4 Environmental flows and levels. The take is not subject to surface water minimum flows and water levels.
Other	Where the take is not classified as having a direct hydraulic connection and the calculated surface water depletion effect is less than 40% of the abstraction rate determined by the pumping schedule.	Abstraction rate equivalent to the seasonal volume divided by the nominal duration of the pumping season. Duration of abstraction based on nominal duration of pumping, up to a maximum of 150 days.	The calculated surface water depletion effect is not included in the surface water allocation regime set in H.4 Environmental flows and levels. The take is not subject to surface water minimum flows and water levels.

The following requirements will assist implementation of D.4.11 Integrated 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.6 Wetland definitions relationship

Image 4: Relationship between wetland definitions 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 for Northland 2016, 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 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.

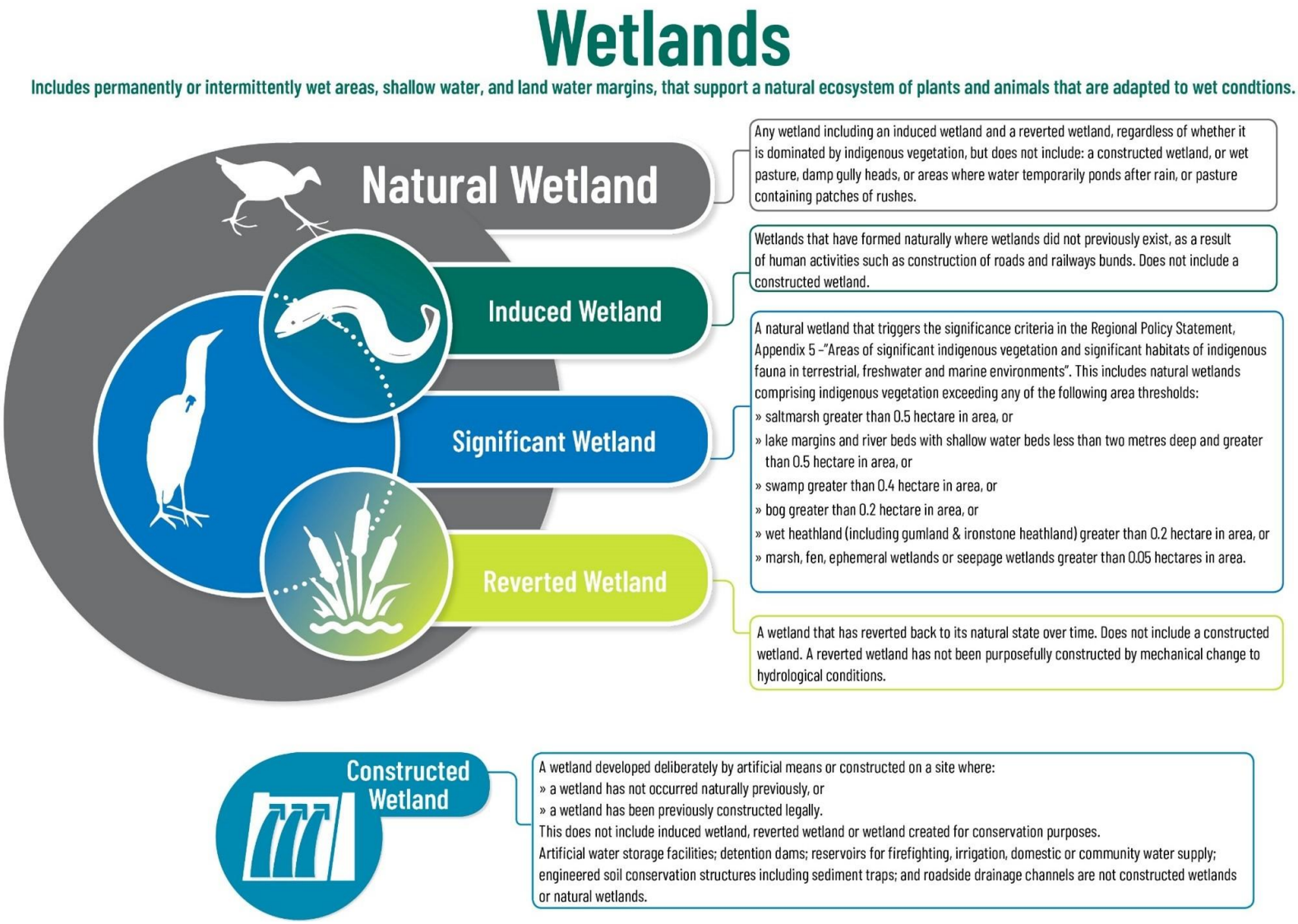

Image 4: *Relationship between wetland definitions*

H.7 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 the *RMA (s17)*. Whether an activity is 'noxious', 'dangerous', 'offensive' or 'objectionable' depends on an objective assessment, based on the principles set out by case law. 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, this 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 November 2018, Workplace Exposure Standards and Biological Exposure Indices, 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:

   a) *Ministry for the Environment 2016, Good Practice Guide for Assessing and Managing Odour;*

   b) *Ministry for the Environment 2016, Good Practice Guide for Assessing and Managing Dust;*

   c) *Ministry for the Environment 2016, Good Practice Guide on Assessing Discharges to Air From Industry.*

H.8 In-water hull cleaning

Policy H.8.1 In-water cleaning plan specifications

An in-water cleaning plan must include:

1) clear identification of the vessel;
2) the date(s) and location that cleaning will take place;
3) the vessel's travel history for the three months prior to the date that cleaning will commence, which must demonstrate that the vehicle has not berthed, anchored or moored in any locality (domestic or international) for more than seven consecutive days since the latest hull biofouling inspection, as required in (4) below;
4) the cleaning history of the vessel's hull and niche areas since its departure from New Zealand waters, including the date and reporting from the latest hull biofouling inspection (undertaken either on land or in-water) that shows:
    a) the inspection was undertaken no more than three months prior to the date that cleaning will commence;
    b) the vessel hull and niche areas had a level of fouling no greater than a slime layer and/or goose barnacles at the date of the report; and
    c) a representative sample of post-clean photos of the vessel hull and niche areas, which at minimum includes photos from both the port and starboard sides of the ship and accessible niche areas, that demonstrate that (4)(b) of this appendix has been met;
5) contact details for the primary point of contact for the vessel while cleaning is taking place;
6) a biofouling management plan for the vessel, to be appended to the in-water cleaning plan that sets out:
    a) a description of the different anti-fouling systems on board, including the type of anti-fouling coating and any marine growth prevention systems in place; and
    b) a description of the operating profile of the vessel, including typical operating speeds; and
    c) the frequency of biofouling inspections and cleans that take place on the hull and niche areas of the vessel; and
    d) the frequency for renewal or maintenance of the anti-fouling coating on any coated surfaces and demonstration that planned service life as specified by the manufacturer has not been exceeded; and
    e) recording requirements for any inspections and biofouling management measures undertaken; and
7) a description of the in-water cleaning methodology and protocols that will be followed during the clean, including:
    a) details of in-water cleaning technologies to be used and measures to prevent compromise of the underlying coating and avoid, remedy or mitigate release of contaminants; and
    b) if macrofouling (excluding goose barnacles) is present, details of a methodology that will be used to capture debris that is greater than 50 micrometres in diameter; and

c) confirmation that visual monitoring will be carried out while cleaning is underway, and that cleaning will cease immediately if:

   i. conspicuous oil or grease films, scums or foams or floatable suspended materials occur beyond 10 metres of the vessel; or

   ii. a conspicuous change of colour or clarity of water, or objectionable odour from the operation occur beyond 10 metres of the vessel.

Policy H.8.2 Information requirements for recently cleaned vessels

The information provided must include:

1) clear identification of the vessel;

2) the date(s) and location that cleaning will take place;

3) the vessel's travel history which must demonstrate that the vehicle has not berthed, anchored or moored in any international locality for more than seven consecutive days since the vessel was hauled out;

4) a cleaning report that demonstrates that the vessel has been hauled out and cleaned within one month before entering New Zealand waters;

5) a description of the different anti-fouling systems on board, including documentary evidence (eg. receipts) of the date the vessel was last anti-fouled, the type of anti-fouling coating, any marine growth prevention systems in place, and demonstration that planned service life as specified by the manufacturer has not been exceeded;

6) a description of the in-water cleaning methodology and protocols that will be followed during the clean, including details of in-water cleaning technologies to be used and measures to prevent compromise of the underlying coating and to avoid, remedy or mitigate release of contaminants.

H.9 Regionally Significant Infrastructure

Regionally Significant Infrastructure includes:

1) energy, water, communication:
   a) main pipelines for the distribution or transmission of natural or manufactured gas or petroleum and key delivery points and storage facilities;
   b) key facilities required for communication (including telecommunication, broadband, wireless networks and radio);
   c) the National Grid as defined by the *Electricity Industry Act 2010*, including facilities for the transmission of electricity from the National Grid (such as substations, grid injection points etc) to the "network";
   d) network electricity lines and associated infrastructure that constitute the sub-transmission[49] network;
   e) electricity distribution assets which supply essential public services (such as hospitals or lifeline facilities), large (one megawatt or more) industrial or commercial consumers, 1,000 or more consumers, or are difficult to replace with an alternative supply if they are compromised;
   f) electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the National Grid or the local distribution network;
   g) regional and district council water storage, trunk lines and treatment plants;
   h) regional and district council wastewater trunk lines and treatment plants and key elements of the stormwater network, including treatment devices;
   i) Marsden Point Oil Refinery and truck loading facility.
2) transport:
   a) state highways;
   b) roads as well as walking and cycling facilities that are of strategic significance as identified in the *Regional Land Transport Strategy*[50];
   c) Whangārei, Kaitaia and Bay of Islands airports;
   d) installations and equipment for air navigation;
   e) Northport, including the adjoining land used for the movement and storage of cargo;
   f) railway lines and associated railway facilities.
3) significant social and community facilities:
   a) flood management / protection schemes managed by regional and/or local councils;
   b) public hospitals;
   c) the Northland Events Centre and Kensington Stadium;
   d) Northland Regional Corrections Facility;

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[49] Sub-transmission means electricity infrastructure which directly conveys, or is intended to directly convey, large quantities of electricity from point-to-point. Typically, such electricity conveyance is across cities, districts or regions between grid exit points and zone substations. For the avoidance of doubt, sub-transmission includes assets which were part of the national grid but are no longer owned by Transpower and new assets which perform the function of transmission but are not owned by Transpower.

[50] See I Maps | Ngā mahere matawhenua

e) Northland Polytechnic (NorthTec) main campuses and Auckland University Faculty of Education – Whangārei;

f) Puwera Regional Landfill Facility.

H.10 Agrichemical requirements

H.10.1 Measurement of wind speed

1) Wind speed and wind direction measurement for both risk assessment and during spraying operations must be measured:
   a) onsite;
   b) at the observed maximum projected height of the spray plume (maximum one metre above the target), or at the release height of the spray for downward projected nozzles, at the downwind edges of sprayed areas closest to potential spray-sensitive areas;
   c) using an electronic/digital monitoring device which produces an electronic or printed record, for spraying operations on sites greater than 100 square metres.
2) Wind speed and wind direction for a risk assessment must be averaged over a 10 minute period and during spraying operations wind speed and wind direction must be averaged over at least a five minute period.
3) Wind gust should be measured as the strongest consecutive three second reading in any 60 second period.

H.10.2 Risk assessment

A risk assessment for the application of agrichemicals must, after considering the spray plan, include an assessment of the following:

1) confirmation of the target application area;
2) appropriateness of product for the weed, pest, or crop;
3) location of spray-sensitive areas;
4) weather conditions (wind speed, wind direction, humidity and temperature, atmospheric stability);
5) appropriateness of particle size and release height, particularly in relation to spray-sensitive areas and buffer zones;
6) presence and condition of shelter belts;
7) fit for purpose equipment and personal protective equipment;
8) confirmation that notification has been carried out and required signage is in place;
9) confirmation that any relevant regulatory requirements can be complied with;
10) confirmation that all other risk factors, including those identified in the spray plan, are being managed in accordance with the spray plan;
11) toxicity of the agrichemical to be applied;
12) application rate;
13) volatility;
14) timing and duration of operation;
15) type of spray-sensitive area and sensitivity of persons / animals / vegetation potentially exposed;
16) the likelihood of spray drift occurring; and
17) the ways of eliminating the risk of spray-drift occurring and selection of the practicable steps to ensure that agrichemicals are confined to target application areas.

H.10.3 Qualifications required for the application of agrichemicals

A training programme must meet the following specifications:

- Structure of the programme
- Content of the programme

Structure of the programme

1) The training programme will include delivery of the contents set out below.
2) The training programme and provider of such training should be regularly reviewed and appraised by a suitably qualified external party to ensure ongoing quality and relevance of training.
3) The assessment process will be moderated to ensure that it adequately addresses matters covered in the course.
4) The programme will certify competency on the matters set out in the contents below for a period of five years, which will then be reviewed through a refresher programme.
5) The programme provider will provide a copy of training materials to the Regional Council.

Content of the programme

A. "Standard" qualification equivalent

The training programme will include the following content:

1) the hazard classification of agrichemicals to be used and related requirements;
2) adverse effects that could be caused by agrichemicals;
3) agrichemical best practice for the safe, responsible, and effective use of agrichemicals based on *New Zealand Standard. Management of Agrichemicals (NZS8409:2004)* as follows:

Table 34: Relevant sections of NZS8409:2004 Management of Agrichemicals

Topic	Relevant sections of NZS8409:2004	
Managing environmental risks	Section 2 Section 5 Appendix F	Management of agrichemicals Use of agrichemicals Environmental management
Property spray plans	Appendix M	Notification
Notification	Section 5 Appendix M	Use of agrichemicals (5.3.1) Notification and signage of the application of agrichemicals
Signage	Section 5 Appendix M	Use of agrichemicals (5.3.1) Notification and signage of the application of agrichemicals
Storage	Section 4 Appendix L	Storage and supply of agrichemicals General storage requirements
Emergency preparedness and management	Section 7 Appendix K	Emergency preparedness and management Emergency Management

Topic	Relevant sections of NZS8409:2004	
Operating equipment – nozzle selection and calibration, mixing sites	Section 5 Appendix Q Appendix R	Use of agrichemicals (5.3.3) Application equipment Handling and mixing agrichemicals
Minimising spray drift	Section 5 Appendix G	Use of agrichemicals (5.3.4) Spray drift hazard and weather conditions
Record keeping – inventory, spray diaries, tracking	Section 2 Section 5	Management of agrichemicals (2.6 Documentation and licensing) and Appendix C (C9) Use of agrichemicals (5.3.5)
Agrichemical disposal	Section 6 Appendix 5	Disposal of agrichemicals and containers Disposal of agrichemicals and containers

4) Relevant regulatory requirements, including under the Northland Regional Plan, EPA notices and relevant regulations made under the *Health & Safety at Work Act 2015*; and

5) Working knowledge of operating equipment.

Assessment of competency:

The training programme must include either a practical, verbal or written assessment to enable the participant to demonstrate knowledge and understanding of the contents of the course.

B. "Advanced" qualification equivalent

In addition to the training content in (A) above, the training programme for more advanced users (which enables supervision of agrichemical application) must also include the following content:

1) health and safety and emergency response;

2) hazardous substances and new organisms emergency management and preparedness procedures;

3) risk management, including undertaking a risk assessment prior to application;

4) planning agrichemical applications;

5) environmental effects, including spray drift minimisation;

6) equipment calibration; and

7) product label interpretation.

The training programme must include being able to demonstrate:

8) knowledge of agrichemicals, mode of action and use of additives and adjuvants;

9) knowledge of developing and implementing spray plans;

10) calibration of one type of motorised equipment;

and attainment of all of the following:

11) New Zealand Certificate in Agrichemical Application with relevant strand or New Zealand Qualifications Authority (NZQA) Unit Standard 21563 with one of: NZQA US 23620, 28216, 23617, 6239, 6236 or 6242;

12) Certified Handler Test Certificate (only required if using Class 6.1A or 6.1B products).

The renewal of this qualification must include both theory and practical.

C. "Contractor" qualification equivalent

In addition to the training content in (A) and (B) above, the training programme for contractors must also include the following content:

1) preparing, implementing and monitoring spray plans;
2) supervision of staff and providing direction;
3) management of agrichemical applications;
4) managing the safety of people and livestock;
5) nozzle selection and drift reduction;
6) notification requirements, including signage;
7) transport, storage and disposal of agrichemicals;
8) selection, calibration and operation of application equipment for specific operations;

and attainment of all of the following:

9) New Zealand Certificate in Agrichemical Application with relevant strand or New Zealand Qualifications Authority (NZQA) Unit Standard 21563 with one of: NZQA US 27216, 6237 or 6238;
10) Certified Handler Test Certificate (only required if using Class 6.1A of 6.1B products);
11) Evidence of 200 hours of practical spraying experience, including spray diary verification.

The procedure for renewal of this qualification, required at an interval of no more than five years following certification, must include all of the following:

1) both theory and practical assessments;
2) be subject to an onsite audit by an independent, third-party auditor;
3) confirm that a review of the commercial contractor operations has been undertaken; and
4) confirm that the commercial contractor has undertaken continuing professional development.

Additional qualification requirements for aquatic application under C.6.5.2 Application of agrichemicals into water – permitted activity

For agrichemical spraying to water, an equivalent qualification must also include attainment of the New Zealand Certificate in Agrichemical Application with aquatic strand, or Unit Standard 6240.

Advice Note: *This Plan seeks to ensure that those using and applying agrichemicals are competent to undertake such applications. This Plan has a training requirement that forms the basis of competency.*

The requirements of this Plan only relate to those matters pertaining to the Regional Council functions for agrichemicals – discharge to air, land and water. A training programme may include other components relating to requirements of other agencies (for example WorkSafe) and legislation (for example Health and Safety at Work Act 2015 and the Agricultural Compounds and Veterinary Medicines Act 1997). However. such components are not part of the competency required to meet the objectives, policies and rules of the Regional Plan for Northland.

H.11 Schedule of Characteristics, qualities and values - Te Hā o Tangaroa Protection Areas

Rākaumangamanga Rāhui Tapu and Ngā Au o Morunga Mai Rākaumangamanga Protection Area

Ngati Kuta and Patukeha Hapū of Te Rawhiti are the two resident hapū of the areas identified as Rākaumangamanga Rāhui Tapu and Ngā Au o Morunga Mai Rākaumangamanga Protection Area (refer I Maps | Ngā mahere matawhenua). Their rohe moana under the *Fisheries (Kaimoana Customary Fishing) Regulations 1998* is from Tapeka to Cape Wikiwiki, across to Motukokako (and all the islands in-between) down to Taupirinui and out the 200-mile economic exclusion zone. There are other hapū who also have an interest in this rohe moana as tāngata whenua.

Ngati Kuta and Patukeha are fisher people by tradition. By tradition all Māori lived inside nature. They saw themselves as another part of nature and studied the natural world to understand its dynamics. They describe the characteristics, values and qualities as follows:

Taonga species are symbols of the sea and their way of life and were not fished by the hapū. Our Taonga – Kaitiaki species are:

- ***Papahu / Dolphin:*** *represents the souls of our people lost at sea. They live in the spirit of the dolphin and are a protector from harm.*
- ***Ururoa / Hammerhead Shark:*** *they represent the fighting spirit of Māori to endure.*
- ***Pakarua / Stingray:*** *traverse the inner harbours of Bay of Islands and coastal waters to other harbours, thereby connecting our coastal hapū.*

"Fishing activities which catch our taonga species (as target or bycatch) or damage their habitat or reduce their food supply, are diminishing our wairua (spiritual world). Culturally it continues to be important not to fish our taonga species. We want them to be protected to restore the mauri of our moana.

Therefore, indiscriminate bulk harvesting methods that catch Pakarua / stingrays, papahu / dolphins and uruoa / hammerhead sharks must stop in our rohe moana".

Rākaumangamanga Rāhui Tapu

Characteristics, Values and Qualities	Existing or Potential Adverse Effects
Cultural	
"In Te Ao Māori everything is interconnected. The hapū have always known the Maunganui Bay-Kohangaatara Point area to be a critical part of the interlinked ecosystems of the Bay of Islands and waters beyond. Maunganui Bay is a focus and symbol of the hapūs' heritage and connection to the Bay of Islands. It is seen as symbolising their presence the cultural connection for their people. Above Maunganui Bay is the pinnacle Rakau-mungamunga which is a waypoint of the Polynesian triangle which the navigators used to search for as they neared Aotearoa. Mountains are used by Māori to mark and define territory and, here, Rākaumungamunga was a key part of the hapū maps.	"Overfishing. The traditional fishery was empty and resulted in the mauri of Maunganui Bay becoming so depleted by overfishing that the hapū placed a rāhui on it. An example of Maunganui Bay's critical part of an interlinked ecosystem is kingfish, which spawn at Brampton Reef, the juveniles then migrating down through the Veronica Channel to the Waikare inlet. As they grow bigger they migrate back out to Maunganui Bay and Cape Brett, where the currents and upwellings bring nutrients to feed many schooling species in "work ups" that the adult kingfish feed on.

Characteristics, Values and Qualities	Existing or Potential Adverse Effects
This was a place where chiefs were baptised, and recited karakia before their forays. From Maunganui Bay they would go out and return through the hole in Motukokako saying their karakia. Voyagers, and later resident Māori utilised Maunganui Bay and Ohututea Bay next to it which has a freshwater spring through a cave". ***Note:*** *Clarification regarding cultural values may be available in hapū management plans, which should be consulted for further information.*	So, Maunganui Bay is an important part of the lifecycle of the kingfish. But that cycle has been broken as a result of overfishing at certain stages, and their food sources also being overfished, or the habitats they need at various stages being degraded and not supporting them".
Ecology of Maunganui Bay	
• Habitats include shallow reef, reef edge and soft bottom habitats. • Maunganui Bay contains rare and unusual species resulting from the Bay's relatively sheltered waters close to Cape Brett which intercepts the East Auckland current (which carries turtles, tropical fish and invertebrates). These include: green turtle, Indo-Pacific sergeant, oblong sunfish, striated frogfish, Spanish lobster, blue knifefish, golden-ribbon grouper, snake eel, banded coral shrimp, striped angler fish, yellow-banded perch (subtidal caves). Other unusual species include: crested weedfish, giant boarfish • High reef fish diversity (off Cape Brett is the second highest in Northland). • Feeding area for bottlenose dolphin and orca • Rich invertebrate cover on the sunken Canterbury frigate including: feather star, variety of bryozoans and sponges • Regenerating populations of reef fish after ten years of a no-take regime under a rāhui including for snapper (which can be either resident or migratory) but providing for kina harvest. • Safe place for pelagic fish species including northern kahawai, kingfish, trevally, tunas, koheru • Sufficient current at headlands/islands to maintain a primarily resident population of blue maomao • Contains examples of urchin barrens reverting algal forest cover • Contains a variety of arches and caves. In some of these low light levels enable organisms and communities to survive in shallow water (eg. variety of bryozoans and other encrusting fauna)	Up until around 2010 green lipped mussel beds were extensive around Moturahurahu (except on the south side) and in the outer sections of Karerarera and Whapūkapirau Bays. Over the last decade green-lipped mussel beds have been removed sequentially throughout the eastern Bay of Islands.

Characteristics, Values and Qualities	Existing or Potential Adverse Effects
Ecology of the remainder of the area – outside Maunganui Bay	
• Several special or unusual areas including a deep cave (south of Whakapae Bay), a shallow cave in outer Oke Bay (eastern side), and two small arches in Karewarewa Bay. The deep cave south of Whakapae Bay is up to 8.5m deep and has a break-through arch at one end. It includes jewel anemones, encrusting sponges, orange golf ball sponges and white branching bryozoans. • Just to the west of Kahangaatara Point there is a high north-west facing arch with water depths of 2-7m. The northern wall cover includes jewel anemones, long tusk bryozoans, branching white bryozoans, encrusting sponges, orange golf ball sponges and Ancorina sponges • The algal communities, which are significantly depleted in the Oke Bay-Moturahurahu area, some areas would be enhanced if the main predators, especially large snapper (Tamure) and rock lobster (Koura), of urchins could recover sufficiently to allow the regrowth of tall algal forests or kelp • The shallow reefs in Karerarera and Whapūkapirau Bays contain notable areas of tall coralline turfs which until 2018 also contained relatively abundant green-lipped mussels (kutai) ***Note:*** *Refer also to the relevant Regional Plan Assessment Sheets for Significant Ecological Areas, Significant Bird Areas and Significant Marine Mammal and Seabird Areas.*	
Natural Character	
• Maunganui Bay is part of a unit of Outstanding Natural Character extending to and around Cape Brett. The remainder of the area in the proposed Rakaumangamanga Rāhui Tapu has been mapped as being of High Natural Character. • Ecological communities are more natural than those immediately outside of this area. • Larger snapper and rock lobster than exist outside of Maunganui Bay. • Fish populations (eg. snapper) have a more natural age structure and population density than exist outside of Maunganui Bay. • Areas of rocky urchin barrens reverting to the more natural state of a tall brown algal forest in Maunganui Bay. • high water quality and clarity • natural hydrology and geomorphology	For Maunganui Bay, where fishing is prohibited except for kina harvesting,) there is a risk that the current temporary restrictions under S186A of the Fisheries Act will not be renewed. If this happens the gains over the last ten years of no fishing would likely be quickly lost. This would lead to: • a decrease in snapper and rock lobster abundance and size • ecological communities becoming less natural • increase in the extent of urchin barrens decrease in other fish species that are attractive to line and/or spear fishing

Characteristics, Values and Qualities	Existing or Potential Adverse Effects
• catchment of primarily regenerating and mature indigenous forest • Absence of structures except for the sunken frigate (from which all pests were removed before sinking) and several buoys to prevent anchoring damage to the fragile benthic communities now covering the surface of the sunken frigate • Natural sounds predominate except during summer busy periods	

Ngā Au o Morunga Mai Rākaumangamanga Protection Area

Characteristics, Values and Qualities	Existing or Potential Adverse Effects
Cultural	
"The whole marine environment has always been part of the Māori way of life. It was a food cupboard for all Māori, and they would manage it and control it and look after it according to the seasons. There were many species which were important as food, and also as taonga, that had complex interactions and were managed holistically. In Te Ao Māori everything is interconnected. Pelagic ecosystems are a significant part of the marine environment for the hapū. The pelagic "work-ups" exemplify Te Ao Māori and are essential to support healthy mauri and wairua in the hapūs' moana. When the fish are schooling, the birds are flocking as well. Bird colonies need the "work-ups" created by the large pelagic fish, as they bring the small fish species, krill and other invertebrates to the surface for the birds to feed on. The currents and upwellings bring the nutrients and plankton, and then within the work-up everything is feeding on everything else. The tourist economy in the Bay of Islands is built on its Natural Character. While part of the tourism and lifestyle is recreational fishing, most people go out there to look feel and touch rather fish. People expect to see the Natural Character in all its glory, including a living sea. Hapū strongly believe that biodiversity needs to be maintained at a level that it can sustain that sort of interaction with the public. The marine ecosystems are a very important part of what people come to see and enjoy." ***Note:*** *Clarification regarding cultural values may be available in hapū management plans, which should be consulted for further information.*	"The cycle of the pelagic species has been broken".

Characteristics, Values and Qualities	Existing or Potential Adverse Effects
Ecology	
• This area covers a diversity of habitats, ecological communities and ecological values • The area of highest biodiversity value is the area around Cape Brett- Motukokako. Cape Brett intercepts the East Auckland current (which carries turtles, tropical fish and invertebrates from warmer waters). • There are a number of rare and unusual species including: green turtle, mado, Spanish lobster, blue knifefish, golden-ribbon grouper, snake eel, banded coral shrimp, yellow-banded perch (subtidal caves) • One or more seals are usually present • There are a range of unusual habitats including a large deep cave, and a large arch which commercial powered catamarans regularly travel through ("the widely advertised trip to the "Hole in the Rock"). The arch and cave (in Motukokako) both have diverse and beautiful encrusting flora and fauna including diverse bryozoans, sponges, and anemones. The fish species in the cave include pink maomao, golden snapper and mado and yellow-banded perch. • These species are not commonly seen elsewhere on the mainland. • There can be extensive schools of pelagic and demersal fish including combinations of blue maomao, pink maomao, sweep, blue mackerel, trevally, kahawai, kingfish, blue knifefish, parore, koheru. Such schools are unmatched anywhere between Cape Wiwiki and Taupirinui and beyond • High reef fish diversity (off Cape Brett is the second highest in Northland) • The entire area is an important feeding area for bottlenose dolphin • The entire area is within a globally Important Bird Area (IBA). It is an important feeding and breeding area for a number of seabird species a number of which are both threatened and at risk. • A number of these at risk and threatened seabird species are reliant on the presence of workups of fish schools, especially during the breeding season for feeding. • Various coral species are found in this area, including species that are extremely long-lived. ***Note:*** *Refer also to the relevant Regional Plan Assessment Sheets for Significant Ecological Areas, Significant Bird Areas and Significant Marine Mammal and Seabird Areas*	Risks include: • excessive harvesting of fish, changing fish population abundance and sizes • changing pelagic and demersal fish behaviour by intensive fishing activity • damaging harvesting methods for soft bottom ecosystems • damaging harvesting methods in areas containing coral species • change in shallow rocky reefs (urchin barren increase) resulting from urchin increases as they respond to reductions in their predators

Characteristics, Values and Qualities	Existing or Potential Adverse Effects
Natural Character	
• There is an area of mapped Outstanding Natural Character that extends from Maunganui Bay to an area immediately around Cape Brett. Adjoining this to the west is a larger area of High Natural Character extending to Cape Wiwiki and south to an area north of Tapeka Point. • There is a small inshore unit of Outstanding Natural Character from Cape Brett to the entrance of Whangamumu Harbour. This has steep bathymetry and high levels of exposure which increases resilience to urchin browsing effects. The water quality is very high compared to natural state, minimal vessel traffic and little or no anchoring. There is a high degree of resilience to non-natural sounds and a visual experience of Outstanding Natural Character • Elsewhere the area contains offshore reefs and soft sediment ranked as having High Natural Character	Some sediment from the inner Bay of Islands travels around Cape Brett to at least Whangamumu Bay (although not into the Outstanding Natural Character area immediately south of Cape Brett)

Mimiwhangata Rāhui Tapu and Ngā Au o Morunga Mai Rākaumangamanga Protection Area

Te Hā o Tangaroa Protection Areas	
Tāngata whenua - Statement of values by Te Uri o Hikihiki	A Taumata Kaumātua (congress of elders) called Te Au o Morunga of Te Uri o Hikihiki gathered customary knowledge of the rohe moana of Ngatiwai along the currents on the horizon (Te Au o Morunga) that links the resident hapu, Te Uri o Hikihiki to the home of their tupuna in Hawaiki. They sought protection of the Te Au o Morunga and Mimiwhangata areas in their customary area. Te Uri o Hikihiki use the word Mauri rather than kaitiaki. With a focus on four Mauri that are sensitive to changes in the marine ecosystem: 1) Tūkaiaia (mollymawk) He au here Toroa whai mai ra ki au' "The current on the horizon links me to the Albatross, follow Me'' (Patere o Ngatiwai (Saying of Ngatiwai) Tūkaiaia is a small albatross and is seen along the Northland coast feeding with other seabirds, fish and dolphins. They still breed at Manawatāwhi, on the Three Kings Islands north-west of Te Rerenga wairua (Cape Reinga). 2) Tuatara Tuatara live on rat-free islands in Tai Tokerau and the Hauraki Gulf and share burrows with nesting seabirds. They live up to 100 years old and have been in Aotearoa for 200 million years. 3) Whai Repo (electric ray) Whai Repo lives on the sandy sea floor of Tai Tokerau and the Hauraki Gulf. They feed on fish, which they stun with a 50-volt electric current.

	4) Tautahi (white pointer) *"He rei ngā niho, he paraoa ngā kauae"* To wear the tooth of a great fish, you must have the jaw to hold it, and the knowledge that accompanies it. This top predator lives in these areas, but they are moving between Aotearoa, New Caledonia and Australia regularly. They feed on fish and seals, and occasionally feed on dolphins and small whales. Female tautahi come into Pārengarenga and Kaipara Harbours, and shallow coastal waters to give birth. Our Mauri are a point of reference to tell the whakapapa and creation story that gives us our identity as Ngātiwai. The origin of these species denotes our role within Te moana nui and that gives us our rights of succession and responsibilities within Te moana nui. A Ngātiwai whakatauki that demonstrates our connection to both land and sea states "*Ngātiwai ka tu ki uta, Ngātiwai ka noho ki te moana*". The literal translation means, "Ngātiwai stands on the shore, but Ngātiwai lives on the sea". From a metaphorical perspective, "we are the guardians of the incoming and outgoing tides". The controls on fishing and other activities below avoid damage to our Mauri, their habitats, and the marine environment in which they live.
Mimiwhangata Rāhui Tapu	
Cultural Values - Statement of values by Te Uri O Hikihiki	"Ka te tangi a Tūkaiaia, kei te moana, ko Ngātiwai kei te moana e haere ana, ka tangi a Tūkaiaia kei tuawhenua, ko Ngātiwai kei tuawhenua e haere ana" Ko tēnēi whakatauki, mo te iwi o Ngātiwai, he uri nō ngā tūpuna maha i noho ki te taha moana, i mōhio rātou, ki ngā tauranga, ngā tapu, me ngā mātaitai o tēnēi wāhi. Koiānei te take, te kōrero i runga ake nei, "ko Ngātiwai" he tamariki nō te moana. O rātou taniwha he ika, he mango, he whai, he kaahu, he tuatara. Ki ahau nei, kia kaha tātou ki te tiaki a tātou kai moana, ahakoa he aha, nā te mea kei te ngaro haere, hore kau e tino nui ana ngā kai mātatai inaiānei, kaua e tūkinotia. Kei memeha, kei ngaro. Ki tōku nei whakaaro, me whakatū he "Rāhui Tapu", mo ngā tau rua tekau, rua tekau ma rima ranei, kia tupu ai he rimurimu hei whangai i ngā ika, ngā koura, ngā kina pāua me ērā atu kai mātaitai o te moana. Hei aha? Hei whāngai i o tātou uri kei te tupu ake. He moemoeā tēnēi, mo tātou e Ngātiwai. Nā reirā, e ngā uri, me haere atu tātou ki te tautoko i te kaupapa i raro i ngā manaakitanga maha ā to tātou nei Matua-i-te-Rangi. "When the Mollymawk cries out at sea, Ngātiwai tribe is on the move at sea. When the Mollymawk cries over the land, Ngātiwai move inland. We are children of the sea. We need to take care of our sea food, no matter what they are, because they are becoming very scarce or near to extinction, because of the shortage of food for them. Even rare species of fish are gradually disappearing. I, myself feel that there should be a ban, a Rāhui Tapu placed for at least twenty to twenty-five years, to allow the seaweed to regenerate so the rare species of fish, crayfish, kina, pāua etc. will return and grow, for our future generations to come. This is a desire, a dream for us Ngātiwai. Let us go forth together to support this great project under the guiding influence of our Creator" ***(****Houpeke Piripi, Kaumatua of Ngātiwai Iwi and the hapū of Te Uri O Hikihiki. November 12, 2003)* Our Kaumātua have selected Mimiwhāngata as a protected marine area, as it has relatively healthy marine life that could recover quickly. Although it is somewhat limited by recreational fishing that is allowed.

	Mimiwhangata is an important focus for Ngātiwai, and it has been under customary management for hundreds of years. Under the Northland Regional Plan we look forward to working with NRC to exercise kaitiakitanga to restore the mauri, under the Resource Management Act. From sharing knowledge about the marine life at Mimiwhāngata and its customary management, the kaumātua and scientists have recognised that this special place needed special protection for its role in showing people what healthy marine ecosystems can be like and that with appropriate management it is possible to restore their mauri. Mimiwhāngata is a unique area of Tai Tokerau; due to the wide range of habitats and the relative low level of exploitation there. It was one of the last areas on the Tai Tokerau coast where coastal Hapū, Marae and Whānau actively managed the kaimoana according to tikanga. A large number of species of fish have been found there. They are largely reef fish, with the pelagic species (kingfish, kahawai, koheru, trevally and snapper) moving up and down the coast and at times taking up residence on the reefs between Mimiwhāngata and Motukokako, and further south. They also include a range of subtropical species, including foxfish, combfish and tropical surgeonfish, rare species – such as ivory coral, red-lined bubble shell, callianassid shrimp, spotted black grouper, sharp-nosed puffer and sabretooth blenny. This aspect of Mimiwhāngata is similar to other 'special' places in the outer coast such as Tawhitirahi (Poor Knights Islands), which are bathed in the warm offshore East Auckland (North-west Pacific) current. This current brings subtropical species to northern waters and provides suitable habitat for their establishment. A number of these subtropical species eg. manta ray, whale shark and turtles are being seen further south in the outer Hauraki Gulf with climate change. Te Au o Morunga is named for this "Current on the Horizon".
Ecology	Since the 1950s Mimiwhangata's marine environment has been extensively fished. The Kaumatua of Te Au o Morunga witnessed a significant decline in both the abundance and size of fish and shellfish, from the 1950s until the 1980s. Recreational fishing under marine park fisheries regulations did not halt this decline. (No commercial fishing was allowed in the Marine Park.) Traditional knowledge held by Te Uri o Hikihiki covers a much longer time span and tells of a far greater degree of biodiversity decline. Mimiwhangata Rāhui Tapu extends approximately five kilometres offshore and includes significant areas of reef and soft-bottom habitat beyond the current one kilometre Marine Park boundary. The boundaries attempt to include all the major habitats at Mimiwhangata in protected area. This includes the sand areas to the north and south of the main deep reef. These soft-bottom habitats have a very different range of invertebrate communities, as compared to the reef habitats, and are also important feeding areas for large mobile predatory species. It is important to include these soft-bottom and sand areas around reef edges, as many marine organisms periodically move out from reef habitats to these sand areas. These boundaries will allow for maximum protection of biodiversity, and for organisms to move freely between habitats at different stages of their life cycle, benefiting from full protection. Mimiwhangata has an extensive historical scientific record of its marine area, spanning the years 1972 to 1986. In 1971 the eastern shore of Rimariki Island had a fish community of unmatched richness in New Zealand, with many species of wrasse (Sandagers parrotfish, spotties, red pigfish, green, orange and

banded parrotfish), black angelfish, leatherjackets, red moki, kelpfish, marblefish and a high density of grandfather hapuku. Recent studies (from 2001 to 2004) indicate no real recovery of species abundance since the surveys of the 1970s and 1980s and include some notable declines in abundance of certain species. Packhorse crayfish are now uncommon with no large individuals seen in recent years. Red crayfish numbers have not recovered with few large animals. Despite the Marine Park being introduced, fish abundance has not improved since the mid-1970s' surveys.

Comparisons of fish abundance inside the Mimiwhangata Marine Park with reference sites outside the Park and with Marine Reserves in similar habitats such as Pakiri (Leigh/Cape Rodney to Okakari Point), support the view that fish abundance in the Marine Park remains depressed by continued recreational fishing. A major habitat change has occurred at Mimiwhangata where kelp forests have been dramatically reduced. This is a fundamental change, as the forests are so productive and important as nursery areas for many marine species. Kelp forest decline and the expansion of "kina barrens" are effects now known to be largely influenced by the removal of predators of kina from the reef systems. At Mimiwhangata, large snapper and crayfish are the significant predators of kina. In natural balance, the snapper keep kina numbers in check and their impact on the kelp. If the current rate of kelp forest decline were to continue, the shallow reef areas would become a sea-desert compared to its natural state.

The marine environment is a mosaic of different habitats; beach, sand flats, kelp forest, rocky shore or sponge garden, and each plays its own part in keeping the whole marine environment healthy. Each habitat is home to a different set of plants and animals. For example, cockles and tuatua thrive on sandy beaches while paua and mussels live in rocky places that are washed by ocean waves. These different habitats often work together. Estuaries and shallow rocky reefs serve as nursery habitats for many species of ocean fish. Most marine animals use more than one habitat during their lives, making each habitat important for survival.

Mimiwhangata has a special environment. In the 1970s, scientific studies revealed that Mimiwhangata contained examples of almost every shallow marine habitat on Northland 's eastern coast. Recent studies have examined the deeper areas offshore. These deep reefs off Rimariki Island extend 3.5 kilometres to the east and are up to 100 metres deep. The centre of this reef area is highly broken, with gulleys, crevices and protruding rock in excess of 5 metres high. At 33-37 metres in depth, the reef community makes a dramatic transition to a community dominated by filter feeding invertebrates. Beyond this depth, the kelp forests of the shallow reef areas no longer grow due to lack of light. Soft corals and sponges dominate this deep reef invertebrate community.

In biological terms, this deep reef habitat is very rich in both diversity and abundance. Known as "high-relief deep reefs", the contour of this habitat is especially complex, consisting of gulleys and pinnacles averaging three metres or more in height. The physical complexity of this reef system (and the passing currents) increases the diversity and abundance of the reef. Surrounding it are large areas of low-relief reef and patch reef areas, where reefs are broken by sand and cobble bottom. This reef system is representative of northeast coast near-shore reef systems, to a depth of 100 metres.

The Natural Character of the land adjoining the Mimiwhangata Rāhui Tapu are Outstanding Natural Character and High Natural Character Areas	(Note that none of the Outstanding or High Natural Character Areas in the Northland RPS south of Motukokako (Cape Brett) cover any of the coastal marine area.) **Paparahi Point 16/42, 43, 44** Steep headland and coastal faces with mixed broadleaved forest with pohutukawa and totara; mixed broadleaved shrubland; introduced grasses & shrubland. Unfenced. Coastal headlands & faces with pohutukawa treeland; introduced grasses & native shrubs. Several steep rocky islets. Mixed broadleaved shrubland with low pohutukawa forest **Mimiwhangata 16/18, 29, 35, 36, 38** Coastal cliffs and adjoining native forest areas on hill slopes. Pohutukawa forest & treeland, mixed broadleaved shrubland with flax, kanuka dominant shrubland Headlands, hill faces and slopes with totara-mixed broadleaved forest (with puriri, taraire & pohutukawa); and kanuka dominant shrubland & forest. Campsite largely excluded. Small raupo- Baumea wetland. Unit includes beach & small area of rock platform and a small islet. **Rimariki Is 16/30, 31, 32, 33** Larger island with steep NE cliffs and some recent slips. Pohutukawa forest, mixed broadleaved shrubland, coastal tussocks, coastal astelia. Rocky island. Pohutukawa and mixed broadleaved low forest and shrubland. Lower faces with coastal tussocks and prostrate mixed broadleaved shrubland. Series islets to east & north **Tauranga Kawau Pt 16/01 -** Steep coastal faces and cliffs and hill slopes with mixed broadleaved forest (pohutukawa) and kanuka dominant shrubland and low forest with some totara. Several large slips. Main access ways and houses largely excluded. Some wilding pine poisoning. Unit excludes pine block. ***Te Au o Morunga*** This is the outer part of the customary area of Te Uri o Hikihiki that extends out into the ocean beyond the 12 nm limit of the regional plan. This outer area has significant areas of high relief and low relief reefs, that also occur in the Mimiwhangata Rāhui Tapu. Between the reefs are sandy seabed areas which are habitat for the whai repo (electric ray) and one of the Ngatiwai Mauri. These reef areas and sandy seabed are sensitive to damage from bottom trawling. This area of high biodiversity covers a diversity of habitats, ecological communities and ecological values that extend from Rākaumangamanga (Cape Brett) to Tawhitirahi (Poor Knights Islands). Rakaumangamanga, Mimiwhangata and Tawhitirahi all intercept the tropical East Auckland current (which carries turtles, tropical fish and invertebrates from warmer waters). Schooling fish attract large numbers of seabirds, gannets, albatross species, petrels, shearwaters, gulls and terns. Whales, dolphins and large pelagic fish bring the small fish species, krill and other invertebrates to the surface for the birds to feed on. The currents and upwellings bring the nutrients and plankton, and then within the “work-up” everything is feeding on everything else. The nutrients from the feeding seabirds is then brought back to their breeding and roosting grounds along the coast. This guano enriches the soils, invertebrate communities, coastal vegetation. Top-order predators such as the tuatara share the seabird burrows and feed on weta, lizards and dead seabirds in these enriched soils.

	There are a number of rare and unusual species including: whale shark, manta ray, green turtle, mado, Spanish lobster, blue knifefish, golden-ribbon grouper, snake eel, banded coral shrimp, yellow-banded perch (subtidal caves) There can be extensive schools of pelagic and demersal fish including combinations of blue maomao, pink maomao, sweep, blue mackerel, trevally, kahawai, kingfish, blue knifefish, parore, koheru.
The Natural Character of the land adjoining the Te Au o Morunga Protection Area are Outstanding Natural Character and High Natural Character areas	(Note that the Outstanding or High Natural Character Areas in the Northland RPS cover only a small part of the coastal marine area of this Te Mana o Tangaroa Protection Area.) **Cape Brett 00/02** Marine subtidal unit with little intertidal zone. Extreme level of exposure and natural disturbance regime. Only part of mainland New Zealand swept by the subtropical East Auckland current on a regular basis. Creates very high level of diversity of marine life, including rare tropical vagrants. Strong tidal currents generated by the Cape Brett peninsular concentrate marine plankton, planktivorous fish and predatory fish and birds in high abundance. Fishing pressure can be high for relatively short periods of calmer conditions, but the pelagic basis of the fishery facilitates relatively quick recovery. **Cape Brett 13/06** Steep cliffs along the shore with taller hills inland. Kanuka dominant shrubland & forest - tallest in upper gullies. Some mixed broadleaved species including northern rata. Very occasional pine. In more sheltered valleys the mixed broadleaved species include pohutukawa & puriri. Near the water margins there are grasses & flaxes. Unit runs to the Brett predator fence. **Whangamumu, Whangamumu Peninsula & Whangamumu South 13/12, 13, 14, 15, 16, 18, 19, 14/08 16, 19** **Whangaruru 15/03, 09, 11, 61,** 69- Steep hill slopes with mixed broadleaved forest, kanuka dominant shrubland & forest. Includes a wetland on west (margin with farm). Excludes introduced trees on western margin
Ecology	Refer to the relevant Regional Plan Assessment Sheets for: • Significant Ecological Areas • Significant Bird Areas • Significant Marine Mammal and Seabird Areas

I Maps
Ngā mahere matawhenua

Regional Plan for Northland maps are available in a GIS viewer, which is linked below. The map layers are described in the following tables.

View the maps in a GIS viewer:

https://www.nrc.govt.nz/your-council/about-us/council-projects/new-regional-plan/regional-plan-maps/

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:

Image 5: *Mapped layer coinciding with Indicative mean high water springs line*

Image 6: *Mapped layer not coinciding with Indicative mean high water springs line*

Map layer	Description
Coastal zones:	Northland's coastal marine area is split into six zones:
Coastal Commercial Zone	• The Coastal Commercial Zone 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.
Marina Zone	• The Marina Zone comprises locations in the coastal marine are where the primary purpose is to accommodate or develop marina structures and/or activities.
Mooring Zone	• The Mooring Zone comprises locations in the coastal marine area where the primary purpose is to accommodate and manage moorings.
Whangārei City Centre Marine Zone	• 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.
General Marine Zone	• The General Marine Zone is the coastal marine area that is not zoned Coastal Commercial, Marina, Mooring or Whangārei City Centre Marine Zones. This encompasses most of Northland's coastal marine area.
Marsden Point Port Zone	• The Marsden Point Port Zone is the coastal marine area adjacent to Northport and Refining New Zealand, located at the entrance of Whangārei harbour.

Map layer	Description
Significant Ecological Areas *Significant Bird Areas* *Significant Marine Mammal and Seabird Areas*	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 the *Regional Policy Statement for Northland 2016, Appendix 5*; 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 Channnel Shellfish Marine Values; k) Rangaungu Marine Values; l) Ruakākā Estuary Marine Values; m) Taiharuru Marine Values; n) Tangatapu Bay of Islands Marine Values; o) Te Haumi Estuary Marine Values; p) Waipū Estuary Marine Values; q) Waitangi Estuary Marine Values; r) Whananaki Estuary Marine Values; s) Whangārei Harbour Marine Values. 4) Significant Ecological Marine Area Assessment Sheets for Significant Ecological Areas in Open Coast areas (including toheroa beaches): a) Great Exhibition Bay; 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) The Cavalli Islands and coast;

Map layer	Description
	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) Tutukākā 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) SEAs 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).
Significant Bird Area – Critical Bird Habitats	The mapping is based on Significant Bird Area assessment sheets by Kerr, V., 2017. Kerr & Associates where areas are identified as having nationally or locally important feeding or breeding values for bird species are identified as threatened – nationally critical in the New Zealand threat classification system (Australasian bittern, White heron and New Zealand fairy tern).
Te Hā o Tangaroa Protection Areas: *Rakaumangamanga Rāhui Tapu, Mimiwhangata Rāhui Tapu and Ngā Au o Morunga Mai Rakaumangamanga Protection Area*	These areas are overlays within identified Significant Ecological Areas, Significant Bird Areas, Significant Marine Mammal and Seabird Areas, Sites and Areas of Significance to Tāngata Whenua or Outstanding or High Natural Character areas. The areas have been identified as being particularly vulnerable to environmental or cultural degradation such that specific protection is justified, focused on avoiding adverse effects arising from extraction of flora and fauna, and disturbance of the seabed. Te Hā o Tangaroa Protection Areas are broken down into sub-areas which have different combinations of characteristics, qualities and values and appropriate levels of protection from activities that may permanently or temporarily damage these characteristics, qualities and values – (see the Te Hā o Tangaroa Protection Area Schedules).
Recognised Recreational Anchorages	This map layer identifies anchorages that fall within the definition of Recognised Recreational Anchorage as defined in B Definitions | Whakamāramatanga of this Plan.

Map layer	Description
Regionally Significant Anchorages	This map layer identifies anchorages that fall within the definition of Regionally Significant Anchorage as defined in B Definitions | Whakamāramatanga of this Plan.
Marine 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.6.9.8 Discharges of untreated sewage from a ship or offshore installation – prohibited activity) The Marine Pollution Limits include all coastal waters that are: 1) in any east coast harbour, are shallower than five metres; 2) 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 3) less than 200 metres from a marine reserve. The Marine Pollution Limits are a combination of: 1) The default areas as set out in the *Resource Management (Marine Pollution) Regulations, 1998*[51]; and 2) Extensions to the default areas[52].
Coastal In-Water Cleaning Zone	Coastal In-Water Cleaning Zones are shown in line with the consent order for marine pest provisions and comprising: Coastal Commercial Zone; Marine Zone, and Mooring Zone and within 100 metres of a Mooring Zone (with the exception of Houhora Harbour mooring area, this excludes Significant Ecological Areas and saltmarsh and mangrove habitat).
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 this Plan: 1) 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; 2) Significant tourism and/or recreation areas; 3) Areas of Outstanding Natural Landscapes (including seascapes); 4) Recognised navigational routes; 5) Anchorages referred to in cruising guides, pilot books or similar publications as being suitable for shelter in adverse weather; 6) Port or harbour approaches; and 7) Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity).

[51] Section 11(1) and (2)

[52] As allowed by the *Resource Management (Marine Pollution) Regulations 1998, Section 11(3)*

Map layer	Description
Surf Breaks: *Nationally Significant Surf Breaks* *Regionally Significant Surf Breaks* *Other 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; 1) *Northland Regional Council, 2016. Methodology – Identifying Regionally Significant Surf Breaks in Northland*; and 2) *Northland Regional Council, 2016. Application of methodology Identifying Regionally Significant Surf Breaks in Northland.* These reports are available on the Regional Council's website. 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.
Marine 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 this Plan and is only an approximation of the coastal marine area boundary (the line of mean high water springs). It is based on the New Zealand Mainland Coastlines and New Zealand Islands Coastlines produced by Land Information New Zealand which is a component of the Topo50 maps (1:50,000 scale).
Vehicle Exclusion Zone	This map layer defines locations where vehicle use on the foreshore or seabed is not permitted. The mapping is based on areas where significant values are at risk of harm by vehicle use, including: 1) Significant Ecological Areas, which include: a) indigenous taxa that are listed as threatened or at risk in the *New Zealand Threat Classification System*; b) areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in the *Regional Policy Statement for Northland 2016, Appendix 5*; and c) areas set aside for full or partial protection of indigenous biodiversity under other legislation. 2) Outside of Significant Ecological Areas, areas include: a) significant habitats of indigenous biodiversity under *Policy 11 of the New Zealand Coastal Policy Statement 2020*; b) threatened and at risk indigenous bird species that regularly use coastal areas or are in high numbers; and c) important shellfish beds. Vehicles must not drive on the foreshore or seabed within a mapped Vehicle Exclusion Zone, unless the activity is for one of the exceptions set out in C.1.5.1 Conditional use of vehicles on the foreshore or seabed – permitted activity The map layer applies to the strip from mean high water springs to 50 metres seaward of mean high water springs.

Map layer	Description
	The Vehicle Exclusion Zone mapping is based on the following reports: 1) *Kerr, V, April 2023: Ecological impacts of vehicles on intertidal habitats within coastal ecological significant areas;* 2) *Kerr, V, April 2023: Hokianga Harbour – ecological considerations of vehicles on beaches;* 3) *Boffa Miskell, November 2022: Pukehe Beach – ecological values; and* 4) *Northland Regional Council 2022: Vehicle Exclusion Zone – mapping methodology report*.

Natural, historic and cultural heritage – fresh and coastal waters

Map layer	Description
Sites and Areas of Significance to Tāngata Whenua	Sites and Areas of Significance to Tāngata Whenua are mapped in accordance with D.1.5 Places of significance to tāngata 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.
Outstanding Natural Features	These incorporate the maps of Outstanding Natural Features as shown in the *Regional Policy Statement for Northland 2016* 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.
Natural Character: *Outstanding Natural Character* *High Natural Character*	These areas have been assessed under criteria in the *New Zealand Coastal Policy Statement 2010, Policy 13(2).* 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; 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.

Map layer	Description
	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 (for example, dune lakes) and the values and characteristics of the unit relate specifically to freshwater.
Outstanding Natural Landscapes in the coastal marine area	[Yet to be mapped]
Historic Heritage: *Historic Heritage Areas* *Historic Heritage Sites*	The mapped Historic Heritage is based on the report by *Clough R. and Brown A., 2016. Northland Coastal and Freshwater Heritage Survey: Identification of Historic Heritage Resource Methodology* and subsequent updates by Clark L (2017). The map shows: 1) Six Historic Heritage Areas: a) 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 this Plan; b) one additional Historic Heritage Area identified through consultation on the Proposed Plan; and c) two waka landing sites that have been registered as wāhi tapu areas by Heritage New Zealand have also been included. 2) Eighteen Historic Heritage Sites. These are buildings and structures that have been assessed by Clough and Associates and Heritage New Zealand Pouhere Taonga (seven sites) and Clark L. (eight sites, peer reviewed by Heritage New Zealand Pouhere Taonga) and are considered to be significant enough to include in this Plan. Three additional sites were identified through consultation on the this Plan. Site and area reports comprising the Historic Heritage Schedule are available on the Regional Council's website.

Water quality and quantity management units

Map layer	Description
Outstanding Freshwater Bodies: *Rivers* *Lakes*	Outstanding Freshwater Bodies are lakes and rivers that have outstanding values as defined in the *National Policy Statement for Freshwater Management 2014*. 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: 1) Waipoua; 2) Waikohatu; 3) Wairau; 4) Whirinaki; 5) Waipapa; and 6) Mangamuka. The following lakes were identified as having outstanding natural values by Champion and de Winton (2012):[53] 1) Morehurehu; 2) Ngatu; 3) Waihopo; 4) Waiporohita; 5) Wahakari; 6) Taharoa; 7) Waikare; 8) Kai-Iwi; 9) Humuhumu; 10) Kanono; and 11) Mokeno.
Groundwater Management Units: *Aupōuri Aquifer* *Coastal Aquifers* *Other Aquifers*	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 comprises 12 sub-aquifers, for the purposes of setting aquifer-specific (tailored) allocation limits.

[53] Paul Champion and Mary de Winton. 2012. Northland Lakes Strategy: Part 1. Prepared for Northland Regional Council. NIWA Client. Report No: HAM2012-121.

Map layer	Description
River Water Quantity Management Units: *Outstanding Rivers* *Coastal Rivers* *Small Rivers* *Large Rivers*	Freshwater management units are water bodies, multiple water bodies, and parts of water bodies that have been determined by the Regional Council as the appropriate spatial scale for setting freshwater objectives and limits, and for freshwater accounting and management purposes. Information on the Coastal Rivers, Small Rivers and Large Rivers management units can be found in: 1) *LWP for Northland Regional Council 2016. Defining Freshwater Management Units for Northland: A Recommended Approach (LWP Client Report Number: 2015-004).* 2) *Osbaldiston S, Northland Regional Council 2016. Refining the Draft River Water Quantity FMUs for Northland.*
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 *Griffiths R, Northland Regional Council 2016. Recommended Coastal Water Quality Standards for Northland.*
Priority Drinking Water Abstraction Point	This map shows the location of priority drinking water abstraction points throughout Northland. The points identified in this map identify water abstraction points supplying drinking water to more than 25 people. It is based on information provided by Northland District Heath Board in 2020. Provisions and maps relating to Priority Drinking Water Abstraction Points were introduced to the Plan by way of Consent Order issued by the Environment Court of New Zealand in June 2021.

Catchment-specific layers

Map layer	Description
Priority Catchments: *Doubtless Bay* *Mangere* *Poutō* *Waitangi* *Whangārei*	This map shows the catchment boundaries of the five Priority Catchments (Doubtless Bay, Waitangi, Mangere, Poutō and Whangārei) where catchment management plans have been developed. These catchments are subject to catchment specific rules in E Catchments.
High Sediment Yielding Land	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 / km^2/ year or more in the Waitangi, Whangārei Harbour and Mangere Catchments and 500 tonnes / km^2/ year or more in the Doubtless Bay Catchment (see E Catchments).

Map layer	Description
Whangārei swimming sites livestock exclusion areas: *Popular swimming sites* *Upstream Catchments*	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 E.3.5 Whangārei Harbour Catchment).
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 five hectares per property is subject to a requirement for resource consent (see E.3.2 Poutō Catchment).

Flood protection schemes and drainage districts

Map layer	Description
Flood Protection Schemes	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.
Drainage Districts	These are statutorily recognised areas that district councils have rights and responsibilities for managing land drainage within. Land drainage activities include culverts, drains, flood gates, bunds and stopbanks.

Airsheds

Map layer	Description
Airsheds	Northland has five Airsheds gazetted under the National Environmental Standards 2004. Airsheds are gazetted when there is the potential for local ambient air quality to exceed national standards. Northland has the following gazetted Airsheds: 1) Whangārei – for PM_{10}; 2) Marsden Point – for SO_2 and PM_{10}; 3) Kerikeri – for PM_{10}; 4) Dargaville – for PM_{10}; and 5) Kaitaia – for PM_{10}.

Livestock exclusion

Map layer	Description
Lowland and Hill Country Areas	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 *New Zealand Resource Inventory* database at a 1:50,000 scale.

Highly erodible land

Map layer	Description
Erosion-prone Land	Land defined as land use capability units VIe17, VIe19, VIIe1 - VIIe10, VIIIe1 - VIIIe3, and VIIIs1. The land use capability units are generally depicted on the 1:50,000 *New Zealand Land Resource Inventory*, Northland Region, Second Edition.

J Record of amendments

The following amendments have been made to the Regional Plan in accordance with the Resource Management Act 1991, Condition 16(2), Schedule 1. Deletions are shown in ~~strikethrough~~ and additions in underline.

Provision	Amendment	Amendment Type	Date	Editor
Definition - "in-water cleaning"	Re-insert the definition of "in-water cleaning" as follows: *In-water cleaning - the cleaning of a vessel hull below the water level when the boat is afloat.*	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
C.1.8(1), C.1.8(6), C.2.1.3(1)	Amend to "Regional Council's ~~Monitoring~~ Compliance Manager".	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
C.2.1.8(3)	Amend Rule C.2.1.8(3)(b) as follows … *"for a road or railway line, otherwise …"* Delete "~~or railway line~~" from Rule C.2.1.8(3)(e)(iii).	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
C.6.5.1 (2)(a)	Minor typographical amendment to correct second condition (a).	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
C.8.5.3 (2)	Amend Condition (2) of Rule C.8.5.3 as follows: *"a permitted activity under Rule ~~C.8.4.2 – Vegetation clearance in riparian areas – permitted activity"~~. C.8.5.2 – Alteration or decommissioning of a bore – permitted activity".*	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
H.3.3 – Coastal water quality standards	Insert units and compliance metrics for pH as follows: **Unit** / **Compliance metric** pH: pH units are dimensionless / Annual minimum and annual maximum	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
H.3.4 – Coastal sediment quality guidelines	Coastal sediment quality guidelines are included as Policy H.3.4. These were inadvertently omitted.	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee

Provision	Amendment	Amendment Type	Date	Editor
D.2.16 – Managing adverse effects on indigenous biodiversity	Amend Policy D.2.16(7)(b) as follows: "… after consideration of the methods in (6) ~~(4)~~ above".	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
Extent of Significant Ecological Area (SEA) mapping overlay within Ruakākā Estuary	A small area of modified habitat (at 26 Princes Street) was excluded from the Significant Ecological Area overlay within Ruakākā Estuary. This has now been amended.	Minor amendment (RMA Condition 16(2), Schedule 1)	27 May 2019	Ben Lee
C.6.1.3	Delete existing Condition (5) and replace as follows: 5) for wastewater that has received secondary or tertiary treatment, it is discharged via: (a) a trench or bed system in soil categories 3 to 5 that is designed in accordance with Appendix L of Australian/New Zealand Standard On-site Domestic Wastewater Management (AS/NZS 1547:2012); or (b) an irrigation line system that is dose loaded and covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and	Minor amendment (RMA Condition 16(2), Schedule 1)	28 Apr 2020	Michael Day
C.8.5.3	Amend Rule C.8.5.3 as follows: … is a controlled activity, provided the bore is constructed and maintained in accordance with the requirements set out in the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001).	Minor amendment (RMA Condition 16(2), Schedule 1)	28 Apr 2020	Michael Day
H.4	Amend Policy H.4 heading as follows: Environmental flows, ~~and~~ levels and allocations Amend as follows: … the methodologies set out in in Policies H.4.1 – ~~H.4.3~~H.4.4	Minor amendment (RMA Condition 16(2), Schedule 1)	21 Apr 2021	Ben Lee
D.2.6	Add heading to newly inserted Policy D.2.6 as follows: National Grid infrastructure	Minor amendment (RMA Condition 16(2), Schedule 1)	31 May 2021	Ben Lee
D.2.20	Amend heading as follows: Precautionary approach to managing effects on significant indigenous biodiversity and the coastal environment Add "That" at the start of Policy as follows: *That decision makers adopt….*	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee

Provision	Amendment	Amendment Type	Date	Editor
Introductory text to Minor corrections table	"Decisions" with "Appeals" as follows: … ~~*Decisions*~~ *Appeals Version in accordance with*…	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
C.6.5.1 (2)(c)	Add heading to newly inserted table as follows: *Table 12: Spray buffer requirements*	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
C.6.5.1 (2)(e)	Insert "c)" as follows: … requirements in (2)(c) above…	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
C.6.5.2 (5)(f)	Add heading to newly inserted table as follows: *Table 13: Spray buffer requirements*	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
C.6.5.2 5) h)	Insert "f)" as follows: … requirements in (5)(f) above…	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
D.4.1 (4)(b)	Amend reference to (3)(a) to reflect renumbering of condition to (4)(a)	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
D.4.1 Note	Amend reference to D.4.1.(5)(b) to reflect renumbering of condition to D.4.1.(6)(b)	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
Table Numbering	Amend table numbering consequential to new tables being added through consent orders and decisions.	Minor amendment (RMA Condition 16(2), Schedule 1)	26 Nov 2021	Ben Lee
C.1.4 Mangrove removal rules	Rules reordered and renumbered from Court decision so that activity status cascades from permitted, controlled, restricted discretionary, non-complying so follows: Decision Number: Renumbered to: C.1.4.3A C.1.4.4 C.1.4.4 C.1.4.5 C.1.4.5A C.1.4.6 C.1.4.5 C.1.4.7 C.1.4.6 C.1.4.9 C.1.4.7 C.1.4.8	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2022	James Griffin

Provision	Amendment	Amendment Type	Date	Editor
Definition – Inanga spawning site	Amend definition to correct typographical error as follows: The margins ~~and~~ of rivers of estuaries that are inundated by spring high tides.	Minor amendment (RMA Condition 16(2), Schedule 1)	21 Oct 2022	Michael Payne
I maps	Consequential amendments to section "I maps" in response to Environment Court Decision *Decision[2022] NZEnvC174* : Recognised Recreational Anchorages - This map layer identifies anchorages that fall within the definition of Recognised Recreational Anchorage as defined in section B Definitions | Whakamāramatanga of this plan. Regionally Significant Anchorages - ~~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.~~ This map layer identifies anchorages that fall within the definition of Regionally Significant Anchorage as defined in section B Definitions | Whakamāramatanga of this plan.	Minor amendment (RMA Condition 16(2), Schedule 1)	21 Oct 2022	Michael Payne
D.4.1	Correct formatting error in Condition (6)(b)	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Oct 2022	Michael Payne
F.1.5, D.2.1, D.2.14	Refer Environment Court Decision	Environment Court Decision [2023] NZEnvC 002	17 Jan 2023	Michael Payne
F.1.16, D.2.21, C.1.10, C.1.10.1, C.1.10.2, I Maps, Appendix H.11	Refer Environment Court Decision	Environment Court Decision [2023] NZEnvC 086	11 May 2023	Michael Payne
C.1.1.21, C.1.1.22, C.1.1.23, C.1.1.27, C.1.2.6, C.1.2.14, C.1.5.3, C.1.5.5, C.1.5.7, C.1.5.12, C.1.6.3, C.1.6.5, C.1.8, C.1.5.14A, C.1.5.14, C.1.1.22A	Refer Environment Court Decision	Environment Court Decision [2023] NZEnvC 093	12 May 2023	Michael Payne
F.1 Objectives and D Policies	Refer Environment Court Decision	Environment Court Decision [2023] NZEnvC 174	16 May 2023	Michael Payne
D.2.9	Refer Environment Court Decision	Environment Court Decision [2023] NZEnvC 050	16 May 2023	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
C.1.4.1.1 and C.4.1.9	Refer Environment Court Decision	Environment Court Decision [2023] NZEnvC 043	16 May 2023	Michael Payne
D.2.4	Regard should be had to the appropriateness of an adaptive management approach where: 1) there is an ~~in~~adequate baseline of information on the receiving environment, and	Minor amendment (RMA Condition 16(2), Schedule 1)	24 May 2023	Michael Payne
C.6.5.1 (4), C.6.5.2 (7)	a) an applicator holds a current ~~GROWSAFE~~ Pilot Chemical Rating Certificate (or equivalent qualification) issued by the Civil Aviation Authority of New Zealand, and	Minor amendment (RMA Condition 16(2), Schedule 1)	25 May 2023	Michael Payne
C.8.2.1 (2)(e)	ii. sediment control measures are installed and maintained in accordance with the *Erosion and Sediment Control Guidelines for Vegetable Production ~~2015~~2014 (Horticulture New Zealand)*	Minor amendment (RMA Condition 16(2), Schedule 1)	6 Jun 2023	Michael Payne
Definition - "Earthworks"	Add land preparation to list of earthworks exclusions.	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.1.3.11	Remove "the extended" from C.1.3.11, first bullet point in RMA activities list	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.7.1.6	The discharge of a contaminant~~s~~ into air from	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
I Maps	Amend catchment layers description to include reference to Waitangi Catchment which was omitted in error: This map shows the catchment boundaries of the five priority catchments (Doubtless Bay, Waitangi, Mangere, Poutō and Whangārei)	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.6.5.1 (5)	the agrichemical is non-volatile or is slightly ~~low~~ volatile[1], or	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.1.8	Amend the introductory text of C.1.8 Coastal works general conditions as follows: *General conditions apply to activities, when referred to in the rules of Section ~~C.1.1 General Structures.~~ C.1 Coastal Activities.*	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
C.8.3.3	C.8.3.3 Earthworks in a flood hazard area – controlled activity Earthworks in a High Risk flood hazard area ~~flood hazard area~~ that involve more than 50 cubic metres or Earthworks in a flood hazard area that involve more than 100 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.	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.6.9.7	Add condition referring to Rule C.6.9.6 to make it clear that if permitted activity C.6.9.6 is not complied with the activity cascades to discretionary, as it does with other rules in this section. The discharge of water or a contaminant into water, or onto or into land where it may enter water, that is not a permitted activity under Rule C.6.9.6 Discharges to land or water not provided for by other rules – permitted activity	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
Policy D.4.30	Note: ~~Highlighted text~~ effects management hierarchy is as defined in Condition 3.21 of the NPS-FM 2020	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.1.2.5	3) the activity complies with ~~all relevant~~ the conditions of C.1.8 Coastal works general conditions, and	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.1.1.6	9) ~~all relevant~~ the conditions of C.1.8 Coastal works general conditions, and	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
I Maps	Minor amendments to introductory text for section I maps:	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
NES	~~A rule in this Plan prevails over a standard in the NES-MA if it is more stringent than a standard. A standard in the NES-MA prevails over a rule in this Plan is it is more stringent than the rule.~~ A rule in this Plan prevails over a standard in the *NES-MA* if : 1) it is for a replacement coastal permit and a rule in the Plan is more stringent than a standard in regulation 12 of the *NES-MA* 2) it is for a replacement coastal permit and the rule in the Plan is more lenient that a standard under regulation 14, 16, 26, 29, 32, 35 or 38 of the *NES-MA*	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
I Maps	Regionally Significant Anchorage added at Whangaruru Harbour, Spirits Bay, Tom Bowling Bay and North Cape to correct an error in consent documents.	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
H.11 Schedule of Characteristics, qualities and values - Te Hā o Tangaroa Protection Areas	The Natural Character of the land adjoining the Te Au o Morunga Protection Area are Outstanding Natural Character and High Natural Character areas: Note that ~~none of~~ the Outstanding or High Natural Character Areas in the Northland RPS cover only a small part of the Coastal Marine Area ~~a~~of this Te Mana o Tangaroa Protection Area	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.6.7.4	Condition (5)(d) "a high-risk flood hazard zone hazard ~~zone~~ area, and"	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
H.10.2 Risk Assessment	H.10.2 Risk Assessment A risk assessment for the application of agrichemicals must, after considering the spray plan, include an assessment of the following: ~~8.~~ Confirmation that notification has been carried out and required signage is in place ~~(see C3 and C4)~~	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
I Maps – Drinking Water Abstraction Points	This map shows the location of priority drinking water abstraction points throughout Northland. The points identified in this map identify water abstraction points supplying drinking water to more than 25 people. It is based on information provided by Northland District Heath Board in 2020. Provisions and maps relating to Priority Drinking Water Abstraction Points were introduced to the Plan by way of Consent Order issued by the Environment Court of New Zealand in June 2021.	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
H.3	*Table 22:* ~~**Based on pH 8 and temperature of 20 degrees Celsius. Compliance with the water quality standard should be undertaken after pH adjustment.*~~	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
D.4.23	~~***Note:*** *Highlighted text is as defined in Condition 3.21 of the NPS-FM 2020*~~	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
4.1.5	C.4.1.5 Re-consenting flood control schemes – controlled activity 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 Resource Management Act 1991 is a controlled activity, provided:	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
D.4.5	~~***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.*~~	Minor amendment (RMA Condition 16(2), Schedule 1)	29 Sep 2023	Michael Payne
C.5.1.1 (4)	Amend Clause 4 of the rule to reflect Environment Court Decision [2021] NZEnvC 033. The rate of take from a river does not exceed ~~30~~10 percent of the instantaneous flow at the point and time of the take, and	Minor amendment (RMA Condition 16(2), Schedule 1)	23 Feb 2024	Michael Payne
H.4.4 (1)(b)(ii)(2)	takes that existed at the notification date of this plan that are ~~now~~ subsequently authorised by resource consents under: C.5.1.8 Replacement water permits for registered drinking water supplies – controlled activity, C.5.1.9 Takes existing at the notification date of this Plan – controlled activity and C.5.1.11 Takes existing at the notification date of this Plan – discretionary activity, and	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.1.5.13	Insert reference to RMA s12(2) into RMA activities: • *Removal of sand, shingle, shell, or other natural material (s12(2)).*	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
Various	Amend references to external documents throughout Plan to implement a consistent style.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.1.1.1	C.1.1.1 - The occupation of the common marine and coastal area by the following structures that: 1) existed at 30 June 2004, or 2) were previously authorised, ~~or~~ are permitted activities: 3) outlet pipes, and	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
C.6.8.5 and C.6.8.6.	Reverse the order and numbering of C.6.8.5 (Discretionary activity & C.6.8.6 (restricted discretionary activity) to align the order of these rules with the convention in the rest of the plan whereby the least restrictive rules are listed first followed by the more restrictive activity classes.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.1.5.1	Correct formatting error relating to clause C.1.5.1(7(o): (8) ~~(o)~~the activity complies with C.1.8 Coastal works general conditions, with the exception of C.1.8(5).	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.7.2.9	5) there are no spray-sensitive areas ~~activities~~ within 30 metres of the activity, and	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.1.4.1, C.1.4.2, C.1.4.3, C.1.4.4	Amend cross references in section C.1.4 to correctly refer to C.1.4.8 as a non-complying activity *C.1.4.8 Mangrove removal (including seedlings) within sites and areas to tāngata whenua* ~~restricted discretionary~~ non-complying activity.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
Definition – Horticulture wastewater	Wastewater from vegetable or fruit washing and greenhouses which may include sediment and residues from the activity but does not include animal effluent or animal products.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
Definition - Farm wastewater	All wastewater from a farm dairy, dairy yard, feed pad, standoff area, stock yard, sale yard, wintering barn, loafing pad, calf rearing barn, piggery, poultry farm, or any other stock yard, adjacent entrance and exit races, farm transit races when used for standoff, stock underpass or similar. Farm wastewater includes animal effluent, washdown water, pit washings, sediment and other solid matter, milk, milk residue, supplementary feed, molasses, detergents, sterilising agents and other residues associated with routine farming practices. It does not include horticulture ~~horticultural~~ wastewater.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
C.1.8	C.6.8 Contaminated land ***Note:*** *For the purposes of this Plan, the term contaminated land has the same meaning as in the Resource Management Act. Users should refer to Section 2 of the Resource Management Act for the full definition.* *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.*	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.2.2.4	In natural or constructed wetlands 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	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.1.8 (7)	Amend formatting in C.1.8 (7) (b): sub-clauses a) and b) corrected to i. and ii.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
D.5.3 (2)	Amend formatting in D.5.3 (2) (d): sub-clauses c) and d) corrected to i. and ii.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
Seal Page	Add the following text: The Proposed Regional Plan for Northland became operative in part on Tuesday 16 January 2024. The following provisions became operative on that date: Rules C.1.5.1, C.1.5.2, C.1.10.1, C.1.10.2, Policy D.2.21, Objective F.1.16, Appendix H.11, I Maps – Vehicle exclusion zone and I Maps - e Hā o Tangaroa Protection Areas: Rakaumangamanga Rāhui Tapu, Mimiwhangata Rāhui Tapu and Ngā Au o Morunga Mai Rakaumangamanga Protection Area.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
Seal Page	Add the following text: The Proposed Regional Plan for Northland became operative on 27 March 2026.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
P33 Legal effect of rules	Delete	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.1.10 .1 and C.1.10.2	Insert reference to maps Te Hā o Tangaroa Protection Area (I Maps | Ngā mahere matawhenua)	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
P329	Insert reference to maps: Ngati Kuta and Patukeha Hapū of Te Rawhiti are the two resident hapū of the areas identified as Rākaumangamanga Rāhui Tapu and Ngā Au o Morunga Mai Rākaumangamanga Protection Area (refer I Maps | Ngā mahere matawhenua).	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.6.6.4 and C.6.6.5	Insert RMA activities **For the avoidance of doubt this rule covers the following RMA activities:** • 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)).	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
P34 and 35	Text on National Environmental Standards to better reflect NES amendments since 2019: • Delete NES table on pages 34 and 35 • Delete note on page 35 • Insert link to MFE website.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
E Catchments	Note added for clarity and consistency with other objective and policy sections: **Application of objectives and policies** 1) Regard must be had to all the relevant objectives and policies in this Plan when considering an application for a resource consent. 2) Where policies in this plan are in conflict, the more directive policies shall prevail. 3) Regard must be had to any relevant provisions of the Regional Policy Statement and National Policy Statements, and where appropriate Part 2 of the RMA, when considering an application for a resource consent.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
C.1.1.13 (2)(b)	Correction for consistency within the rule: the submarine high-voltage cable between Ōpua and Okiato such generally ~~lying~~ located between the points 174.11557oE, 35.30966o S and 174.12065oE, 35.30538o S, or lying to located	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne

Provision	Amendment	Amendment Type	Date	Editor
Various	Image numbers added to images and any references to images amended.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
I maps	Land defined as land use capability units VIe17, VIe19, VIIe1 - VIIe10, VIIIe1 - VIIIe3, and VIIIs1. The land use capability units are generally depicted on the 1:50,000 New Zealand Land Resource Inventory, Northland Region, Second Edition.	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne
Introduction	This Plan has been prepared by the Northland Regional Council pursuant to its functions under the Resource Management Act 1991. The Plan became operative in full on 27 March 2026. ~~As of 28 June 2023, all appeals before the Environment Court have been resolved. Pursuant to section 86F of the Resource Management Act 1991, all rules in this plan must now be treated as operative.~~ ~~This document has been updated as at September 2023 to incorporate all consent orders received (to date) from the Environment Court.~~	Minor amendment (RMA Condition 16(2), Schedule 1)	10 Mar 2026	Michael Payne

K Record of map amendments

Provision	Amendment	Amendment Description	Date	Editor
I Maps Coastal	'Coastal In-Water Cleaning Zone' added to the list of Coastal zones – Refer Environment Court Decision for Topic 1 – Marine Pests.	Consent order, 20 May 2020	15 Jun 2020	James Griffin
I Maps Coastal	Reinstatement of the SEA within the Marsden Point Port Zone - Refer Environment Court Decision	Decision No. [2021] NZEnvC 021	29 Ap 2021	James Griffin
I Maps Coastal	Refer Environment Court Decision for amendments to High Natural Character areas in Mangawhai Harbour.	Decision No. [2020] NZEnvC 039	28 Jun 2021	James Griffin
I Maps Coastal	Refer Environment Court Decision for amendments to Significant Ecological Area (SEA) maps in the Bay of Islands and Hokianga Harbour.	Decision No. [2021] NZEnvC 021	22 Jun 2021	James Griffin
I Maps Coastal	'Significant Bird Area – Critical bird habitats' layer added to Coastal layers list – Refer Environment Court Decision	Decision No. [2023] NZEnvC 093	7 Jun 2023	James Griffin

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Northland
REGIONAL COUNCIL
Te Kaunihera ā rohe o Te Taitokerau