

Notes for track changes. Recommendations made by the Coast Officers Report are shown in **Orange**. Recommendations made by the Coast Officers Supplementary Report are shown in **Blue**. Recommendations made by the Coast Officers 'end of hearing report' are made in **Green**. Changes made as a result of the planning review are shown in **Pink**. Consequential changes made as a result of the 'Supplementary Report of Fiona Gordon for the Historic Heritage hearing' are in **Red**. Consequential changes made as a result of the 'End of Hearing Report of Fiona Gordon for the Historic Heritage hearing' are in **Light Blue**. Words recommended to be added are shown in underline, words recommended to be removed are shown in ~~strike through~~.

17 Activities in the Coastal Marine Area (CMA)

Important note: For the purposes of the Resource Management Act 1991 (RMA), the Regional Coastal Plan comprises: ¹ ~~the general objective and policies of Chapter 11,~~ ¹ ~~and the policies and rules of all provisions in~~ ² Chapter 17, ~~and~~ ¹ Chapter 18 ~~and~~ ² ~~the~~ ³ ¹ ~~information contained in provisions in~~ ² ¹ Schedule H, ³ ~~and the CMA components of Schedule F: Figures F11—F13,~~ and the relevant definitions in the glossary ²

Objective 17-1: Activities in the CMA

The regulation of activities in the CMA in a manner that:

- a. recognises the importance of the CMA as a ¹ ~~public domain resource~~ ¹ , and the sensitivity of the CMA's ¹ amenity values, the ¹ ecosystems ¹ and natural character to change ~~caused by as a result of~~ ¹ activities
- b. recognises the importance of tikanga Maori and historic heritage values
- c. enables or restricts activities within the respective protection, port, general or aquaculture zones, in a way that reflects the purpose of the zones
- d. ensures that ¹ activities in the CMA ¹ are appropriate; have regard in respect ¹ to any neighbouring land use and that public access is ~~provided for~~ ¹ provide for public access ¹

Policy 17-1A: Regional Rules for the CMA

The Regional Council shall regulate activities in the CMA through regional rules in accordance with Policies 11-1, 11-2 and 11-3. This policy implements Objective 17-1.

¹ End Report, Coast Hearing Panel's Preliminary Question 14, COA 83B, p 15.

² End Report, Coast Hearing Preliminary question 29, COA 24B, p.23.

³ Recommendation COA 24 Page 96.

17.1 **Standard General⁴ Conditions for Permitted and Controlled Activities in the CMA**

The table below sets out **standard-general⁴** conditions for permitted and controlled activities in the CMA. These **standard-general⁴** conditions are **referred to specified⁴** in a number of the permitted and controlled activity rules in this chapter. The table sets out **standard-general⁴** conditions under different values. To identify the locations of water management **zones¹ -policy areas⁴**, to which these values apply, and therefore whether they are relevant to a particular activity, refer to Schedule **D-H: Part C⁴**.

Table 17.1 **Standard General⁴** conditions for permitted and controlled activities in the **coastal marine area (CMA)⁶**

Value	Condition
Life-Supporting Capacity (applies to all sites with a value of Life-Supporting Capacity as shown in Schedule D H⁵)	<p>(a) The activity shall not adversely¹ reduce the ability of the river/⁴estuarine waters body⁴ to convey flood flows or floating debris.</p> <p>(b) There shall be no discharge of contaminants, other than sediment and other contaminants inherent to the water or bed, into the coastal marine area CMA⁶ except where the discharge is allowed by a rule in this chapter⁷.</p> <p>(c) Any discharge of sediment directly caused by the activity shall not be undertaken for more than 5 days, or for more than 12 hours on any one of those 5 days.</p> <p>(d) Any discharge of sediment under condition (c) shall not, after reasonable mixing*, cause any conspicuous change in the colour of water in the receiving water s body⁴, or any change in horizontal visibility of greater than 30%, more than 24 hours after completion of the activity.</p> <p>(e) Any materials used shall be necessary for the activity and shall not be toxic* to marine ecosystems.</p> <p>(f) Any materials no longer required as part of the activity, including any temporary structures, shall not be stored in or on any foreshore area and shall be removed from the CMA upon completion of the activity.</p> <p>(g) Refueling of machinery (other than boats) shall not take place in any area where spills may enter coastal water, the CMA⁴.</p> <p>(h) Upon completion of any channel bank works, the banks shall be reinstated to a natural contour and revegetated.</p> <p>(i) The activity shall not disturb any historic heritage site⁸, archaeological site, waahi tapu site⁹ or koiwi remains⁷⁵ as identified in any District or Regional council plan, district council or Regional Council historic heritage database, district plan⁸ in the New Zealand Archaeological Association's Site Recording Scheme, or by the New Zealand Historic Places Trust, except where New Zealand Historic Places Trust approval has been obtained.</p> <p>(j) In the event of the discovery or disturbance of an archaeological site, waahi tapu site or koiwi remains being discovered or disturbed⁹ while undertaking the activity, the activity shall cease and the Regional Council and the new Zealand Historic Places Trust shall be notified as soon as practicable. The activity shall not be recommenced without both an archaeological authority from the NZHPT and the approval of the Regional Council such that the Regional Council will provide advice regarding the appropriate authorities to be contacted</p>

⁴ End Report, Appendix 6, pp. 107 – 115.

⁵ Supplementary Recommendation COA 38A, p. 13.

⁶ End Report , Appendix 2, pp. 91- 99.

⁷ End Report, Panels subsequent questions from day one of the hearing - question 51, COA 38B, p. 85.

⁸ Supplementary Recommendation COA 67, p. 15.

⁹ End Report , Panels subsequent questions from day one of the hearing – Question 37, COA 82B, p. 82.

Value	Condition
Native Fishery (applies to all sites with a value of Native Fishery as shown in Schedule D H ⁵)	(k) The use of mobile machinery in or on the foreshore in a manner that disturbs the foreshore and/or a whitebait fishery shall not take place in river/estuarine waters areas <u>Activity Management Sub Zones (as shown in Schedule H: Part B) or Water Management Estuary Sub Zones (as shown in Schedule H: Part C)</u> ¹⁰ between 1 October and 30 November, unless the use of the machinery is solely for the purpose of repairing or maintaining ¹¹ <u>railways, bridge or electricity</u> ¹⁰ infrastructure. ¹¹ <u>of regional significance as outlined in Policy 3-1 of the One Plan</u> ^{10, 1}
Amenity (applies to all sites with a value of Amenity as shown in Schedule D H ⁵)	(l) Existing public access to or along the foreshore shall not be rendered unsafe by the activity. (m) Existing public access to or along the foreshore may be rendered unavailable where this is necessary for public safety or for the purpose of undertaking the activity, provided the public access is re-opened as soon as practicable. (n) Activities shall not result in suspended sediment being conspicuous at public bathing beaches, as shown in Schedule D-H, during weekends and public holidays between 1 December and 28 February, which would exceed any turbidity or clarity water quality standards as set out in Tables H9 or H11. ¹⁰

17.2 Occupation

17.2.1 Policies

Policy 17-1: Occupation of space by aquaculture

The allocation of space for aquaculture shall be established through a plan change in accordance with Sections 12A and 165C of the RMA, and the following matters shall be given particular consideration when evaluating a proposed plan change¹:

- (a) All the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
(aa) the objectives and policies of Chapter 4¹² and Objective 7-2 and policies 7-7 and 7-8.¹³
- (b) the impact of the proposed activity on neighbouring uses, the protection zones listed in schedule H¹² and the ecological carrying capacity of the area
- (c) the type and location of any land-use facilities that would be required
- (d) the effects on navigation safety, public access, natural character and marine ecosystems
- (e) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

¹⁰ End Report, Appendix 8, p.118 – 119.

¹¹ Recommendation COA 38, p. 139.

¹² Recommendation COA 25, p. 98.

¹³ End Report, Coast Hearing Panels Preliminarily question 9(e), OVR 64B, p.9.

[This policy implements Objective 17-1](#)

Policy 17-2: Consent decision making for occupation of space by ~~other~~¹ activities other than aquaculture¹

When making decisions on resource consent applications and [setting consent conditions for](#) the allocation of space for activities (excluding aquaculture), the Regional Council ~~shall will have particular regard to~~:

- (a) ~~give effect to the Regional Policy Statement, particularly Objective 9-1 and 9-2 and policies 9-1, 9-2, 9-3, 9-4 and 9-5 and give effect to the objectives and policies of Chapter 9 and~~ any relevant policies in the New Zealand Coastal Policy Statement
- (aa) ~~give effect to the Regional Policy Statement particularly objective 3-1 and policies 3-1 to 3-5,~~¹⁴ ~~and~~¹³ ~~the objectives and policies of Chapter 4,~~¹⁴ ~~and~~¹ ~~Objective 7-2 and policies 7-7 and 7-8~~¹³.
- (b) [have regard to](#) enabling occupation where it is a fundamental requirement of an activity covered by another rule in this ~~Plan~~[chapter](#)¹⁵
- (c) [have regard to](#) requiring efficient use of space in the CMA by using the smallest amount of space practicable for the activity and limiting the adverse effects on public access to the space
- (d) [have regard to](#) the effects on navigation safety, natural character, and marine ecosystems
- (e) [consider](#) requiring a plan change pursuant to s 165D of the RMA where there is demand for use of the same space by more than one party and a first-in-first-served consent process will not adequately manage the cumulative effects of the proposed activities
- (f) [have regard to](#) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

[This policy implements Objective 17-1](#)

Policy 17-3: Decision making for occupation charges

In accordance with s 64A RMA the Regional Council, after having regard to:

- (a) the extent to which public benefits from the CMA are lost or gained, and
- (b) the extent to which private benefit is obtained from the occupation of the CMA

has decided that a coastal occupation charging regime should not be applied to persons who occupy any part of the CMA.

[This policy implements Objective 17-1](#)

¹⁴ Recommendation COA 26, p. 101.

¹⁵ End Report, Appendix 9, pp. 120-121.

17.2.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-1 Occupation by existing structures	The occupation of space in the CMA pursuant to s 12(2) RMA by any existing ¹⁶ a ¹⁷ any ¹⁸ <u>lawfully established existing</u> ¹⁸ structure and any associated damming or diversion of coastal ¹⁷ water pursuant to s 14(1) <u>or s14(2)</u> ¹⁷ RMA.	Permitted			This rule implements Policy 17-1A
17-2 Temporary occupation	The temporary and exclusive occupation of an area of foreshore or a space of coastal water ¹⁹ <u>surface water in the CMA</u> ²⁰ pursuant to s 12(2) RMA for the purposes of a special event, and any associated surface water activity. For the purposes of this rule: (a) "temporary" means not more than 3 days (b) a "special event" means an event organized by a person or group of people where, for <u>cultural, conservation or commercial, privacy</u> ²¹ or safety reasons <u>purposes</u> , controls need to be placed on public access.	Permitted	(a) Where public access is restricted, a public notice shall be lodged in the local newspaper at least 7 days before the event and signage shall be erected on site, both of which advertise the reasons for, extent and timing of the restrictions. (b) <u>The temporary and exclusive occupation shall not disturb any roosting or breeding birds within any protection zone identified in Schedule H.</u> ²¹		This rule implements Policy 17-1A
17-3 Occupation of space by aquaculture	The occupation of space with ²⁰ in the CMA pursuant to s 12(2) RMA by any aquaculture activity which is not otherwise restricted by Rule 17-4 or prohibited by Rule 17-5.	Controlled	(a) The aquaculture activity shall occur within an operative aquaculture management area established in accordance with Policy 17-1.	Control is reserved over: (a) effects on navigation safety (b) effects on public access (c) effects on natural character (d) efficient use of the CMA (e) duration of consent (f) review of consent conditions (g) compliance monitoring.	This rule implements Policy 17-1A. Policies guiding consent decisions include 17-1

¹⁶ Recommendation COA 39, p.141.

¹⁷ End Report, Coast Hearing Panels Preliminarily Question 36, COA 2B and 24B, p. 27.

¹⁸ End Report, Appendix 12, p. 109.

¹⁹ End Report, Coast Hearing Panels Preliminarily Question 36, COA 2B and 24B, p. 27.

²⁰ End Report COA, Appendix 10, pp. 122 – 123.

²¹ Recommendation COA 40, p. 143.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-4 Exclusive occupation	Any activity involving occupation of space in ²⁰ the CMA pursuant to s12(2) RMA which: (a) would exclude or effectively exclude public access from an area over 10 ha (except where such exclusion is required in commercial port areas for reasons of public safety or security) (b) would effectively exclude the public from more than 316 m along the length of the foreshore (c) would involve occupation or use of an area greater than 50 ha of the CMA and such occupation or use would restrict public access to or through such an area.	Discretionary and restricted coastal activity			This rule implements NZCPS: Schedule 1 and Policy 17-1A Policies guiding consent decisions include 17-1 and 17-2
17-5 Occupation of space in protection zones	The occupation of space in the CMA protection zones as shown in Schedule H ²⁰ pursuant to s 12(2) RMA within a protection zone, as shown in Schedule H ²⁰ , by any aquaculture activity, energy generation structure, port structure, or marina, wharf, marina, boat shed, aquaculture structure or energy generation structure ³³	Prohibited			This rule implements Policy 17-1A

Rule Guide [for rules 17-1 to 17-5:](#) ²²

- (a) Any occupation of the CMA that is not specifically regulated by any of the rules in this [Plan chapter](#)¹⁵ or that does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule, but which is not expressly classified as a discretionary, non-complying or prohibited activity is a discretionary activity under Rule 17-39.
- (b) Any occupation relating to or impacting on safe navigation must also have approval from Maritime New Zealand. (Refer s 395 RMA and s 200(7) Maritime Transport Act 1994).
- (c) For any aquaculture management areas reference should be made to the Guidelines for Aquaculture Management Areas and Marine Farms, Maritime New Zealand, 2005.
- (d) Any activity covered by Rule 17-2 must also comply with relevant navigation safety requirements set out in The Manawatu River and Tributaries Navigation and Safety By-laws 2004 or Part 91 of the Maritime Transport Act 1994.

²² End Report, Coast Hearing Panels Preliminarily Question 4, COA 69B, p. 4.

17.3 Structures

17.3.1 Policies

Policy 17-4: Consent decision making for new structures

When making decisions on resource consent applications and setting consent conditions for structures in the CMA, the Regional Council ~~will have particular regard to:~~ Shall

- (a) ~~the objectives and policies of Chapter 9~~ Give effect to the Regional Policy Statement, particularly Objective 9-1 and 9-2 and policies 9-1 and 9-5 and give effect to any relevant policies in the New Zealand Coastal Policy Statement
- (b) Give effect to the Regional Policy Statement, particularly objective 3-1 and policies 3-1 to 3-5, the objectives and policies of Chapter 4 and Chapter 10,²³ Objective 7-2 and policies 7-7 and 7-8 and¹³ objective 10-1 and policies 10-4 to 10-6.²⁴
- (c) Have regard to the operational necessity for locating the structure in the coastal marine area CMA⁶
- (d) Have regard to the extent of¹ the provisions¹ for public access and safety, including navigation safety
- (e) Have regard to Avoid, remedy or mitigate the avoidance, as far as practical, of²⁵ any adverse effects on natural character and landscape, tikanga²⁶ Māori cultural values²⁶, historic heritage values, indigenous flora and fauna and the stability of riverbanks and the foreshore and whether the effects shall be avoided, remedied or mitigated.
- (f) Have regard to whether¹ the extent the¹ structure is of a suitable scale for the surrounding area, and uses the space in the CMA efficiently
- (g) Consider whether the structure is to be built and maintained in a manner to withstand coastal processes and natural hazards, including any potential effects of climate change and sea level rise
- (h) Have regard to any consequential adverse effects on other parts of the coast including whether the structure may affect sediment transport or exacerbate erosion or the risk of inundation
- (i) Have regard to whether the structure contributes to any cumulative adverse effects in the vicinity of the proposed structure.

This policy implements objective 17-1

²³ Recommendation COA 28 Page 105.

²⁴ Recommendation COA 64 page 198.

²⁵ Supplementary Recommendation COA 28A Page 12.

²⁶ End Report, Panels subsequent questions from day one of the hearing Question 4, COA 7B p. 71.

Policy 17-5: Consent decision making for existing structures

When making decisions on resource consent applications and setting consent conditions for activities involving existing structures in the CMA, the Regional Council ~~will have particular regard to shall:~~

- (a) ~~the objectives and policies of Chapter 9~~ Give effect to the Regional Policy Statement, particularly Objective 9-1 and 9-2 and policies 9-1, 9-2, 9-3, 9-4 and 9-5 and give effect to any relevant policies in the New Zealand Coastal Policy Statement,
- (aa) Give effect to the Regional Policy Statement, particularly the objectives and policies of Chapter 4²⁷
- (b) Have regard to the extent to which existing structures ~~reduce~~ have²⁷ adverse effects on natural character, amenity values and public access
- (c) Have regard to ensuring that any alteration is of a similar scale and character to the existing structure, avoids as far as practicable any adverse effects on ecological values or physical processes, and provides for public access and safety
- (d) Have regard to the matters set out in Policy 17-4 where there is a proposed extension to an existing structure
- (e) Consider the need to remove derelict or redundant structures and any excess material from structures being replaced or maintained, unless such removal is likely to result in more significant adverse effects than leaving the structure or material in place.

This policy implements Objective 17-1

²⁷ Recommendation COA 29, p.107.

17.3.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-6 Maintenance and repair of structures	<p>(a) Structures: The maintenance* or <u>and</u>²⁸ repair* of any lawfully established structure located in, on, under or over the foreshore or seabed pursuant to s 12(1) RMA and any associated:</p> <ul style="list-style-type: none"> (i) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (ii) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (iii) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (iv) damming or diversion of coastal²⁹ water pursuant to s 14(1) or s 14(2) RMA. <p>(b) Associated removal of foreshore or seabed material and plants: The removal of foreshore or seabed material or plants for the purpose of maintaining the functional integrity of a structure located in, on, under or over the foreshore or seabed (pursuant to s 12(1) or s 12(2) RMA), including flushing accumulated sediment, and any associated:</p> <ul style="list-style-type: none"> (i) damming or diversion of water pursuant to s 14(2) RMA (ii) discharge of water or sediment pursuant to s 15(1) RMA (iii) deposition of removed material or plants in or on the bed pursuant to s 12(1) RMA (iv) discharge of removed foreshore or seabed material or plants onto or into land pursuant to s 15(1) RMA. 	Permitted	<p>(a) The activity shall not increase the area of the foreshore or seabed, or the volume of the water column, occupied by the existing structure.</p> <p>(b) The activity shall comply with the standard conditions listed in Table 17.1. ⁴ The activity shall comply with the standard general⁴ conditions listed in Table 17.1, <u>with the exception of Table 17-1(h).</u>⁴</p> <p>(c) Any discharge or removed foreshore or seabed material or plants onto or into land outside of the CMA³⁰ shall comply with the conditions of Rule 16-23-13-26.^{30 31}</p>		This rule implements Policy 17-1A

²⁸ End Report, Coast Hearing Panels Preliminarily Question 41, COA 84B p.33.
²⁹ End Report, Coast Hearing Panels Preliminarily Question 36, COA 2B and 24B p. 27.
³⁰ Recommendation COA 24, p. 9.
³¹ End Report , Coast Hearing Panels Preliminarily Question 41(c), COA 12B, p. 32.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-7 Removal or demolition of structures	<p>The removal or demolition of a structure or any part of a structure located in, on, under or over the foreshore or seabed pursuant to s 12(1) RMA and any associated:</p> <ul style="list-style-type: none"> (a) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (b) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (c) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (d) damming or diversion of coasta²⁹ water pursuant to s 14(1) <u>or s 14(2)</u>²⁹ RMA. 	Permitted	<ul style="list-style-type: none"> (a) The activity shall comply with <u>all</u>³² the standard conditions listed in Table 17.1. (b) The Regional Council shall be informed in writing of the removal or demolition of any of the following structures, at least 10 working days prior to the commencement of the removal or demolition: <ul style="list-style-type: none"> (i) access structures in or on the foreshore or seabed, including bridges, culverts and fords (ii) structures occupying more than 5 m² of the foreshore or seabed. 		This rule implements Policy 17-1A
17-8 Navigation aids, lines, cables, pipelines and ropeways, whitebait stands and maimai	<p>The erection, reconstruction, placement, alteration or extension of any navigation aid, line, cable, pipeline, ropeway (but excluding any such structure used for aquaculture purposes), whitebait stand, or maimai pursuant to s 12(1) RMA and any associated:</p> <ul style="list-style-type: none"> (a) occupation of the foreshore or seabed, pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant 	Permitted	<ul style="list-style-type: none"> (a) No whitebait stand or maimai shall be located within the port zone or within a waterbody valued as a Site of Significance – Aquatic as shown in Schedule D⁴ (b) Any navigation aid shall meet the requirements set out by Maritime NZ in New Zealand's System of Buoys and Beacons (2005). 		This rule implements Policy 17-1A

³² End Report , Appendix 8, pp.118 – 119.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
	to s 15(1) RMA (e) damming or diversion of coastal ²⁹ water pursuant to s 14(1) <u>or s 14(2)</u> ²⁹ RMA.		(c) The floor area of any whitebait or maimai structure shall not exceed 5 m ² . (d) The activity shall comply with the ³² conditions <u>a), e), g), i), j), l), and m)</u> as ³² listed in Table 17.1.		
17-9 Structures in the port zone	The erection, reconstruction, placement, <u>or</u> ³³ alteration, or removal ³³ of any boat ramp, wharf ³³ , jetty, pontoon, or boat mooring structure located within the port zone as shown in Schedule H pursuant to s 12(1) RMA and any associated: (a) occupation of the foreshore or seabed, pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (e) damming or diversion of coastal ²⁹ water pursuant to s 14(1) <u>or s 14(2)</u> ²⁹ RMA.	Controlled	(aa) <u>The activity shall have the prior written agreement of the port company.</u> ³³ (a) The erection, reconstruction, placement or alteration shall have the prior written approval of the relevant manager of the port company operating within the port zone or the manager of the marina operating in the port zone. (b) Any activity related to the marina shall not extend beyond the existing area currently occupied <u>as at 30th May 2007</u> ³³ (c) The activity shall comply with <u>all</u> ³² the conditions listed in Table 17.1.	Control is reserved over: (a) efficient use of the CMA ³⁴ (b) effects on water quality (c) extent of disturbance to the foreshore or seabed (d) the material to be used for the structure (e) duration of consent (f) review of consent conditions (g) compliance monitoring	This rule implements Policy 17-1A Policies guiding consent decisions include 17-4 and 17-5
<u>17-9a)</u> <u>Wharf extension in the port zone</u>	<u>The erection, reconstruction, placement, alteration, or extension of any wharf structure located within the port zone as shown in Schedule H, pursuant to s 12(1) RMA and any</u>	<u>Permitted</u> ³³	(a) <u>The activity shall comply with the general conditions listed in Table 17.1, with</u>		

³³ End Report, Appendix 13, pp 130 – 134.

³⁴ End Report, Commissioner van Voorthuysen questions from day one of the hearing, question 23, COA 43B, p.64.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
33	<p><u>associated:</u></p> <ul style="list-style-type: none"> (a) <u>occupation of the foreshore or seabed, pursuant to s 12(2) RMA</u> (b) <u>disturbance of the foreshore or seabed pursuant to s 12(1) RMA</u> (c) <u>deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA</u> (d) <u>discharge of water or contaminants into the CMA pursuant to s 15(1) RMA</u> <p><u>damming or diversion of coastal water pursuant to s 14(1) RMA.</u>³³</p>		<ul style="list-style-type: none"> <u>the exception of Table 17-1(h) and (k).</u> (b) <u>Any extension in length to the wharf shall not be greater than 10% of the existing length of 570m.</u> (c) <u>There shall be no extension in width to the existing wharf.</u> (d) <u>The width of any extension to the existing wharf shall be the same or a lesser width from MHWS as the existing wharf</u> (e) <u>the design and materials used shall be similar in nature and scale of effects to those used for the existing wharf structure</u> (f) <u>the Regional Council shall be notified two weeks prior to commencement of any work on the wharf structures.</u>³³ 		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-10 Structures for public access	<p>Except as otherwise regulated by Rule 17-12, the erection, reconstruction, placement, alteration or extension of any public walkway or foot accessway structure pursuant to s 12(1) RMA, and any associated:</p> <p>(a) occupation of space in the CMA pursuant to s 12(2) RMA</p> <p>(b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA</p> <p>(c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA</p> <p>(d) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA</p> <p>(e) damming or diversion of coastal²⁹ water pursuant to s 14(1) <u>or s 14(2)</u>²⁹ RMA.</p>	<p>Controlled³⁵</p> <p><u>Restricted Discretionary</u>³⁵</p>	<p>(a) The structure shall not be located within a waterbody valued as a Site of Significance—Aquatic as shown in Schedule D.</p> <p>(b) The activity shall comply with the conditions listed in Table 17.1.³⁵</p>	<p>Control is reserved over:</p> <p><u>Discretion is restricted to:</u></p> <p>(a) <u>public access and safety effects on amenity values and natural character</u></p> <p>(b) <u>effects on aesthetic values, amenity values and natural character wildlife and habitat</u></p> <p>(c) the method of undertaking the activity</p> <p>(d) <u>the timing and/or staging of the activity</u></p> <p>(e) <u>duration of consent</u></p> <p>(f) <u>review of consent conditions</u></p> <p>(g) <u>compliance monitoring.</u>³⁵</p>	<p><u>This rule implements policy 17-1A. Policies guiding consent decision making include 17-4.</u></p>
17-11 Aquaculture structures	<p>The erection, reconstruction, placement, alteration or extension of any structure for the purpose of aquaculture pursuant to s 12(1) RMA and any associated:</p> <p>(a) occupation of space in the CMA pursuant to s 12(2)</p> <p>(b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA</p> <p>(c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA</p> <p>(d) damming or diversion of water pursuant to <u>s14(1) or</u>³⁶ s 14(2) RMA</p> <p>(e) discharge of water or³⁷ contaminants or sediment³⁷ pursuant <u>to</u>³⁷ s 15(1) RMA.</p>	Controlled	<p>(a) The activity shall occur only within an operative aquaculture management area established in accordance with Policy 17-1.</p> <p>(b) The activity shall comply with the⁴ conditions <u>a), c) – g), i) and j) as</u>⁴ listed in Table 17.1</p>	<p>Control is reserved over:</p> <p>(a) the type, quantity and frequency of any discharges</p> <p>(b) any effects on navigation safety</p> <p>(c) the method of undertaking the activity</p> <p>(d) the timing and/or staging of the activity</p> <p>(e) duration of consent</p> <p>(f) review of consent conditions</p> <p>(g) compliance monitoring.</p>	<p><u>This rule implements policy 17-1A. Policies guiding consent decision making include 17-4.</u></p>

³⁵ Recommendation COA 44, p. 156.

³⁶ End Report , Coast Hearing Panels Preliminarily Question 41(b), COA 37B, p. 31.

³⁷ End Report, Coast Hearing panels Preliminarily Question 40, COA 71, p. 30.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p>17-12 (a) River / estuarine control structures^{38, 39}</p>	<p>Except as otherwise regulated by Rule 17-12, the erection, reconstruction, placement, alteration or extension of any structure for the purpose of controlling water flows and stabilising the river banks or sand dunes, pursuant to s12(1) RMA, and any associated:</p> <ul style="list-style-type: none"> (a) occupation of space in the CMA pursuant to s12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to s15(1) RMA (e) damming or diversion of coastal water pursuant to s14(1) RMA.^{38, 39} 	<p>Restricted Discretionary³⁸ 39</p>	<p>(a) The activity shall be undertaken in accordance with the Environmental Code of Practice for River Works, Horizon Regional Council April 2007.^{38, 39}</p>	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) effects on upstream and downstream river bank or dune stability and on foreshore or seabed stability (b) effect on the ability of the waters to convey flood flows and sediment flows (c) adequacy of design parameters to withstand sea level rise and flood flows (d) effects on natural character, public access and flora and fauna (e) the timing and/or staging of the activity (f) the duration of the consent (g) review of consent conditions (h) compliance monitoring³⁸ 39 	
<p>17-12 Large structures which impound the CMA, are parallel to shore, or are oblique or perpendicular to shore</p>	<p>Except as prohibited by Rule 17-14, the erection or any structure pursuant to s 12(1) RMA which:</p> <ul style="list-style-type: none"> (a) will impound or effectively contain 4 ha or more of the CMA, or³⁹ (b) is solid (or presents a significant barrier to water or sediment movement), and when established on the foreshore or seabed would extend 300 m or more in length more or less parallel to the line of mean high water 	<p>Discretionary and restricted coastal activity</p>			<p>This rule implements NZCPS: Schedule 1 and Policy 17-1A. Policies guiding consent decision making include 17-4.</p>

³⁸ Recommendation COA 43 Page 153

³⁹ End Report, Coast Hearing Panels Preliminarily Question 43, COA 43B, p.33

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
	<p>spring (MHWS) including separate structures which total 300 m or more contiguously, or</p> <p>(c) is solid (or presents a significant barrier to water or sediment movement), is sited obliquely or perpendicular in horizontal projection to the line of mean high water spring MHWS in the CMA, and in horizontal projection is 100 m or more in length, including separate structures which total 100 m or more contiguously.</p> <p>For the avoidance of doubt this rule does not include submarine or sub-aqueous cables.</p>				
17-13 Petroleum and chemical storage	Except as prohibited by Rule 17-14, any activity involving the erection of a structure pursuant to s 12(1) RMA for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.	Discretionary and restricted coastal activity			This rule implements NZCPS: Schedule 1 and Policy 17-1A. Policies guiding consent decision making include 17-4.
17-14 Structures in a protection zone	<p>Any activity within a protection zone shown in Schedule H, which involves the erection of any of the following structures pursuant to s 12(1) RMA:</p> <p>(a) a structure for the storage or containment of petroleum products or contaminants</p> <p>(b) a structure which will impound or effectively contain 4 ha or more of the CMA</p> <p>(c) a wharf, marina, boat shed, aquaculture structure or energy generation structure.</p>	Prohibited			This rule implements policy 17-1A.

Rule Guide [for rules 17-6 to 17-14](#)²²:

- (a) Use, maintenance and repair of structures: the above rules permit the on-going use, maintenance and repair of structures once they are established (subject to any stated conditions). For structures requiring a consent, this means that consents can be granted for a short duration. The rules are intended to avoid the need for resource users to hold long-term consents enabling the use or upkeep of structures once they are established.
- (b) Structures under s 12 RMA that are not specifically covered by a rule in this [Plan chapter](#)¹⁵ are a discretionary activity under Rule 17-39.
- (c) Structures under s 12 RMA that do not comply with the permitted or controlled rules and are not otherwise discretionary or prohibited are a discretionary activity under Rule 17-39.
- (d) Structures may also require a building consent under the Building Act 2004.
- (e) Any structure relating to or impacting on safe navigation must also have approval from Maritime New Zealand (refer s 395 RMA and s 200(7) Maritime Transport Act 1994).
- (f) For any aquaculture structure, reference should be made to the Guidelines for Aquaculture Management Areas and Marine Farms, Maritime New Zealand, 2005.

- (g) Reclamations and Drainage
- (h)

17.3.3 Policies

Policy 17-6: Consent Decision making for reclamation and drainage

When making decisions on resource consent applications and setting consent conditions for activities involving reclamation or drainage of the foreshore or seabed, the Regional Council ~~will have particular regard to shall:~~

- (a) ~~Give effect to the RPS including all the~~ objectives and policies of Chapter 9 and ~~give effect to~~ any relevant policies in the New Zealand Coastal Policy Statement
- (aa) ~~Give effect to the RPS particularly the objectives and policies of Chapter 4~~⁴⁰ ~~Objective 7-2 and policies 7-7 and 7-8.~~¹³
- (b) ~~have regard to the whether there is a~~⁴⁰ functional necessity for the activity ~~to locate within the CMA and the extent to which adverse effects can be avoided, remedied or mitigated~~⁴⁰
- (c) ~~have regard to~~ the efficient use of any area to be reclaimed or drained by minimising the area used to the extent reasonable
- (d) ~~have regard to~~ avoiding any restrictions on public access, other than for safety reasons
- (e) ~~ensuring~~ that only ~~cleanfill (being~~⁴¹ material that is uncontaminated by substances subjected to biological, chemical or physical breakdown which would degrade water quality ~~or that and that~~⁴¹ ~~is uncontaminated by plant or animal pest material which could result in propagation or proliferation within or beyond the site~~⁴⁰ is used in any reclamation
- (f) ~~have regard to~~ ensuring that any reclamation or drainage is not sited where there are existing significant areas of indigenous flora or fauna ~~spawning~~⁴⁰ breeding, ~~feeding, roosting~~⁴⁰ or nesting areas
- (g) ~~have regard to~~ avoiding any adverse effects on ~~tikanga~~⁴² Māori ~~cultural values or~~⁴² or ~~on~~⁴² historic heritage, and ~~avoid, remedy or mitigate~~⁴² ~~any adverse effects on natural character~~²⁶ ~~any value identified within any protection zone, as outlined in Schedule H: Table H1.~~⁴²
- (h) ~~have regard to~~ requiring proof that a reclamation has been designed and approved by a registered engineer with experience in coastal processes and construction, and has taken into account the effects of future sea level rise and potential storm surges
- (i) ~~have regard to~~ ensuring that any drainage of, on or across the foreshore will not result in instability of the beach, estuarine substrate or riverbank areas, or adversely impact on water quality at the discharge sites
- (j) ~~have regard to~~ available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

⁴⁰ Recommendation COA 30, p. 109

⁴¹ End Report, Coast Hearing Panel's Preliminary Question 44, COA 30B, p. 28

⁴² End Report Commissioner van Voorthuysen questions from Day One of coast hearings Question 16, COA 24B and 28B, p.62

[This policy implements Objective 17-1](#)

17.3.4 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-15 Drainage	Any drainage of, on or across ⁴³ the foreshore or seabed pursuant to s 12(1) RMA.	Discretionary			This rule implements Policy 17-1A. Policies guiding consent decision making include 17-6.
17-16 Small reclamations except in protection Zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA, <u>except as otherwise covered by Rule 17-16(a) and</u> ³³ excluding those areas identified as protection zones in Schedule H.	Discretionary	(a) Either: (i) the reclamation shall be less than 1 ha, or (ii) the reclamation shall extend less than 100 m in all directions. (b) In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a resource consent after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a).		This rule implements Policy 17-1A. Policies guiding consent decision making include 17-6.
<u>17-16(a)</u> <u>Small reclamation within the Port Zone</u> ³³	<u>Reclamation of the foreshore or seabed pursuant to s 12(1) RMA, within reclamation area 1 as shown on Map H10, and any associated</u> (f) <u>(occupation of space in the CMA pursuant to s12(2) RMA</u> (g) <u>structure pursuant to s12(1)</u> (h) <u>disturbance of the foreshore or seabed pursuant to s12(1) RMA</u> (i) <u>discharge of water or contaminants into the CMA pursuant to s15(1) RMA</u> ³³	<u>Restricted Discretionary</u> ³³	(a) <u>Either:</u> (i) <u>the reclamation shall be less than 1 ha, or</u> (ii) <u>the reclamation shall extend less than 100 m in all directions.</u> <u>In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a resource consent after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the size dimensions specified in (a) (i) or (ii) above.</u> ³³	<u>Discretion is restricted to:</u> (a) <u>the functional necessity for the reclamation</u> (b) <u>the material used as fill for the reclamation</u> (c) <u>the visual amenity of the structure</u> (d) <u>any hydro-dynamic impacts on the neighbouring shore line, including wildlife habitats</u> (e) <u>the timing of the activity</u> (f) <u>the design parameters of the structure to address the effects of sea level rise and</u>	This rule implements Policy 17-1A. Policies guiding consent decision making include 17-6.

⁴³ End Report Coast Hearing Panel's Preliminary Question 45, COA 72B, p.36

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
				storm surge review of consent conditions ³³	
17-17 Large reclamations except in protection zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA excluding those areas identified as protection zones in Schedule H, which does not comply with Rule 17-16.	Discretionary and restricted coastal activity			This rule implements Policy 17-1A. Policies guiding consent decision making include 17-6.
17-18 Small reclamations in protection zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA within any protection zone shown in Schedule H.	Non-complying	(a) Either: (i) the reclamation shall be less than 1 ha, or (ii) the reclamation shall extend less than 100 m in all directions. (b) In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a resource consent after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a).		This rule implements Policy 17-1A. Policies guiding consent decision making include 17-6.
17-19 Large reclamations in protection zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA within any protection zone shown in Schedule H, which does not comply with Rule 17-18.	Non-complying and restricted coastal activity			This rule implements Policy 17-1A. Policies guiding consent decision making include 17-6.

Rule Guide [for rules 17-15 to 17-19](#)²²:

- (a) Any reclamation relating to or impacting on safe navigation must also have approval from Maritime New Zealand (refer s 395 RMA and s 200(7) Maritime Transport Act 1994).

17.4 Disturbances, Removal and Deposition

17.4.1 Policies

Policy 17-7: Consent decision making for activities involving disturbance, removal or deposition

When making decisions on resource consent applications and setting consent conditions for activities involving the disturbance of the foreshore or seabed, the deposition of substances in, on or under the foreshore or seabed, or the removal of any sand, shell, shingle or other natural materials from the CMA, the Regional Council ~~will have particular regard to~~ shall:

- (a) ~~Give effect to the RPS including all~~ the objectives and policies of Chapter 9 and ~~give effect to~~ any relevant policies in the New Zealand Coastal Policy Statement
- (aa) ~~Give effect to the RPS including all~~ the objectives and policies of Chapter 4⁴⁴, Objective 7-2 and policies 7-7 and 7-8¹³
- (b) ~~Policy 6-32~~⁴⁴ ~~avoiding, remedying or mitigating any adverse effects on the water quality values identified in Schedule H. have regard to the applicable water management~~⁴ ~~policy area zone~~¹ and the relevant water quality values and standards for that area as set out in Schedule H: Part C.⁴
- (c) ~~have regard to~~ any effects on public access, natural character and any known and publicly used shellfish beds
- (d) ~~have regard to~~ any effects on any feeding, ~~breeding~~⁴⁴ spawning, ~~nesting~~⁴⁴ or roosting areas
- (e) ~~have regard to~~ avoiding as far as practical any resultant effects on coastal erosion, or on risk from inundation, or on the stability of ~~coastal edges and river~~⁴⁵ banks or foreshore⁴⁵, or on flood control structures
- (f) ~~have regard to~~ avoiding any adverse effects on ~~the relationship of tikanga~~⁴² Māori with taonga⁴² or on⁴² historic heritage, ~~or~~ and avoid, ~~remedy or mitigate any adverse effects on~~⁴⁶ ~~significant flora or fauna habitat any value identified~~⁴⁴ within any protection zone, ~~as outlined in Schedule H.~~⁴⁴ ~~Table H1~~⁴⁷.
- (g) ~~have regard to~~ mitigating any adverse effects on recreational and amenity values
- (h) ~~have regard to~~ ensuring, where non-marine material is being deposited within the CMA, that it is does not contain any hazardous substances or commercial or household wastes

⁴⁴ Recommendation COA 31 Page 112 and COA 64, p. 198

⁴⁵ End Report, Coast Hearing Panel's Preliminary Question 52, COA 75B, p.43

⁴⁶ Supplementary Recommendation COA 31A, p. 13

⁴⁷ End Report, Coast Hearing Panel's Preliminary Question 46, COA 24B, page 35

- (i) have regard to where the removal of sand, shingle, shell or other natural materials is for commercial purposes, the available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

This policy implements Objective 17-1

17.4.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-20 Removal of minor quantities of material	The removal of sand, shingle, shell, driftwood or dead seaweed pursuant to s 12(1) (2) ⁴⁸ RMA and any associated: (a) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (b) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (c) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (d) damming or diversion of coastal ¹⁷ water pursuant to s14(1) or ¹⁷ s 14(2) RMA.	Permitted	(a) The sand, shingle, shell, driftwood or dead seaweed shall be for private use only and not for sale or exchange. (b) The sand, shingle, shell, driftwood or dead seaweed shall only be removed by hand or by using a hand-held non-mechanical device. (c) Any sand or shingle shall not be removed from within 20 m of any seawall, groyne (or similar structure) or the seaward toe of any sand dune. (d) The activity shall comply with conditions (i) and (j) in Table 17.1.		This rule implements policy 17-1A
17-21 Minor disturbances, removal and deposition	Except as otherwise regulated by the rules in Section 17.3.2 ⁴⁹ , any disturbance, removal or deposition of material on the foreshore or seabed pursuant to s 12(1) or s12(2). ⁴⁹ RMA associated with the following activities: (a) exploration or drilling of the seabed occurring more than 1 km seaward of mean high water spring MHWs on the open coast and any associated discharge to air resulting from the flaring of hydrocarbons, for the purpose of undertaking health and safety procedures. ^{50, 51} (b) installation of permanent anchors (c) burial of stock and marine fauna found dead in	Permitted	(a) The clearing of sediment from blocked river mouths shall only be undertaken by a local authority or its authorised contractors. (b) Any burial of dead stock and marine fauna found in the CMA shall not disturb any plant communities in a protection zone <u>and shall comply with conditions f), g) i), j), and l) – n) as listed in table 17-1⁴</u> (c) The activity shall comply with the conditions listed in Table 17.1.⁴ (ca) <u>the installation of permanent anchors shall comply with conditions a) – g) and i)-n) as listed in table 17-1⁴</u> (cb) clearing sediment from outfall structures, intake		This rule implements policy 17-1A

⁴⁸ End Report, Coast Hearing Panel's Preliminary Question 47, COA 37B, p. 38

⁴⁹ End Report, Coast Hearing Panel's Preliminary Question 49, COA 37B, p. 38

⁵⁰ Supplementary Recommendation COA 36A, p. 12

⁵¹ End Report Commissioner van Voorthuysen questions from Day One of coast hearings Question 17, COA 36B, p.63

⁵² End Report, Coast Hearing Panel's Preliminary Question 48, COA 73B, p.39

⁵³ Recommendation COA 36, p. 126

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
	<p>the CMA</p> <p>(d) clearing sediment from <u>blocked river mouths</u>⁵², outfall structures, intake structures and culverts</p> <p>(e) public recreational activities</p> <p>(f) beach grooming</p> <p>and any associated:</p> <p>(i) occupation of space in the CMA pursuant to s 12(2)</p> <p>(ii) discharge of water, <u>drilling fluids</u>^{53, 51} or sediments into the CMA pursuant to s15(1) RMA</p> <p>(iii) damming or diversion of <u>coastal</u>²⁹ water pursuant to <u>s14(1) or</u>²⁹ s 14(2) RMA.</p> <p>(iv) <u>discharge to air resulting from the flaring of hydrocarbons, for the purpose of undertaking health and safety procedures.</u>^{53, 50}</p>		<p>structures and culverts shall comply with <u>conditions a) – g) and i)-n) as listed in table 17-1</u>⁴</p> <p><u>cc) any public recreational activities or beach grooming shall comply with conditions e) – g), i) and j) as listed in table 17-1</u>⁴</p> <p>(d) the diameter of any bore drill hole shall be 1.5 metres or less^{53, 51}</p> <p>(e) any exploration or drilling shall not involve the use of explosives.^{53, 51}</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17- 22 (a) ⁵⁴ Shellfish enhancement ⁵⁴	Any disturbance of the foreshore or seabed, pursuant to s12(1) RMA for the purposes of non-commercial shellfish enhancement, and any associated: (a) occupation of space in the CMA pursuant to s12(2) RMA. ⁵⁴	Permitted ⁵⁴	(a) the shellfish enhancement shall occur only in the same location as existing shellfish beds ⁵⁴ (b) any shellfish spat used shall be from the same species as naturally resides in the same area. ⁵⁴ (c) The activity shall comply with the⁴ conditions⁵⁴ b), e) – g), and i) – k) as⁴ listed in Table 17.1.		This rule implements policy 17-1A
17-22 Beach nourishment	Any disturbance, removal or deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) or 12(2) ⁴⁹ RMA for the purposes of beach nourishment, and any associated: (a) occupation of space in the CMA pursuant to s 12(2) RMA (b) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA.	Controlled	(a) Any material to be deposited shall not contain any contaminants that are not already present in natural materials at the site. (b) Any material to be removed shall not result in accelerated erosion of the foreshore. (c) The activity shall comply with the ⁴ conditions b), e) – g), and i) – k) as ⁴ listed in Table 17.1.	Control is reserved over: (a) the particle size and composition (b) the timing of the activity (c) duration, fees and charges, reviews and monitoring.	This rule implements policy 17-1A. Policies guiding consent decision making include 17-7
17-23 Port zone and Whanganui River maintenance dredging	Any disturbance or removal of the foreshore or seabed, pursuant to s 12(1) or 12(2) ⁵⁵ RMA and s 4 RM Marine Pollution Regulations, arising from maintenance dredging within the port zone or the Whanganui River maintenance dredging areas shown in Schedule H Figure H:10 as dredging area 1 and dredging area 2, ⁵⁶ and any associated deposition of dredged material in the CMA pursuant to s 12(1) RMA and s4 RM Marine Pollution Regulations. ⁵⁷	Discretionary	(a) The dredging shall be for the purpose of maintaining water depths and access to and within the port zone. (b) In any 12-month period, the quantity of material dredged or deposited within the CMA shall not exceed 240,000 m ³ . (c) The dredging shall occur within the dredging zones areas ⁵⁷ identified in Schedule H Figure H: ⁵⁶ 10 ⁵⁷ (d) The disposal of any dredged material shall occur within the dump zones discharge areas ⁵⁷ identified in Schedule H Figure H ⁵⁶ 10. ⁵⁷		This rule implements policy 17-1A and NZCPS: Schedule 1. Policies guiding consent decision making include 17-7

⁵⁴ Recommendation COA 37, p. 135

⁵⁵ End Report COA, Question 49, p. 31

⁵⁶ End Report, Coast Hearing Panel's Preliminary Question 50, COA 43B, p. 41

⁵⁷ Recommendation COA 49, p.166

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
			<p>(e) the disposal of any dredged material shall only occur on the outgoing tide.⁵⁷</p> <p>(f) the location of the dredged material shall be monitored in accordance with conditions set by the HRC⁵⁷</p> <p>(g) any application must include information specified in Part I of Schedule 3 of the RM (Marine Pollution) Regulation⁵⁷</p>		
17-24 Port and General Zones . ⁵⁸ Large-scale disturbances, removal and deposition excluding protection zones . ⁵⁸	Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine ⁵⁹ material within the CMA pursuant to s 12(1) or s12(2) ⁵⁵ RMA and which is not otherwise regulated by Rule 17-23 where: <p>(a) the quantity of material involved is greater than 50,000 m³, or</p> <p>(b) the area involved is equal to or greater than 4 ha, or</p> <p>(c) the length of foreshore or seabed involved is equal to or greater than 1,000 metres.</p>	Discretionary and restricted coastal activity			<p>This rule implements policy 17-1A and NZCPS: Schedule 1.</p> <p>Policies guiding consent decision making include 17-7</p>
17-25 Protection zones . ⁵⁸ Small- to medium-scale disturbances, removal and deposition in protection zones . ⁵⁸	Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material pursuant to s 12(1) or s12(2) ⁵⁵ RMA within a protection zone, which is not otherwise covered by the rules in 17.3.2 17-3 ⁵⁸ , Rule 17-20, Rule 17-21, Rule 17-22, Rule 22(a) ⁵⁸ or Rule 17-26	Non-complying			<p>This rule implements policy 17-1A.</p> <p>Policies guiding consent decision making include 17-7</p>
17-26 Protection zones : ⁵⁸ Large-scale disturbances,	Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine ⁵⁹ material pursuant to s 12(1) or s12(2) ⁵⁵ RMA within a protection zone where:	Non-complying and restricted coastal activity			<p>This rule implements policy 17-1A and NZCPS: Schedule 1.</p> <p>Policies guiding consent</p>

⁵⁸ End Report, Coast Hearing Panel's Preliminary Question 51, COA 74B p. 42

⁵⁹ Recommendation COA 50, p.169

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
removal and deposition in in protection zones ⁵⁸	(a) the quantity of material involved is greater than 50,000 m ³ , or (b) the area involved is equal to greater than 4 ha, or (c) the length of foreshore or seabed involved is equal to or greater than 1,000 metres.				decision making include 17-7

Rule Guide [for rule 17-20 to 17-26](#):²²

- (a) Deposits, disturbances and removal in the CMA that are not specifically covered by a rule in this [Plan chapter](#)¹⁵ are a discretionary activity under Rule 17-39.
- (b) Deposits, disturbances and removal in the CMA that do not comply with a permitted or controlled activity rule and are not otherwise discretionary, non-complying or prohibited are a discretionary activity under Rule 17-39.

17.5 Water Takes, Uses, Damming and Diversions

17.5.1 Policies

Policy 17-8: Consent decision making for take and use of ~~coastal~~¹⁹-water

When making decisions on resource consent applications and setting consent conditions for the take and use of water from the CMA, the Regional Council ~~will have particular regard to:~~ shall

- (a) ~~Give effect to the RPS, particularly Objective 9-1 and 9-3 and policies 9-1 and 9-5A the objectives and policies of Chapter 9 and give effect to~~ any relevant policies in the New Zealand Coastal Policy Statement
- (aa) ~~Give effect to the RPS, particularly the objectives and policies of Chapter 4~~⁶⁰
- (b) ~~Have regard to~~ ensuring any intake pipe is located and screened such that the “intake” of marine fauna (including at spawning stages) is avoided, and any scouring of the foreshore or seabed is avoided.

[This policy implements Objective 17-1](#)

⁶⁰ Recommendation COA 32, p. 114

Policy 17-9: Consent decision making for damming and diversions in the CMA

When making decisions on resource consent applications and setting consent conditions for any activity in the CMA involving the damming or diversion of ~~coastal~~¹⁹-water, the Regional Council ~~will have particular regard to shall:~~

- (a) ~~Give effect to the RPS including all~~ the objectives and policies of Chapter 9 and ~~give effect to~~ any relevant policies in the New Zealand Coastal Policy Statement
- (b) ~~Give effect to the RPS particularly~~ the objectives and policies of ~~Chapter 4,~~⁶¹ ~~Objective 7-2 and policies 7-7 and 7-8,~~¹³ ~~Chapter 6, Chapter 10 and Chapter 15 that are relevant to the activity, and in particular the water management zones in Schedule D~~⁶² ~~and~~¹³ ~~objective 10-1 and policy 10-6~~⁶²
- ~~(ba) avoiding, remedying or mitigating any adverse effects on the water quality values identified Schedule H~~⁶² ~~;~~⁴ ~~have regard to the applicable water management~~⁴ ~~policy area zone~~¹ ~~and the relevant water quality values and standards for that area as set out in Schedule H: Part C.~~⁴
- (c) ~~have regard to~~ the necessity for the activity
- (d) ~~have regard to~~ avoiding any adverse effects on fish spawning and bird ~~feeding~~⁶¹ nesting ~~, breeding or roosting~~⁶¹ areas
- ~~(da) have regard to avoiding any adverse effects on any value identified within any protection zone, as outlined in Schedule H.~~⁶¹
- (e) ~~have regard to~~ ensuring that any adverse effects on water clarity are not visibly noticeable within 24 hours of the activity being completed
- (f) ~~have regard to~~ ensuring that any adverse effects on riverbank stability or coastal sediment processes do not contribute to erosion elsewhere or exacerbate the risk from natural hazards
- (g) ~~have regard to~~ ensuring that public access is not unreasonably restricted.

[This policy implements Objective 17-1](#)

17.5.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-27 Take and use	Any take or use of water from the coastal marine area CMA. ⁶	Permitted	(a) The activity shall comply with the standard conditions (i) and (j) in		This rule implements policy

⁶¹ Recommendation COA 33, p. 116

⁶² Recommendation COA 64, p. 198

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
of water			Table 17.1. (b) A screen shall be used, and the intake velocity shall be sufficiently low so as to ensure that the take of water does not cause juvenile fish or other fauna to be damaged, killed or removed from the water body. An intake screen with a mesh aperture size not exceeding 3mm in diameter shall be used and the intake velocity shall not exceed 0.3 m/s. ⁶³		17-1A
17-28 Drainage and diversions of water in the CMA	Any activity which is authorised by Rules 15-9, 15-10 or 15-11 of this Plan and which results in any drainage or diversions of water into the <u>coastal marine area CMA</u> . ^{6 64} Any drainage or diversions of water into the coastal marine area which results from activities covered by Rules 15-9, 15-10 or 15-11 of this Plan. ⁶⁴	Permitted	(a) The activity shall comply with all conditions of Rules 15-9, 15-10 and 15-11, as if those conditions apply to the <u>coastal marine area CMA</u> . ^{6 64} (b) <u>The activity shall comply with the standard conditions in Table 17.1</u> . ⁶⁵		This rule implements policy 17-1A

Rule Guide [for rules 17-27 to 17-28](#)²²:

- (a) Water takes and uses in the CMA that do not comply with a permitted activity rule are a discretionary activity under Rule 17-39.
- (b) Any damming or diversion of water in the CMA that is not specifically regulated by any other rule in this [Plan chapter](#)¹⁵ is a discretionary activity under Rule 17-39.

17.6 Discharges

17.6.1 Policies

Policy 17-10: Consent decision making for discharges into the CMA

⁶³ Recommendation COA 51, p.171

⁶⁴ End Report, Coast Hearing Panel's Preliminary Question 53, COA 12B, p. 44

⁶⁵ Recommendation COA 52, p. 173

When making decisions on resource consent applications and setting consent conditions for discharges into the CMA, the Regional Council ~~will have particular regard to~~ shall

- (a) ~~give effect to the RPS including all~~ the objectives and policies of Chapter 9 and ~~give effect to~~ any relevant policies in the New Zealand Coastal Policy Statement
- ~~(b) give effect to the RPS particularly the relevant⁶⁶ objectives and policies of Chapter 4,⁶⁷ Chapter 6 and any relevant policies in Chapter 13, and in particular Policies 6-1 to 6-5 and the water management zones set out in Schedule D.⁶²~~
- ~~(ba) have regard to the applicable Water Management⁴ policy area zone¹ and the relevant water quality values and standards for⁴ that area those zones¹ as set out in Schedule H: Part C⁴.~~
- (c) ~~have regard to~~ restricting the use of hazardous substances in any estuary, river or stream in the CMA to control pest plants or marine fauna identified pursuant to a pest management strategy prepared under the Biosecurity Act 1993
- (d) ~~have regard to tikanga²⁶ Māori cultural values²⁶, amenity values, recreational values and public health and safety, and ensuring any adverse effects are avoided as far as practicable. Where complete avoidance is not practicable, the adverse effects should be remedied or mitigated.⁶⁷~~
- (e) ~~have regard to~~ any discharge, after reasonable mixing, should not result in:
 - (i) the production of any conspicuous oil or grease films, scums or foams
 - (ii) floatable or suspended materials
 - (iii) any conspicuous change in the colour or visual clarity of water in the ~~coastal marine area CMA⁶~~
 - (iv) any emission of objectionable odour, or any significant adverse effects on aquatic life.
- ~~(ea) have regard to whether the discharge contributes to cumulative adverse effects within the CMA.⁶⁸~~

~~This policy implements Objective 17-1~~

Policy 17-11: Consent decision making for sewage discharges

When making decisions on resource consent applications and setting consent conditions for sewage discharges into the CMA, the Regional Council ~~will have particular regard to~~ shall:

- (a) ~~give effect to the RPS, particularly objective 9-3 and policy 9-5A the objectives and policies of Chapter 9~~ and ~~give effect to~~ any relevant policies in the New Zealand Coastal Policy Statement

⁶⁶ End Report, Coast Hearing Panel's Preliminary Question 27, COA 32B, p. 18

⁶⁷ Recommendation COA 34 Page 118

⁶⁸ End Report, Hearing Panels Subsequent Questions at Hearing 27, COA 2B p.81

- ~~(b) give effect to the RPS particularly the relevant objectives and policies of Chapter 4,⁶⁹ Chapter 6 and any relevant policies in Chapter 15, and in particular Policies 6-1 to 6-5 and the water management zones set out in Schedule D⁶² and policy 6-11.⁶⁶~~
 - (ba) have regard to the applicable Water Management⁴ policy area Sub Zone¹ and the relevant water quality values and standards for that area as set out in Schedule H.⁴
 - (c) have regard to avoiding any discharge within any river, stream or estuary in the CMA or within any protection zone identified in Schedule H,
 - (d) have regard to the extent to which any alternatives have been considered, including discharging to land
 - (e) have regard to considering the views and concerns of tangata whenua in the decision-making process.
 - (ea) have regard to whether the discharge contributes to cumulative adverse effects within the CMA.⁶⁸
- This policy implements objective 17-1

17.6.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-29 Discharges into water from ships, boats, fire-fighting and oil spills	Any discharge (excluding sewage) <u>into the CMA</u> ⁷⁰ pursuant to s 15 RMA: (a) of water into <u>water the CMA</u> ⁷⁰ (b) associated with the normal operation ⁷¹ of a ship or boat, or (c) for the purposes of fire-fighting <u>or training for fire fighting</u> ⁶⁵ , or (d) for the purposes of managing an oil spill.	Permitted	(a) There shall be no discharge of non-biodegradable matter. (b) Any substance used as an oil dispersant must be approved in accordance with the Marine Protection Rules Part 132: Dispersants and Demulsifiers (1998).		This rule implements policy 17-1A
17-30	The discharge of stormwater into the CMA, pursuant to s 15 RMA.	Permitted	(a) The discharge shall not contain any sewage.		This rule implements

⁶⁹ Recommendation COA 35, p. 121

⁷⁰ End Report COA 77B, Coast Hearing Panel's Preliminary Question 55, page 44

⁷¹ **Normal operation** – For the purpose of this rule “normal operation” includes ship propulsion, cooling water, wash-down water from cleaning and bilge water containing less than 15 ppm of oil. In the context of this rule, any discharge or contaminants resulting from hull cleaning or anti-fouling or painting of vessels must be collected and removed from the coastal marine area CMA.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
Discharges of stormwater			<p>(b) The discharge shall not include stormwater from any:</p> <ul style="list-style-type: none"> (i) industrial or trade premises where hazardous substances are stored or used (ii) contaminated land (iii) operating quarry or mineral extraction site <p>unless there is an interceptor system* in place.</p> <p>(c) For discharges that include stormwater from an any⁷² industrial or trade premises, or <u>from land zoned as industrial, commercial or residential, an urban area</u>,⁷² the catchment area of the discharge shall not exceed 2 hectares.</p> <p>(d) The activity shall not cause erosion of any bank, <u>Cliff, escarpment</u>⁷³ or foreshore <u>area</u>⁷² beyond the point of discharge, unless this is not practicably avoidable, in which case any erosion that occurs as a result of the discharge shall be remedied as soon as practicable.</p> <p>(e) For discharges of stormwater into the CMA the discharge shall not cause, after reasonable mixing*, any of the following effects in the receiving <u>waterbodies</u>:⁴</p> <ul style="list-style-type: none"> (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials (ii) any conspicuous change in the colour or visual clarity of the receiving water (iii) any emission of objectionable odour (iv) toxicity to marine ecosystems. <p>(f) The <u>discharge activity</u> shall not be to any <u>historic heritage site</u>,⁷⁴ <u>archaeological site, waahi tapu or koiwi remains</u>⁷⁵ as identified in any <u>District or Regional Council plan Schedule or proposed plan, or district council or Regional Council historic heritage database</u>⁷⁴, <u>in the New Zealand Archaeological Association's Site Recording Scheme, or by the New Zealand Historic Places</u></p>		<p>policy 17-1A</p>

⁷² Recommendation COA 53, p. 175

⁷³ End Report, Coast Hearing Panel's Preliminary Question 52, COA 75B p. 43

⁷⁴ Supplementary Recommendation COA 68, p.16

⁷⁵ End Report, Panels subsequent questions from day one of the hearing, Questions 2, COA 67B and 68B, p. 70

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
			<p>Trust, except where New Zealand Historic Places Trust approval has been obtained.</p> <p>(g) The activity shall comply with the standard conditions in Table 17.1.⁴</p>		
<p>17-31 Discharges of stormwater not complying with Rule 17-30</p>	<p>The discharge of stormwater into the CMA, pursuant to s 15 RMA, that:</p> <ul style="list-style-type: none"> (i) does not comply with Rule 17-30, or (ii) is lawfully in existence at the time this rule comes into effect, but does not comply with Rule 17-30. 	<p>Controlled</p>	<ul style="list-style-type: none"> (a) The discharge shall not include sewage. (b) The discharge shall not include stormwater from any: <ul style="list-style-type: none"> (i) industrial or trade premises where hazardous substances are stored or used (ii) contaminated land (iii) operating quarry or mineral extraction site unless there is an interceptor system* in place. (c) The discharge shall not be toxic to marine ecosystems after reasonable mixing. (d) The activity shall comply with the standard conditions in Table 17.1.^{76 4} 	<p>Control is reserved over:</p> <ul style="list-style-type: none"> (a) measures to control flooding and erosion (b) contaminant concentrations and loading rates (c) measures required to comply with s 107(1) RMA (d) measures required to comply with the water quality standards for the relevant water management zone Policy area^{4 1} (e) odour management (f) stormwater system maintenance requirements (g) contingency requirements (h) monitoring and information requirements (i) duration of consent (j) review of consent 	<p>This rule implements policy 17-1A</p> <p>Policies guiding consent decision making include 17-10</p>

⁷⁶ Recommendation COA 54, p.178

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-32 Discharges of dye and salt tracers	The discharge of dye and salt tracer material into the CMA , ⁷⁰ pursuant to s 15 RMA, excluding radioisotope tracers.	Permitted	(a) The dye or salt tracer material discharged shall not exceed 20 l of dye in solution, 10 kg of salt, or 100 l of salt solution. (b) The Regional Council shall be notified in writing of the proposed discharge at least 24 hours prior to the discharge. Such notification shall include: <ul style="list-style-type: none"> (i) the name and contact details of the person responsible for the discharge (ii) the purpose and nature of the discharge (iii) the nature of the tracer including its type, colour, and product name and description (iv) the location, timing and duration of the discharge. (c) The dye or salt tracer shall not be a hazardous substance in terms of the Hazardous Substances and New Organisms Act 1996.	conditions.	This rule implements policy 17-1A Policies guiding consent decision making include 17-10
17-33 Application of agrichemicals	The discharge of agrichemicals into air, onto land, or into water, in the CMA, pursuant to s 15 RMA.	Permitted	(a) The target species shall be identified as a plant pest or animal pest in the Horizons Regional Pest Plant Management Strategy (May 2007) ⁷⁷ or the Horizons Regional Pest Animal Management Strategy (January 2002). (b) The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions. (c) The discharge shall be undertaken in accordance with all mandatory requirements set out in NZS 8409:2004 Management of Agrichemicals. (ca) There shall be no measurable Any¹ adverse effect on non-target plant, animal or fish species shall be no more than minor. ^{78 1} (d) Where the discharge is into water for the purpose of eradicating, modifying or controlling unwanted marine plants: <ul style="list-style-type: none"> (i) only agrichemicals approved for aquatic use may be used (ii) the application shall not exceed the quantity or 		This rule implements policy 17-1A

⁷⁷ End report, Coast Hearing Panel's Preliminary Question 57, COA 78B p. 45

⁷⁸ Recommendation COA 55, p. 180

⁷⁹ End Report, Coast Hearing Panel's Preliminary Question 58 (b), COA 12B p. 46

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
			<p>concentration required for that purpose.</p> <p>(e) The discharge shall not include disposal to water of any agrichemical.</p> <p>(f) The discharger shall notify the Regional Council one week prior to application.</p> <p>For the purpose of this rule, "disposal" means dumping of waste or surplus product.⁷⁹</p>		
<p>17-34 Application of agrichemicals</p>	<p>The discharge of agrichemicals into air, onto land, or into water, in the CMA, pursuant to s 15 RMA, that does not comply with Rule 17-33.</p>	<p>Controlled</p>	<p>(a) The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions.</p> <p>(b) The discharge shall be undertaken in accordance with all mandatory requirements set out in NZS 8409:2004 Management of Agrichemicals.</p> <p>(ba) There shall be no measurable Any¹ adverse effect on non-target plant, animal or fish species shall be no more than minor.^{78 1}</p> <p>(c) Where the discharge is into water for the purpose of eradicating, modifying or controlling unwanted marine plants:</p> <p>(i) only agrichemicals approved for aquatic use may be used</p> <p>(ii) the application shall not exceed the quantity or concentration required for that purpose</p> <p>(iii) the discharge shall not include disposal to water of any agrichemical.</p> <p>For the purpose of this rule, "disposal" means dumping of waste or surplus product.⁷⁹</p>	<p>Control is reserved over:</p> <p>(a) qualification required of persons carrying out the activity</p> <p>(b) method, rate and timing of application</p> <p>(c) the provision of information to the public</p> <p>(d) duration, fees and charges, reviews, monitoring.</p>	<p>This rule implements policy 17-1A</p> <p>Policies guiding consent decision making include 17-10</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-35 Sewage and s 107(2) RMA discharges	<p>Pursuant to s1 New Zealand Coastal Policy Statement:</p> <p>(a) any discharge of human sewage which has not passed through soil or wetland, and which is not otherwise provided for by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, or</p> <p>(b) any discharge for which the discharger wishes to rely on exceptional circumstances to justify the granting of consent under s 107(2)(a) RMA, and</p> <p>which is not otherwise prohibited by Rule 17-36 of this Plan chapter.¹⁵</p>	Discretionary and restricted coastal activity			<p>This rule implements NZCPS: Schedule 1 and policy 17-1A</p> <p>Policies guiding consent decision making include 17-11</p>
17-36 Dumping of hazardous substances	The dumping or disposal of any hazardous substances in the CMA, not otherwise controlled by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, or otherwise provided for by Rule 17-33.	Prohibited			This rule implements policy 17-1A

Rule Guide [for rule 17-29 to 17-36](#):²²

- (a) Discharges under ~~s12 s15~~⁸⁰ RMA that are specifically covered by a rule above, or do not comply with the permitted or controlled rules and are not otherwise prohibited are discretionary under general Rule 17-39.
- (b) Refer also to rules under Sections 17.3 (Structures) and 17.5 (Disturbances, Removal and Deposition) which permit some discharges associated with other minor activities.
- ~~(c) Refer also to relevant rules on discharges in Chapter 13 of this Plan.⁸⁰~~
- ~~(d) Refer also to Rules 14-1 and 14-2 on agricultural discharges.⁸⁰~~
- (e) Refer to Sections 15A, 15B and 15C of the RMA and the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, for full details and consent status and controls relating to:
 - (i) dumping of waste or other matter from any ship, aircraft or off-shore installation, prohibited except for the following matters which are deemed to be discretionary: dredge material, sewage sludge, fish processing waste from an onshore facility, ships and platforms or other man-made structures at sea, inert organic geological material, organic materials of natural origins, bulky items consisting mainly of iron, steel, and concrete
 - (ii) incineration of waste (prohibited)

⁸⁰ End Report, Coast Hearing Panel's Preliminary Question 58 (a), COA 37B p. 46

- (iii) substances to avoid, remedy, or mitigate an oil spill (permitted subject to the Maritime Transport Act 1994)
- (iv) discharge of oil from ship or off-shore platforms (permitted)
- (v) discharge of noxious liquid substances from a ship (permitted)
- (vi) discharge of sewage from any ship or off-shore installation (prohibited within 500 m of ~~mean high water spring MHWS~~⁶, or within 500 m of a marine farm, or within 200 m of a marine reserve, or within 500 m of a maataitai reserve
- (vii) discharge of plastics, dunnage, lining and packaging materials from any ship (prohibited)
- (viii) discharge of garbage from a ship (permitted subject to conditions)
- (ix) discharge of garbage from an off-shore installation (prohibited)
- (x) discharge of ballast water from any ship or off-shore installation (permitted subject to any requirements of the Biosecurity Act 1993)
- (xi) discharges as a part of normal operations of ships (permitted)
- (xii) store or dump radioactive wastes (prohibited).

17.7 Noise and Discharges into Air

17.7.1 Policies

Policy 17-12: Consent decision making for any noise and discharges into air

When making decisions on resource consent applications and setting consent conditions for activities involving noise or ~~other~~⁸³ discharges into air in the CMA, the Regional Council ~~will have particular regard to:~~ shall

- (a) ~~give effect to the RPS, particularly objective 9-1 and 9-2 and policies 9-1, 9-2, 9-3, 9-4 and 9-5 the objectives and policies of Chapter 9 and give effect to~~ any relevant policies in the New Zealand Coastal Policy Statement
- (b) ~~give effect to the RPS particularly~~ the ~~relevant~~⁶⁶ objectives and policies of ~~Chapter 4,~~⁶⁹ ~~Chapter 8 and Chapter 17 objective 8-1 and policy 8-1.~~⁶²
- (c) ~~have regard to~~ adopting the best practical option to ensure that emissions of noise do not exceed a reasonable level for all other activities, including minimising effects on coastal birds and amenity values for people.

This policy implements Objective 17-1

17.7.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
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Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-37 Noise discharges <u>Emissions</u> ⁸³	Any discharge of ⁸³ noise in the CMA, pursuant to s12(3) RMA including any discharge of noise ⁸³ relating to the normal operation of boats, ships or offshore installations, or from seismic <u>exploration activity</u> . ⁸¹	Permitted	(a) Any seismic activity- exploration ⁸² shall be located at least 1 km away from any protection zone as shown in Schedule H. (b) <u>Any seismic exploration or associated activity shall be undertaken in accordance with the Error! Bookmark not defined. most recent version of⁸³ the Department of Conservation's Guidelines for minimising acoustic disturbance to marine mammals from seismic survey operations (February 2006) Error! Bookmark not defined.</u>		This policy implements policy 17-1A

Rule Guide [for rule for rule 17-37](#)²²:

- (a) Noise emissions in the CMA that do not comply with the conditions of the permitted activity rule above or that are not specifically permitted by the rule above or by existing use provisions in s20A RMA⁸³ are a discretionary activity under Rule 17-39.
- (b) ~~Other~~⁸³ discharges into air in the CMA ~~that are not expressly regulated by the rules in Chapter 14~~⁸³ are a discretionary activity under Rule 17-39
- (c) Reference should also be made to the RM (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxic) Regulations 2004.
- ~~(d) Refer also to Rules 14-1 and 14-2.~~⁸³

17.8 Exotic and Introduced Plants

17.8.1 Policies

Policy 17-13: Consent decision making for the Introduction of exotic and introduced plants

When making decisions on resource consent applications and setting consent conditions for activities involving the introduction of exotic and introduced plants in the CMA, the Regional Council ~~will have particular regard to~~ shall:

- (a) give effect to the RPS, particularly objective 9-2 and 9-3 and policies 9-2, 9-3, 9-4, 9-5 and 9-5A ~~The objectives and policies of Chapter 9~~ and give effect to any relevant policies in the New Zealand Coastal Policy Statement
 - (aa) Give effect to the RPS, particularly the objectives and policies of Chapter 4⁶⁹

⁸¹ End Report, Coast Hearing Panel's Preliminary Question 60, COA 57B p. 47

⁸² Recommendation COA 57, p.184

⁸³ End Report, Appendix 3, p. 100

- (b) [Have regard to](#) avoiding the introduction of exotic or introduced plant species into the CMA, unless there is a compelling reason for doing so and any future potential adverse effects are identified and can be avoided
- (c) [Have regard to](#) Imposing conditions to avoid any risk of adverse effects on indigenous flora in any protection zone or on fish or bird feeding grounds.

17.8.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
17-38 Exotic and introduced plants	Pursuant to s 12(1) RMA and s 1 NZCPS, the introduction or planting of any exotic or introduced plant species within the CMA, which is not already present in the region an area . ⁸⁴	Discretionary and restricted coastal activity			This rule implements NZCPS: Schedule 1 and policy 17-1A. policies guiding consent decisions include 17-13

Rule Guide [for rule 17-38](#).²²

- (a) The introduction or planting of an exotic or introduced plant species in the CMA that is not specifically covered by the rule above is a discretionary activity under general Rule 17-39.

⁸⁴ Recommendation COA 58, p.186

17.9 Rules – Activities that are not Covered by other Rules, or which do not Comply with Permitted and Controlled Activity Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-39 Activities that are not covered by any other rule, or which do not comply with permitted and controlled activity rules	Any activity that either: (a) Is subject to s 12(1) or s 12(2), or s 14(1), or s14(2) or s 15 (1) or s 15 (2) ⁸⁵ RMA and is not addressed by any other rule in this Plan chapter ¹⁵ , or (aa) is subject to s12(2) RMA, or ⁸⁶ (b) does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule in this chapter, but and ¹ which is not expressly classified as a discretionary, non-complying or prohibited activity.	Discretionary		

⁸⁵ End Report, Coast Hearing Panel's Preliminary Question 61, COA 37B p. 47

⁸⁶ Supplementary Recommendation COA 37A p. 12