

**Notes for track changes.** Recommendations made by the Administration Officer's Report are shown in **Blue**. Words recommended to be added are shown in underline, words recommended to be removed are shown in ~~strike through~~.

Terms defined within the plan glossary are *Italicised* and marked with a ' \* ' symbol. Terms defined in the resource management Act 1991 are *Italicised* and marked with a ' ^ ' symbol.

## 11A ~~11.2~~<sup>2</sup> **General Objectives and Policies**<sup>1</sup>

### 11A.1 ~~11.2.1~~<sup>2</sup> **Scope and Background**

Under the RMA most activities affecting air quality, *water*<sup>^</sup> quality and quantity, the *beds*<sup>^</sup> of *rivers*<sup>^</sup> and *lakes*<sup>^</sup> and the *coastal marine area*<sup>^</sup> are restricted unless allowed by a *rule*<sup>^</sup> or *resource consent*<sup>^</sup>. Many such activities have only minor *effects*<sup>^</sup> and requiring a *resource consent*<sup>^</sup> in every case would be unduly bureaucratic and costly. By contrast, *land*<sup>^</sup>-use activities are allowed under the ActRMA unless restricted by a *rule*<sup>^</sup>. Some *land*<sup>^</sup>-use activities can have very significant *effects*<sup>^</sup> which should not be allowed without restriction. Through *rules*<sup>^</sup> the Regional Council can both free up as many minor activities as possible, thereby minimising costs on resource users, and restrict activities that might otherwise cause significant *effects*<sup>^</sup>. This chapter describes the Regional Council's overarching objectives and policies for regulating activities.<sup>3</sup> ~~It then sets out general rules that serve as a default for other rules in this Plan.~~<sup>4</sup>

### 11A.2 ~~11.2.2~~<sup>2</sup> **Objectives**

#### **Objective ~~11.1~~ 11A-1<sup>2</sup>: Resource management in the Manawatu-Wanganui Region**

- (a) The regulation of activities in a manner which maximises certainty and avoids unnecessary costs on resource users and other parties.
- (b) The regulation of activities in a manner which gives effect to the provisions of Part I of this Plan, the *Regional Policy Statement*<sup>5</sup>.

<sup>1</sup> The heading 'General Objectives and Policies' has been incorporated in its entirety from Chapter 11, Section 11.2

<sup>2</sup> Change in numbering to reflect the new chapter number

<sup>3</sup> The Scope and Background has been incorporated in its entirety from Chapter 11, section 11.2.1

<sup>4</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ITR 1

<sup>5</sup> Objective 11A-1 has been incorporated in its entirety from Chapter 11, Objective 11-1 – see also Officer's report - Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ITR 5

## Objective 2-1-11A-2<sup>2</sup>: Consent duration, review and enforcement

The provisions of the RMA dealing with the duration of *resource consents*<sup>△</sup>, review of consent *conditions*<sup>△</sup>, and enforcement procedures shall will<sup>6</sup> be implemented in a manner that provides the maximum reasonable certainty to resource users, affected parties and submitters.<sup>6</sup>

Where appropriate, Horizons the Regional Council shall will<sup>6</sup> provide user friendly, long duration consents and shall will<sup>6</sup> carefully monitor and manage compliance.<sup>6</sup>

### 11A.3 11.2.3<sup>2</sup> Policies <sup>7</sup>

#### Policy 11A<sup>2</sup>-1: *Regional rules*<sup>△</sup> for restricted activities

For activities that are restricted under Part III of the RMA, pursuant to Sections 12(1), 12(2), 13(1), 14(1), and 15(1), *regional rules*<sup>△</sup> shall will<sup>8</sup> be adopted which:

- (a) classify as **permitted** those activities that either<sup>8</sup> are unlikely to have more than minor adverse *effects*<sup>△</sup> on the *environment*<sup>△</sup>, or may have more than minor adverse effects but these effects are acceptable<sup>8</sup> and do not require any site-specific regulation by way of *resource consents*<sup>△</sup>
- (b) classify as **controlled** those activities that can have more than minor adverse *effects*<sup>△</sup> on the *environment*<sup>△</sup>, but where the need for site-specific management can be confined to a narrow list of matters that can be addressed by way of consent *conditions*<sup>△</sup> on a consent that must be granted
- (c) classify as **restricted discretionary** those activities for which the Regional Council needs to retain its discretion to decline consent owing to the potentially significant level of adverse *effects*<sup>△</sup>, but it is possible to restrict the exercise of the Regional Council's discretion to a specified list of matters
- (d) classify as **discretionary** those activities for which the Regional Council needs to retain its discretion to decline consent owing to the potentially significant level of adverse *effects*<sup>△</sup>, and it is not practicable to restrict the exercise of the Regional Council's discretion to a specified list of matters

<sup>6</sup> Objective 11A-2 has been incorporated in its entirety from Chapter 2, Objective 2-2 - Recommendation ADM 6

<sup>7</sup> Policy heading incorporated in its entirety from Chapter 11, section 11.2.3

<sup>8</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ITR 6

- (e) classify as **non-complying** those activities for which the Regional Council would generally not grant a *resource consent* owing to the potential for very significant adverse *effects* on the *environment*
- (f) classify as **prohibited** those activities for which there is clear evidence that the activity is likely to have adverse *effects* that are so significant that they could not be adequately avoided, remedied or mitigated under any circumstances
- (g) classify as a **restricted coastal activity** (in addition to being classified as discretionary or non-complying) those activities in the *coastal marine area* that are required to be so classified by the ~~Minister of Conservation~~ [New Zealand Coastal Policy Statement](#)<sup>8,9</sup>.

[This Policy implements Objective 11A-1](#)<sup>8</sup>

**Policy 11A<sup>2</sup>-2: *Regional rules* for unrestricted activities**

For activities that are allowed under Part III of the RMA, pursuant to Sections 9(3), 12(3), 13(2), 14(2), and 15(2), the Regional Council ~~shall~~ <sup>will</sup><sup>10</sup> intervene by way of *regional rules* only where:

- (a) any such activity is likely to cause significant adverse *effects* on the *environment*, and
- (b) *regional rules* are the best means of addressing those adverse *effects*.

For any *rules* adopted for these activities, activities ~~shall~~ <sup>will</sup><sup>10</sup> be classified in the same manner as that set out under Policy 11A-1.<sup>9</sup>

[This Policy implements Objective 11A-1](#)<sup>10</sup>

**Policy 11A<sup>2</sup>-3: *Conditions*, standards and terms in *regional rules***

*Regional rules* ~~shall~~ <sup>will</sup><sup>11</sup> contain measurable and enforceable *conditions*, standards and terms so that there is certainty for both resource users and other interested parties.<sup>11</sup>

[This Policy implements Objective 11A-1](#)<sup>12</sup>

<sup>9</sup> Policies 11A-1 & 11A-2 have been incorporated in their entirety from Chapter 11, Policies 11-1 & 11-2

<sup>10</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ITR 7

<sup>11</sup> Policy 11A-3 has been incorporated in its entirety from Chapter 11, Policy 11-3

## Policy ~~2-1~~ 11A-4<sup>2</sup>: Consent conditions

- (a) ~~Horizons~~ The Regional Council shall will<sup>14</sup> grant consents with *conditions*<sup>^</sup> identified as necessary during the *resource consent*<sup>^</sup> process, including *conditions*<sup>^</sup> proposed by the *applicant*<sup>^</sup> as a result of pre-application consultation agreements.
- (b) In respect of (a) above, ~~Horizons~~ the Regional Council shall will<sup>14</sup> draft consent *conditions*<sup>^</sup> that ensure:
- (i) the *applicant*<sup>^</sup> is certain how compliance will be achieved and monitored
  - (ii) the *conditions*<sup>^</sup> are specific to the activity being undertaken
  - (iii) the *conditions*<sup>^</sup> are fair, reasonable and practical
  - (iv) the *conditions*<sup>^</sup> are in plain English.
  - (v) the *conditions*<sup>^</sup> are enforceable<sup>13</sup>

This Policy implements Objective 11A-1<sup>14</sup>

## Policy ~~2-2~~ 11A-5<sup>2</sup>: Consent durations

- (a) ~~Horizons~~ The Regional Council shall will<sup>15</sup> generally grant *resource consents*<sup>^</sup> for the term sought by the *applicant*<sup>^</sup> unless reasons are identified during the consent process that make this inappropriate.
- (b) Consent expiry dates *Resource consent*<sup>^</sup> terms shall will<sup>15</sup> be set to the closest *common catchment expiry or review date*<sup>\*</sup> to the date identified in (a). Dates can be extended in 10 year increments where a longer term can be granted after considering the criteria in (c).<sup>15</sup>

The dates listed in Table 11A.~~2~~ 1<sup>15</sup> show the initial expiry or review date for all consents within the catchment. Future dates for expiry or review of consents within that catchment shall occur again every ~~ten~~ 10 years thereafter.

For a consent which has duration longer than ~~ten~~ 10 years, review of the consent shall occur on the review date in Table 11A.~~2~~ 1 and every ~~ten~~ 10 years thereafter until consent expiry. Extra review dates may be set in accordance with Policy ~~2-3~~ 11A-6<sup>15</sup>

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<sup>12</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ITR 8

<sup>13</sup> Policy 11A-2 has been incorporated in its entirety from Chapter 2, Policy 2-1

<sup>14</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ADM 8

<sup>15</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ADM 9 & ITR 9

- (c) Matters to be considered in determining a shorter or longer ~~consent duration~~ resource consent term<sup>15</sup> than requested under (a):
- (i) whether it is necessary for an activity to cease at a specified time
  - (ii) the extent to which an activity is carried out in accordance with a recognised code of practice, environmental standard or good practice guideline
  - (iii) whether the activity has effects<sup>15</sup> that are unpredictable<sup>15</sup> and potentially serious for the locality where it is undertaken and a precautionary approach is needed
  - (iv) the risks of long-term allocation of a resource whose availability changes over time in an unpredictable manner, requiring a precautionary approach<sup>15</sup>
  - (v) the most appropriate balance between environmental protection and investment by the applicant<sup>15</sup>
  - (vi) in the case of existing activities, whether the consent holder has a good or poor compliance history in relation to environmental effects for the same activity.<sup>15 16</sup>

This Policy implements Objective 11A-2<sup>15</sup>

**Table 11A.2 1<sup>2</sup>:** Common expiry/review dates for consents in *water management zones*<sup>\*17</sup>

Management Zone	Sub-zone	Expiry / review (1 July)	Expiry / review (1 July)
Upper Manawatu	Upper Manawatu, Mangatewainui and Mangatoro	2011	2016
Weber-Tamaki	Weber-Tamaki and Mangatera	2011	2016
Upper Tamaki	Upper Tamaki	2011	2016
Upper Kumeti	Upper Kumeti	2011	2016
Tamaki-Hopelands	Tamaki-Hopelands, Lower Tamaki, Lower Kumeti, Oruakeretaki and Raparapawai	2011	2016
Hopelands-Tiraumea	Hopelands-Tiraumea	2011	2016
Tiraumea	Upper and Lower Tiraumea, Mangaone and Makuri	2010	
Mangatainoka	Upper, Middle and Lower Mangatainoka, Makakahi and Mangaramarama	2010	
Upper Gorge	Upper Gorge, Mangapapa, Mangaatua, Upper and Lower Mangahao	2013	

<sup>16</sup> Policy 11A-5 has been incorporated from Chapter 2, Policy 2-2 and combined with Chapter 11, Policy 11-3

<sup>17</sup> Table 11A.1 has been incorporated in its entirety from Chapter 11, Table 11.2

Management Zone	Sub-zone	Expiry / review (1 July)	Expiry / review (1 July)
Middle Manawatu	Middle Manawatu, Upper, Middle and Lower Pohangina, and Aokautere	2013	
Lower Manawatu	Lower Manawatu, Turitea, Kahuterawa, Upper and Lower Mangaone Stream, and Main Drain	2013	
Oroua	Upper, Middle and Lower Oroua, Kiwitea and Makino	2019	
Coastal Manawatu	Coastal Manawatu, Upper and Lower Tokomaru, Mangaore, Koputaroa and Foxton Loop	2018	
Upper Rangitikei	Upper Rangitikei	2017	
Middle Rangitikei	Middle Rangitikei, Pukeokahu-Mangaweka, Upper, Middle and Lower Moawhango, Upper and Lower Hautapu	2017	
Lower Rangitikei	Lower Rangitikei and Makohine	2017	
Coastal Rangitikei	Coastal and Tidal Rangitikei, Porewa and Tutaenui	2017	
Upper Whanganui	Upper Whanganui	2015	
Cherry Grove	Cherry Grove, Upper and Lower Whakapapa, Piopotea, Pungapunga and Upper and Lower Ongarue	2015	
Te Maire	Te Maire	2015	
Middle Whanganui	Middle Whanganui, Upper and Lower Ohura and Retaruke	2015	
Pipiriki	Pipiriki, Tangarakau, Whangamomona and Upper and Lower Manganui o Te Ao	2015	
Paetawa	Paetawa	2015	
Lower Whanganui	Lower and Coastal Whanganui, Upokongaro and Matarawa	2015	
Upper Whangaehu	Upper Whangaehu, Tokiahuru, Waitangi	2009	
Middle Whangaehu	Middle Whangaehu	2009	
Lower Whangaehu	Lower Whangaehu, Upper and Lower Makotuku, and Upper and Lower Mangawhero	2009	
Coastal Whangaehu	Coastal Whangaehu	2009	
Turakina	Upper and Lower Turakina and Ratana	2014	
Ohau	Upper and Lower Ohau	2012	

Management Zone	Sub-zone	Expiry / review (1 July)	Expiry / review (1 July)
Owahanga	Owahanga	2016	
East Coast	East Coast	2016	
Akitio	Upper and Lower Akitio and Waihi	2016	
Northern Coastal	Northern Coastal	2012	
Kai-Iwi	Kai-Iwi	2012	
Mowhanau	Mowhanau	2012	
Kaitoke Lakes	Kaitoke Lakes	2014	
Southern Whanganui Lakes	Southern Whanganui Lakes	2014	
Northern Manawatu Lakes	Northern Manawatu Lakes	2014	
Waitarere	Waitarere	2014	
Lake Papaitonga	Lake Papaitonga	2014	
Waikawa	Waikawa	2014	
Lake Horowhenua	Lake Horowhenua and Hokio	2014	

**Policy 2-3-11A-6<sup>2</sup>: Consent review**

In addition to the reasons specified in s 128 RMA, ~~Horizons the Regional Council shall will use~~ impose consent conditions<sup>^</sup> that specify<sup>18</sup> a review of consent conditions<sup>^</sup> during the term of the consent for:

- (a) reviewing the appropriateness of any condition<sup>^</sup> requiring the consent holder to supply the consent authority<sup>^</sup> with information relating to the exercise of the resource consent<sup>^</sup>
- (b) reviewing any unknown or uncertain adverse effects<sup>^</sup> caused as a result of planned or required changes or upgrades to the activity
- (c) reviewing the conditions<sup>^</sup> of a consent at the same time as review of other consents within the same water management zone<sup>\*</sup> - for example, at a common catchment expiry or review date<sup>\*</sup>.
- (d) reviewing the effectiveness of consent conditions<sup>^</sup> to avoid, remedy or mitigate any adverse effects<sup>^</sup> of the activity on the environment<sup>^</sup> whilst providing certainty to resource users.<sup>18</sup>

<sup>18</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ADM 10

~~Horizons~~ The Regional Council shall will<sup>18</sup> initiate reviews of *conditions*<sup>^</sup> when monitoring results or other evidence demonstrates a review is required.<sup>19</sup>

This Policy implements Objective 11A-2<sup>18</sup>

### **Policy ~~2-4-11A-7~~<sup>2</sup>: *Sites ^with multiple activities, and activities covering multiple sites^***

For applications made to ~~Horizons~~ the Regional Council<sup>21</sup> for either:

- (a) a *site*<sup>^</sup> with a number of different activities requiring consent, or
- (b) a particular type of activity that will be undertaken by the consent holder at a number of *sites*<sup>^</sup>.

consent *applicants*<sup>^</sup> may combine some or all activities or *sites*<sup>^</sup> under umbrella consents, and ~~Horizons~~ the Regional Council shall will<sup>21</sup> establish consent *conditions*<sup>^</sup>, durations and review provisions which enable an integrated approach to be taken for managing environmental *effects*<sup>^</sup> from the *site*<sup>^</sup> or activity as a whole.<sup>20</sup> There may be circumstances where umbrella consents may result in consents being considered at their given status rather than the status of the most stringent consent.<sup>21</sup>

This Policy implements Objective 11A-1<sup>21</sup>

### **Policy ~~2-5-11A-8~~<sup>2</sup>: Enforcement procedures**

- (a) ~~Horizons~~ The Regional Council shall will<sup>23</sup> generally use *abatement notices*<sup>^</sup>, infringement notices, enforcement orders or prosecution in response to non-compliance with this Plan or the RMA, unless an alternative approach will achieve a better outcome.

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<sup>19</sup> Policy 11A-6 has been incorporated in its entirety from Chapter 2, Policy 2-3

<sup>20</sup> Policy 11A-7 has been incorporated in its entirety from Chapter 2, Policy 2-4

<sup>21</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ADM 11



- (b) In determining the type of enforcement tool to be used, the following factors ~~shall~~ ~~will~~<sup>23</sup> be taken into account:
- (i) the environmental outcome or behaviour change required
  - (ii) the cause or non-compliance
  - (iii) the actual or potential scale of the adverse *effects*<sup>^</sup>
  - (iv) whether the non-compliance is due to an ongoing activity or an isolated incident
  - (v) any proactive response by the *person*<sup>^</sup> who has committed the offence
  - (vi) the *person's*<sup>^</sup> previous compliance history
  - (vii) whether urgent remedial action is required
  - (viii) which enforcement tool is most likely to produce the desired environmental outcome or change in behaviour. <sup>22</sup>
  - (ix) *Any defences the person may rely upon*<sup>23</sup>

[This Policy implements Objective 11A-1](#)<sup>23</sup>

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<sup>22</sup> Policy 11A-8 has been incorporated in its entirety from Chapter 2, Policy 2-5

<sup>23</sup> Officer's report – Setting the Scene, Administration, Introduction to Rules and Financial Contributions - Recommendation ADM 12