

## 11A General Objectives and Policies

### 11A.1 Scope and Background

Under the RMA most activities affecting air quality, water quality and quantity, the beds of rivers and lakes and the coastal marine area (CMA) are restricted unless allowed by a rule or resource consent. Many such activities have only minor effects and requiring a resource consent in every case would be unduly bureaucratic and costly. By contrast, land use activities are allowed under the RMA unless restricted by a rule. Some land use activities can have very significant effects which require a level of control. Through rules 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. This chapter describes the Regional Council's overarching objectives and policies for regulating activities.

### 11A.2 Objectives

#### Objective 11A-1: Resource management in the 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.

#### Objective 11A-2: Consent duration, review and enforcement

- (a) The provisions of the RMA dealing with the duration of resource consents, review of consent conditions, and enforcement procedures must be implemented in a manner that provides the maximum reasonable certainty to resource users, affected parties and submitters.
- (b) The Regional Council will provide user-friendly consents of appropriate duration and will carefully monitor and manage compliance.

### 11A.3 Policies

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

For activities that are restricted under Part 3 of the RMA, pursuant to ss12(1), 12(2), 13(1), 13(2), 14(1), 14(2), 15(1) and 15(2A), *regional rules*<sup>^</sup> must be adopted which:

- (a) classify as **permitted** those activities that are unlikely to have more than minor adverse *effects*<sup>^</sup> on the *environment*<sup>^</sup>, or are able to be managed through *permitted activity*<sup>^</sup> *conditions*<sup>^</sup> and do not require any *site*<sup>\*</sup>-specific regulation by way of *resource consents*<sup>^</sup>

- (b) classify as **controlled** those activities that can have more than minor adverse *effects*^ on the *environment*^, 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*^ 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*^, 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*^, and it is not practicable to restrict the exercise of the Regional Council's discretion to a specified list of matters
- (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.

**Policy 11A-2:     *Regional rules*^ for unrestricted activities**

For activities that are allowed under Part 3 of the RMA, pursuant to ss9(3), 12(3), 13(2) and 14(2) the Regional Council will 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 will be classified in the same manner as that set out under Policy 11A-1.

**Policy 11A-3:     *Conditions*^, standards and terms in *regional rules*^**

*Regional rules*^ must contain measurable and enforceable *conditions*^, standards and terms so that there is certainty for both resource users and other interested parties.

**Policy 11A-4: Consent conditions<sup>^</sup>**

- (a) The Regional Council will grant consents with *conditions<sup>^</sup>* identified as necessary during the *resource consent<sup>t^</sup>* process, including *conditions<sup>^</sup>* proposed by the applicant as a result of pre-application consultation agreements.
- (b) In respect of (a) above, the Regional Council will draft consent *conditions<sup>^</sup>* that ensure:
  - (i) the applicant 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, and
  - (v) the *conditions<sup>^</sup>* are enforceable.

**Policy 11A-5: Consent durations**

- (a) Other than as provided for under (b), the Regional Council will generally grant *resource consents<sup>^</sup>* for the term sought by the applicant unless reasons are identified during the consent process that make this inappropriate.
- (b) *Resource consent<sup>t^</sup>* durations for applications required under ss13, 14 and 15 of the RMA will generally be set to the next common catchment expiry date listed in Table 11A.1. The dates listed in Table 11A.1 show the initial expiry or review dates for consents within the catchment. Future dates for expiry or review of consents within that catchment must occur again every 10 years thereafter. Consents granted within three years prior to the relevant common catchment expiry date may be granted with a duration to align with the second common expiry date (that is the number of years up to the next expiry date plus 10 years). Dates may also be extended in 10 year increments where a term longer than 10 years can be granted after considering the following criteria:
  - (i) the extent to which an activity is carried out in accordance with a recognised code of practice, environmental standard or good practice guideline,
  - (ii) the most appropriate balance between environmental protection and investment by the applicant,
  - (iii) the provision of s128 review opportunities to enable matters of contention to be periodically reviewed in light of monitoring and compliance information, and
  - (iv) whether the activity is *infrastructure<sup>^</sup>*; *water<sup>^</sup>*, sewage or stormwater treatment plants and facilities; or publicly accessible *solid waste<sup>\*</sup>* facilities including *landfills<sup>\*</sup>*, transfer stations and resource recovery facilities.

For a consent which is granted for a duration longer than 10 years, review of the consent must occur, as a minimum, on the review date in Table 11A.1 and every 10 years thereafter until consent expiry. Extra review dates may be set in accordance with Policy 11A-6.
- (c) Matters to be considered in determining a shorter consent duration than that requested under (a):
  - (i) whether it is necessary for an activity to cease at a specified time,

- (iii) whether the activity has *effects*<sup>^</sup> that are unpredictable 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, and
- (vi) in the case of existing activities, whether the consent holder has a good or poor compliance history in relation to environmental *effects*<sup>^</sup> for the same activity.

*Horticulture New Zealand ENV-2010-WLG-000155*  
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**Table 11A.1:** Common expiry/review dates for consents in *Water Management Sub-zones*\*

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

Entire Chapter appealed by New Zealand Historic Places Trust ENV-2010-WLG-000147

<i>Water Management Zone*</i>	<i>Water Management Sub-zone*</i>	<i>Expiry / review (1 July)</i>
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, Piopioatea, 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, Upper and Lower Manganui o te Ao, Oroutoha, Middle Manganui o te Ao, Waimarino, Makatote and Mangaturuturu	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, Upper and Lower Mangawhero and Makara	2009
Coastal Whangaehu	Coastal Whangaehu	2009
Turakina	Upper and Lower Turakina and Ratana	2014
Ohau	Upper and Lower Ohau	2012
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 and Manakau	2014
Lake Horowhenua	Lake Horowhenua and Hokio	2014

Entire Chapter appealed by New Zealand Historic Places Trust ENV-2010-WLG-000147

### **Policy 11A-6: Consent review**

In addition to the reasons specified in s128(1)(a)(i) and (ii) RMA, the Regional Council will, under s128(1)(a)(iii) RMA, generally impose consent *conditions*<sup>^</sup> that specify 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*<sup>\*</sup> 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 Sub-zone*<sup>\*</sup> - for example, at a *common catchment expiry or review date*<sup>\*</sup>, and
- (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.

The Regional Council will generally initiate reviews of *conditions*<sup>^</sup> when monitoring results or other evidence demonstrate a review is required.

### **Policy 11A-7: Sites\* with multiple activities, and activities covering multiple sites\***

For applications made to the Regional Council for either:

- (a) a site 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

consent applicants may combine some or all activities or *sites*<sup>\*</sup> under umbrella consents. If the Council considers that such an approach is appropriate then it must 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. There may be circumstances where individual activities are considered at their given classification rather than the most stringent activity classification. There may also be circumstances where specific *conditions*<sup>^</sup> are required to address *site*<sup>\*</sup>-specific circumstances and *effects*<sup>^</sup>.

### **Policy 11A-8: Enforcement procedures**

- (a) The Regional Council will generally use *abatement notices*<sup>^</sup>, infringement notices, *enforcement orders*<sup>^</sup> or prosecution in response to non-compliance with this Plan or the RMA, unless an alternative approach will achieve a better outcome.
- (b) In determining the type of enforcement tool to be used, the following factors will be taken into account:
  - (i) the environmental outcome or behaviour change required,
  - (ii) the cause of 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,

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Entire Chapter appealed by New Zealand Historic Places Trust ENV-2010-WLG-000147

- (v) any proactive response by the person who has committed the offence,
- (vi) the person's 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, and
- (ix) any defences the person may rely upon.

