



CHAPTER 11: Introduction to Regional Plan

11

Introduction to Regional Plan

11.1

Introduction to Part II

As described at the outset, the One Plan comprises two parts.

Part I is the Regional Policy Statement under the Resource Management Act 1991 (RMA) for the Manawatu-Wanganui Region (Chapters 1 to 10A, Schedule F and relevant definitions in the Glossary). It describes the significant resource management issues facing the Region and sets out the objectives, policies and methods for addressing those issues. Part I presents the overarching resource management framework for the Region.

Part II is the Regional Plan under the RMA for the Region (Chapters 11 to 18, relevant schedules and definitions in the Glossary). It includes the Regional Coastal Plan (Chapter 17 and Schedule H as well as Chapters 11, 11A and 18 and relevant definitions in the Glossary). The primary focus of Part II is on regional rules prescribing how activities controlled by the Regional Council under the RMA are regulated. Part II also contains policies designed to guide decision-making on resource consent applications.

The contents of Part II are as follows:

- **Chapter 11** (this chapter) provides a users' guide to the regional rules, describing how activities can be regulated under the RMA and explaining the tables used for presenting the rules in this Plan. Chapter 11 also provides a summary table of all the rules. This summary (in Section 11.1.4) is a useful starting point for anyone wishing to find the rule or rules for a particular activity.
- **Chapter 11A** contains objectives and policies relating to consent compliance processes, including consent durations, review and enforcement.
- **Chapters 12 to 17** set out the rules for:
 - land use activities and certain activities in *rare habitats**, *threatened habitats** and *at-risk habitats** (Chapter 12)
 - discharges to land and water (Chapter 13)
 - discharges to air (Chapter 14)
 - takes, uses and diversions of water, and *bores** (Chapter 15)
 - the beds of rivers, lakes and artificial watercourses, and damming (Chapter 16)
 - activities in the coastal marine area (CMA) (Chapter 17).

The rules in each of these chapters are supported by objectives and policies setting out decision-making criteria or matters to be considered during resource consent processes.

- Finally, **Chapter 18** sets out provisions for financial contributions.

11.1.1

Users' Guide to Rules

Chapters 12 to 17 of this Plan contain rules that allow, regulate or prohibit resource use activities. This users' guide provides an explanation of the classification of activities under the RMA and a guide to understanding how the rules are set out in the rule tables.

11.1.2

Activity Classifications

The various types of activities are described in s77A RMA and, in the case of restricted coastal activities, s2 of the RMA. The information below is intended to provide a summary of the Act as it relates to rules in a regional plan.

- (a) If an activity is described as a **permitted** activity, it can be carried out without a resource consent provided it complies with the conditions, standards or terms, if any, specified in the rule.
- (b) If an activity is described as a **controlled** activity, a resource consent is required but the Regional Council must grant the consent if the conditions, standards and terms, if any, in the rule are met. However, the Regional Council may impose conditions on the consent relating to matters specified in the rule over which control is reserved.
- (c) If an activity is described as a **restricted discretionary** activity, a resource consent is required and the Regional Council will decide whether or not to grant the consent. However, the Regional Council's powers to decline a resource consent or to impose consent conditions are restricted to the matters specified in the rule over which discretion is restricted.
- (d) If an activity is described as a **discretionary** activity, a resource consent is required and the Regional Council will decide whether or not to grant the consent. This decision will depend upon how consistent the proposed activity is with provisions of the RMA and the objectives and policies set out in this Plan.
- (e) If an activity is described as a **non-complying** activity, a resource consent is required. Consent can only be granted if the Regional Council is satisfied that either the adverse effects on the environment will be minor, or the activity will not be contrary to the objectives and policies of this Plan.
- (f) If an activity is described as a **prohibited** activity, the activity is not allowed under any circumstances.
- (g) If an activity in the coastal marine area is described as a **restricted coastal activity**, in addition to being classified as a discretionary or non-complying activity, the Minister of Conservation has required the activity to be so specified on the basis of its potentially significant or irreversible adverse effects. The Minister of Conservation is the consent authority for restricted coastal activities.

11.1.3

Guide to Rule Tables

The rules in this Plan are arranged in tables. Each table has five columns. After each table of rules, a “rule guide” may be included to explain how activities which are not included in the table, or which fail to comply with the provisions of a particular rule, are classified.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
This column contains the rule number and rule title.	This column describes the activity or activities covered by the rule.	This column contains the classification of the activity - i.e., permitted, controlled, restricted discretionary, non-discretionary, non-complying or prohibited. This column also identifies which activities are restricted coastal activities.	This column contains conditions, standards and terms for permitted activities, controlled activities and restricted discretionary activities. The conditions, standards and terms are ongoing requirements that must be met for as long as the activity is undertaken. Failure to comply with these conditions, standards and terms amounts to a breach of the rule.	This column is relevant only for controlled activities and restricted discretionary activities. For controlled activities, this column contains the matters over which the Regional Council has reserved its control. For restricted discretionary activities, it contains the matters to which the Regional Council has restricted the exercise of its discretion. This column also includes any statements about non-notification. The Regional Council is not obliged to make statements about non-notification: the Regional Council can simply choose to rely on the provisions of the RMA which describe when public notification is, or is not, required.

Rule Number and Title	Classification
<p>Stormwater 13-15 Discharges[^] of stormwater to surface water[^] and land[^] 13-17 Discharges[^] of stormwater to surface water[^] or land[^] not complying with Rule 13-15</p>	<p>Permitted Restricted Discretionary</p>
<p>Dyes and Tracers 13-18 Discharges[^] of dye and salt tracers</p>	<p>Permitted</p>
<p>Cleanfill Material[*], Composting[*], Landfills[*] and Solid Waste[*] 13-19 Discharges[^] of cleanfill material[*] 13-20 Composting[*] activities 13-21 Closed landfills[*] 13-22 Discharges[^] of persistent and harmful contaminants[^]</p>	<p>Permitted Permitted Controlled Non-complying</p>
<p>Discharges of Contaminants to Natural State Reaches and Sites of Significance - Aquatic 13-23 Discharges[^] of contaminants[^] to a reach of a river[^] or its bed[^] with Schedule AB Values of Natural State and Sites of Significance - Aquatic</p>	<p>Discretionary</p>
<p>Generic Discharge Rules 13-24 Discharges[^] of contaminants[^] to surface water[^] 13-25 Discharges[^] of contaminants[^] onto or into land[^] that will not enter water[^] 13-26 Discharges[^] of contaminants[^] onto or into land[^] that may enter water[^] 13-26A Replacement consents for discharges[^] of water[^] and contaminants[^] to water[^] and land[^] from existing hydroelectricity schemes</p>	<p>Permitted Permitted Permitted Controlled</p>
<p>Default Discharge Rule 13-27 Discharges[^] of water[^] or contaminants[^] to land[^] or water[^] not covered by other rules[^] in this Plan or chapter</p>	<p>Discretionary</p>
<p>CHAPTER 14: DISCHARGES TO AIR</p>	
<p>Agrichemicals[*] (Discharges into Air, Land and Water)</p>	
<p>14-1 Small-scale application of agrichemicals[*]</p>	<p>Permitted</p>
<p>14-2 Widespread application of agrichemicals[*]</p>	<p>Permitted</p>
<p>14-3 Discharges[^] of agrichemicals[*] not complying with permitted activity[^] rules[^]</p>	<p>Discretionary</p>
<p>Burning</p>	
<p>14-4 Small-scale fuel burning</p>	<p>Permitted</p>
<p>14-5 Outdoor burning[*]</p>	<p>Permitted</p>
<p>14-6 Burning activities regulated by RM Regulations 2004, including woodburners[*]</p>	<p>As described under "Activity" in rule</p>
<p>14-7 Prohibited burning activities</p>	<p>Prohibited</p>
<p>14-8 Other burning activities</p>	<p>Discretionary</p>
<p>Other Discharges to Air</p>	
<p>14-9 Abrasive blasting[*] within an enclosure</p>	<p>Permitted</p>
<p>14-10 Wet abrasive blasting[*] and water[^] blasting</p>	<p>Permitted</p>
<p>14-11 Dry abrasive blasting[*] using a moveable source</p>	<p>Discretionary</p>

Rule Number and Title	Classification
<p>14-12 Miscellaneous discharges[^] into air from industrial or trade premises[^]</p> <p>14-13A Flaring of hydrocarbons</p> <p>14-13B Discharges[^] from specified mobile sources</p> <p>14-13 Other discharges[^]</p>	<p>Permitted</p> <p>Controlled</p> <p>Permitted</p> <p>Discretionary</p>
<p>CHAPTER 15: TAKES, USES AND DIVERSIONS OF WATER, AND BORES*</p>	
<p>Takes and Uses of Water</p>	
<p>15-1 Minor takes and uses of surface water[^]</p>	<p>Permitted</p>
<p>15-2 Minor takes and uses of groundwater</p>	<p>Permitted</p>
<p>15-3 Use of heat or energy from surface water[^]</p>	<p>Permitted</p>
<p>15-4 Bore* and groundwater testing</p>	<p>Permitted</p>
<p>15-5 Takes and uses of surface water[^] complying with core allocations</p>	<p>Controlled</p>
<p>15-5A Replacement consents for takes and uses of surface water[^] by existing hydroelectricity schemes</p>	<p>Controlled</p>
<p>15-5B Takes and uses of surface water[^] from reservoirs and storage lakes[^]</p>	<p>Controlled</p>
<p>15-6 Takes and uses of surface water[^] not complying with core allocations or takes and uses of water[^] taken at or below minimum flow</p>	<p>Non-complying</p>
<p>15-8 Other takes and uses of water[^]</p>	<p>Discretionary</p>
<p>Diversions of Water including Drainage</p>	
<p>15-9 Lawfully established diversions, including existing drainage</p>	<p>Permitted</p>
<p>15-10 New drainage</p>	<p>Permitted</p>
<p>15-11 New diversions</p>	<p>Permitted</p>
<p>15-12 Diversions that do not comply with permitted activity[^] and controlled activity[^] rules[^]</p>	<p>Discretionary</p>
<p>Bore* Drilling and Bore* Sealing</p>	
<p>15-13 The drilling, construction or alteration of any bore* and any ancillary discharge[^] of water[^] or contaminants[^]</p>	<p>Controlled</p>
<p>15-14 Unsealed bores*</p>	<p>Prohibited</p>
<p>CHAPTER 16: ACTIVITIES IN ARTIFICIAL WATERCOURSES*, BEDS OF RIVERS AND LAKES, AND DAMMING</p>	
<p>Special Rivers and Lakes</p>	
<p>16-1 Damming of protected rivers[^]</p>	<p>Prohibited</p>
<p>16-3 Reclamation and drainage of regionally significant lakes[^]</p>	<p>Non-complying</p>
<p>16-4 Structures[^] and disturbances involving a reach of river[^] or its bed[^] with Schedule AB Values of Natural State, Sites of Significance - Aquatic, and Sites of Significance - Cultural</p>	<p>Discretionary</p>
<p>Use, Maintenance*, Upgrade*, Removal and Demolition of Structures</p>	
<p>16-5 Use of structures[^]</p>	<p>Permitted</p>
<p>16-6 Maintenance* and upgrade* of structures[^], and ancillary removal of bed[^] material and plants</p>	<p>Permitted</p>
<p>16-7 Removal and demolition of structures[^]</p>	<p>Permitted</p>
<p>Dams and Damming</p>	
<p>16-8 New and existing small dams</p>	<p>Permitted</p>

Rule Number and Title	Classification
16-9 Replacement consents for existing damming of water [^]	Controlled
Other Structures	
16-10 Lines, cables, pipelines and ropeways	Permitted
16-11 Culverts	Permitted
16-12 Other structures [^] including bridges, fords and other access structures [^]	Permitted
16-12A Recording sites [*]	Permitted
16-12B Bridges and culverts constructed to comply with Rules 13-1 to 13-1C	Controlled
Activities Within Rivers with a Schedule AB Value of Flood Control and Drainage	
16-13 Activities undertaken by or on behalf of the Regional Council in rivers [^] with a Schedule AB Value of Flood Control and Drainage	Permitted
16-14 Activities affecting Schedule AB Value of Flood Control and Drainage	Discretionary
Gravel Extraction, Bed Disturbances and Plants	
16-15 Small-scale gravel extraction	Permitted
16-15A Other gravel extraction	Restricted Discretionary
16-16 Other minor bed [^] disturbances	Permitted
16-17 Plants	Permitted
Activities in Artificial Watercourses* and Non-natural Lakes[^]	
16-18 Minor activities involving artificial watercourses [*]	Permitted
16-19 Bed [^] disturbance of non-natural lakes [^] to maintain their function	Controlled
Activities that do not Comply with Permitted Activity, Controlled Activity or Restricted Discretionary Activity Rules and all other s13(1) RMA Activities Not Covered by this Chapter	
16-20 Activities that do not comply with permitted activity [^] , controlled activity [^] and restricted discretionary activity [^] rules [^] and all other s13(1) RMA activities not covered by this chapter	Discretionary

CHAPTER 17: ACTIVITIES IN THE COASTAL MARINE AREA	
Occupation	
17-1 Occupation [^] by existing structures [^]	Permitted
17-2 Temporary occupation [^]	Permitted
17-3 Occupation [^] of space [^] by aquaculture	Controlled
17-4 Exclusive occupation [^]	Discretionary and restricted coastal activity
17-5 Occupation [^] of space [^] in Protection Activity Management Areas	Non-complying
Structures	
17-6 Maintenance [*] of structures [^]	Permitted
17-7 Removal or demolition of structures [^]	Permitted
17-8 Navigation aids, lines, cables, pipelines and ropeways, whitebait* stands and maimai	Permitted
17-9 Structures [^] in the Port Activity Management Area	Controlled
17-9A Wharf extension in the Port Activity Management Area	Permitted
17-10 Structures [^] for public access	Restricted Discretionary
17-11 Aquaculture structures [^]	Controlled
17-12 Large structures [^] which impound the CMA, are parallel to shore, or are oblique or perpendicular to shore	Discretionary and restricted coastal activity
17-13 Petroleum and chemical storage	Discretionary and restricted coastal activity
17-14 Structures [^] in a Protection Activity Management Area	Prohibited
Reclamation and Drainage	
17-15 Drainage	Discretionary
17-16 Small reclamations except in Protection Activity Management Areas	Discretionary
17-16A Small reclamations within the Port Activity Management Area	Restricted Discretionary
17-17 Large reclamations except in Protection Activity Management Areas	Discretionary and restricted coastal activity
17-18 Small reclamations in Protection Activity Management Areas	Non-complying
17-19 Large reclamations in Protection Activity Management Areas	Non-complying and restricted coastal activity
Disturbances, Removal and Deposition	
17-20 Removal of minor quantities of material	Permitted
17-21 Minor disturbances, removal and deposition	Permitted
17-21A Minor disturbances from drilling	Permitted
17-21B Shellfish enhancement	Controlled
17-22 Beach nourishment	Discretionary
17-23 Port Activity Management Area and Whanganui River maintenance dredging	Discretionary and restricted coastal activity
17-24 Port and General Activity Management Areas: Large-scale disturbances, removal and deposition	Non-complying
17-25 Protection Activity Management Areas: Small-scale to medium-scale disturbances, removal and deposition	Non-complying and restricted coastal activity
17-26 Protection Activity Management Areas: Large-scale disturbances, removal and deposition	Non-complying and restricted coastal activity

<p>Water Takes, Uses, Damming and Diversions 17-27 Take and use of water[^] 17-28 Drainage and diversions of water[^] in the CMA</p> <p>Discharges 17-29 Discharges[^] into water[^] from ships[^], boats, fire-fighting and oil[^] spills 17-30 Discharges[^] of stormwater 17-31 Discharges[^] of stormwater not complying with Rule 17-30 17-32 Discharges[^] of dye and salt tracers 17-33 Application of <i>agrichemicals</i>[*] 17-34 Application of <i>agrichemicals</i>[*] not complying with Rule 17-33 17-35 Sewage and s107(2) RMA discharges[^] 17-36 Dumping[^] of hazardous substances[*]</p> <p>Noise and Discharges into Air 17-37 Noise emissions</p> <p>Exotic and Introduced Plants 17-38 Exotic and introduced plants</p> <p>Activities that are not Covered by other Rules, or which do not Comply with Permitted Activity and Controlled Activity Rules 17-39 Activities that are not covered by any other rule[^], or which do not comply with <i>permitted activity</i>[^] and <i>controlled activity</i>[^] rules[^]</p>	<p>Permitted Permitted</p> <p>Permitted Permitted Controlled Permitted Permitted Controlled Discretionary and restricted coastal activity Prohibited</p> <p>Permitted</p> <p>Discretionary and restricted coastal activity</p> <p>Discretionary</p>
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