

18 Activities in the Coastal Marine Area

Important note: For the purposes of the RMA, the Regional Coastal Plan comprises Chapter 18 and Schedule I as well as Chapters 11, 12 and 19 and the relevant definitions in the Glossary. The *coastal marine area*[^] (CMA) is as defined in the RMA.

In this chapter:

- (a) MHWS means mean high water springs.
- (b) NZCPS means any New Zealand Coastal Policy Statement.
- (c) NZCPS 1994 means the document “New Zealand Coastal Policy Statement 1994”.

Objective 18-1: Activities in the CMA

The regulation of activities in the CMA in a manner that enables or restricts activities within the Port, Protection, or General Activity Management Areas or Aquaculture Management Areas, in a way that reflects the Table I.1 characteristics of the Areas.

Objective 18-2: *Water*[^] quality in the CMA

Water[^] quality in the CMA is managed in a manner that sustains its life-supporting capacity and has regard to the Values, management objectives and the *water*[^] quality targets set out in Schedule I: Part C.

Policy 18-1: *Regional rules*[^] for the CMA

The Regional Council must regulate activities in the CMA through *regional rules*[^] in accordance with Objectives 12-1, 12-2, 18-1 and 18-2 and Policies 12-1 to 12-8.

18.1 General Conditions for Permitted Activities and Controlled Activities in the CMA

The table below sets out general conditions referred to in a number of the permitted activities and controlled activities in the CMA. These general conditions are referred to in a number of the permitted activity and controlled activity rules in this chapter.

Table 18.1: General conditions[^] for permitted activities[^] and controlled activities[^] in the CMA

| Value | Condition |
|--|---|
| Life-supporting Capacity (applies to the entire CMA) | <p>(a) The activity must not reduce the ability of the <i>river</i>[^] or estuarine area to convey flood flows or floating debris.</p> <p>(b) There must be no <i>discharge</i>[^] of <i>contaminants</i>[^], other than sediment and other <i>contaminants</i>[^] inherent to the <i>water</i>[^] or <i>bed</i>[^], into the CMA except where the <i>discharge</i>[^] is explicitly allowed by the activity description of a <i>rule</i>[^] in this chapter.</p> <p>(c) Any <i>discharge</i>[^] of sediment into <i>water</i>[^] directly caused by the activity must not be undertaken for more than 5 consecutive days and for more than 12 hours on any one of those 5 days. There must be no more than one activity in any 12 month period.</p> <p>(d) Any <i>discharge</i>[^] of sediment into <i>water</i>[^] under (c) must not, after reasonable mixing, cause any conspicuous change in the colour of <i>water</i>[^] in the receiving <i>water</i>[^], or any change in horizontal visibility of greater than the target set in the visual clarity % change column of Tables I.5 and I.7, more than 24 hours after completion of the activity.</p> <p>(e) Any materials used must be necessary for the activity and must not be toxic to marine ecosystems.</p> <p>(f) Any materials no longer required as part of the activity, including any temporary structures, must not be stored in or on any <i>foreshore</i>[^] area and must be removed from the CMA upon completion of the activity.</p> <p>(g) Refueling of machinery (other than boats) must not take place in any area where spills may enter the CMA.</p> <p>(h) Upon completion of any channel bank works, the banks must be reinstated to a natural contour and revegetated.</p> |
| <i>Historic Heritage</i> [^] (additional value to those in Schedule I - applies to the entire CMA) | <p>(i) The activity must not disturb any <i>historic heritage</i>[^] identified in the Regional Coastal Plan.</p> <p>(j) In the event of an archaeological artefact or <i>kōiwi</i>[*] being discovered or disturbed while undertaking the activity, the activity must cease and the Regional Council must be notified as soon as practicable to enable the Council to provide advice regarding the appropriate authorities to be contacted. The activity must not be recommenced without the approval of the Regional Council.</p> |
| <i>Whitebait</i> [*] Migration (applies as shown in Schedule I) | <p>(k) The use of mobile machinery in or on the <i>foreshore</i>[^] in a manner that disturbs the <i>foreshore</i>[^] or a <i>whitebait</i>[*] fishery must not take place in estuarine areas 15 August to 30 November (inclusive), unless the use of the machinery is solely for the <i>maintenance</i>[*] of <i>infrastructure</i>[^] and other physical resources of regional or national importance as outlined in Policy 3-1.</p> |
| Inanga Spawning (applies as shown in Schedule I) | <p>(l) The use of mobile machinery in or on the <i>foreshore</i>[^] in a manner that disturbs the <i>foreshore</i>[^] or inanga spawning grounds must not take place in estuarine areas 1 February to 1 May (inclusive), unless the use of the machinery is solely for the <i>maintenance</i>[*] of <i>infrastructure</i>[^] and other physical resources of regional or national importance as outlined in Policy 3-1.</p> |
| Amenity (applies to the entire CMA) | <p>(m) Existing public access to or along the <i>foreshore</i>[^] must not be rendered unsafe by the activity.</p> <p>(n) Existing public access to or along the <i>foreshore</i>[^] 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.</p> |

18.2 Occupation

18.2.1 Policies

Policy 18-2: Occupation[^] of space[^] by aquaculture

The allocation of *space[^]* for aquaculture must be established through a plan *change[^]*, and regard must be had to the following matters when evaluating a proposed *change[^]*:

- (a) giving effect to the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objective 6-2 and Policy 6-6 and any relevant policies in the NZCPS;
- (b) the impact of the proposed activity on neighbouring uses, the Protection Activity Management Areas set out in Schedule I 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; and
- (e) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

Policy 18-3: Consent decision-making for occupation[^] of space[^] by activities other than aquaculture

When making decisions on *resource consent[^]* applications and setting consent *conditions[^]* for the allocation of *space[^]* for activities (excluding aquaculture), the Regional Council must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objectives 3-1 and 3-2 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objective 6-2 and Policy 6-6 and any relevant policies in the NZCPS;
- (b) enabling *occupation[^]* where it is a functional necessity of an activity covered by another *rule[^]* in this chapter;
- (c) requiring efficient use of *space[^]* in the CMA by using the smallest amount of *space[^]* reasonably practicable for the activity and limiting the adverse *effects[^]* on public access to the *space[^]*;
- (d) the *effects[^]* on navigation safety, natural character and marine ecosystems;
- (e) requiring a plan *change[^]* pursuant to s165D of the RMA where there is demand for use of the same *space[^]* or different *spaces[^]* in close proximity by more than one party and a first-in-first-served consent process will not adequately manage the cumulative *effects[^]* of the proposed activities; and
- (f) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

Policy 18-4: Decision-making for *occupation*[^] charges

In accordance with s64A 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.

18.2.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|-------------------|--|---|
| 18-1 <i>Occupation</i> [^] by existing structures [^] | The <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA by any existing <i>structure</i> [^] and any ancillary damming or diversion of <i>water</i> [^] in the CMA pursuant to s14(1) or s14(2) RMA. | Permitted | | |
| 18-2 Temporary <i>occupation</i> [^] | The temporary and exclusive <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA for the purposes of a special event, and any ancillary surface <i>water</i> [^] activity. For the purposes of this <i>rule</i> [^] : (a) “temporary” means not more than 3 days. (b) a “special event” means an event organised by a person or group of people where, for commercial, safety, cultural or conservation purposes, controls need to be placed on public access. | Permitted | (a) Where public access is restricted, a <i>public notice</i> [^] must be lodged in a local newspaper at least 7 days before the event and signage must be erected on-site, both of which advertise the reasons for, extent and timing of the restrictions. (b) The temporary and exclusive <i>occupation</i> [^] must not disturb any nesting, roosting or breeding birds within any Protection Activity Management Area identified in Schedule I. | |
| 18-3 <i>Occupation</i> [^] of <i>space</i> [^] by aquaculture | The <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA by any <i>aquaculture activity</i> [^] which is not otherwise restricted by Rule 18-4. | Controlled | (a) The <i>aquaculture activity</i> [^] must occur within an operative Aquaculture Management Area established in accordance with Policy 18-2. | Control is reserved over: (a) <i>effects</i> [^] on navigation safety. (b) <i>effects</i> [^] on public access. (c) <i>effects</i> [^] on natural character. (d) <i>effects</i> [^] on <i>historic heritage</i> [^] . (e) efficient use of the CMA. |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|---|----------------------|----------------------------|--|
| | | | | (f) duration of consent. (g) review of consent <i>conditions</i> ^. (h) compliance monitoring. |
| 18-4 Exclusive occupation^ | Any activity involving <i>occupation</i> ^ of <i>space</i> ^ in 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 <i>foreshore</i> ^. (c) would involve <i>occupation</i> ^ or use of an area greater than 50 ha of the CMA and such <i>occupation</i> ^ or use would restrict public access to or through such an area. | Discretionary | | |
| 18-5 Occupation^ of space^ in Protection Activity Management Areas | The <i>occupation</i> ^ of <i>space</i> ^ pursuant to s12(2) RMA in any Protection Activity Management Area as shown in Schedule I other than as provided for by Rules 18-1, 18-2, 18-4, 18-8, 18-11, 18-24, 18-26, 18-27 and 18-31. | Non-complying | | |

Rule Guide:

- (a) Any occupation of the CMA that is not specifically regulated by any of the rules in this chapter 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 18-44.
- (b) Any occupation relating to or impacting on safe navigation must also have approval from Maritime New Zealand.
- (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 18-2 must also comply with relevant navigation safety requirements set out in The Manawatu River and Tributaries Navigation and Safety Bylaws 2010 or Part 91 of the Maritime Rules under the Maritime Transport Act 1994.

18.3 Structures

18.3.1 Policies

Policy 18-5: 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 must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objective 6-2 and Policy 6-6, Objective 9-1 and Policies 9-3 to 9-5 and any relevant policies in the NZCPS;
- (b) the functional necessity for locating the *structure*[^] in the CMA;
- (c) the provisions for public access and safety, including navigation safety;
- (d) the avoidance, where practicable, of any adverse *effects*[^] on natural character and landscape, *tikanga Māori*[^], *historic heritage*[^], indigenous flora and fauna, and the stability of *river*[^] banks and the *foreshore*[^]. Where avoidance is not reasonably practicable, the adverse *effects*[^] must be remedied or mitigated;
- (e) whether the *structure*[^] is of a suitable scale for the surrounding area, and uses the *space*[^] in the CMA efficiently;
- (f) 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*^{*};
- (g) 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; and
- (h) whether the *structure*[^] contributes to any cumulative adverse *effects*[^] in the vicinity of the proposed *structure*[^].

Policy 18-6: Consent decision-making for new *structures*[^] in the Protection Activity Management Areas

In addition to the provisions in Policy 18-5, when making decisions on *resource consent*[^] applications and setting consent *conditions*[^] for new *structures*[^] in the Protection Activity Management Areas set out in Schedule I, the Regional Council must recognise and provide for:

- (a) navigation safety, amenity, marine and estuarine ecosystems, and preservation of natural character.

And have particular regard to:

- (b) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

Policy 18-7: 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 must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objectives 6-2 and 6-3, and Policies 6-6 and 6-11, Objective 9-1 and Policies 9-3 to 9-5 and any relevant policies in the NZCPS;
- (b) the extent to which existing *structures*[^] have adverse *effects*[^] on natural character, *amenity values*[^] and public access;
- (c) ensuring that any alteration is of a similar scale and character to the existing *structure*[^], avoids as far as reasonably practicable any adverse *effects*[^] on ecological values or physical processes, and provides for public access and safety;
- (d) the matters set out in Policy 18-5 where there is a proposed extension to an existing *structure*[^]; and
- (e) 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.

18.3.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|---|----------------|--|--|
| 18-6 <i>Maintenance</i> [*] of <i>structures</i> [^] | (a) <i>Structures</i>[^]: The <i>maintenance</i> [*] (excluding removal or demolition) of any lawfully established <i>structure</i> [^] located in, on, under or over the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA and any ancillary: <ul style="list-style-type: none"> (i) disturbance of the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (ii) deposition of natural marine substances on the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (iii) <i>discharge</i>[^] of <i>water</i>[^] or <i>contaminants</i>[^] into the CMA pursuant to s15(1) RMA. (iv) damming or diversion of <i>water</i>[^] in the CMA pursuant to s14(1) or s14(2) RMA. | Permitted | (a) The activity must not increase the area of the <i>foreshore</i> [^] or seabed, or the volume of the <i>water</i> [^] column, occupied by the existing <i>structure</i> [^] . (b) The activity must comply with the <i>conditions</i> [^] listed in Table 18.1 for the relevant Value, other than condition 18-1(h). | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|------|--|----------------|----------------------------|--|
| | <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 s12(1) or s12(2) RMA), including flushing accumulated sediment, and any ancillary:</p> <ul style="list-style-type: none"> (i) damming or diversion of water[^] in the CMA pursuant to s14(1) or s14(2) RMA. (ii) discharge[^] of water[^] or sediment into the CMA pursuant to s15(1) RMA. (iii) deposition of removed material or plants in or on the bed[^] pursuant to s12(1) RMA. (iv) discharge[^] of removed foreshore[^] or seabed material or plants onto or into land[^] in the CMA pursuant to s15(1) RMA. | | | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|--|--|-------------------|--|---|
| 18-7 Removal or demolition of structures[^] | The removal or demolition of a <i>structure[^]</i> or any part of a <i>structure[^]</i> located in, on, under or over the <i>foreshore[^]</i> or seabed pursuant to s12(1) RMA and any ancillary: <ul style="list-style-type: none"> (a) disturbance of the <i>foreshore[^]</i> or seabed pursuant to s12(1) RMA. (b) deposition of natural marine substances on the <i>foreshore[^]</i> or seabed pursuant to s12(1) RMA. (c) <i>discharge[^]</i> of <i>water[^]</i> or <i>contaminants[^]</i> into the CMA pursuant to s15(1) RMA. (d) damming or diversion of <i>water[^]</i> in the CMA pursuant to s14(1) or s14(2) RMA. | Permitted | <ul style="list-style-type: none"> (a) The activity must comply with the <i>conditions[^]</i> listed in Table 18.1 for the relevant Value. (b) The Regional Council must be informed in writing of the removal or demolition of any of the following <i>structures[^]</i>, at least 10 working days prior to the commencement of the removal or demolition: <ul style="list-style-type: none"> (i) <i>access structures[^]</i> in or on the <i>foreshore[^]</i> or seabed, including bridges, culverts and fords; (ii) <i>structures[^]</i> occupying more than 5 m² of the <i>foreshore[^]</i> or seabed. | |
| 18-8 Navigation aids, lines, cables, pipelines and ropeways, whitebait* stands and maimai | The erection, reconstruction, placement, alteration or extension of any navigation aid, line, cable, pipeline, ropeway (but excluding any such <i>structure[^]</i> used for aquaculture purposes), <i>whitebait* stand</i> , or <i>maimai</i> pursuant to s12(1) RMA and any ancillary: <ul style="list-style-type: none"> (a) <i>occupation[^]</i> of the <i>foreshore[^]</i> or seabed, pursuant to s12(2) RMA. (b) disturbance of the <i>foreshore[^]</i> or seabed pursuant to s12(1) RMA. (c) deposition of natural marine substances on the <i>foreshore[^]</i> or seabed pursuant to s12(1) RMA. (d) <i>discharge[^]</i> of <i>water[^]</i> or <i>contaminants[^]</i> into the CMA pursuant to s15(1) RMA. (e) damming or diversion of <i>water[^]</i> in the CMA pursuant to s14(1) or s14(2) RMA. | Permitted | <ul style="list-style-type: none"> (a) Any <i>whitebait* stand</i> or <i>maimai</i> must not be located within the Port Activity Management Area. (b) Any navigation aid must meet the requirements set out by Maritime NZ in New Zealand's System of Buoys and Beacons (2005). (c) The floor area of any <i>whitebait* or maimai structure[^]</i> must not exceed 5 m². (d) The activity must comply with conditions (a), (e), (g), (i), (j), (l) and (m) listed in Table 18.1 for the relevant Value. | |
| 18-9 Structures[^] in the Port Activity | The erection, reconstruction, placement, or alteration of any boat ramp, jetty, pontoon, or boat mooring <i>structure[^]</i> located within the Port | Controlled | <ul style="list-style-type: none"> (a) The erection, reconstruction, placement or alteration must have the prior written approval of the relevant manager of the port company operating within the | Control is reserved over: <ul style="list-style-type: none"> (a) efficient use of <i>space[^]</i> in the CMA. |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|---|---------------------------------|--|--|
| Management Area | Activity Management Area as shown in Schedule I pursuant to s12(1) RMA and any ancillary: <ul style="list-style-type: none"> (a) <i>occupation</i>[^] of the <i>foreshore</i>[^] or seabed, pursuant to s12(2) RMA. (b) disturbance of the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (c) deposition of natural marine substances on the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (d) <i>discharge</i>[^] of <i>water</i>[^] or <i>contaminants</i>[^] into the CMA pursuant to s15(1) RMA. (e) damming or diversion of <i>water</i>[^] in the CMA pursuant to s14(1) or s14(2) RMA. | | Port Activity Management Area or the manager of the marina operating in the Port Activity Management Area. <ul style="list-style-type: none"> (b) Any activity related to the marina must not extend beyond the existing area occupied as at 31 May 2007. (c) The activity must comply with the <i>conditions</i>[^] listed in Table 18.1 for the relevant Value. | <ul style="list-style-type: none"> (b) <i>effects</i>[^] on <i>water</i>[^] quality. (c) extent of disturbance to the <i>foreshore</i>[^] or seabed. (d) the material to be used for the <i>structure</i>[^]. (e) duration of consent. (f) review of consent <i>conditions</i>[^]. (g) compliance monitoring. |
| 18-10 Wharf extension in the Port Activity Management Area | The erection, reconstruction, placement, alteration, or extension of any wharf <i>structure</i> [^] pursuant to s12(1) RMA located within the Port Activity Management Area as shown in Schedule I, and any ancillary: <ul style="list-style-type: none"> (a) <i>occupation</i>[^] of the <i>foreshore</i>[^] or seabed pursuant to s12(2) RMA. (b) disturbance of the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (c) deposition of natural marine substances on the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (d) <i>discharge</i>[^] of <i>water</i>[^] or <i>contaminants</i>[^] into the CMA pursuant to s15(1) RMA. (e) damming or diversion of <i>water</i>[^] in the CMA pursuant to s14(1) or 14(2) RMA. | Permitted | <ul style="list-style-type: none"> (a) The activity must comply with the <i>conditions</i>[^] listed in Table 18.1 for the relevant Value other than conditions 18.1(h) and (k). (b) Any extension in length to the wharf must not be greater than 10% of the existing length of 570 m. (c) There must be no extension in width to the existing wharf. (d) The width of any extension referred to in (b) must be the same or a lesser width as the existing wharf. (e) The design and materials used must be similar in nature and scale of <i>effects</i>[^] to those used for the existing wharf <i>structure</i>[^]. (f) The <i>structure</i>[^] must be designed to withstand the <i>effects</i>[^] of <i>climate change</i>[^] and <i>sea level rise</i>[*]. (g) The Regional Council must be notified at least 10 <i>working days</i>[^] prior to commencement of any work. | |
| 18-11 Structures[^] for | Except as otherwise regulated by Rule 18-13, the erection, reconstruction, placement, alteration or extension of any public walkway or | Restricted Discretionary | | Discretion is restricted to: <ul style="list-style-type: none"> (a) public access and safety. |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|--|---|----------------------|---|--|
| public access | foot accessway <i>structure</i> [^] pursuant to s12(1) RMA, and any ancillary: (a) <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA. (b) disturbance of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA. (c) deposition of natural marine substances on the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA. (d) <i>discharge</i> [^] of <i>water</i> [^] or <i>contaminants</i> [^] into the CMA pursuant to s15(1) RMA. (e) damming or diversion of <i>water</i> [^] in the CMA pursuant to s14(1) or s14(2) RMA. | | | (b) effects on aesthetic values, <i>amenity values</i> [^] , natural character, indigenous flora and fauna and <i>historic heritage</i> [^] . (c) the method of undertaking the activity. (d) the timing and staging of the activity. (e) duration of consent. (f) review of consent <i>conditions</i> [^] . (g) compliance monitoring. |
| 18-12 Aquaculture structures[^] | The erection, reconstruction, placement, alteration or extension of any <i>structure</i> [^] for the purpose of aquaculture pursuant to s12(1) RMA and any ancillary: (a) <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA. (b) disturbance of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA. (c) deposition of natural marine substances on the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA. (d) damming or diversion of <i>water</i> [^] in the CMA pursuant to s14(1) or s14(2) RMA. (e) <i>discharge</i> [^] of <i>water</i> [^] or <i>contaminants</i> [^] into the CMA pursuant to s15(1) RMA. | Controlled | (a) The activity must occur only within an operative Aquaculture Management Area established in accordance with Policy 18-2. (b) The activity must comply with the <i>conditions</i> [^] listed in Table 18.1 for the relevant Value. | Control is reserved over: (a) the type, quantity and frequency of any <i>discharges</i> [^] . (b) any <i>effects</i> [^] on navigation safety. (c) the method of undertaking the activity. (d) the timing and staging of the activity. (e) duration of consent. (f) review of consent <i>conditions</i> [^] . (g) compliance monitoring. |
| 18-13 Large structures[^] which impound the CMA, are parallel to shore, or are oblique | Except as prohibited by Rule 18-16, the erection of any <i>structure</i> [^] pursuant to s12(1) RMA which: (a) will impound or effectively contain 4 ha or more of the CMA; or | Discretionary | | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|--|---|----------------------|----------------------------|--|
| or perpendicular to shore | <p>(b) is solid (or presents a significant barrier to <i>water</i>[^] or sediment movement), and when established on the <i>foreshore</i>[^] or seabed would extend 300 m or more in length more or less parallel to the line of MHWS including separate <i>structures</i>[^] which total 300 m or more contiguously; or</p> <p>(c) is solid (or presents a significant barrier to <i>water</i>[^] or sediment movement), is sited obliquely or perpendicularly in horizontal projection to the line of MHWS in the CMA, and in horizontal projection is 100 m or more in length, including separate <i>structures</i>[^] which total 100 m or more contiguously.</p> <p>For the avoidance of doubt this <i>rule</i>[^] does not include submarine or sub-aqueous cables.</p> | | | |
| 18-14 Petroleum and chemical storage | Except as prohibited by Rule 18-16, any activity involving the erection of a <i>structure</i> [^] pursuant to s12(1) RMA for the storage or containment of any petroleum, petroleum products, or <i>contaminants</i> [^] , in quantities greater than 50,000 litres. | Discretionary | | |
| 18-15 Energy generation structures[^] in a Protection Activity Management Area | Any activity within a Protection Activity Management Area shown in Schedule I, which involves the erection of any energy generation <i>structures</i> [^] pursuant to s12(1) RMA. | Non-complying | | |
| 18-16 Structures[^] in a Protection Activity Management Area | <p>Any activity within a Protection Activity Management Area shown in Schedule I, which involves the erection of any of the following <i>structures</i>[^] pursuant to s12(1) RMA:</p> <p>(a) a <i>structure</i>[^] for the storage or containment of petroleum products or <i>contaminants</i>[^].</p> | Prohibited | | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|------|---|----------------|----------------------------|--|
| | (b) a <i>structure</i> ^A which will impound or effectively contain 4 ha or more of the CMA. (c) a wharf, marina, boat shed, aquaculture <i>structure</i> ^A . | | | |

Rule Guide:

- (a) **Use and maintenance of structures:** the above rules permit the on-going use and maintenance 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 s12 RMA that are not specifically covered by a rule in this chapter are a **discretionary activity** under Rule 18-44.
- (c) Structures under s12 RMA that do not comply with the permitted or controlled rules and are not otherwise discretionary or prohibited are a **discretionary activity** under Rule 18-44.
- (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.
- (f) For any aquaculture structure, reference should be made to the Guidelines for Aquaculture Management Areas and Marine Farms, Maritime New Zealand, 2005.

18.4 Reclamations and Drainage

18.4.1 Policies

Policy 18-8: 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 must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objectives 6-2 and 6-3, Policies 6-6 and 6-11, Objective 9-1 and Policies 9-3 to 9-5 and any relevant policies in the NZCPS;
- (b) the functional necessity for locating the activity in the CMA;
- (c) the efficient use of any area to be reclaimed or drained by minimising the area used to the extent reasonable;
- (d) avoiding any restrictions on public access, other than for commercial, safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a *resource consent*[^];
- (e) ensuring that material used in any reclamation is uncontaminated by:
 - (i) substances which when subjected to biological, chemical or physical breakdown would degrade *water*[^] quality; or
 - (ii) pest plant material which could propagate or proliferate within or beyond the *site*^{*}.
- (f) ensuring that any reclamation or drainage is not sited where there are existing significant areas of indigenous flora or fauna feeding, breeding, spawning, nesting or roosting areas;
- (g) avoiding any adverse *effects*[^] on *tikanga Māori*[^] or *historic heritage*[^], and avoiding, remedying or mitigating any adverse *effects*[^] on natural character and any characteristic identified within any Protection Activity Management Area set out in Table I.1;
- (h) 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) ensuring that any drainage of the *foreshore*[^] will not result in instability of the beach, estuarine substrate or *river*[^] bank areas, or adversely impact on *water*[^] quality at the *discharge*[^] *sites*^{*}; and
- (j) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

18.4.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|--|---|---------------------------------|--|--|
| 18-17 Drainage | Any drainage of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA. | Discretionary | | |
| 18-18 Small reclamations except in Protection Activity Management Areas | The reclamation of any area of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA, except as otherwise covered by Rule 18-19 and excluding those areas identified as Protection Activity Management Areas set out in Schedule I. | Discretionary | (a) Either: (i) the reclamation must be less than 1 ha; or (ii) the reclamation must 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 <i>resource consent</i> [^] after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a). | |
| 18-19 Small reclamation within the Port Activity Management Area | The reclamation of any area of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA, in the Port Activity Management Area as shown on Figure I.10, and any ancillary: (a) <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA. (b) <i>structure</i> [^] pursuant to s12(1). (c) disturbance of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA. (d) <i>discharge</i> [^] of <i>water</i> [^] or <i>contaminants</i> [^] into the CMA pursuant to s15(1) RMA. | Restricted Discretionary | (a) Either: (i) the reclamation must be less than 1 ha; or (ii) the reclamation must 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 <i>resource consent</i> [^] after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the size dimensions specified in condition (a). | Discretion is restricted to: (a) the functional necessity for the reclamation. (b) the material used as fill for the reclamation. (c) the visual amenity of the activity. (d) any hydrodynamic impacts on the neighbouring shoreline, including existing significant areas of indigenous flora or fauna breeding or nesting areas. (e) <i>effects</i> [^] on <i>historic heritage</i> [^] . (f) the timing of the activity. (g) the design parameters of the activity to address the <i>effects</i> [^] of <i>sea level rise</i> [*] and storm surge. (h) review of consent <i>conditions</i> [^] . |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|--|---|----------------------|---|--|
| 18-20 Large reclamations except in Protection Activity Management Areas | The reclamation of any area of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA, excluding those areas identified as Protection Activity Management Areas in Schedule I, which does not comply with Rule 18-18. | Discretionary | | |
| 18-21 Small reclamations in Protection Activity Management Areas | The reclamation of any area of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA within any Protection Activity Management Area shown in Schedule I. | Non-complying | (a) Either: (i) the reclamation must be less than 1 ha; or (ii) the reclamation must 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 <i>resource consent</i> [^] after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a). | |
| 18-22 Large reclamations in Protection Activity Management Areas | The reclamation of any area of the <i>foreshore</i> [^] or seabed pursuant to s12(1) RMA, within any Protection Activity Management Area shown in Schedule I, which does not comply with Rule 18-21. | Non-complying | | |

Rule Guide:

- (a) Any reclamation relating to or impacting on safe navigation must also have approval from Maritime New Zealand.

18.5 Disturbances, Removal and Deposition

18.5.1 Policies

Policy 18-9: 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 must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objectives 6-2 and 6-3, and Policies 6-6 and 6-11, Objective 9-1 and Policies 9-3 to 9-5 and any relevant policies in the NZCPS;
- (b) the applicable *Water Management Zone*^{*} or *Sub-zone*^{*} and the relevant *water*[^] quality Values and targets in Schedule I;
- (c) avoiding any restrictions on public access, other than for commercial, safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a *resource consent*[^], and any adverse *effects*[^] on natural character and any known and publicly used shellfish beds;
- (d) any *effects*[^] on any feeding, breeding, spawning, nesting or roosting areas;
- (e) avoiding as far as reasonably practicable, any resultant adverse *effects*[^] on coastal erosion, the risk of inundation, the stability of banks or *foreshore*[^], or flood control *structures*[^];
- (f) avoiding any adverse *effects*[^] on *tikanga Māori*[^] or on *historic heritage*[^], and avoiding, remedying or mitigating any adverse *effects*[^] on any characteristic identified within any Protection Activity Management Area set out in Table I.1;
- (g) mitigating any adverse *effects*[^] on recreational and *amenity values*[^];
- (h) ensuring, where non-marine material is being deposited within the CMA, that it does not contain any *hazardous substances*^{*} or commercial or household *wastes*^{*}; and
- (i) 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.

18.5.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|---|-------------------------|--|--|
| <p>18-23 Removal of minor quantities of material</p> | <p>The removal of sand, shingle, shell, driftwood or dead seaweed pursuant to s12(2) RMA and any ancillary:</p> <ul style="list-style-type: none"> (a) disturbance of the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (b) deposition of natural marine substances on the <i>foreshore</i>[^] or seabed pursuant to s12(1) RMA. (c) <i>discharge</i>[^] of <i>water</i>[^] or <i>contaminants</i>[^] into the CMA pursuant to s15(1) RMA. (d) damming or diversion of <i>water</i>[^] in the CMA pursuant to s14(1) or s14(2) RMA. | <p>Permitted</p> | <ul style="list-style-type: none"> (a) The sand, shingle, shell, driftwood or dead seaweed must be for private use only and not for sale or exchange. (b) The sand, shingle, shell, driftwood or dead seaweed must only be removed by hand or by using a hand-held non-mechanical device. (c) Any sand or shingle must not be removed from within 20 m of any seawall, groyne (or similar <i>structure</i>[^]) or the seaward toe of any sand dune. (d) The activity must comply with conditions (i) and (j) in Table 18.1. | |
| <p>18-24 Minor disturbances, removal and deposition</p> | <p>Except as otherwise regulated by the <i>rules</i>[^] in Section 18.3.2, any disturbance, removal or deposition of material on the <i>foreshore</i>[^] or seabed pursuant to s12(1) or s12(2) RMA ancillary to the following activities:</p> <ul style="list-style-type: none"> (a) installation of permanent anchors; (b) burial of stock and marine fauna found dead in the CMA; (c) clearing sediment from blocked <i>river</i>[^] mouths, outfall <i>structures</i>[^], intake <i>structures</i>[^] and culverts; (d) public recreational activities; (e) beach grooming; <p>and any ancillary:</p> <ul style="list-style-type: none"> (i) <i>occupation</i>[^] of <i>space</i>[^] in the CMA pursuant to s12(2) RMA. (ii) <i>discharge</i>[^] of <i>water</i>[^] or sediments into | <p>Permitted</p> | <ul style="list-style-type: none"> (a) The clearing of sediment from blocked <i>river</i>[^] mouths must only be undertaken by a local authority or its authorised contractors. (b) Any burial of dead stock and marine fauna found in the CMA must not disturb any plant communities in a Protection Activity Management Area and must comply with conditions (f), (g), (i), (j), and (l)-(n) listed in Table 18.1 for the relevant Value. (c) The installation of permanent anchors must comply with conditions (a)-(g) and (i)-(n) listed in Table 18.1 for the relevant Value. (d) Clearing sediment from outfall <i>structures</i>[^], intake <i>structures</i>[^] and culverts must comply with conditions (a)-(g) and (i)-(n) listed in Table 18.1 for the relevant Value. (e) Any public recreational activities or beach grooming must comply with conditions (e)-(g), (i) and (j) listed in Table 18.1 for the relevant Value. | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|---|-------------------|---|---|
| | the CMA pursuant to s15(1) RMA. (iii) damming or diversion of <i>water</i> [^] in the CMA pursuant to s14(1) or s14(2) RMA. | | | |
| 18-25 Minor disturbances from drilling | Any disturbance, removal or deposition of material on the <i>foreshore</i> [^] or seabed pursuant to s12(1) or s12(2) RMA associated with the exploration or drilling of the seabed occurring more than 1 km seaward from MHWS on the open coast and any ancillary: (i) <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA (ii) <i>discharge</i> [^] of <i>water</i> [^] into the CMA pursuant to s15(1) RMA (iii) <i>discharge</i> [^] of drilling muds, cuttings, and inert drilling fluids into the CMA pursuant to s15(1) RMA (iv) <i>discharge</i> [^] to air from combustion involving the flaring of hydrocarbons from petroleum exploration or wellhead production flows into the CMA pursuant to s15(1) RMA. | Permitted | (a) The <i>bore</i> [*] or drilling must be for the purposes of investigating <i>water</i> [^] , <i>oil</i> [*] , gas or seabed resources. (b) The diameter of any <i>bore</i> [*] or drill hole must be 1.5 metres or less. (c) The <i>bore</i> [*] must be cased and sealed to prevent leakage from: (i) groundwater to <i>coastal water</i> [^] ; and (ii) <i>coastal water</i> [^] to groundwater. (d) Any drilling must not involve the use of explosives, except for down-hole activities. (e) Any flare point must occur more than 1 km seaward from MHWS on the open coast. (f) No non-petroleum wellstream product can be combusted. | |
| 18-26 Shellfish enhancement | Any disturbance of the <i>foreshore</i> [^] or seabed, pursuant to s12(1) RMA for the purposes of non-commercial shellfish enhancement, and any ancillary: (a) <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA. | Permitted | (a) The shellfish enhancement must occur only in the same location as existing shellfish beds. (b) Any shellfish spat used must be from the same species as naturally resides in the same area. (c) The activity must comply with conditions (b), (e)-(g) and (i)-(k) listed in Table 18.1 for the relevant Value. | |
| 18-27 Beach nourishment | Any disturbance, removal or deposition of natural marine substances on the <i>foreshore</i> [^] or seabed pursuant to s12(1) or s12(2) RMA for the purposes of beach nourishment, and any ancillary: (a) <i>occupation</i> [^] of <i>space</i> [^] in the CMA pursuant to s12(2) RMA. | Controlled | (a) Any material to be deposited must not contain any <i>contaminants</i> [^] that are not already present in natural materials at the <i>site</i> [*] . (b) Any material to be removed must not result in <i>accelerated erosion</i> [*] of the <i>foreshore</i> [^] . (c) The activity must comply with conditions (b), (e)-(g) | Control is reserved over: (a) the particle size and composition. (b) the timing of the activity. (c) duration, fees and charges, reviews and monitoring. |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|----------------------|---|--|
| | (b) <i>discharge</i> [^] of <i>water</i> [^] or <i>contaminants</i> [^] into the CMA pursuant to s15(1) RMA. | | and (i)-(k) listed in Table 18.1 for the relevant Value. | |
| 18-28 Port Activity Management Area and Whanganui River maintenance dredging | Any disturbance or removal of the <i>foreshore</i> [^] or seabed, pursuant to s12(1) or s12(2) RMA and cl4 Resource Management (Marine Pollution) Regulations 1998, arising from maintenance dredging within the Port Activity Management Area or the Whanganui River maintenance dredging areas shown in Schedule I Figure I:10 as Dredging Area 1 and Dredging Area 2, and any ancillary deposition of dredged material in the CMA pursuant to s12(1) RMA and cl4 of those Regulations. | Discretionary | (a) The dredging must be for the purpose of maintaining <i>water</i> [^] depths and access to and within the Port Activity Management Area. (b) In any 12-month period, the quantity of material dredged or deposited within the CMA must not exceed 240,000 m ³ . (c) The dredging must occur within the Dredging Areas identified in Schedule I Figure I: 10. (d) The disposal of any dredged material must occur within the Discharge Areas identified in Schedule I Figure I: 10. (e) The disposal of any dredged material must only occur on the outgoing tide. (f) The location of the dredged material must be monitored in accordance with <i>conditions</i> [^] set by the Regional Council. (g) Any application must include information specified in Part I of Schedule 3 of the Resource Management (Marine Pollution) Regulations 1998. | |
| 18-29 Port and General Activity Management Areas: Large-scale disturbances, removal and deposition | Any activity involving, in any 12-month period, the disturbance, removal or deposition of material within the CMA pursuant to s12(1) or s12(2) RMA and which is not otherwise regulated by Rule 18-28 where: (a) the quantity of material involved is greater than 50,000 m ³ ; or (b) the area involved is equal to or greater than 4 ha; or (c) the length of <i>foreshore</i> [^] or seabed involved is equal to or greater than 1,000 metres. | Discretionary | | |
| 18-30 | Any activity involving, in any 12-month period, | Non- | | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|----------------------|----------------------------|--|
| Protection Activity Management Areas: Small-scale to medium-scale disturbances, removal and deposition | the disturbance, removal or deposition of material pursuant to s12(1) or s12(2) RMA within a Protection Activity Management Area, which is not otherwise covered by the <i>rules</i> [^] in Section 18.3.2, Rules 18-23, 18-24, 18-26, 18-27 or 18-31. | complying | | |
| 18-31 Protection Activity Management Areas: Large-scale disturbances, removal and deposition | Any activity involving, in any 12-month period, the disturbance, removal or deposition of material pursuant to s12(1) or s12(2) RMA within a Protection Activity Management Area where: <ul style="list-style-type: none"> (a) the quantity of material involved is greater than 50,000 m³; or (b) the area involved is equal to or greater than 4 ha; or (c) the length of <i>foreshore</i>[^] or seabed involved is equal to or greater than 1,000 m. | Non-complying | | |

Rule Guide:

- (a) Deposits, disturbances and removal in the CMA that are not specifically covered by a rule in this chapter are a **discretionary activity** under Rule 18-44.
- (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 18-44.

18.6 Water Takes, Uses, Damming and Diversions

18.6.1 Policies

Policy 18-10: Consent decision-making for take or use of *water*[^] in the CMA

When making decisions on *resource consent*[^] applications and setting consent *conditions*[^] for the take or use of *water*[^] from the CMA, the Regional Council must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7 and any relevant policies in the NZCPS; and
- (b) 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.

Policy 18-11: 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 *water*[^], the Regional Council must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objective 6-2 and Policy 6-6, Objective 9-1 and Policies 9-3 to 9-5 and any relevant policies in the NZCPS;
- (b) the applicable *Water Management Zone*^{*} or *Sub-zone*^{*} and the relevant *water*[^] quality Values and targets in Schedule I;
- (c) the functional necessity for locating the activity in the CMA;
- (d) avoiding any adverse *effects*[^] on fish spawning and bird feeding, breeding, nesting, or roosting areas;
- (e) ensuring that any adverse *effects*[^] on *water*[^] clarity are not visibly noticeable within 24 hours of the activity being completed;
- (f) ensuring that any adverse *effects*[^] on *river*[^] bank stability or coastal sediment processes do not contribute to erosion elsewhere or exacerbate the risk from *natural hazards*[^]; and
- (g) ensuring that public access is not unreasonably restricted.

18.6.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|------------------|--|--|
| 18-32 Take and use of <i>water</i> [^] | Any take or use of <i>water</i> [^] from the CMA. | Permitted | (a) The activity must comply with conditions (i) and (j) in Table 18.1. (b) An intake screen with a mesh aperture size not exceeding 3 mm in diameter must be used and the intake velocity must not exceed 0.3 m/s. | |
| 18-33 Drainage and diversions of <i>water</i> [^] in the CMA | Any activity which is authorised by Rules 16-9, 16-10 or 16-11 of this Plan and which results in any drainage or diversions of <i>water</i> [^] into the CMA. | Permitted | (a) The activity must comply with all conditions of Rules 16-9, 16-10 and 16-11, as if those conditions apply to the CMA. | |

Rule Guide:

- (a) Water takes and uses in the CMA that do not comply with a permitted activity rule are a **discretionary activity** under Rule 18-44.
- (b) Any damming or diversion of water in the CMA that is not specifically regulated by any other rule in this chapter is a **discretionary activity** under Rule 18-44.

18.7 Discharges

18.7.1 Policies

Policy 18-12: Consent decision-making for *discharges*[^] into the CMA

When making decisions on *resource consent*[^] applications and setting consent *conditions*[^] for *discharges*[^] into the CMA, the Regional Council must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objective 6-2 and Policy 6-6, Objective 9-1 and Policies 9-3 to 9-5 and any relevant policies in the NZCPS;
- (b) the applicable *Water Management Zone*^{*} or *Sub-zone*^{*} and the relevant *water*[^] quality Values and targets in Schedule I;
- (c) restricting the use of *hazardous substances*^{*} in any estuary or *river*[^] (including stream) in the CMA to those necessary to control pest plants or marine fauna identified pursuant to a pest management strategy prepared under the Biosecurity Act 1993;
- (d) *tikanga Māori*[^], *amenity values*[^], recreational values and public health and safety, and ensuring any adverse *effects*[^] are avoided as far as reasonably practicable. Where avoidance is not reasonably practicable, the adverse *effects*[^] must be remedied or mitigated; and
- (e) ensuring that any *discharge*[^], after reasonable mixing, must 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*[^]; or
 - (iv) any emission of objectionable odour, or any significant adverse *effects*[^] on aquatic life.

Policy 18-13: 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 must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objective 6-2 and Policy 6-6, Objective 9-1 and Policies 9-3 to 9-5 and any relevant policies in the NZCPS;
- (b) the applicable *Water Management Zone*^{*} or *Sub-zone*^{*} and the relevant *water*[^] quality targets in Schedule I;
- (c) avoiding any *discharge*[^] within any *river*[^] (including stream) or estuary in the CMA or within any Protection Activity Management Area identified in Schedule I;

- (d) the extent to which any alternatives have been considered, including discharging to *land*[^]; and
- (e) considering the views and concerns of *tangata whenua*[^] in the decision-making process.

18.7.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|--|---|------------------|---|--|
| 18-34 Discharges[^] into water[^] from ships[^], boats, fire-fighting and oil[*] spills | Any <i>discharge</i> [^] (excluding sewage) into the CMA pursuant to s15 RMA: (a) ancillary to the normal operation ¹ of a <i>ship</i> [^] or boat; or (b) for the purposes of fire-fighting or training for fire-fighting; or (c) for the purposes of managing an <i>oil</i> [*] spill. | Permitted | (a) There must be no <i>discharge</i> [^] of non-biodegradable matter. (b) Any substance used as an <i>oil</i> [*] dispersant must be approved in accordance with the Marine Protection Rules Part 132: Dispersants and Demulsifiers (1998). | |
| 18-35 Discharges[^] of stormwater | The <i>discharge</i> [^] of stormwater into the CMA, pursuant to s15 RMA. | Permitted | (a) The <i>discharge</i> [^] must not contain any sewage. (b) The <i>discharge</i> [^] must not include stormwater from any: (i) <i>industrial or trade premises</i> [^] where <i>hazardous substances</i> [*] are stored or used, (ii) <i>contaminated land</i> [^] , (iii) operating quarry or mineral extraction <i>site</i> [*] , unless there is an <i>interceptor system</i> [*] in place. (c) For <i>discharges</i> [^] that include stormwater from any <i>industrial or trade premises</i> [^] , or from <i>land</i> [^] zoned as industrial, commercial or residential, the catchment area of the <i>discharge</i> [^] must not exceed 2 ha. (d) The activity must not cause erosion of any bank or <i>foreshore</i> [^] beyond the point of <i>discharge</i> [^] , unless this is not practicably avoidable, in which case any erosion that occurs as a result of the <i>discharge</i> [^] | |

¹ **Normal operation** – For the purpose of this *rule*[^] “normal operation” includes *ship*[^] propulsion, cooling water, washdown 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*[^].

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|--------------------------|---|--|
| | | | <p>must be remedied as soon as practicable.</p> <p>(e) For <i>discharges</i>[^] of stormwater into the CMA the <i>discharge</i>[^] must not cause, after reasonable mixing, any of the following <i>effects</i>[^] in the receiving <i>water</i>[^]:</p> <ul style="list-style-type: none"> (i) the production of conspicuous <i>oil</i>[*] or grease films, scums or foams, or floatable or suspended materials; (ii) any conspicuous change in the colour or visual clarity of the receiving <i>water</i>[^]; (iii) any emission of objectionable odour; (iv) toxicity to marine ecosystems. <p>(f) The <i>discharge</i>[^] must not be to any <i>historic heritage</i>[^] identified in the Regional Coastal Plan.</p> | |
| <p>18-36 Discharges[^] of stormwater not complying with Rule 18-35</p> | <p>The <i>discharge</i>[^] of stormwater into the CMA, pursuant to s15 RMA, that:</p> <ul style="list-style-type: none"> (i) does not comply with Rule 18-35; or (ii) is lawfully in existence at the time this <i>rule</i>[^] comes into effect, but does not comply with Rule 18-35. | <p>Controlled</p> | <ul style="list-style-type: none"> (a) The <i>discharge</i>[^] must not include sewage. (b) The <i>discharge</i>[^] must not include stormwater from any: <ul style="list-style-type: none"> (i) <i>industrial or trade premises</i>[^] where <i>hazardous substances</i>[*] are stored or used, (ii) <i>contaminated land</i>[^], (iii) operating quarry or mineral extraction <i>site</i>[*], unless there is an <i>interceptor system</i>[*] in place. (c) The <i>discharge</i>[^] must not be toxic to marine ecosystems after reasonable mixing. | <p>Control is reserved over:</p> <ul style="list-style-type: none"> (a) measures to control flooding and erosion. (b) <i>contaminant</i>[^] concentrations and loading rates. (c) measures required to comply with s107(1) RMA. (d) measures required to comply with the <i>water</i>[^] quality targets for the relevant <i>Water Management Zone</i>[*] or <i>Sub-zone</i>[*]. (e) odour management. (f) stormwater system maintenance requirements . (g) contingency requirements. (h) monitoring and information requirements. (i) duration of consent. (j) review of consent <i>conditions</i>[^]. |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|-------------------------|---|--|
| <p>18-37 Discharges[^] of dye and salt tracers</p> | <p>The <i>discharge[^]</i> of dye and salt tracer material into the CMA, pursuant to s15 RMA, excluding radioisotope tracers.</p> | <p>Permitted</p> | <p>(a) The dye or salt tracer material discharged must not exceed 20 l of dye in solution, 10 kg of salt, or 100 l of salt solution.</p> <p>(b) The Regional Council must be notified in writing of the proposed <i>discharge[^]</i> at least 24 hours prior to the <i>discharge[^]</i>. Such notification must include:</p> <ul style="list-style-type: none"> (i) the name and contact details of the person responsible for the <i>discharge[^]</i>. (ii) the purpose and nature of the <i>discharge[^]</i>. (iii) the nature of the tracer including its type, colour, and product name and description. (iv) the location, timing and duration of the <i>discharge[^]</i>. <p>(c) The dye or salt tracer must not be a <i>hazardous substance[*]</i> in terms of the Hazardous Substances and New Organisms Act 1996.</p> | |
| <p>18-38 Application of agrichemicals[*]</p> | <p>The <i>discharge[^]</i> of <i>agrichemicals[*]</i> into air, onto <i>land[^]</i>, or into <i>water[^]</i>, in the CMA, pursuant to s15 RMA.</p> | <p>Permitted</p> | <p>(a) The target species must be identified as a pest plant or pest animal in the Regional Council's Regional Pest Plant Management Strategy or the Council's Regional Pest Animal Management Strategy.</p> <p>(b) The <i>discharge[^]</i> must not contravene any requirement specified in the <i>agrichemical[*]</i> manufacturer's instructions.</p> <p>(c) The <i>discharge[^]</i> must be undertaken in accordance with all mandatory requirements set out in NZS 8409:2004 Management of Agrichemicals.</p> <p>(d) There must be no measurable adverse <i>effect[^]</i> on non-target species.</p> <p>(e) Where the <i>discharge[^]</i> is into <i>water[^]</i> for the purpose of eradicating, modifying or controlling unwanted marine plants:</p> <ul style="list-style-type: none"> (i) only <i>agrichemicals[*]</i> approved for aquatic use can be used. | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|----------------------|---|---|
| | | | (ii) the application must not exceed the quantity or concentration required for that purpose. (f) The <i>discharge</i> [^] must not include <i>dumping</i> [^] of <i>agricultural waste</i> [*] or surplus product to <i>water</i> [^] . (g) The discharger must notify the Regional Council five working days prior to application. | |
| 18-39 Application of <i>agricultural chemicals</i> [*] not complying with Rule 18-38 | The <i>discharge</i> [^] of <i>agricultural chemicals</i> [*] into air, onto <i>land</i> [^] , or into <i>water</i> [^] , in the CMA, pursuant to s15 RMA, that does not comply with Rule 18-38. | Controlled | (a) The <i>discharge</i> [^] must not contravene any requirement specified in the <i>agricultural chemical</i> [*] manufacturer's instructions. (b) The <i>discharge</i> [^] must be undertaken in accordance with all mandatory requirements set out in NZS 8409:2004 Management of Agricultural Chemicals. (c) There must be no measurable adverse effect [^] on non-target species. (d) Where the <i>discharge</i> [^] is into <i>water</i> [^] for the purpose of eradicating, modifying or controlling unwanted marine plants: (i) only <i>agricultural chemicals</i> [*] approved for aquatic use can be used. (ii) the application must not exceed the quantity or concentration required for that purpose. (iii) the <i>discharge</i> [^] must not include <i>dumping</i> [^] of <i>agricultural chemical</i> [*] <i>waste</i> [*] or surplus product to <i>water</i> [^] . | Control is reserved over: (a) qualification required of persons carrying out the activity. (b) method, rate and timing of application. (c) the provision of information to the public. (d) duration, fees and charges, reviews, monitoring. |
| 18-40 Sewage and s107(2) RMA <i>discharges</i> [^] | Pursuant to Schedule 1 NZCPS 1994: (a) any <i>discharge</i> [^] of human sewage which has not passed through soil or <i>wetland</i> [^] , and which is not otherwise provided for by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002; or | Discretionary | | |

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|---|-------------------|----------------------------|--|
| | (b) any <i>discharge</i> ^A for which the discharger wishes to rely on exceptional circumstances to justify the granting of consent under s107(2)(a) RMA; and which is not otherwise prohibited by Rule 18-41 of this chapter. | | | |
| 18-41 Dumping^A of hazardous substances* | The <i>dumping</i> ^A or disposal of any <i>hazardous substances</i> * in the CMA, not otherwise controlled by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, or otherwise provided for by Rule 18-38. | Prohibited | | |

Rule Guide:

- (a) Discharges under s15 RMA that are not 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 18-44.
- (b) Refer also to rules under Sections 18.3 (Structures) and 18.5 (Disturbances, Removal and Deposition) which permit some discharges associated with other minor activities.
- (c) Refer to ss15A, 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 offshore 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).
 - (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 offshore platforms (permitted).
 - (v) discharge of noxious liquid substances from a ship (permitted).
 - (vi) discharge of sewage from any ship or offshore installation (prohibited within 500 m of MHWS, 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 offshore installation (prohibited).
 - (x) discharge of ballast water from any ship or offshore 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).

18.8 Noise and Discharges into Air

18.8.1 Policies

Policy 18-14: 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 *discharges*[^] into air in the CMA, the Regional Council must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-6 and 3-7, Objective 7-1 and Policy 7-1 and any relevant policies in the NZCPS; and
- (b) adopting the *best practicable 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.

18.8.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---|--|------------------|--|--|
| 18-42 Noise[^] emissions | Any <i>noise</i> [^] in the CMA, pursuant to s12(3) RMA relating to the normal operation of boats, <i>ships</i> [^] or <i>offshore installations</i> [^] , or from seismic exploration. | Permitted | (a) Any seismic exploration must be located at least 1 km away from any Protection Activity Management Area as shown in Schedule I. (b) Any seismic exploration must be undertaken in accordance with the Department of Conservation's Guidelines for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations (February 2006). | |

Rule Guide:

- (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 RMA are a **discretionary activity** under Rule 18-44.
- (b) Discharges into air restricted by s15(1) RMA in the CMA are a **discretionary activity** under Rule 18-44.
- (c) Reference should also be made to the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004.

18.9 Exotic and Introduced Plants

18.9.1 Policies

Policy 18-15: 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 must have regard to:

- (a) the Regional Policy Statement, particularly all the objectives and policies of Chapters 2 and 8, Objective 3-1 and Policies 3-2 and 3-6, and any relevant policies in the NZCPS;
- (b) 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; and
- (c) imposing *conditions*[^] to avoid any risk of adverse *effects*[^] on indigenous flora in any Protection Activity Management Area or on fish or bird feeding grounds.

18.9.2 Rules

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|---------------------------------------|---|----------------|----------------------------|--|
| 18-43 Exotic and introduced plants | Pursuant to s12(1) RMA and Schedule I NZCPS 1994, the introduction or planting of any exotic or introduced plant species within the CMA, which is not already present in an area. | Discretionary | | |

Rule Guide:

- (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 18-44.

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

| Rule | Activity | Classification | Conditions/Standards/Terms | Control/Discretion Non-Notification |
|--|---|----------------------|----------------------------|--|
| 18-44 Activities that are not covered by any other rule[^], or which do not comply with permitted activity[^] and controlled activity[^] rules[^] | Any activity that either: (a) is subject to s12(1), s12(2), s14(1), s14(2), s15(1) or s15(2) RMA and is not addressed by any other rule [^] in this chapter; or (b) does not comply with one or more conditions [^] , standards or terms of a permitted activity [^] or controlled activity [^] rule [^] in this chapter, and which is not expressly classified as a discretionary activity [^] , non-complying activity [^] or prohibited activity [^] . | Discretionary | | |