

# 11 Introduction to Rules

## 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 10). 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 Manawatu-Wanganui Region (Chapters 11 to 18). It includes the Regional Coastal Plan (Chapter 17). 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 11.3) is a useful starting point for anyone wishing to find the rule or rules for a particular activity. It also contains the general objectives and policies for the Plan.
- **Chapters 12 to 17** set out the rules for:
  - land-use activities (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 (Chapter 17).

The rules in each of these chapters are supported by 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 s 77B RMA and, in the case of restricted coastal activities, s 2 of the Resource Management Act. 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” is 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
<p>This column contains the rule number and rule title.</p>	<p>This column describes the activity or activities covered by the rule.</p>	<p>This column contains the classification of the activity - ie., permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. This column also identifies which activities are restricted coastal activities.</p>	<p>This column contains conditions, standards and terms for permitted, controlled 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.</p>	<p>This column is relevant only for controlled 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.</p> <p>Under s 77D RMA, a rule for a controlled activity or a restricted discretionary activity may state whether consent applications may be decided without public notification or without service on affected persons. This column also includes any such 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.</p>

## 11.1.4 Summary of Rules

**Table 11.1** Summary of regional rules

Rule Number and Title	Classification
<p><b>CHAPTER 12: LAND-USE ACTIVITIES AND LAND-BASED BIODIVERSITY</b></p> <p>Vegetation clearance and land disturbance</p> <p>12-1 Vegetation clearance and land disturbance not covered by other land</p> <p>12-2 Production forestry</p> <p>12-3 Land disturbance</p> <p>12-4 Vegetation clearance</p> <p>12-5 Vegetation clearance and land disturbance on coastal foredunes and near waterbodies</p> <p>12-6 Vegetation clearance and land disturbance that do not comply with permitted and controlled activity rules</p> <p>Land-based biodiversity including wetlands</p> <p>12-7 Activities within at-risk habitats</p> <p>12-8 Activities within rare and threatened habitats including wetlands</p>	<p>Permitted</p> <p>Controlled</p> <p>Controlled</p> <p>Discretionary</p> <p>Discretionary</p> <p>Discretionary</p> <p>Discretionary</p> <p>Non-complying</p>
<p><b>CHAPTER 13: DISCHARGES TO LAND AND WATER</b></p> <p>Agricultural activities</p> <p>13-1 Dairy farming, cropping, market gardening, and intensive sheep and beef farming, and associated activities</p> <p>13-2 Fertiliser</p> <p>13-3 Stock feed including feed pads</p> <p>13-4 Biosolids and soil conditioners</p> <p>13-5 Offal holes and farm dumps</p> <p>13-6 Farm animal effluent including dairy sheds, poultry farms and existing piggeries</p> <p>13-7 Effluent from new piggeries</p> <p>13-8 Agricultural land uses not covered by other rules</p> <p>Discharges of water</p> <p>13-9 Discharges of water to water</p> <p>Sewage</p> <p>13-10 Existing discharges of domestic wastewater</p> <p>13-11 New and upgraded discharges of domestic wastewater</p> <p>13-12 Discharges of domestic wastewater not complying with Rules 13-9 and 13-10</p> <p>13-13 Human effluent storage and treatment facilities</p> <p>13-14 Discharges of untreated human effluent directly into surface water</p>	<p>Controlled</p> <p>Permitted</p> <p>Permitted</p> <p>Permitted</p> <p>Permitted</p> <p>Controlled</p> <p>Discretionary</p> <p>Permitted</p> <p>Permitted</p> <p>Permitted</p> <p>Restricted Discretionary</p> <p>Permitted</p> <p>Prohibited</p>

Rule Number and Title	Classification
<b>Stormwater</b>	
13-15 Discharges of stormwater to surface water and land	Permitted
13-16 Discharges of stormwater to land not complying with Rule 13-14	Controlled
13-17 Discharges of stormwater to surface water not complying with Rule 13-15	Restricted Discretionary
<b>Dyes and tracers</b>	
13-18 Discharges of dye and salt tracers	Permitted
<b>Cleanfill, composting, landfills and solid waste</b>	
13-19 Discharges of cleanfill	Permitted
13-20 Composting operations	Permitted
13-21 Closed landfills	Controlled
13-22 Discharges of persistent and harmful contaminants	Non-complying
<b>Discharges to Natural State water management zones, lakes and wetlands</b>	
13-23 Discharges to Natural State water management zones, Sites of Significance - Aquatic and lakes and wetlands	Non-complying
<b>Generic discharge rules</b>	
13-24 Discharges of contaminants to surface water	Permitted
13-25 Discharges of contaminants to land that will not enter water	Permitted
13-26 Discharges of contaminants to land that may enter water	Permitted
<b>Default Discharge Rule</b>	
13-26 Discharges of contaminants to land or water not covered by other rules in this Plan	Discretionary

Rule Number and Title	Classification
<p><b>CHAPTER 14: DISCHARGES TO AIR</b></p> <p>Agrichemicals (discharges to air, land and water)</p> <p>14-1 Small-scale application of agrichemicals</p> <p>14-2 Widespread application of agrichemicals</p> <p>14-3 Discharges of agrichemicals not complying with permitted activity rules</p> <p><b>Burning</b></p> <p>14-4 Small-scale fuel burning</p> <p>14-5 Open burning</p> <p>14-6 Burning activities regulated by RM Regulations 2004, including woodburners</p> <p>14-7 Prohibited burning activities</p> <p>14-8 Other burning activities</p> <p><b>Other discharges to air</b></p> <p>14-9 Abrasive blasting within an enclosure</p> <p>14-10 Wet abrasive blasting and water blasting</p> <p>14-11 Dry abrasive blasting using a moveable source</p> <p>14-12 Miscellaneous discretionary discharges into air from industrial and trade premises</p> <p>14-13 Other discharges into air from industrial and trade premises</p>	<p>Permitted</p> <p>Permitted</p> <p>Discretionary</p> <p>Permitted</p> <p>Permitted</p> <p>As described under "Activity" in rule</p> <p>Prohibited</p> <p>Discretionary</p> <p>Permitted</p> <p>Permitted</p> <p>Discretionary</p> <p>Permitted</p> <p>Discretionary</p>
<p><b>CHAPTER 15: TAKES, USES AND DIVERSIONS OF WATER, AND BORES</b></p> <p><b>Takes and uses of water</b></p> <p>15-1 Minor takes and uses of surface water</p> <p>15-2 Minor takes and uses of groundwater</p> <p>15-3 Use of heat or energy from surface water</p> <p>15-4 Bore and groundwater testing</p> <p>15-5 Takes of surface water complying with core allocations</p> <p>15-6 Takes of surface water not complying with core allocations</p> <p>15-7 Takes from rivers protected by water conservation orders</p> <p>15-8 Other takes and uses of water</p> <p><b>Diversions of water including drainage</b></p> <p>15-9 Lawfully established diversions, including existing drainage</p> <p>15-10 New drainage</p> <p>15-11 New diversions</p> <p>15-12 Diversions that do not comply with permitted and controlled activity rules</p> <p><b>Bore drilling and bore sealing</b></p> <p>15-13 Drilling and bore construction</p> <p>15-14 Unsealed bores</p>	<p>Permitted</p> <p>Permitted</p> <p>Permitted</p> <p>Permitted</p> <p>Controlled</p> <p>Non-complying</p> <p>Prohibited</p> <p>Discretionary</p> <p>Permitted</p> <p>Permitted</p> <p>Permitted</p> <p>Discretionary</p> <p>Restricted discretionary</p> <p>Prohibited</p>

Rule Number and Title	Classification
<b>CHAPTER 16: STRUCTURES AND ACTIVITIES INVOLVING THE BEDS OF RIVERS, LAKES AND ARTIFICIAL WATERCOURSES, AND DAMMING</b>	
Protected rivers and regionally significant lakes	
16-1 Damming of protected rivers	Prohibited
16-2 Other structures and disturbances in protected rivers	Non-complying
16-3 Reclamation and drainage of regionally significant lakes	Non-complying
16-4 Structures and disturbances involving waterbodies valued as Natural State, Sites of Significance -Aquatic, and Sites of Significance - Cultural	Discretionary
Use, maintenance, repair, removal and demolition of structures	
16-5 Use of structures	Permitted
16-6 Maintenance and repair of structures and associated removal of bed material and plants	Permitted
16-7 Removal and demolition of structures	Permitted
Dams	
16-8 Existing and new small dams	Permitted
16-9 Other existing dams	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
Activities within flood control and drainage schemes	
16-13 Activities undertaken by the Regional Council in flood control and drainage schemes	Permitted
16-14 Activities affecting river and drainage schemes	Discretionary
Gravel extraction, bed disturbances and plants	
16-15 Small-scale gravel extraction	Permitted
16-16 Other minor bed disturbances	Permitted
16-17 Plants	Permitted
Activities in artificial watercourse	
16-18 Minor activities involving the beds s of artificial watercourses	Permitted
16-19 Bed disturbance of artificial lakes to maintain their function	Controlled
Activities not covered by other rules	
16-20 Activities that do not comply with permitted and controlled activity rules	Discretionary
<b>CHAPTER 17: ACTIVITIES IN THE COASTAL MARINE AREA (CMA)</b>	
Occupation	
17-1 Occupation by existing structures	Permitted
17-2 Temporary occupation	Permitted
17-3 Occupation of space by aquaculture	Controlled

Rule Number and Title	Classification
17-4 Exclusive occupation	Discretionary and restricted coastal activity
17-5 Occupation of space in protection zones	Prohibited
<b>Structures</b>	
17-6 Maintenance and repair of structures	Permitted
17-7 Removal or demolition of structures	Permitted
17-8 Navigation aids, lines, cables, pipelines and ropeways, whitebait stands and maimai	Controlled
17-9 Structures in the port zone	Controlled
17-10 Structures for public access	Controlled
17-11 Aquaculture structures	Discretionary and restricted coastal activity
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	Prohibited
17-14 Structures in a protection zone	
<b>Reclamation and drainage</b>	
17-15 Drainage	Discretionary
17-16 Small reclamations except in protection zones	Discretionary
17-17 Large reclamations except in protection zones	Discretionary and restricted coastal activity
17-18 Small reclamations in protection zones	Non-complying and restricted coastal activity
17-19 Large reclamations except in protection zones	Non-complying and restricted coastal activity
<b>Disturbances, removal and deposition</b>	
17-20 Removal of minor quantities of material	Permitted
17-21 Minor disturbances, removal and deposition	Permitted
17-22 Beach nourishment	Controlled
17-23 Port zone and Whanganui River maintenance dredging	Discretionary
17-24 Large-scale disturbances, removal and deposition excluding protection zones	Discretionary and restricted coastal activity
17-25 Small-to-medium-scale disturbances, removal and deposition in protection zones	Non-complying and restricted coastal activity
17-26 Large-scale disturbances, removal and deposition in protection zones	Non-complying and restricted coastal activity
<b>Water takes, uses, damming and diversions</b>	
17-27 Take and use of water	Permitted
17-28 Drainage and diversions of water in the CMA	Discretionary
<b>Discharges</b>	
17-29 Discharges into water from ships, boats, fire-fighting and oil spills	Permitted
17-30 Discharges of stormwater	Permitted
17-31 Discharges of stormwater not complying with Rule 17.30	Controlled
17-32 Discharges of dye and salt tracers	Permitted
17-33 Application of agrichemicals	Permitted
17-34 Application of agrichemicals	Controlled

Rule Number and Title	Classification
17-35 Sewage and s 107 (2) RMA discharges	Discretionary and restricted coastal activity
17-36 Dumping of hazardous substances	Prohibited
<b>Noise and discharges into air</b>	
17-37 Noise discharges	Permitted
<b>Exotic and introduced plants</b>	
17-38 Exotic and introduced plants	Discretionary and restricted coastal activity
<b>Activities that are not covered by other rules, or which do not comply with permitted and controlled activity rule</b>	
17-39 Activities that are not covered by any other rule, or which do not comply and controlled activity rules	Discretionary

## 11.2 General Objectives and Policies

### 11.2.1 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 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 Act unless restricted by a rule. Some land-use activities can have very significant effects which should not be allowed without restriction. 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 objective and policies for regulating activities. It then sets out general rules that serve as a default for other rules in this Plan.

### 11.2.2 Objective

#### Objective 11-1: Resource management in the Manawatu-Wanganui Region

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

### 11.2.3 Policies

#### Policy 11-1: Regional rules for restricted activities

For activities that are restricted under Part III of the RMA, pursuant to Sections 12(1), 12(2), 13(1), 14(1), and 15(1), regional rules will be adopted which:

- (c) classify as **permitted** those activities that either are unlikely to have more than minor adverse effects on the environment, or may have more than minor adverse effects but these effects are acceptable and do not require any site-specific regulation by way of resource consents
- (d) 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
- (e) 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

- (f) 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
- (g) 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
- (h) 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
- (i) 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 11-2: Regional rules for unrestricted activities**

For activities that are allowed under Part III of the RMA, pursuant to Sections 9(3), 12(3), 13(2), 14(2), and 15(2), the Regional Council 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 11-1.

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

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

#### **Policy 11.4: Common catchment expiry or review date**

Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2, unless any of the circumstances described in Policy 2.2 apply. The dates listed in Table 11.2 show the initial expiry or review date for all consents within the catchment. Future dates for expiry or review of consents within that catchment shall occur again every ten years thereafter.

For a consent which has duration longer than ten years, review of the consent shall occur on the review date in Table 11.2 and every ten years thereafter until consent expiry. Extra review dates may be set in accordance with Policy 2.3.

**Table 11.2:** Common expiry/review dates for consents in water management zones

Management Zone	Sub-zone	Expiry / review (1 July)	Expiry / review (1 July)
Upper Manawatu	Upper Manawatu, Mangatewainui and Mangatoro	2011	2016
Weber-Tamaki	Weber-Tamaki and Mangatera	2011	2016
Upper Tamaki	Upper Tamaki	2011	2016
Upper Kumeti	Upper Kumeti	2011	2016
Tamaki-Hopelands	Tamaki-Hopelands, Lower Tamaki, Lower Kumeti, Oruakeretaki and Raparapawai	2011	2016
Hopelands-Tiraumea	Hopelands-Tiraumea	2011	2016
Tiraumea	Upper and Lower Tiraumea, Mangaone and Makuri	2010	
Mangatainoka	Upper, Middle and Lower Mangatainoka, Makakahi and Mangaramarama	2010	
Upper Gorge	Upper Gorge, Mangapapa, Mangaatua, Upper and Lower Mangahao	2013	
Middle Manawatu	Middle Manawatu, Upper, Middle and Lower Pohangina, and Aokautere	2013	
Lower Manawatu	Lower Manawatu, Turitea, Kahuterawa, Upper and Lower Mangaone Stream, and Main Drain	2013	
Oroua	Upper, Middle and Lower Oroua, Kiwitea and Makino	2019	
Coastal Manawatu	Coastal Manawatu, Upper and Lower Tokomaru, Mangaore, Koputaroa and Foxton Loop	2018	
Upper Rangitikei	Upper Rangitikei	2017	
Middle Rangitikei	Middle Rangitikei, Pukeokahu-Mangaweka, Upper, Middle and Lower Moawhango, Upper and Lower Hautapu	2017	
Lower Rangitikei	Lower Rangitikei and Makohine	2017	
Coastal Rangitikei	Coastal and Tidal Rangitikei, Porewa and Tutaenui	2017	
Upper Whanganui	Upper Whanganui	2015	
Cherry Grove	Cherry Grove, Upper and Lower Whakapapa, 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 and Upper and	2015	

Management Zone	Sub-zone	Expiry / review (1 July)	Expiry / review (1 July)
	Lower Manganui o Te Ao		
Paetawa	Paetawa	2015	
Lower Whanganui	Lower and Coastal Whanganui, Upokongaro and Matarawa	2015	
Upper Whangaehu	Upper Whangaehu, Tokiahuru, Waitangi	2009	
Middle Whangaehu	Middle Whangaehu	2009	
Lower Whangaehu	Lower Whangaehu, Upper and Lower Makotuku, and Upper and Lower Mangawhero	2009	
Coastal Whangaehu	Coastal Whangaehu	2009	
Turakina	Upper and Lower Turakina and Ratana	2014	
Ohau	Upper and Lower Ohau	2012	
Owahanga	Owahanga	2016	
East Coast	East Coast	2016	
Akitio	Upper and Lower Akitio and Waihi	2016	
Northern Coastal	Northern Coastal	2012	
Kai-Iwi	Kai-Iwi	2012	
Mowhanau	Mowhanau	2012	
Kaitoke Lakes	Kaitoke Lakes	2014	
Southern Whanganui Lakes	Southern Whanganui Lakes	2014	
Northern Manawatu Lakes	Northern Manawatu Lakes	2014	
Waitarere	Waitarere	2014	
Lake Papaitonga	Lake Papaitonga	2014	
Waikawa	Waikawa	2014	
Lake Horowhenua	Lake Horowhenua and Hokio	2014	

