

17 Activities in the Coastal Marine Area (CMA)

Important note: For the purposes of the Resource Management Act 1991 (RMA), the Regional Coastal Plan comprises the general objective and policies of Chapter 11, and the policies and rules of Chapter 17.

17.1 Standard Conditions for Permitted and Controlled Activities in the CMA

The table below sets out standard conditions for permitted and controlled activities in the CMA. These standard conditions are referred to in a number of the permitted and controlled activity rules in this chapter. The table sets out standard conditions under different values. To identify the locations of water management zones to which these values apply, and therefore whether they are relevant to a particular activity, refer to Schedule D.

Table 17.1 Standard conditions for permitted and controlled activities in the coastal marine area (CMA)

Value	Condition
Life-Supporting Capacity (applies to all sites with a value of Life-Supporting Capacity as shown in Schedule D)	<ul style="list-style-type: none"> (a) The activity shall not adversely reduce the ability of the estuarine water body to convey flood flows or floating debris. (b) There shall be no discharge of contaminants, other than sediment and other contaminants inherent to the water or bed, into the coastal marine area. (c) Any discharge of sediment directly caused by the activity shall not be undertaken for more than 5 days, or for more than 12 hours on any one of those 5 days. (d) Any discharge of sediment under condition (c) shall not, after reasonable mixing*, cause any conspicuous change in the colour of water in the receiving water body, or any change in horizontal visibility of greater than 30%, more than 24 hours after completion of the activity. (e) Any materials used shall be necessary for the activity and shall not be toxic* to marine ecosystems. (f) Any materials no longer required as part of the activity, including any temporary structures, shall not be stored in or on any foreshore area and shall be removed from the CMA upon completion of the activity. (g) Refueling of machinery (other than boats) shall not take place in any area where spills may enter coastal water. (h) Upon completion of any channel bank works, the banks shall be reinstated to a natural contour and revegetated. (i) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme or by the Historic Places Trust, except where Historic Places Trust approval has been obtained. (j) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Regional Council.

Value	Condition
Native Fishery (applies to all sites with a value of Native Fishery as shown in Schedule D)	(k) The use of mobile machinery in or on the foreshore in a manner that disturbs the foreshore and/or a whitebait fishery shall not take place in estuarine areas between 1 October and 30 November.
Amenity (applies to all sites with a value of Amenity as shown in Schedule D)	(l) Existing public access to or along the foreshore shall not be rendered unsafe by the activity. (m) Existing public access to or along the foreshore 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. (n) Activities shall not result in suspended sediment being conspicuous at public bathing beaches, as shown in Schedule D, during weekends and public holidays between 1 December and 28 February.

17.2 Occupation

17.2.1 Policies

Policy 17-1: Occupation of space by aquaculture

The allocation of space for aquaculture shall be established through a plan change in accordance with Sections 12A and 165C of the RMA, and the following matters shall be given particular consideration:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the impact of the proposed activity on neighbouring uses 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
- (e) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

Policy 17-2: Consent decision making for occupation of space by other activities

When making decisions on resource consent applications and the allocation of space for activities (excluding aquaculture), the Regional Council will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) enabling occupation where it is a fundamental requirement of an activity covered by another rule in this Plan
- (c) requiring efficient use of space in the CMA by using the smallest amount of space 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 s 165D of the RMA where there is demand for use of the same space by more than one party and a first-in-first-served consent process will not adequately manage the cumulative effects of the proposed activities
- (f) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

Policy 17-3: Decision making for occupation charges

In accordance with s 64A 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.

17.2.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-1 Occupation by existing structures	The occupation of space in the CMA pursuant to s 12(2) RMA by any existing structure and any associated damming or diversion of coastal water pursuant to s 14(1) RMA.	Permitted		
17-2 Temporary occupation	The temporary and exclusive occupation of an area of foreshore or a space of coastal water pursuant to s 12(2) RMA for the purposes of a special event, and any associated surface water activity. For the purposes of this rule: (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 or safety reasons, controls need to be placed on public access.	Permitted	(a) Where public access is restricted, a public notice shall be lodged in the local newspaper at least 7 days before the event and signage shall be erected on site, both of which advertise the reasons for, extent and timing of the restrictions.	
17-3 Occupation of space by aquaculture	The occupation of space within the CMA pursuant to s 12(2) RMA by any aquaculture activity which is not otherwise restricted by Rule 17-4 or prohibited by Rule 17-5.	Controlled	(a) The aquaculture activity shall occur within an operative aquaculture management area established in accordance with Policy 17-1.	Control is reserved over: (a) effects on navigation safety (b) effects on public access (c) effects on natural character (d) efficient use of the CMA (e) duration of consent (f) review of consent conditions (g) compliance monitoring.
17-4 Exclusive occupation	Any activity involving occupation of 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	Discretionary and restricted coastal activity		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	safety or security) (b) would effectively exclude the public from more than 316 m along the length of the foreshore (c) would involve occupation or use of an area greater than 50 ha of the CMA and such occupation or use would restrict public access to or through such an area.			
17-5 Occupation of space in protection zones	The occupation of space pursuant to s 12(2) RMA within a protection zone, as shown in Schedule H, by any aquaculture activity, energy generation structure, port structure, or marina.	Prohibited		

Rule Guide:

- (a) Any occupation of the CMA that is not specifically regulated by any of the rules in this Plan 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 17-39.
- (b) Any occupation relating to or impacting on safe navigation must also have approval from Maritime New Zealand. (Refer s 395 RMA and s 200(7) Maritime Transport Act 1994).
- (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 17-2 must also comply with relevant navigation safety requirements set out in The Manawatu River and Tributaries Navigation and Safety By-laws 2004 or Part 91 of the Maritime Transport Act 1994.

17.3 Structures

17.3.1 Policies

Policy 17-4: 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 will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the objectives and policies of Chapter 10

- (c) the operational necessity for locating the structure in the coastal marine area
- (d) the provisions for public access and safety, including navigation safety
- (e) the avoidance, as far as practical, of any adverse effects on natural character and landscape, Māori cultural values, historic heritage values, indigenous flora and fauna and the stability of riverbanks and the foreshore
- (f) whether the structure is of a suitable scale for the surrounding area, and uses the space in the CMA efficiently
- (g) 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
- (h) 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
- (i) whether the structure contributes to any cumulative adverse effects in the vicinity of the proposed structure.

Policy 17-5: 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 will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement,
- (b) the extent to which existing structures reduce 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 practicable any adverse effects on ecological values or physical processes, and provides for public access and safety
- (d) the matters set out in Policy 17-4 where there is a proposed extension to an existing structure
- (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.

17.3.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>17-6 Maintenance and repair of structures</p>	<p>(a) Structures: The maintenance* or repair* of any lawfully established structure located in, on, under or over the foreshore or seabed pursuant to s 12(1) RMA and any associated:</p> <ul style="list-style-type: none"> (i) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (ii) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (iii) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (iv) damming or diversion of coastal water pursuant to s 14(1) or s 14(2) RMA. <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 s 12(1) or s 12(2) RMA), including flushing accumulated sediment, and any associated:</p> <ul style="list-style-type: none"> (i) damming or diversion of water pursuant to s 14(2) RMA (ii) discharge of water or sediment pursuant to s 15(1) RMA (iii) deposition of removed material or plants in or on the bed pursuant to s 12(1) RMA (iv) discharge of removed foreshore or seabed material or plants onto or into land pursuant to s 15(1) RMA. 	<p>Permitted</p>	<ul style="list-style-type: none"> (a) The activity shall not increase the area of the foreshore or seabed, or the volume of the water column, occupied by the existing structure. (b) The activity shall comply with the standard conditions listed in Table 17.1. (c) Any discharge or removed foreshore or seabed material or plants onto or into land shall comply with the conditions of Rule 16-23. 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-7 Removal or demolition of structures	The removal or demolition of a structure or any part of a structure located in, on, under or over the foreshore or seabed pursuant to s 12(1) RMA and any associated: (a) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (b) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (c) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (d) damming or diversion of coastal water pursuant to s 14(1) RMA.	Permitted	(a) The activity shall comply with the standard conditions listed in Table 17.1. (b) The Regional Council shall be informed in writing of the removal or demolition of any of the following structures, at least 10 working days prior to the commencement of the removal or demolition: (i) access structures in or on the foreshore or seabed, including bridges, culverts and fords (ii) structures occupying more than 5 m ² of the foreshore or seabed.	
17-8 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 structure used for aquaculture purposes), whitebait stand, or maimai pursuant to s 12(1) RMA and any associated: (a) occupation of the foreshore or seabed, pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (e) damming or diversion of coastal water pursuant to s 14(1) RMA.	Permitted	(a) No whitebait stand or maimai shall be located within the port zone or within a waterbody valued as a Site of Significance - Aquatic as shown in Schedule D. (b) Any navigation aid shall meet the requirements set out by Maritime NZ in New Zealand's System of Buoys and Beacons (2005). (c) The floor area of any whitebait or maimai structure shall not exceed 5 m ² . (d) The activity shall comply with the conditions listed in Table 17.1.	
17-9 Structures in the port zone	The erection, reconstruction, placement, alteration, or removal of any boat ramp, wharf, jetty, pontoon, or boat mooring structure located within the port zone as shown in Schedule H pursuant to s 12(1) RMA and any associated: (a) occupation of the foreshore or seabed, pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to	Controlled	(a) The erection, reconstruction, placement or alteration shall have the prior written approval of the relevant manager of the port company operating within the port zone or the manager of the marina operating in the port zone. (b) Any activity related to the marina shall not extend beyond the existing area currently occupied. (c) The activity shall comply with the	Control is reserved over: (a) efficient use of the CMA (b) effects on water quality (c) extent of disturbance to the foreshore or seabed (d) the material to be used for the structure (e) duration of consent (f) review of consent conditions

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	s 15(1) RMA (e) damming or diversion of coastal water pursuant to s 14(1) RMA.		conditions listed in Table 17.1.	(g) compliance monitoring
17-10 Structures for public access	Except as otherwise regulated by Rule 17-12, the erection, reconstruction, placement, alteration or extension of any public walkway or foot accessway structure pursuant to s 12(1) RMA, and any associated: (a) occupation of space in the CMA pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (e) damming or diversion of coastal water pursuant to s 14(1) RMA.	Controlled	(a) The structure shall not be located within a waterbody valued as a Site of Significance - Aquatic as shown in Schedule D. (b) The activity shall comply with the conditions listed in Table 17.1.	Control is reserved over: (a) public access and safety (b) effects on aesthetic values, amenity values and natural character (c) the method of undertaking the activity (d) the timing and/or staging of the activity (e) duration of consent (f) review of consent conditions (g) compliance monitoring.
17-11 Aquaculture structures	The erection, reconstruction, placement, alteration or extension of any structure for the purpose of aquaculture pursuant to s 12(1) RMA and any associated: (a) occupation of space in the CMA pursuant to s 12(2) (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) damming or diversion of water pursuant to s 14(2) RMA (e) discharge of water, contaminants or sediment pursuant s 15(1) RMA.	Controlled	(a) The activity shall occur only within an operative aquaculture management area established in accordance with Policy 17-1. (b) The activity shall comply with the conditions listed in Table 17.1.	Control is reserved over: (a) the type, quantity and frequency of any discharges (b) any effects on navigation safety (c) the method of undertaking the activity (d) the timing and/or staging of the activity (e) duration of consent (f) review of consent conditions (g) compliance monitoring.
17-12 Large structures which impound the CMA, are parallel to shore, or are oblique or perpendicular to	Except as prohibited by Rule 17-14, the erection or any structure pursuant to s 12(1) RMA which: (a) will impound or effectively contain 4 ha or more of the CMA, or (b) is solid (or presents a significant barrier to water or sediment movement), and when established on the foreshore or seabed would extend 300 m or more in length more or less parallel to	Discretionary and restricted coastal activity		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
shore	<p>the line of mean high water spring, including separate structures which total 300 m or more contiguously, or</p> <p>(c) is solid (or presents a significant barrier to water or sediment movement), is sited obliquely or perpendicular in horizontal projection to the line of mean high water spring in the CMA, and in horizontal projection is 100 m or more in length, including separate structures which total 100 m or more contiguously.</p> <p>For the avoidance of doubt this rule does not include submarine or sub-aqueous cables.</p>			
17-13 Petroleum and chemical storage	<p>Except as prohibited by Rule 17-14, any activity involving the erection of a structure pursuant to s 12(1) RMA for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.</p>	Discretionary and restricted coastal activity		
17-14 Structures in a protection zone	<p>Any activity within a protection zone shown in Schedule H, which involves the erection of any of the following structures pursuant to s 12(1) RMA:</p> <p>(a) a structure for the storage or containment of petroleum products or contaminants</p> <p>(b) a structure which will impound or effectively contain 4 ha or more of the CMA</p> <p>(c) a wharf, marina, boat shed, aquaculture structure or energy generation structure.</p>	Prohibited		

Rule Guide:

- (a) **Use, maintenance and repair of structures:** the above rules permit the on-going use, maintenance and repair 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 s 12 RMA that are not specifically covered by a rule in this Plan are a **discretionary activity** under Rule 17-39.
- (c) Structures under s 12 RMA that do not comply with the permitted or controlled rules and are not otherwise discretionary or prohibited are a **discretionary activity** under Rule 17-39.
- (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 (refer s 395 RMA and s 200(7) Maritime Transport Act 1994).
- (f) For any aquaculture structure, reference should be made to the Guidelines for Aquaculture Management Areas and Marine Farms, Maritime New Zealand, 2005.

17.4 Reclamations and Drainage

17.4.1 Policies

Policy 17-6: 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 will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the functional necessity for the activity
- (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 safety reasons
- (e) ensuring that only cleanfill (being material that is uncontaminated by substances subjected to biological, chemical or physical breakdown which would degrade water quality) is used in any reclamation
- (f) ensuring that any reclamation or drainage is not sited where there are existing significant areas of indigenous flora or fauna breeding or nesting areas
- (g) avoiding any adverse effects on Māori cultural values or historic heritage, and mitigating any adverse effects on natural character
- (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, on or across the foreshore will not result in instability of the beach, estuarine substrate or riverbank areas, or adversely impact on water quality at the discharge sites
- (j) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

17.4.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-15 Drainage	Any drainage of, on or across the foreshore or seabed pursuant to s 12(1) RMA.	Discretionary		
17-16 Small reclamations except in protection Zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA, excluding those areas identified as protection zones in Schedule H.	Discretionary	(a) Either: (i) the reclamation shall be less than 1 ha, or (ii) the reclamation shall 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 resource consent after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a).	
17-17 Large reclamations except in protection zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA excluding those areas identified as protection zones in Schedule H, which does not comply with Rule 17-16.	Discretionary and restricted coastal activity		
17-18 Small reclamations in protection zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA within any protection zone shown in Schedule H.	Non-complying	(a) Either: (i) the reclamation shall be less than 1 ha, or (ii) the reclamation shall 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 resource consent after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a).	
17-19 Large reclamations in protection zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA within any protection zone shown in Schedule H, which does not comply with Rule 17-18.	Non-complying and restricted coastal activity		

Rule Guide:

- (a) Any reclamation relating to or impacting on safe navigation must also have approval from Maritime New Zealand (refer s 395 RMA and s 200(7) Maritime Transport Act 1994).

17.5 Disturbances, Removal and Deposition

17.5.1 Policies

Policy 17-7: 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 will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) Policy 6-32
- (c) any effects on public access, natural character and any known and publicly used shellfish beds
- (d) any effects on any feeding, spawning or roosting areas
- (e) avoiding as far as practical any resultant effects on coastal erosion, or on risk from inundation, or on the stability of coastal edges and banks, or on flood control structures
- (f) avoiding any adverse effects on the relationship of Māori with taonga, historic heritage, or significant flora or fauna habitat within any protection zone
- (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
- (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.

17.5.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>17-20 Removal of minor quantities of material</p>	<p>The removal of sand, shingle, shell, driftwood or dead seaweed pursuant to s 12(1) RMA and any associated:</p> <ul style="list-style-type: none"> (a) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (b) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (c) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (d) damming or diversion of coastal water pursuant to s 14(2) RMA. 	<p>Permitted</p>	<ul style="list-style-type: none"> (a) The sand, shingle, shell, driftwood or dead seaweed shall be for private use only and not for sale or exchange. (b) The sand, shingle, shell, driftwood or dead seaweed shall only be removed by hand or by using a hand-held non-mechanical device. (c) Any sand or shingle shall not be removed from within 20 m of any seawall, groyne (or similar structure) or the seaward toe of any sand dune. (d) The activity shall comply with conditions (i) and (j) in Table 17.1. 	
<p>17-21 Minor disturbances, removal and deposition</p>	<p>Except as otherwise regulated by the rules in Section 17.3, any disturbance, removal or deposition of material on the foreshore or seabed pursuant to s 12(1) RMA associated with the following activities:</p> <ul style="list-style-type: none"> (a) exploration or drilling of the seabed occurring more than 1 km seaward of mean high water spring (b) installation of permanent anchors (c) burial of stock and marine fauna found dead in the CMA (d) clearing sediment from outfall structures, intake structures and culverts (e) public recreational activities (f) beach grooming <p>and any associated:</p> <ul style="list-style-type: none"> (i) occupation of space in the CMA pursuant to s 12(2) (ii) discharge of water or sediments into the 	<p>Permitted</p>	<ul style="list-style-type: none"> (a) The clearing of sediment from blocked river mouths shall only be undertaken by a local authority or its authorised contractors. (b) Any burial of dead stock and marine fauna found in the CMA shall not disturb any plant communities in a protection zone. (c) The activity shall comply with the conditions listed in Table 17.1. 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	CMA pursuant to s15(1) RMA (iii) damming or diversion of coastal water, pursuant to s14(2) RMA.			
17-22 Beach nourishment	Any disturbance, removal or deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA for the purposes of beach nourishment, and any associated: (a) occupation of space in the CMA pursuant to s 12(2) RMA (b) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA.	Controlled	(a) Any material to be deposited shall not contain any contaminants that are not already present in natural materials at the site. (b) Any material to be removed shall not result in accelerated erosion of the foreshore. (c) The activity shall comply with the conditions listed in Table 17.1.	Control is reserved over: (a) the particle size and composition (b) the timing of the activity (c) duration, fees and charges, reviews and monitoring.
17-23 Port zone and Whanganui River maintenance dredging	Any disturbance or removal of the foreshore or seabed, pursuant to s 12(1) RMA and s 4 RM Marine Pollution Regulations, arising from maintenance dredging within the port zone or the Whanganui River maintenance dredging area shown in Schedule H, and any associated deposition of dredged material in the CMA pursuant to s 12(1) RMA.	Discretionary	(a) The dredging shall be for the purpose of maintaining water depths and access to and within the port zone. (b) In any 12-month period, the quantity of material dredged or deposited within the CMA shall not exceed 240,000 m ³ . (c) The dredging shall occur within the dredging zones identified in Schedule H. (d) The disposal of any dredged material shall occur within the dump zones identified in Schedule H.	
17-24 Large-scale disturbances, removal and deposition excluding protection zones	Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material within the CMA pursuant to s 12(1) RMA and which is not otherwise regulated by Rule 17-23 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 foreshore or seabed involved is equal to or greater than 1,000 metres.	Discretionary and restricted coastal activity		
17-25 Small- to medium-scale disturbances,	Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material pursuant to s 12(1) RMA within a protection zone, which is not otherwise covered	Non-complying		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
removal and deposition in protection zones	by the rules in Section 17-3, Rule 17-20, Rule 17-21, Rule 17-22 or Rule 17-26.			
17-26 Large-scale disturbances, removal and deposition in protection zones	Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material pursuant to s 12(1) RMA within a protection zone where: (a) the quantity of material involved is greater than 50,000 m ³ , or (b) the area involved is equal to greater than 4 ha, or (c) the length of foreshore or seabed involved is equal to or greater than 1,000 metres.	Non-complying and restricted coastal activity		

Rule Guide:

- (a) Deposits, disturbances and removal in the CMA that are not specifically covered by a rule in this Plan are a **discretionary activity** under Rule 17-39.
- (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 17-39.

17.6 Water Takes, Uses, Damming and Diversions

17.6.1 Policies

Policy 17-8: Consent decision making for take and use of coastal water

When making decisions on resource consent applications and setting consent conditions for the take and use of water from the CMA, the Regional Council will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (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 17-9: 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 coastal water, the Regional Council will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the objectives and policies of Chapter 6, Chapter 10 and Chapter 15 that are relevant to the activity, and in particular the water management zones in Schedule D
- (c) the necessity for the activity
- (d) avoiding any adverse effects on fish spawning and bird nesting 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 riverbank stability or coastal sediment processes do not contribute to erosion elsewhere or exacerbate the risk from natural hazards
- (g) ensuring that public access is not unreasonably restricted.

17.6.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-27 Take and use of water	Any take or use of water from the coastal marine area.	Permitted	(a) The activity shall comply with the standard conditions (i) and (j) in Table 17.1. (b) A screen shall be used, and the intake velocity shall be sufficiently low so as to ensure that the take of water does not cause juvenile fish or other fauna to be damaged, killed or removed from the water body.	
17-28 Drainage and diversions of water in the CMA	Any activity which is authorised by Rules 15-9, 15-10 or 15-11 of this Plan and which results in any drainage or diversions of water into the coastal marine area.	Permitted	(a) The activity shall comply with all conditions of Rules 15-9, 15-10 and 15-11, as if those conditions apply to the coastal marine area.	

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 17-39.
- (b) Any damming or diversion of water in the CMA that is not specifically regulated by any other rule in this Plan is a **discretionary activity** under Rule 17-39.

17.7 Discharges

17.7.1 Policies

Policy 17-10: 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 will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the relevant objectives and policies of Chapter 6 and any relevant policies in Chapter 13, and in particular Policies 6-1 to 6-5 and the water management zones set out in Schedule D
- (c) restricting the use of hazardous substances in any estuary, river or stream in the CMA to control pest plants or marine fauna identified pursuant to a pest management strategy prepared under the Biosecurity Act 1993
- (d) Māori cultural values, amenity values, recreational values and public health and safety, and ensuring any adverse effects are avoided as far as practicable
- (e) any discharge, after reasonable mixing, should 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
 - (iv) any emission of objectionable odour, or any significant adverse effects on aquatic life.

Policy 17-11: 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 will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement

- (b) the relevant objectives and policies of Chapter 6 and any relevant policies in Chapter 15, and in particular Policies 6-1 to 6-5 and the water management zones set out in Schedule D
- (c) avoiding any discharge within any river, stream or estuary in the CMA or within any protection zone identified in Schedule H,
- (d) the extent to which any alternatives have been considered, including discharging to land
- (e) considering the views and concerns of tangata whenua in the decision-making process.

17.7.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-29 Discharges into water from ships, boats, fire-fighting and oil spills	Any discharge (excluding sewage) pursuant to s 15 RMA: (a) of water into water (b) associated with the normal operation ¹ of a ship or boat, or (c) for the purposes of fire-fighting, or (d) for the purposes of managing an oil spill.	Permitted	(a) There shall be no discharge of non-biodegradable matter. (b) Any substance used as an oil dispersant must be approved in accordance with the Marine Protection Rules Part 132: Dispersants and Demulsifiers (1998).	
17-30 Discharges of stormwater	The discharge of stormwater into the CMA, pursuant to s 15 RMA.	Permitted	(a) The discharge shall not contain any sewage. (b) The discharge shall not include stormwater from any: (i) industrial or trade premises where hazardous substances are stored or used (ii) contaminated land (iii) operating quarry or mineral extraction site unless there is an interceptor system* in place. (c) For discharges that include stormwater from an industrial or trade premises, or an urban area, the catchment area of the discharge shall not exceed 2 hectares. (d) The activity shall not cause erosion of any bank or foreshore	

¹ **Normal operation** – For the purpose of this rule “normal operation” includes ship propulsion, cooling water, wash-down 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>area beyond the point of discharge, unless this is not practicably avoidable, in which case any erosion that occurs as a result of the discharge shall be remedied as soon as practicable.</p> <p>(e) For discharges of stormwater into the CMA the discharge shall not cause, after reasonable mixing*, any of the following effects in the receiving waterbody:</p> <ul style="list-style-type: none"> (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials (ii) any conspicuous change in the colour or visual clarity of the receiving water (iii) any emission of objectionable odour (iv) toxicity to marine ecosystems. <p>(f) The discharge shall not be to any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.</p>	
<p>17-31 Discharges of stormwater not complying with Rule 17-30</p>	<p>The discharge of stormwater into the CMA, pursuant to s 15 RMA, that:</p> <ul style="list-style-type: none"> (i) does not comply with Rule 17-30, or (ii) is lawfully in existence at the time this rule comes into effect, but does not comply with Rule 17-30. 	<p>Controlled</p>	<ul style="list-style-type: none"> (a) The discharge shall not include sewage. (b) The discharge shall not include stormwater from any: <ul style="list-style-type: none"> (i) industrial or trade premises where hazardous substances are stored or used (ii) contaminated land (iii) operating quarry or mineral extraction site unless there is an interceptor system* in place. (c) The discharge shall 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) contaminant concentrations and loading rates (c) measures required to comply with s 107(1) RMA (d) measures required to comply with the water quality standards for the relevant water management zone (e) odour management (f) stormwater system maintenance requirements (g) contingency requirements (h) monitoring and information requirements (i) duration of consent (j) review of consent conditions.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-32 Discharges of dye and salt tracers	The discharge of dye and salt tracer material, pursuant to s 15 RMA, excluding radioisotope tracers.	Permitted	(a) The dye or salt tracer material discharged shall not exceed 20 l of dye in solution, 10 kg of salt, or 100 l of salt solution. (b) The Regional Council shall be notified in writing of the proposed discharge at least 24 hours prior to the discharge. Such notification shall include: (i) the name and contact details of the person responsible for the discharge (ii) the purpose and nature of the discharge (iii) the nature of the tracer including its type, colour, and product name and description (iv) the location, timing and duration of the discharge. (c) The dye or salt tracer shall not be a hazardous substance in terms of the Hazardous Substances and New Organisms Act 1996.	
17-33 Application of agrichemicals	The discharge of agrichemicals into air, onto land, or into water, in the CMA, pursuant to s 15 RMA.	Permitted	(a) The target species shall be identified as a plant pest or animal pest in the Horizons Regional Pest Plant Management Strategy or the Horizons Regional Pest Animal Management Strategy. (b) The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions. (c) The discharge shall be undertaken in accordance with all mandatory requirements set out in NZS 8409:2004 Management of Agrichemicals. (d) Where the discharge is into water for the purpose of eradicating, modifying or controlling unwanted marine plants: (i) only agrichemicals approved for aquatic use may be used (ii) the application shall not exceed the quantity or concentration required for that purpose. (e) The discharge shall not include disposal to water of any agrichemical. (f) The discharger shall notify the Regional Council one week prior to application.	
17-34 Application of agrichemicals	The discharge of agrichemicals into air, onto land, or into water, in the CMA, pursuant to s 15 RMA, that does not comply with Rule 17-33.	Controlled	(a) The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions. (b) The discharge shall be undertaken in accordance with all	Control is reserved over: (a) qualification required of persons carrying out the activity

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			mandatory requirements set out in NZS 8409:2004 Management of Agrichemicals. (c) Where the discharge is into water for the purpose of eradicating, modifying or controlling unwanted marine plants: (i) only agrichemicals approved for aquatic use may be used (ii) the application shall not exceed the quantity or concentration required for that purpose (iii) the discharge shall not include disposal to water of any agrichemical.	(b) method, rate and timing of application (c) the provision of information to the public (d) duration, fees and charges, reviews, monitoring.
17-35 Sewage and s 107(2) RMA discharges	Pursuant to s1 New Zealand Coastal Policy Statement: (a) any discharge of human sewage which has not passed through soil or wetland, and which is not otherwise provided for by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, or (b) any discharge for which the discharger wishes to rely on exceptional circumstances to justify the granting of consent under s 107(2)(a) RMA, and which is not otherwise prohibited by Rule 17-36 of this Plan.	Discretionary and restricted coastal activity		
17-36 Dumping of hazardous substances	The dumping or disposal of any hazardous substances in the CMA, not otherwise controlled by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, or otherwise provided for by Rule 17-33.	Prohibited		

Rule Guide:

- (a) Discharges under s12 RMA that are 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 17-39.
- (b) Refer also to rules under Sections 17.3 (Structures) and 17.5 (Disturbances, Removal and Deposition) which permit some discharges associated with other minor activities.
- (c) Refer also to relevant rules on discharges in Chapter 13 of this Plan.
- (d) Refer also to Rules 14-1 and 14-2 on agrichemical discharges.

- (e) Refer to Sections 15A, 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 off-shore 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 off-shore platforms (permitted)
 - (v) discharge of noxious liquid substances from a ship (permitted)
 - (vi) discharge of sewage from any ship or off-shore installation (prohibited within 500 m of mean high water spring, 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 off-shore installation (prohibited)
 - (x) discharge of ballast water from any ship or off-shore 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).

17.8 Noise and Discharges into Air

17.8.1 Policies

Policy 17-12: 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 other discharges into air in the CMA, the Regional Council will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the relevant objectives and policies of Chapter 8 and Chapter 17
- (c) adopting the best practical 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.

17.8.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-37 Noise discharges	Any discharge of noise in the CMA, including any discharge of noise relating to the normal operation of boats, ships or offshore installations, or from seismic exploration.	Permitted	(a) Any seismic activity shall be located at least 1 km away from any protection zone as shown in Schedule H.	

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 are a **discretionary activity** under Rule 17-39.
- (b) Other discharges into air in the CMA that are not expressly regulated by the rules in Chapter 14 are a **discretionary activity** under Rule 17-39
- (c) Reference should also be made to the RM (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004.
- (d) Refer also to Rules 14-1 and 14-2.

17.9 Exotic and Introduced Plants

17.9.1 Policies

Policy 17-13: 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 will have particular regard to:

- (a) The objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (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
- (c) Imposing conditions to avoid any risk of adverse effects on indigenous flora in any protection zone or on fish or bird feeding grounds.

17.9.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-38 Exotic and introduced plants	Pursuant to s 12(1) RMA and s 1 NZCPS, the introduction or planting of any exotic or introduced plant species within the CMA, which is not already present in the region.	Discretionary and restricted coastal activity		

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 17-39.

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

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-39 Activities that are not covered by any other rule, or which do not comply with permitted and controlled activity rules	Any activity that either: (a) Is subject to s 12(1) RMA and is not addressed by any other rule in this Plan, or (b) does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule in this chapter, but which is not expressly classified as a discretionary, non-complying or prohibited activity.	Discretionary		

