

# RP – IP – Integrated policies

## Scope and background

Under the RMA most activities affecting air quality, *water*\* quality and quantity, the *beds*\* of *rivers*\* and *lakes*\* and the coastal marine area (CMA) are restricted unless allowed by a rule or resource consent. Many such activities have only minor *effects*\* and requiring a resource consent in every case would be unduly bureaucratic and costly. By contrast, *land*\* use activities are allowed under the RMA unless restricted by a rule. Some *land*\* use activities can have very significant *effects*\* which require a level of control. Through rules the Regional Council can both free up as many minor activities as possible, thereby minimising costs on resource users, and restrict activities that might otherwise cause significant *effects*\*. This chapter describes the Regional Council's overarching policies for regulating activities.

## Policies

### IP-P1: Regional *rules*<sup>^</sup> for restricted activities

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

1. classify as **permitted** those activities that are unlikely to have more than minor adverse *effects*\* on the *environment*\*, or are able to be managed through *permitted activity*<sup>^</sup> *conditions*<sup>^</sup> and do not require any *site*\*-specific regulation by way of *resource consents*<sup>^</sup>;
2. 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*<sup>^</sup> on a consent that must be granted;
3. 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;
4. 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;
5. classify as **non-complying** those activities for which the Regional Council would generally not grant a *resource consent*<sup>^</sup> owing to the potential for very significant adverse *effects*\* on the *environment*\*;
6. 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.

### IP-P2: Regional *rules*<sup>^</sup> for unrestricted activities

For activities that are allowed under Part 3 of the RMA, pursuant to ss9(3), 12(3), 13(2) and 14(2) the Regional Council will intervene by way of *regional rules*<sup>^</sup> only where:

1. any such activity is likely to cause significant adverse *effects*\* on the *environment*\*; and
2. *regional rules*<sup>^</sup> are the best means of addressing those adverse *effects*\*.

For any *rules*<sup>^</sup> adopted for these activities, activities will be classified in the same manner as that set out under RP-IP-P1.

### **IP-P3: *Conditions*<sup>^</sup>, standards and terms in *regional rules*<sup>^</sup>**

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

### **IP-P4: Consent *conditions*<sup>^</sup>**

1. The Regional Council will grant consents with *conditions*<sup>^</sup> identified as necessary during the *resource consent*<sup>^</sup> process, including *conditions*<sup>^</sup> proposed by the applicant as a result of pre-application consultation agreements.
2. In respect of (1) above, the Regional Council will draft consent *conditions*<sup>^</sup> that ensure:
  - a. the applicant is certain how compliance will be achieved and monitored;
  - b. the *conditions*<sup>^</sup> are specific to the activity being undertaken;
  - c. the *conditions*<sup>^</sup> are fair, reasonable and practical;
  - d. the *conditions*<sup>^</sup> are in plain English; and
3. the *conditions*<sup>^</sup> are enforceable.

### **IP-P5: Consent durations**

1. Other than as provided for under (2), the Regional Council will generally grant *resource consents*<sup>^</sup> for the term sought by the applicant unless reasons are identified during the consent process that make this inappropriate.
2. *Resource consent*<sup>^</sup> durations for applications required under ss13, 14 and 15 of the RMA will generally be set to the next common catchment expiry date listed in Table 9. The dates listed in Table 9 show the initial expiry or review dates for consents within the catchment. Future dates for expiry or review of consents within that catchment must occur again every 10 years thereafter. Consents granted within three years prior to the relevant common catchment expiry date may be granted with a duration to align with the second common expiry date (that is the number of years up to the next expiry date plus 10 years). Dates may also be extended in 10 year increments where a term longer than 10 years can be granted after considering the following criteria:
  - a. the extent to which an activity is carried out in accordance with a recognised code of practice, environmental standard or good practice guideline;
  - b. the most appropriate balance between environmental protection and investment by the applicant;
  - c. the provision of s128 review opportunities to enable matters of contention to be periodically reviewed in light of monitoring and compliance information; and
  - d. whether the activity is *infrastructure*<sup>^</sup>; *water*<sup>\*</sup>, *sewage*<sup>\*</sup> or stormwater treatment plants and facilities; or publicly accessible *solid waste*<sup>\*</sup> facilities including *landfills*<sup>\*</sup>, transfer stations and resource recovery facilities.

For a consent which is granted for a duration longer than 10 years, review of the consent must occur, as a minimum, on the review date in Table 9 and every 10 years thereafter until consent expiry. Extra review dates may be set in accordance with RP-IP-P6.
3. Matters to be considered in determining a shorter consent duration than that requested under (1):
  - a. whether it is necessary for an activity to cease at a specified time;
  - b. whether the activity has *effects*<sup>\*</sup> that are unpredictable and potentially serious for the locality where it is undertaken and a precautionary approach is needed;

- c. the risks of long-term allocation of a resource whose availability changes over time in an unpredictable manner, requiring a precautionary approach; and
- d. in the case of existing activities, whether the consent holder has a good or poor compliance history in relation to environmental *effects*\* for the same activity.

**Table 9** Common expiry/review dates for consents in *Water Management Sub-areas*\*

<b>Water Management Area*</b>	<b>Water Management Sub-area*</b>	<b>Expiry / review (1 July)</b>
Upper Manawatū	Upper Manawatū, Mangatewainui and Mangatoro	2011
Weber-Tamaki	Weber-Tamaki and Mangatera	2011
Upper Tamaki	Upper Tamaki	2011
Upper Kūmeti	Upper Kūmeti	2011
Tamaki-Hopelands	Tamaki-Hopelands, Lower Tamaki, Lower Kūmeti, Ōruakeretaki and Raparapawai	2011
Hopelands-Tiraumea	Hopelands-Tiraumea	2011
Tiraumea	Upper and Lower Tiraumea, Mangaone, Mākuri and Mangaramarama	2010
Mangatainoka	Upper, Middle and Lower Mangatainoka and Mākākahi	2010
Upper Gorge	Upper Gorge, Mangapapa, Mangaatua, Upper and Lower Mangahao	2013
Middle Manawatū	Middle Manawatū, Upper, Middle and Lower Pohangina, and Aokautere	2013
Lower Manawatū	Lower Manawatū, Turitea, Kahuterawa, Upper and Lower Mangaone Stream and Main Drain	2013
Ōroua	Upper, Middle and Lower Ōroua, Kiwitea and Makino	2019
Coastal Manawatū	Coastal Manawatū, Upper and Lower Tokomaru, Mangaore, Kōpūtaroa and Foxton Loop	2018
Upper Rangitīkei	Upper Rangitīkei	2017
Middle Rangitīkei	Middle Rangitīkei, Pukeokahu-Mangaweka, Upper, Middle and Lower Moawhango, Upper and Lower Hautapu	2017
Lower Rangitīkei	Lower Rangitīkei and Makohine	2017
Coastal Rangitīkei	Coastal and Tidal Rangitīkei, Pōrewa and Tūtaenui	2017
Upper Whanganui	Upper Whanganui	2015
Cherry Grove	Cherry Grove, Upper and Lower Whakapapa, Piopioatea, Pungapunga and Upper and Lower Ōngarue	2015
Te Maire	Te Maire	2015
Middle Whanganui	Middle Whanganui, Upper and Lower Ōhura and Rētāruke	2015
Pipiriki	Pipiriki, Tangarakau, Whangamomona, Upper and Lower Manganui o te Ao, Oroutoha, Middle Manganui o te Ao, Waimarino, Makatote and Mangaturuturu	2015
Paetawa	Paetawa	2015
Lower Whanganui	Lower and Coastal Whanganui, Upokongaro and Matarawa	2015
Upper Whangaehu	Upper Whangaehu, Tokiahuru, Waitangi	2009
Middle Whangaehu	Middle Whangaehu	2009
Lower Whangaehu	Lower Whangaehu, Upper and Lower Makotuku, Upper and Lower Mangawhero and Makara	2009
Coastal Whangaehu	Coastal Whangaehu	2009
Turakina	Upper and Lower Turakina and Ratana	2014
Ōhau	Upper and Lower Ōhau	2012
Owahanga	Owahanga	2016
East Coast	East Coast	2016
Ākitio	Upper and Lower Ākitio and Waihi	2016
Northern Coastal	Northern Coastal	2012
Kai Iwi	Kai Iwi	2012
Mōwhānau	Mōwhānau	2012
Kaitoke Lakes	Kaitoke Lakes	2014
Southern Whanganui Lakes	Southern Whanganui Lakes	2014

<i>Water Management Area*</i>	<i>Water Management Sub-area*</i>	<i>Expiry / review (1 July)</i>
Northern Manawatū Lakes	Northern Manawatū Lakes	2014
Waitarere	Waitarere	2014
Lake Papaitonga	Lake Papaitonga	2014
Waikawa	Waikawa and Manakau	2014
Lake Horowhenua	Lake Horowhenua and Hokio	2014

## IP-P6: Consent review

In addition to the reasons specified in s128(1)(a)(i) and (ii) RMA, the Regional Council will, under s128(1)(a)(iii) RMA, generally impose consent *conditions*<sup>^</sup> that specify a review of consent *conditions*<sup>^</sup> during the term of the consent for:

1. reviewing the appropriateness of any *condition*<sup>^</sup> requiring the consent holder to supply the *consent authority*<sup>^</sup> with information relating to the exercise of the *resource consent*<sup>^</sup>;
2. reviewing any unknown or uncertain adverse *effects*<sup>\*</sup> caused as a result of planned or required changes or *upgrades*<sup>\*</sup> to the activity;
3. reviewing the *conditions*<sup>^</sup> of a consent at the same time as review of other consents within the same *Water Management Sub-area*<sup>\*</sup> - for example, at a *common catchment expiry or review date*<sup>\*</sup>; and
4. reviewing the effectiveness of consent *conditions*<sup>^</sup> to avoid, remedy or mitigate any adverse *effects*<sup>\*</sup> of the activity on the *environment*<sup>\*</sup>.

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

## IP-P7: *Sites*<sup>\*</sup> with multiple activities, and activities covering multiple *sites*<sup>\*</sup>

For applications made to the Regional Council for either:

1. a *site*<sup>\*</sup> with a number of different activities requiring consent; or
2. a particular type of activity that will be undertaken by the consent holder at a number of *sites*<sup>\*</sup>,

consent applicants may combine some or all activities or *sites*<sup>\*</sup> under umbrella consents. If the Council considers that such an approach is appropriate then it must establish consent *conditions*<sup>^</sup>, durations and review provisions which enable an integrated approach to be taken for managing environmental *effects*<sup>\*</sup> from the *site*<sup>\*</sup> or activity as a whole. There may be circumstances where individual activities are considered at their given classification rather than the most stringent activity classification. There may also be circumstances where specific *conditions*<sup>^</sup> are required to address *site*<sup>\*</sup>-specific circumstances and *effects*<sup>\*</sup>.

## IP-P8: Enforcement procedures

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

- c. the actual or potential scale of the adverse *effects*\*;
- d. whether the non-compliance is due to an ongoing activity or an isolated incident;
- e. any proactive response by the person who has committed the offence;
- f. the person's previous compliance history;
- g. whether urgent remedial action is required;
- h. which enforcement tool is most likely to produce the desired environmental outcome or change in behaviour; and
- i. any defences the person may rely upon.