

## 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 and Schedule H as well as Chapters 11, 11A and 18 and the relevant definitions in the Glossary. The *coastal marine area*<sup>^</sup> (CMA) is as defined in the RMA.

In this chapter:

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

#### **Objective 17-1: Activities in the CMA**

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

#### **Objective 17-1A: Water<sup>^</sup> quality in the CMA**

Water<sup>^</sup> quality in the CMA is managed in a manner that sustains its life-supporting capacity and has regard to the Values, management objectives and the water<sup>^</sup> quality targets set out in Schedule H: Part C.

#### **Policy 17-1A: Regional rules<sup>^</sup> for the CMA**

The Regional Council must regulate activities in the CMA through regional rules<sup>^</sup> in accordance with Objectives 11A-1, 11A-2, 17-1 and 17-1A and Policies 11A-1 to 11A-8.

## 17.1

### Standard General Conditions for Permitted Activities and Controlled Activities in the CMA

The table below sets out ~~standard general~~ standard general conditions referred to in a number of the ~~for~~ permitted activities and controlled activities in the CMA. These ~~standard general~~ standard general conditions are referred to in a number of the permitted activity 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~~ General conditions<sup>^</sup> for permitted activities<sup>^</sup> and controlled activities<sup>^</sup> in the ~~coastal marine area~~ (CMA)

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

Value	Condition
Amenity (applies to the entire CMA all sites with a value of Amenity as shown in Schedule D)	(l) Existing public access to or along the foreshore <sup>^</sup> shall <del>must</del> not be rendered unsafe by the activity. (m) Existing public access to or along the foreshore <sup>^</sup> 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) <del>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.</del>

## 17.2 Occupation

### 17.2.1 Policies

#### Policy 17-1: Occupation<sup>^</sup> of space<sup>^</sup> by aquaculture

The allocation of space<sup>^</sup> for aquaculture shall ~~must~~ be established through a plan change<sup>^</sup> in accordance with Sections ~~ss~~12A and 165C of the RMA, and regard must be had to the following matters ~~shall be given particular consideration when evaluating a proposed change<sup>^</sup>:~~

- (a) ~~giving effect to the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7 and any relevant policies in the NZCPS New Zealand Coastal Policy Statement,~~
- (b) ~~the impact of the proposed activity on neighbouring uses, the Protection Activity Management Areas set out in Schedule H and the ecological carrying capacity of the area,~~
- (c) ~~the type and location of any land<sup>^</sup> use facilities that would be required,~~
- (d) ~~the effects<sup>^</sup> on navigation safety, public access, natural character and marine ecosystems, and~~
- (e) ~~available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.~~

#### Policy 17-2: Consent decision-making for occupation<sup>^</sup> of space<sup>^</sup> by other activities other than aquaculture

When making decisions on resource consent<sup>^</sup> applications and setting consent conditions<sup>^</sup> for the allocation of space<sup>^</sup> for activities (excluding aquaculture), the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and Chapter 9, Objectives 3-1 and 3-1A and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7 and any relevant policies in the NZCPS New Zealand Coastal Policy Statement,~~

- (b) enabling *occupation*<sup>^</sup> where it is a functional necessity ~~fundamental requirement~~ of an activity covered by another *rule*<sup>^</sup> in this Plan chapter.
- (c) requiring efficient use of *space*<sup>^</sup> in the CMA by using the smallest amount of *space*<sup>^</sup> reasonably practicable for the activity and limiting the adverse *effects*<sup>^</sup> on public access to the *space*<sup>^</sup>.
- (d) the *effects*<sup>^</sup> on navigation safety, natural character and marine ecosystems.
- (e) requiring a plan *change*<sup>^</sup> pursuant to s165D of the RMA where there is demand for use of the same *space*<sup>^</sup> or different *spaces*<sup>^</sup> in close proximity by more than one party and a first-in-first-served consent process will not adequately manage the cumulative *effects*<sup>^</sup> of the proposed activities, and
- (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*<sup>^</sup> charges**

In accordance with s64A RMA the Regional Council, after having regard to:

- (a) the extent to which public benefits from the CMA are lost or gained, and
- (b) the extent to which private benefit is obtained from the *occupation*<sup>^</sup> of the CMA

has decided that a coastal *occupation*<sup>^</sup> charging regime should not be applied to persons who *occupy*<sup>^</sup> any part of the CMA.

**17.2.2 Rules**

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-1</b> <b>Occupation<sup>^</sup> by existing structures<sup>^</sup></b></p>	<p>The <i>occupation<sup>^</sup> of space<sup>^</sup></i> in the CMA pursuant to s12(2) RMA by any existing <i>structure<sup>^</sup></i> and any <del>associated</del> <i>ancillary</i> damming or diversion of <del>coastal water<sup>^</sup></del> in the CMA pursuant to s14(1) or s14(2) RMA.</p>	<p><b>Permitted</b></p>		
<p><b>17-2</b> <b>Temporary occupation<sup>^</sup></b></p>	<p>The temporary and exclusive <i>occupation<sup>^</sup> of space<sup>^</sup></i> in an area of foreshore or a space of coastal water the CMA pursuant to s12(2) RMA for the purposes of a special event, and any <del>associated</del> <i>ancillary</i> surface <i>water<sup>^</sup></i> activity. For the purposes of this <i>rule<sup>^</sup></i>: (a) “temporary” means not more than 3 days (b) a “special event” means an event organised by a person or group of people where, for commercial, or safety, cultural or conservation reasons purposes, controls need to be placed on public access.</p>	<p><b>Permitted</b></p>	<p>(a) Where public access is restricted, a <i>public notice<sup>^</sup></i> shall <del>shall</del> <u>must</u> be lodged in the a local newspaper at least 7 days before the event and signage shall <u>must</u> be erected on-site, both of which advertise the reasons for, extent and timing of the restrictions.  (b) <u>The temporary and exclusive <i>occupation<sup>^</sup></i> must not disturb any nesting, roosting or breeding birds within any Protection Activity Management Area identified in Schedule H.</u></p>	
<p><b>17-3</b> <b>Occupation<sup>^</sup> of space<sup>^</sup> by aquaculture</b></p>	<p>The <i>occupation<sup>^</sup> of space<sup>^</sup></i> <del>within</del> in the CMA pursuant to s12(2) RMA by any <i>aquaculture activity<sup>^</sup></i> which is not otherwise restricted by Rule 17-4 or <del>prohibited by Rule 17-5.</del></p>	<p><b>Controlled</b></p>	<p>(a) The <i>aquaculture activity<sup>^</sup></i> shall <del>shall</del> <u>must</u> occur within an operative Aquaculture Management Area established in accordance with Policy 17-1.</p>	<p>Control is reserved over: (a) <i>effects<sup>^</sup></i> on navigation safety (b) <i>effects<sup>^</sup></i> on public access (c) <i>effects<sup>^</sup></i> on natural character (d) efficient use of the CMA (e) duration of consent (f) review of consent <i>conditions<sup>^</sup></i> (g) compliance monitoring.</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-4</b> <b>Exclusive occupation<sup>^</sup></b></p>	<p>Any activity involving <i>occupation<sup>^</sup> of space<sup>^</sup></i> in the CMA pursuant to s12(2) RMA which:</p> <p>(a) would exclude or effectively exclude public access from an area over 10 ha (except where such exclusion is required in commercial port areas for reasons of public safety or security)</p> <p>(b) would effectively exclude the public from more than 316 m along the length of the <i>foreshore<sup>^</sup></i></p> <p>(c) would involve <i>occupation<sup>^</sup></i> or use of an area greater than 50 ha of the CMA and such <i>occupation<sup>^</sup></i> or use would restrict public access to or through such an area.</p>	<p><b>Discretionary and restricted coastal activity</b></p>		
<p><b>17-5</b> <b>Occupation<sup>^</sup> of space<sup>^</sup> in Protection Activity Management Areas protection zones</b></p>	<p>The <i>occupation<sup>^</sup> of space<sup>^</sup></i> pursuant to s12(2) RMA in any Protection Activity Management Area as shown in Schedule H other than as provided for by Rules 17-1, 17-2, 17-4, 17-8, 17-10, 17-21, 17-21B, 17-22 and 17-26 within a protection zone, as shown in Schedule H, by any aquaculture activity, energy generation structure, port structure, or marina.</p>	<p><b>Non-complying Prohibited</b></p>		

**Rule Guide:**

- (a) Any occupation of the CMA that is not specifically regulated by any of the rules in this Plan chapter or that does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule, but which is not expressly classified as a discretionary, non-complying or prohibited activity is a **discretionary activity** under Rule 17-39.
- (b) Any occupation relating to or impacting on safe navigation must also have approval from Maritime New Zealand. (Refer s395 RMA and s200(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 Bylaws 2004-2010 or Part 91 of the Maritime Rules under the Maritime Transport Act 1994.

## 17.3 Structures

### 17.3.1 Policies

#### Policy 17-4: Consent decision-making for new *structures*<sup>^</sup>

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for *structures*<sup>^</sup> in the CMA, the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~the objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7, Objective 10-1 and Policies 10-4 to 10-6 and any relevant policies in the NZCPS New Zealand Coastal Policy Statement,~~
- (b) ~~the objectives and policies of Chapter 10~~
- (c) the functional ~~operational~~ necessity for locating the *structure*<sup>^</sup> in the ~~coastal marine area~~ CMA,
- (d) the provisions for public access and safety, including navigation safety,
- (e) the avoidance, as far as reasonably practicable ~~practical~~, of any adverse *effects*<sup>^</sup> on natural character and landscape, *tikanga*<sup>^</sup> *Māori*<sup>^</sup> ~~cultural values~~, *historic heritage*<sup>^</sup> ~~values~~, indigenous flora and fauna, and the stability of *river*<sup>^</sup> banks and the *foreshore*<sup>^</sup>. Where avoidance is not reasonably practicable, the adverse *effects*<sup>^</sup> must be remedied or mitigated.
- (f) whether the *structure*<sup>^</sup> is of a suitable scale for the surrounding area, and uses the *space*<sup>^</sup> in the CMA efficiently,
- (g) whether the *structure*<sup>^</sup> is to be built and maintained in a manner to withstand coastal processes and *natural hazards*<sup>^</sup>, including any potential *effects*<sup>^</sup> of *climate change*<sup>^</sup> and *sea level rise*<sup>\*</sup>,
- (h) any consequential adverse *effects*<sup>^</sup> on other parts of the coast including whether the *structure*<sup>^</sup> may affect sediment transport or exacerbate erosion or the risk of inundation, and
- (i) whether the *structure*<sup>^</sup> contributes to any cumulative adverse *effects*<sup>^</sup> in the vicinity of the proposed *structure*<sup>^</sup>.

#### Policy 17-5: Consent decision-making for existing *structures*<sup>^</sup>

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for activities involving existing *structures*<sup>^</sup> in the CMA, the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~the objectives and policies of Chapter 9~~ the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7, Objective 10-1 and Policies 10-4 to 10-6 and any relevant policies in the NZCPS ~~New Zealand Coastal Policy Statement~~,
- (b) the extent to which existing *structures*<sup>^</sup> have ~~reduce~~ adverse *effects*<sup>^</sup> on natural character, *amenity values*<sup>^</sup> and public access,
- (c) ensuring that any alteration is of a similar scale and character to the existing *structure*<sup>^</sup>, avoids as far as reasonably practicable any adverse *effects*<sup>^</sup> 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*<sup>^</sup>, and
- (e) the need to remove derelict or redundant *structures*<sup>^</sup>, and any excess material from *structures*<sup>^</sup> being replaced or maintained, unless such removal is likely to result in more significant adverse *effects*<sup>^</sup> than leaving the *structure*<sup>^</sup> or material in place.

### 17.3.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-6 <i>Maintenance* and repair of structures</i> <sup>^</sup>	<p>(a) <b>Structures</b><sup>^</sup>: The <i>maintenance*</i> or <i>repair*</i> (excluding removal or demolition) of any lawfully established <i>structure</i><sup>^</sup> located in, on, under or over the <i>foreshore</i><sup>^</sup> or seabed pursuant to s12(1) RMA and any associated ancillary:</p> <p>(i) disturbance of the <i>foreshore</i><sup>^</sup> or seabed pursuant to s12(1) RMA</p> <p>(ii) deposition of natural marine substances on the <i>foreshore</i><sup>^</sup> or seabed pursuant to s12(1) RMA</p> <p>(iii) <i>discharge</i><sup>^</sup> of <i>water</i><sup>^</sup> or <i>contaminants</i><sup>^</sup> into the CMA pursuant to s15(1) RMA</p> <p>(iv) damming or diversion of</p>	Permitted	<p>(a) The activity shall <del>must</del> not increase the area of the <i>foreshore</i><sup>^</sup> or seabed, or the volume of the <i>water</i><sup>^</sup> column, occupied by the existing <i>structure</i><sup>^</sup>.</p> <p>(b) The activity shall <del>must</del> comply with the <del>standard</del> <i>conditions</i><sup>^</sup> listed in Table 17.1 for the relevant Value, other than condition 17-1(h).</p> <p><del>(c) Any discharge or removed foreshore or seabed material or plants onto or into land shall comply with the conditions of Rule 16-23</del></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><del>coastal water</del><sup>^</sup> in the CMA pursuant to s14(1) or s14(2) RMA.</p> <p>(b) <b>Associated removal of foreshore<sup>^</sup> or seabed material and plants:</b>                      The removal of foreshore<sup>^</sup> or seabed material or plants for the purpose of maintaining the functional integrity of a structure<sup>^</sup> located in, on, under or over the foreshore<sup>^</sup> or seabed (pursuant to s12(1) or s12(2) RMA), including flushing accumulated sediment, and any <del>associated</del> ancillary:</p> <p>(i) damming or diversion of water<sup>^</sup> in the CMA pursuant to s14(1) or s14(2) RMA</p> <p>(ii) discharge<sup>^</sup> of water<sup>^</sup> or sediment into the CMA pursuant to s15(1) RMA</p> <p>(iii) deposition of removed material or plants in or on the bed<sup>^</sup> pursuant to s12(1) RMA</p> <p>(iv) discharge<sup>^</sup> of removed foreshore<sup>^</sup> or seabed material or plants onto or into land<sup>^</sup> in the CMA pursuant to s15(1) RMA.</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-7</b> <b>Removal or demolition of structures<sup>^</sup></b></p>	<p>The removal or demolition of a <i>structure<sup>^</sup></i> or any part of a <i>structure<sup>^</sup></i> located in, on, under or over the <i>foreshore<sup>^</sup></i> or seabed pursuant to s12(1) RMA and any <del>associated</del> <i>ancillary</i>:</p> <p>(a) disturbance of the <i>foreshore<sup>^</sup></i> or seabed pursuant to s12(1) RMA</p> <p>(b) deposition of natural marine substances on the <i>foreshore<sup>^</sup></i> or seabed pursuant to s12(1) RMA</p> <p>(c) <i>discharge<sup>^</sup></i> of <i>water<sup>^</sup></i> or <i>contaminants<sup>^</sup></i> into the CMA pursuant to s15(1) RMA</p> <p>(d) damming or diversion of <del>coastal</del> <i>water<sup>^</sup></i> in the CMA pursuant to s14(1) or s14(2) RMA.</p>	<p><b>Permitted</b></p>	<p>(a) The activity <del>shall</del> <b>must</b> comply with the <del>standard</del> <i>conditions<sup>^</sup></i> listed in Table 17.1 for the relevant Value.</p> <p>(b) The Regional Council <del>shall</del> <b>must</b> be informed in writing of the removal or demolition of any of the following <i>structures<sup>^</sup></i>, at least 10 working days prior to the commencement of the removal or demolition:</p> <p>(i) <i>access structures<sup>^</sup></i> in or on the <i>foreshore<sup>^</sup></i> or seabed, including bridges, culverts and fords</p> <p>(ii) <i>structures<sup>^</sup></i> occupying more than 5 m<sup>2</sup> of the <i>foreshore<sup>^</sup></i> or seabed.</p>	
<p><b>17-8</b> <b>Navigation aids, lines, cables, pipelines and ropeways, whitebait* stands and maimai</b></p>	<p>The erection, reconstruction, placement, alteration or extension of any navigation aid, line, cable, pipeline, ropeway (but excluding any such <i>structure<sup>^</sup></i> used for aquaculture purposes), <i>whitebait* stand</i>, or maimai pursuant to s12(1) RMA and any <del>associated</del> <i>ancillary</i>:</p> <p>(a) <i>occupation<sup>^</sup></i> of the <i>foreshore<sup>^</sup></i> or seabed, pursuant to s12(2) RMA</p> <p>(b) disturbance of the <i>foreshore<sup>^</sup></i> or seabed pursuant to s12(1) RMA</p> <p>(c) deposition of natural marine substances on the <i>foreshore<sup>^</sup></i> or seabed pursuant to s12(1) RMA</p> <p>(d) <i>discharge<sup>^</sup></i> of <i>water<sup>^</sup></i> or <i>contaminants<sup>^</sup></i> into the CMA pursuant to s15(1) RMA</p>	<p><b>Permitted</b></p>	<p>(a) <del>No Any</del> <i>whitebait* stand</i> or maimai <del>shall</del> <b>must not</b> be located within the Port <del>Activity Management Area zone</del> <i>or within a waterbody valued as a Site of Significance – Aquatic as shown in Schedule D.</i></p> <p>(b) Any navigation aid <del>shall</del> <b>must</b> meet the requirements set out by Maritime NZ in New Zealand’s System of Buoys and Beacons (2005).</p> <p>(c) The floor area of any <i>whitebait* or maimai structure<sup>^</sup></i> <del>shall</del> <b>must</b> not exceed 5 m<sup>2</sup>.</p> <p>(d) The activity <del>shall</del> <b>must</b> comply with <del>the</del> conditions (a), (e), (g), (i), (j), (l) and (m) listed in Table 17.1 for the relevant Value.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	(e) damming or diversion of <del>coastal</del> <u>water</u> <sup>^</sup> in the CMA pursuant to s14(1) or s14(2) RMA.			
<b>17-9</b> <b>Structures<sup>^</sup> in the Port Activity Management Area zone</b>	<p>The erection, reconstruction, placement, or alteration, <del>or removal</del> of any boat ramp, wharf, jetty, pontoon, or boat mooring <u>structure</u><sup>^</sup> located within the Port Activity Management Area zone as shown in Schedule H pursuant to s12(1) RMA and any <del>associated</del> <u>ancillary</u>:</p> <p>(a) <u>occupation</u><sup>^</sup> of the <u>foreshore</u><sup>^</sup> or seabed, pursuant to s12(2) RMA</p> <p>(b) disturbance of the <u>foreshore</u><sup>^</sup> or seabed pursuant to s12(1) RMA</p> <p>(c) deposition of natural marine substances on the <u>foreshore</u><sup>^</sup> or seabed pursuant to s12(1) RMA</p> <p>(d) <u>discharge</u><sup>^</sup> of <u>water</u><sup>^</sup> or <u>contaminants</u><sup>^</sup> into the CMA pursuant to s15(1) RMA</p> <p>(e) damming or diversion of <del>coastal</del> <u>water</u><sup>^</sup> in the CMA pursuant to s14(1) or s14(2) RMA.</p>	<b>Controlled</b>	<p>(a) The erection, reconstruction, placement or alteration <del>shall</del> <u>must</u> have the prior written approval of the relevant manager of the port company operating within the Port Activity Management Area zone or the manager of the marina operating in the Port Activity Management Area zone.</p> <p>(b) Any activity related to the marina <del>shall</del> <u>must</u> not extend beyond the existing area <del>currently</del> <u>occupied as at 31 May 2007</u>.</p> <p>(c) The activity <del>shall</del> <u>must</u> comply with the <u>conditions</u><sup>^</sup> listed in Table 17.1 <u>for the relevant Value</u>.</p>	<p>Control is reserved over:</p> <p>(a) efficient use of <u>space</u><sup>^</sup> in the CMA</p> <p>(b) <u>effects</u><sup>^</sup> on <u>water</u><sup>^</sup> quality</p> <p>(c) extent of disturbance to the <u>foreshore</u><sup>^</sup> or seabed</p> <p>(d) the material to be used for the <u>structure</u><sup>^</sup></p> <p>(e) duration of consent</p> <p>(f) review of consent <u>conditions</u><sup>^</sup></p> <p>(g) compliance monitoring.</p>
<b>17-9A</b> <b>Wharf extension in the Port Activity Management Area</b>	<p>The erection, reconstruction, placement, alteration, or extension of any wharf <u>structure</u><sup>^</sup> pursuant to s12(1) RMA located within the Port Activity Management Area as shown in Schedule H, and any <u>ancillary</u>:</p> <p>(a) <u>occupation</u><sup>^</sup> of the <u>foreshore</u><sup>^</sup> or seabed pursuant to s12(2) RMA</p> <p>(b) disturbance of the <u>foreshore</u><sup>^</sup> or seabed pursuant to s12(1) RMA</p>	<b>Permitted</b>	<p>(a) <u>The activity must comply with the conditions</u><sup>^</sup> listed in Table 17.1 for the relevant Value other than conditions 17.1(h) and (k).</p> <p>(b) <u>Any extension in length to the wharf must not be greater than 10% of the existing length of 570 m.</u></p> <p>(c) <u>There must be no extension in width to the existing wharf.</u></p> <p>(d) <u>The width of any extension referred to in (b) must be the same or a lesser width as the existing wharf.</u></p> <p>(e) <u>The design and materials used must be similar in nature</u></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(c) <u>deposition of natural marine substances on the foreshore<sup>^</sup> or seabed pursuant to s12(1) RMA</u></p> <p>(d) <u>discharge<sup>^</sup> of water<sup>^</sup> or contaminants<sup>^</sup> into the CMA pursuant to s15(1) RMA</u></p> <p>(e) <u>damming or diversion of water<sup>^</sup> in the CMA pursuant to s14(1) or 14(2) RMA.</u></p>		<p><u>and scale of effects<sup>^</sup> to those used for the existing wharf structure<sup>^</sup>.</u></p> <p>(f) <u>The structure<sup>^</sup> must be designed to withstand the effects<sup>^</sup> of climate change<sup>^</sup> and sea level rise*.</u></p> <p>(g) <u>The Regional Council must be notified at least 10 working days<sup>^</sup> prior to commencement of any work.</u></p>	
<p><b>17-10</b> <b>Structures<sup>^</sup> for public access</b></p>	<p>Except as otherwise regulated by Rule 17-12, the erection, reconstruction, placement, alteration or extension of any public walkway or foot accessway structure<sup>^</sup> pursuant to s12(1) RMA, and any associated ancillary:</p> <p>(a) <u>occupation<sup>^</sup> of space<sup>^</sup> in the CMA pursuant to s12(2) RMA</u></p> <p>(b) <u>disturbance of the foreshore<sup>^</sup> or seabed pursuant to s12(1) RMA</u></p> <p>(c) <u>deposition of natural marine substances on the foreshore<sup>^</sup> or seabed pursuant to s12(1) RMA</u></p> <p>(d) <u>discharge<sup>^</sup> of water<sup>^</sup> or contaminants<sup>^</sup> into the CMA pursuant to s15(1) RMA</u></p> <p>(e) <u>damming or diversion of coastal water<sup>^</sup> in the CMA pursuant to s14(1) or s14(2) RMA.</u></p>	<p><b>Controlled</b> <b>Restricted</b> <b>Discretionary</b></p>	<p>(a) <del>The structure shall not be located within a waterbody valued as a Site of Significance – Aquatic as shown in Schedule D.</del></p> <p>(b) <del>The activity shall comply with the conditions listed in Table 17.1.</del></p>	<p>Control is reserved over: <u>Discretion is restricted to:</u></p> <p>(a) public access and safety</p> <p>(b) effects on aesthetic values, <u>amenity values<sup>^</sup></u>, and natural character <u>and indigenous flora and fauna</u></p> <p>(c) the method of undertaking the activity</p> <p>(d) the timing and/or staging of the activity</p> <p>(e) duration of consent</p> <p>(f) review of consent <u>conditions<sup>^</sup></u></p> <p>(g) compliance monitoring.</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-11</b> <b>Aquaculture structures<sup>^</sup></b></p>	<p>The erection, reconstruction, placement, alteration or extension of any <i>structure<sup>^</sup></i> for the purpose of aquaculture pursuant to s12(1) RMA and any <del>associated</del> <i>ancillary</i>:</p> <p>(a) <i>occupation<sup>^</sup> of space<sup>^</sup></i> in the CMA pursuant to s12(2) RMA</p> <p>(b) disturbance of the <i>foreshore<sup>^</sup></i> or seabed pursuant to s12(1) RMA</p> <p>(c) deposition of natural marine substances on the <i>foreshore<sup>^</sup></i> or seabed pursuant to s12(1) RMA</p> <p>(d) damming or diversion of <i>water<sup>^</sup></i> in the CMA pursuant to s14(1) or s14(2) RMA</p> <p>(e) <i>discharge<sup>^</sup> of water<sup>^</sup>, or contaminants<sup>^</sup> into the CMA or sediment</i> pursuant to s15(1) RMA.</p>	<p><b>Controlled</b></p>	<p>(a) The activity <del>shall</del> <b>must</b> occur only within an operative Aquaculture Management Area established in accordance with Policy 17-1.</p> <p>(b) The activity <del>shall</del> <b>must</b> comply with the <i>conditions<sup>^</sup></i> listed in Table 17.1 <u>for the relevant Value.</u></p>	<p>Control is reserved over:</p> <p>(a) the type, quantity and frequency of any <i>discharges<sup>^</sup></i></p> <p>(b) any <i>effects<sup>^</sup></i> on navigation safety</p> <p>(c) the method of undertaking the activity</p> <p>(d) the timing and/or staging of the activity</p> <p>(e) duration of consent</p> <p>(f) review of consent <i>conditions<sup>^</sup></i></p> <p>(g) compliance monitoring.</p>
<p><b>17-12</b> <b>Large structures<sup>^</sup> which impound the CMA, are parallel to shore, or are oblique or perpendicular to shore</b></p>	<p>Except as prohibited by Rule 17-14, the erection <del>or of</del> any <i>structure<sup>^</sup></i> pursuant to s12(1) RMA which:</p> <p>(a) will impound or effectively contain 4 ha or more of the CMA, or</p> <p>(b) is solid (or presents a significant barrier to <i>water<sup>^</sup></i> or sediment movement), and when established on the <i>foreshore<sup>^</sup></i> or seabed would extend 300 m or more in length more or less parallel to the line of <del>MHWS</del> <i>mean high water spring</i>, including separate <i>structures<sup>^</sup></i> which total 300 m or more contiguously, or</p> <p>(c) is solid (or presents a significant</p>	<p><b>Discretionary and restricted coastal activity</b></p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>barrier to <i>water</i><sup>^</sup> or sediment movement), is sited obliquely or perpendicularly in horizontal projection to the line of <u>MHWS</u> <del>mean high water spring</del> in the CMA, and in horizontal projection is 100 m or more in length, including separate <i>structures</i><sup>^</sup> which total 100 m or more contiguously.</p> <p>For the avoidance of doubt this <i>rule</i><sup>^</sup> does not include submarine or sub-aqueous cables.</p>			
<p><b>17-13</b> <b>Petroleum and chemical storage</b></p>	<p>Except as prohibited by Rule 17-14, any activity involving the erection of a <i>structure</i><sup>^</sup> pursuant to s12(1) RMA for the storage or containment of any petroleum, petroleum products, or <i>contaminants</i><sup>^</sup>, in quantities greater than 50,000 litres.</p>	<p><b>Discretionary and restricted coastal activity</b></p>		
<p><b>17-14</b> <b><i>Structures</i><sup>^</sup> in a Protection Activity Management Area zone</b></p>	<p>Any activity within a Protection Activity Management Area <del>zone</del> shown in Schedule H, which involves the erection of any of the following <i>structures</i><sup>^</sup> pursuant to s12(1) RMA:</p> <ul style="list-style-type: none"> <li>(a) a <i>structure</i><sup>^</sup> for the storage or containment of petroleum products or <i>contaminants</i><sup>^</sup></li> <li>(b) a <i>structure</i><sup>^</sup> which will impound or effectively contain 4 ha or more of the CMA</li> <li>(c) a wharf, marina, boat shed, aquaculture <i>structure</i><sup>^</sup> or energy generation <i>structure</i><sup>^</sup>.</li> </ul>	<p><b>Prohibited</b></p>		

**Rule Guide:**

- (a) **Use and, maintenance and repair of structures:** the above rules permit the ongoing use and, 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 s12 RMA that are not specifically covered by a rule in this Plan chapter are a **discretionary activity** under Rule 17-39.
- (c) Structures under s12 RMA that do not comply with the permitted or controlled rules and are not otherwise discretionary or prohibited are a **discretionary activity** under Rule 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 s395 RMA and s200(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*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for activities involving reclamation or drainage of the *foreshore*<sup>^</sup> or seabed, the Regional Council will must have particular regard to:

- (a) ~~the objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7, Objective 10-1 and Policies 10-4 to 10-6 and any relevant policies in the NZCPS New Zealand Coastal Policy Statement,~~
- (b) the functional necessity for locating the activity in the CMA,
- (c) the efficient use of any area to be reclaimed or drained by minimising the area used to the extent reasonable,
- (d) avoiding any restrictions on public access, other than for commercial, safety, reasons cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a resource consent<sup>^</sup>,
- (e) ensuring that ~~only cleanfill (being material used in any reclamation that is uncontaminated by:~~
  - (i) substances which when subjected to biological, chemical or physical breakdown ~~which would degrade water<sup>^</sup> quality, or~~
  - (ii) pest plant material which could propagate or proliferate within or beyond the site\* ) 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 feeding, breeding, spawning, or nesting or roosting areas,

- (g) avoiding any adverse *effects*<sup>^</sup> on *tikanga Māori*<sup>^</sup> ~~^~~ *cultural values* or *historic heritage*<sup>^</sup>, and ~~avoiding, remedying or~~ mitigating any adverse *effects*<sup>^</sup> on natural character and any characteristic identified within any Protection Activity Management Area set out in Table H.1.
- (h) requiring proof that a reclamation has been designed and approved by a registered engineer with experience in coastal processes and construction, and has taken into account the *effects*<sup>^</sup> of future *sea level rise*<sup>\*</sup> and potential storm surges.
- (i) ensuring that any drainage of, ~~on or across~~ the *foreshore*<sup>^</sup> will not result in instability of the beach, estuarine substrate or *river*<sup>^</sup> bank areas, or adversely impact on *water*<sup>^</sup> quality at the *discharge*<sup>^</sup> *sites*<sup>\*</sup>, and
- (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, <del>on or across</del> the <i>foreshore</i> <sup>^</sup> or seabed pursuant to s12(1) RMA.	Discretionary		
17-16 Small reclamations except in Protection Activity Management Areas Zones	The reclamation of any area of the <i>foreshore</i> <sup>^</sup> or seabed pursuant to s12(1) RMA, <u>except as otherwise covered by Rule 17-16A and excluding those areas identified as Protection Activity Management Areas zones set out in Schedule H.</u>	Discretionary	(a) Either: (i) the reclamation <del>shall</del> <u>must</u> be less than 1 ha, or (ii) the reclamation <del>shall</del> <u>must</u> extend less than 100 m in all directions. (b) In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a <i>resource consent</i> <sup>^</sup> after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a).	
17-16A Small reclamation within the Port Activity Management Area	The reclamation of any area of the <i>foreshore</i> <sup>^</sup> or seabed pursuant to s12(1) RMA, in the Port Activity Management Area as shown on Figure H10A, and any ancillary: (a) <u>occupation</u> <sup>^</sup> of <u>space</u> <sup>^</sup> in the CMA pursuant to s12(2) RMA	Restricted Discretionary	(a) Either: (i) <u>the reclamation must be less than 1 ha, or</u> (ii) <u>the reclamation must extend less than 100 m in all directions.</u> (b) <u>In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a resource consent</u> <sup>^</sup> after 5 May 1994,	Discretion is restricted to: (a) <u>the functional necessity for the reclamation</u> (b) <u>the material used as fill for the reclamation</u> (c) <u>the visual amenity of the activity</u> (d) <u>any hydrodynamic impacts on the</u>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(b) <u>structure</u><sup>^</sup> pursuant to s12(1)</p> <p>(c) <u>disturbance of the foreshore</u><sup>^</sup> or <u>seabed</u> pursuant to s12(1) RMA</p> <p>(d) <u>discharge</u><sup>^</sup> of <u>water</u><sup>^</sup> or <u>contaminants</u><sup>^</sup> into the CMA pursuant to s15(1) RMA.</p>		<p><u>the sum of the existing and proposed reclamations must not exceed the size dimensions specified in condition (a).</u></p>	<p><u>neighbouring shoreline, including existing significant areas of indigenous flora or fauna breeding or nesting areas</u></p> <p>(e) <u>the timing of the activity</u></p> <p>(f) <u>the design parameters of the activity to address the effects</u><sup>^</sup> of <u>sea level rise</u><sup>*</sup> and storm surge</p> <p>(g) <u>review of consent conditions</u><sup>^</sup>.</p>
<p><b>17-17</b> <b>Large reclamations except in Protection Activity Management Areas zones</b></p>	<p>The reclamation of any area of the <u>foreshore</u><sup>^</sup> or seabed pursuant to s12(1) RMA, excluding those areas identified as <u>Protection Activity Management Areas zones</u> in Schedule H, which does not comply with Rule 17-16.</p>	<p><b>Discretionary and restricted coastal activity</b></p>		
<p><b>17-18</b> <b>Small reclamations in Protection Activity Management Areas zones</b></p>	<p>The reclamation of any area of the <u>foreshore</u><sup>^</sup> or seabed pursuant to s12(1) RMA within any <u>Protection Activity Management Area zone</u> shown in Schedule H.</p>	<p><b>Non-complying</b></p>	<p>(a) Either:</p> <p>(i) the reclamation <del>shall</del> <u>must</u> be less than 1 ha, or</p> <p>(ii) the reclamation <del>shall</del> <u>must</u> extend less than 100 m in all directions.</p> <p>(b) In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a <u>resource consent</u><sup>^</sup> after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a).</p>	
<p><b>17-19</b> <b>Large reclamations in Protection Activity Management Areas zones</b></p>	<p>The reclamation of any area of the <u>foreshore</u><sup>^</sup> or seabed pursuant to s12(1) RMA, within any <u>Protection Activity Management Area zone</u> shown in Schedule H, which does not comply with Rule 17-18.</p>	<p><b>Non-complying and restricted coastal activity</b></p>		

**Rule Guide:**

(a) Any reclamation relating to or impacting on safe navigation must also have approval from Maritime New Zealand (refer s395 RMA and s200(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*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for activities involving the disturbance of the *foreshore*<sup>^</sup> or seabed, the deposition of substances in, on or under the *foreshore*<sup>^</sup> or seabed, or the removal of any sand, shell, shingle or other natural materials from the CMA, the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~the objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7, Objective 10-1 and Policies 10-4 to 10-6 and any relevant policies in the NZCPS New Zealand Coastal Policy Statement,~~
- (b) ~~Policy 6-32~~ the applicable *Water Management Zone*<sup>\*</sup> or *Sub-zone*<sup>\*</sup> and the relevant *water*<sup>^</sup> quality Values and targets in Schedule H,
- (c) avoiding any *effects* ~~restrictions~~ on public access, other than for commercial, safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a *resource consent*<sup>^</sup>, and any adverse *effects*<sup>^</sup> on natural character and any known and publicly used shellfish beds,
- (d) any *effects*<sup>^</sup> on any feeding, breeding, spawning, nesting or roosting areas,
- (e) avoiding as far as reasonably practicable, ~~practical~~ any resultant adverse *effects*<sup>^</sup> on coastal erosion, ~~or the or risk of from~~ inundation, ~~or on the stability of coastal edges and banks or *foreshore*<sup>^</sup>, or on flood control *structures*<sup>^</sup>,~~
- (f) avoiding any adverse *effects*<sup>^</sup> ~~on the relationship of *tikanga* Māori<sup>^</sup> with *taonga* or on *historic heritage*<sup>^</sup>, and avoiding, remedying or mitigating any adverse *effects*<sup>^</sup> on or significant flora or fauna habitat~~ any characteristic identified within any Protection *Activity Management Area* set out in Table H.1 zone,
- (g) mitigating any adverse *effects*<sup>^</sup> on recreational and *amenity values*<sup>^</sup>,
- (h) ensuring, where non-marine material is being deposited within the CMA, that it is does not contain any *hazardous substances*<sup>\*</sup> or commercial or household *wastes*<sup>\*</sup>, and
- (i) where the removal of sand, shingle, shell or other natural materials is for commercial purposes, the available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

**17.5.2 Rules**

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-20</b> <b>Removal of minor quantities of material</b></p>	<p>The removal of sand, shingle, shell, driftwood or dead seaweed pursuant to s12(4) (2) RMA and any associated ancillary:</p> <p>(a) disturbance of the foreshore<sup>^</sup> or seabed pursuant to s12(1) RMA</p> <p>(b) deposition of natural marine substances on the foreshore<sup>^</sup> or seabed pursuant to s12(1) RMA</p> <p>(c) discharge<sup>^</sup> of water<sup>^</sup> or contaminants<sup>^</sup> into the CMA pursuant to s15(1) RMA</p> <p>(d) damming or diversion of coastal water<sup>^</sup> in the CMA pursuant to s14(1) or s14(2) RMA.</p>	<p><b>Permitted</b></p>	<p>(a) The sand, shingle, shell, driftwood or dead seaweed shall <u>must</u> be for private use only and not for sale or exchange.</p> <p>(b) The sand, shingle, shell, driftwood or dead seaweed shall <u>must</u> only be removed by hand or by using a hand-held non-mechanical device.</p> <p>(c) Any sand or shingle shall <u>must</u> not be removed from within 20 m of any seawall, groyne (or similar structure<sup>^</sup>) or the seaward toe of any sand dune.</p> <p>(d) The activity shall <u>must</u> comply with conditions (i) and (j) in Table 17.1.</p>	
<p><b>17-21</b> <b>Minor disturbances, removal and deposition</b></p>	<p>Except as otherwise regulated by the rules<sup>^</sup> in Section 17.3.2, any disturbance, removal or deposition of material on the foreshore<sup>^</sup> or seabed pursuant to s12(1) or s12(2) RMA associated with ancillary to the following activities:</p> <p>(a) exploration or drilling of the seabed occurring more than 1 km seaward of mean high water spring</p> <p>(b) installation of permanent anchors</p> <p>(c) burial of stock and marine fauna found dead in the CMA</p> <p>(d) clearing sediment from blocked river<sup>^</sup> mouths, outfall structures<sup>^</sup>, intake structures<sup>^</sup> and culverts</p>	<p><b>Permitted</b></p>	<p>(a) The clearing of sediment from blocked river<sup>^</sup> mouths shall <u>must</u> only be undertaken by a local authority or its authorised contractors.</p> <p>(b) Any burial of dead stock and marine fauna found in the CMA shall <u>must</u> not disturb any plant communities in a Protection Activity Management Area zone and <u>must</u> comply with conditions (f), (g), (i), (j), and (l)-(n) listed in Table 17.1 for the relevant Value.</p> <p>(c) The activity shall comply with the conditions listed in Table 17.1.</p> <p>(d) The installation of permanent anchors must comply with conditions (a)-(g) and (i)-(n) listed in Table 17.1 for the relevant Value.</p> <p>(e) Clearing sediment from outfall structures<sup>^</sup>, intake structures<sup>^</sup> and culverts must comply with conditions</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(e) public recreational activities                      (f) beach grooming                      and any <u>associated</u> ancillary:                      (i) <u>occupation<sup>^</sup> of space<sup>^</sup></u> in the CMA pursuant to s12(2) RMA                      (ii) <u>discharge<sup>^</sup> of water<sup>^</sup></u> or sediments into the CMA pursuant to s15(1) RMA                      (iii) <u>damming or diversion of coastal water<sup>^</sup></u>; in the CMA pursuant to s14(1) or s14(2) RMA.</p>		<p><u>(a)-(g) and (i)-(n) listed in Table 17.1 for the relevant Value.</u>                      (f) <u>Any public recreational activities or beach grooming must comply with conditions (e)-(g), (i) and (j) listed in Table 17.1 for the relevant Value.</u></p>	
<p><b>17-21A Minor disturbances from drilling</b></p>	<p><u>Any disturbance, removal or deposition of material on the foreshore<sup>^</sup> or seabed pursuant to s12(1) or s12(2) RMA associated with the exploration or drilling of the seabed occurring more than 1 km seaward from MHWS on the open coast and any ancillary:</u>                      (i) <u>occupation<sup>^</sup> of space<sup>^</sup></u> in the CMA pursuant to s12(2) RMA                      (ii) <u>discharge<sup>^</sup> of water<sup>^</sup></u> into the CMA pursuant to s15(1) RMA                      (iii) <u>discharge<sup>^</sup> of drilling muds, cuttings, and inert drilling fluids into the CMA pursuant to s15(1) RMA</u>                      (iv) <u>discharge<sup>^</sup> to air from combustion involving the flaring of hydrocarbons from petroleum exploration or wellhead production flows into the CMA pursuant to s15(1) RMA.</u></p>	<p><b>Permitted</b></p>	<p>(a) <u>The bore* or drilling must be for the purposes of investigating water<sup>^</sup>, oil*, gas or seabed resources.</u>                      (b) <u>The diameter of any bore* or drill hole must be 1.5 metres or less.</u>                      (c) <u>The bore* must be cased and sealed to prevent leakage from:</u>                      (i) <u>groundwater to coastal water<sup>^</sup>, and</u>                      (ii) <u>coastal water<sup>^</sup> to groundwater.</u>                      (d) <u>Any drilling must not involve the use of explosives, except for down-hole activities.</u>                      (e) <u>Any flare point must occur more than 1 km seaward from MHWS on the open coast.</u>                      (f) <u>No non-petroleum wellstream product can be combusted.</u></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<b>17-21B</b> <b>Shellfish enhancement</b>	<p>Any disturbance of the <i>foreshore</i><sup>^</sup> or seabed, pursuant to s12(1) RMA for the purposes of non-commercial shellfish enhancement, and any ancillary:</p> <p>(a) <i>occupation</i><sup>^</sup> of <i>space</i><sup>^</sup> in the CMA pursuant to s12(2) RMA.</p>	<p><b>Permitted</b></p>	<p>(a) The shellfish enhancement must occur only in the same location as existing shellfish beds.</p> <p>(b) Any shellfish spat used must be from the same species as naturally resides in the same area.</p> <p>(c) The activity must comply with conditions (b), (e)-(g) and (i)-(k) listed in Table 17.1 for the relevant Value.</p>	
<b>17-22</b> <b>Beach nourishment</b>	<p>Any disturbance, removal or deposition of natural marine substances on the <i>foreshore</i><sup>^</sup> or seabed pursuant to s12(1) or 12(2) RMA for the purposes of beach nourishment, and any associated ancillary:</p> <p>(a) <i>occupation</i><sup>^</sup> of <i>space</i><sup>^</sup> in the CMA pursuant to s12(2) RMA</p> <p>(b) <i>discharge</i><sup>^</sup> of <i>water</i><sup>^</sup> or <i>contaminants</i><sup>^</sup> into the CMA pursuant to s15(1) RMA.</p>	<p><b>Controlled</b></p>	<p>(a) Any material to be deposited shall <del>shall</del> <b>must</b> not contain any <i>contaminants</i><sup>^</sup> that are not already present in natural materials at the <i>site</i><sup>*</sup>.</p> <p>(b) Any material to be removed shall <del>shall</del> <b>must</b> not result in <i>accelerated erosion</i><sup>*</sup> of the <i>foreshore</i><sup>^</sup>.</p> <p>(c) The activity shall <del>shall</del> <b>must</b> comply with the conditions (b), (e)-(g) and (i)-(k) listed in Table 17.1 for the relevant Value.</p>	<p>Control is reserved over:</p> <p>(a) the particle size and composition</p> <p>(b) the timing of the activity</p> <p>(c) duration, fees and charges, reviews and monitoring.</p>
<b>17-23</b> <b>Port Activity Management Area zone and Whanganui River maintenance dredging</b>	<p>Any disturbance or removal of the <i>foreshore</i><sup>^</sup> or seabed, pursuant to s12(1) or 12(2) RMA and s cl4 RM Resource Management (Marine Pollution) Regulations 1998, arising from maintenance dredging within the Port Activity Management Area zone or the Whanganui River maintenance dredging areas shown in Schedule H Figure H:10A as Dredging Area 1 and Dredging Area 2, and any associated ancillary deposition of dredged material in the CMA pursuant to s12(1) RMA and cl4 of those Regulations.</p>	<p><b>Discretionary</b></p>	<p>(a) The dredging shall <del>shall</del> <b>must</b> be for the purpose of maintaining <i>water</i><sup>^</sup> depths and access to and within the Port Activity Management Area zone.</p> <p>(b) In any 12-month period, the quantity of material dredged or deposited within the CMA shall <del>shall</del> <b>must</b> not exceed 240,000 m<sup>3</sup>.</p> <p>(c) The dredging shall <del>shall</del> <b>must</b> occur within the Dredging zones Areas identified in Schedule H Figure H:10A.</p> <p>(d) The disposal of any dredged material shall <del>shall</del> <b>must</b> occur within the dump zones Discharge Areas identified in Schedule H Figure H:10A.</p> <p>(e) The disposal of any dredged material must only occur on the outgoing tide.</p> <p>(f) The location of the dredged material must be monitored in accordance with <i>conditions</i><sup>^</sup> set by the Regional Council.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			(g) <u>Any application must include information specified in Part I of Schedule 3 of the Resource Management (Marine Pollution) Regulations 1998.</u>	
<b>17-24</b> <b>Port and General Activity Management Areas: Large-scale disturbances, removal and deposition excluding protection zones</b>	Any activity involving, in any 12-month period, the disturbance, removal or deposition of <del>marine</del> material within the CMA pursuant to s12(1) or <u>s12(2)</u> RMA and which is not otherwise regulated by Rule 17-23 where: (a) the quantity of material involved is greater than 50,000 m <sup>3</sup> , or (b) the area involved is equal to or greater than 4 ha, or (c) the length of <i>foreshore</i> <sup>^</sup> or seabed involved is equal to or greater than 1,000 metres.	<b>Discretionary and restricted coastal activity</b>		
<b>17-25</b> <b>Protection Activity Management Areas: Small-scale to medium-scale disturbances, removal and deposition in protection zones</b>	Any activity involving, in any 12-month period, the disturbance, removal or deposition of <del>marine</del> material pursuant to s12(1) or <u>s12(2)</u> RMA within a Protection Activity Management Area <del>zone</del> , which is not otherwise covered by the <i>rules</i> <sup>^</sup> in Section 17.3.2 17-3, Rules 17-20, <del>Rule 17-21, 17-21B, Rule 17-22 or Rule 17-26.</del>	<b>Non-complying</b>		
<b>17-26</b> <b>Protection Activity Management Areas: Large-scale disturbances, removal and deposition in protection zones</b>	Any activity involving, in any 12-month period, the disturbance, removal or deposition of <del>marine</del> material pursuant to s12(1) or <u>s12(2)</u> RMA within a Protection Activity Management Area <del>zone</del> where: (a) the quantity of material involved is greater than 50,000 m <sup>3</sup> , or (b) the area involved is equal to <u>or</u>	<b>Non-complying and restricted coastal activity</b>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	greater than 4 ha, or (c) the length of <i>foreshore</i> <sup>^</sup> or seabed involved is equal to or greater than 1,000 metres.			

**Rule Guide:**

- (a) Deposits, disturbances and removal in the CMA that are not specifically covered by a rule in this Plan chapter 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 or use of coastal water<sup>^</sup> in the CMA

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for the take ~~and~~ or use of *water*<sup>^</sup> from the CMA, the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~the objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5 and any relevant policies in the NZCPS, and 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*<sup>^</sup> or seabed is avoided.

#### Policy 17-9: Consent decision-making for damming and diversions in the CMA

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for any activity in the CMA involving the damming or diversion of ~~coastal water~~<sup>^</sup>, the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~the objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7, Objective 10-1 and Policies 10-4 to 10-6 and any relevant policies in the NZCPS 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~~ the applicable *Water Management Zone*<sup>\*</sup> or *Sub-zone*<sup>\*</sup> and the relevant *water*<sup>^</sup> quality Values and targets in Schedule H,
- (c) the *functional* necessity for *locating* the activity *in the CMA*,
- (d) avoiding any adverse *effects*<sup>^</sup> on fish spawning and bird *feeding*, *breeding*, *nesting*, or *roosting* areas,
- (e) ensuring that any adverse *effects*<sup>^</sup> on *water*<sup>^</sup> clarity are not visibly noticeable within 24 hours of the activity being completed,
- (f) ensuring that any adverse *effects*<sup>^</sup> on *river*<sup>^</sup> bank stability or coastal sediment processes do not contribute to erosion elsewhere or exacerbate the risk from *natural hazards*<sup>^</sup>, and
- (g) ensuring that public access is not unreasonably restricted.

## 17.6.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<b>17-27</b> <b>Take and use of <i>water</i><sup>^</sup></b>	Any take or use of <i>water</i> <sup>^</sup> from the <del>coastal marine area</del> <u>CMA</u> .	<b>Permitted</b>	(a) The activity shall <u>must</u> comply with <del>the standard</del> conditions (i) and (j) in Table 17.1.  (b) <del>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. An intake screen with a mesh aperture size not exceeding 3 mm in diameter must be used and the intake velocity must not exceed 0.3 m/s.</del>	
<b>17-28</b> <b>Drainage and diversions of <i>water</i><sup>^</sup> in the CMA</b>	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 <i>water</i> <sup>^</sup> into the <del>coastal marine area</del> <u>CMA</u> .	<b>Permitted</b>	(a) The activity shall <u>must</u> comply with all conditions of Rules 15-9, 15-10 and 15-11, as if those conditions apply to the <del>coastal marine area</del> <u>CMA</u> .	

### 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 ~~chapter~~ is a **discretionary activity** under Rule 17-39.

## 17.7 Discharges

### 17.7.1 Policies

#### Policy 17-10: Consent decision-making for *discharges*<sup>^</sup> into the CMA

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for *discharges*<sup>^</sup> into the CMA, the Regional Council ~~will~~ must have particular regard to:

- (a) ~~the objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7, Objective 10-1 and Policies 10-4 to 10-6 and any relevant policies in the NZCPS 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~~
- (ba) the applicable *Water Management Zone*<sup>\*</sup> or *Sub-zone*<sup>\*</sup> and the relevant *water*<sup>^</sup> quality Values and targets in Schedule H,
- (c) restricting the use of *hazardous substances*<sup>\*</sup> in any estuary, or *river*<sup>^</sup> (or including stream) in the CMA to those necessary to control pest plants or marine fauna identified pursuant to a pest management strategy prepared under the Biosecurity Act 1993,
- (d) *tikanga Māori*<sup>^</sup> cultural values, *amenity values*<sup>^</sup>, recreational values and public health and safety, and ensuring any adverse *effects*<sup>^</sup> are avoided as far as reasonably practicable. Where avoidance is not reasonably practicable, the adverse *effects*<sup>^</sup> must be remedied or mitigated, and
- (e) ensuring that any *discharge*<sup>^</sup>, after reasonable mixing, ~~should~~ must not result in:

  - (i) the production of any conspicuous *oil*<sup>\*</sup> or grease films, scums or foams,
  - (ii) floatable or suspended materials,
  - (iii) any conspicuous change in the colour or visual clarity of *water*<sup>^</sup> in the *coastal marine area*<sup>^</sup>, or
  - (iv) any emission of objectionable odour, or any significant adverse *effects*<sup>^</sup> on aquatic life.

#### Policy 17-11: Consent decision-making for sewage *discharges*<sup>^</sup>

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for sewage *discharges*<sup>^</sup> into the CMA, the Regional Council ~~will~~ must have particular regard to:

- (a) ~~the objectives and policies of Chapter 9~~ the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 7-2 and Policy 7-7, Objective 10-1 and Policies 10-4 to 10-6 and any relevant policies in the NZCPS 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~~
- (ba) the applicable *Water Management Zone*<sup>\*</sup> or *Sub-zone*<sup>\*</sup> and the relevant *water*<sup>^</sup> quality targets in Schedule H,
- (c) avoiding any *discharge*<sup>^</sup> within any *river*<sup>^</sup>, (including stream) or estuary in the CMA or within any Protection Activity Management Area zone identified in Schedule H,
- (d) the extent to which any alternatives have been considered, including discharging to *land*<sup>^</sup>, and
- (e) considering the views and concerns of *tangata whenua*<sup>^</sup> in the decision-making process.

## 17.7.2 Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<b>17-29</b> <b><i>Discharges</i><sup>^</sup> into <i>water</i><sup>^</sup> from <i>ships</i><sup>^</sup>, <i>boats</i>, <i>fire-fighting</i> and <i>oil</i><sup>*</sup> <i>spills</i></b>	Any <i>discharge</i> <sup>^</sup> (excluding sewage) into the CMA pursuant to s15 RMA: (a) <del>of water into water</del> (b) <del>associated with ancillary</del> to the normal operation <sup>1</sup> of a <i>ship</i> <sup>^</sup> or boat, or (c) for the purposes of fire-fighting or <u>training for fire-fighting</u> , or (d) for the purposes of managing an <i>oil</i> <sup>*</sup> spill.	<b>Permitted</b>	(a) There <del>shall</del> <u>must</u> be no <i>discharge</i> <sup>^</sup> of non-biodegradable matter. (b) Any substance used as an <i>oil</i> <sup>*</sup> dispersant must be approved in accordance with the Marine Protection Rules Part 132: Dispersants and Demulsifiers (1998).	
<b>17-30</b> <b><i>Discharges</i><sup>^</sup> of stormwater</b>	The <i>discharge</i> <sup>^</sup> of stormwater into the CMA, pursuant to s15 RMA.	<b>Permitted</b>	(a) The <i>discharge</i> <sup>^</sup> <del>shall</del> <u>must</u> not contain any sewage. (b) The <i>discharge</i> <sup>^</sup> <del>shall</del> <u>must</u> not include stormwater from any:	

<sup>1</sup> **Normal operation** – For the purpose of this *rule*<sup>^</sup> “normal operation” includes *ship*<sup>^</sup> propulsion, cooling water, washdown water from cleaning and bilge water containing less than 15 ppm of *oil*<sup>\*</sup>. In the context of this *rule*<sup>^</sup> any *discharge*<sup>^</sup> or *contaminants*<sup>^</sup> resulting from hull cleaning or anti fouling or painting of vessels must be collected and removed from the *coastal marine area*<sup>^</sup>.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p>(i) <i>industrial or trade premises</i><sup>^</sup> where <i>hazardous substances</i><sup>*</sup> are stored or used</p> <p>(ii) <i>contaminated land</i><sup>^</sup></p> <p>(iii) operating quarry or mineral extraction <i>site</i><sup>*</sup> unless there is an <i>interceptor system</i><sup>*</sup> in place.</p> <p>(c) For <i>discharges</i><sup>^</sup> that include stormwater from an <i>any industrial or trade premises</i><sup>^</sup>, or from <i>land</i><sup>^</sup> zoned as <i>industrial, commercial or residential, an urban area</i>, the catchment area of the <i>discharge</i><sup>^</sup> shall <u>must</u> not exceed 2 hectares <del>ha</del>.</p> <p>(d) The activity shall <u>must</u> not cause erosion of any bank or <i>foreshore</i><sup>^</sup> <del>area</del> beyond the point of <i>discharge</i><sup>^</sup>, unless this is not practicably avoidable, in which case any erosion that occurs as a result of the <i>discharge</i><sup>^</sup> shall <u>must</u> be remedied as soon as practicable.</p> <p>(e) For <i>discharges</i><sup>^</sup> of stormwater into the CMA the <i>discharge</i><sup>^</sup> shall <u>must</u> not cause, after reasonable mixing<sup>*</sup>, any of the following <i>effects</i><sup>^</sup> in the receiving <i>water</i><sup>^</sup> <del>body</del>:</p> <p>(i) the production of conspicuous <i>oil</i><sup>*</sup> or grease films, scums or foams, or floatable or suspended materials</p> <p>(ii) any conspicuous change in the colour or visual clarity of the receiving <i>water</i><sup>^</sup></p> <p>(iii) any emission of objectionable odour</p> <p>(iv) toxicity to marine ecosystems.</p> <p>(f) The <i>discharge</i><sup>^</sup> shall <u>must</u> not be to any <i>historic heritage</i><sup>^</sup> <del>archaeological site, waahi tapu or koиви remains as</del> identified in <u>any district plan, the Regional Coastal Plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust,</u> except where Historic Places Trust approval has been obtained.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-31</b> <b>Discharges<sup>^</sup> of stormwater not complying with Rule 17-30</b></p>	<p>The <i>discharge<sup>^</sup></i> of stormwater into the CMA, pursuant to s15 RMA, that:</p> <ul style="list-style-type: none"> <li>(i) does not comply with Rule 17-30, or</li> <li>(ii) is lawfully in existence at the time this <i>rule<sup>^</sup></i> comes into effect, but does not comply with Rule 17-30.</li> </ul>	<p><b>Controlled</b></p>	<ul style="list-style-type: none"> <li>(a) The <i>discharge<sup>^</sup></i> <del>shall</del> <b>must</b> not include sewage.</li> <li>(b) The <i>discharge<sup>^</sup></i> <del>shall</del> <b>must</b> not include stormwater from any: <ul style="list-style-type: none"> <li>(i) <i>industrial or trade premises<sup>^</sup></i> where <i>hazardous substances<sup>*</sup></i> are stored or used</li> <li>(ii) <i>contaminated land<sup>^</sup></i></li> <li>(iii) operating quarry or mineral extraction <i>site<sup>*</sup></i> unless there is an <i>interceptor system<sup>*</sup></i> in place.</li> </ul> </li> <li>(c) The <i>discharge<sup>^</sup></i> <del>shall</del> <b>must</b> not be toxic to marine ecosystems after reasonable mixing.</li> </ul>	<p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>(a) measures to control flooding and erosion</li> <li>(b) <i>contaminant<sup>^</sup></i> concentrations and loading rates</li> <li>(c) measures required to comply with s107(1) RMA</li> <li>(d) measures required to comply with the <i>water<sup>^</sup></i> quality <del>standards</del> <b>targets</b> for the relevant <i>Water Management Zone<sup>*</sup></i> or <i>Sub-zone<sup>*</sup></i></li> <li>(e) odour management</li> <li>(f) stormwater system maintenance requirements</li> <li>(g) contingency requirements</li> <li>(h) monitoring and information requirements</li> <li>(i) duration of consent</li> <li>(j) review of consent <i>conditions<sup>^</sup></i>.</li> </ul>
<p><b>17-32</b> <b>Discharges<sup>^</sup> of dye and salt tracers</b></p>	<p>The <i>discharge<sup>^</sup></i> of dye and salt tracer material <u>into the CMA</u>, pursuant to s15 RMA, excluding radioisotope tracers.</p>	<p><b>Permitted</b></p>	<ul style="list-style-type: none"> <li>(a) The dye or salt tracer material discharged <del>shall</del> <b>must</b> not exceed 20 l of dye in solution, 10 kg of salt, or 100 l of salt solution.</li> <li>(b) The Regional Council <del>shall</del> <b>must</b> be notified in writing of the proposed <i>discharge<sup>^</sup></i> at least 24 hours prior to the <i>discharge<sup>^</sup></i>. Such notification <del>shall</del> <b>must</b> include: <ul style="list-style-type: none"> <li>(i) the name and contact details of the person responsible for the <i>discharge<sup>^</sup></i></li> <li>(ii) the purpose and nature of the <i>discharge<sup>^</sup></i></li> <li>(iii) the nature of the tracer including its type, colour, and product name and description</li> <li>(iv) the location, timing and duration of the <i>discharge<sup>^</sup></i>.</li> </ul> </li> <li>(c) The dye or salt tracer <del>shall</del> <b>must</b> not be a hazardous</li> </ul>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-33</b> <b>Application of</b> <b>agricultural*</b></p>	<p>The <i>discharge^</i> of <i>agricultural*</i> into air, onto <i>land^</i>, or into <i>water^</i>, in the CMA, pursuant to s15 RMA.</p>	<p><b>Permitted</b></p>	<p>substance in terms of the Hazardous Substances and New Organisms Act 1996.</p> <p>(a) The target species <del>shall</del> <u>must</u> be identified as a <u>pest</u> plant <del>pest</del> or pest animal <del>pest</del> in the <del>Horizons Regional Council's</del> Regional Pest Plant Management Strategy or the <del>Horizons Council's</del> Regional Pest Animal Management Strategy.</p> <p>(b) The <i>discharge^</i> <del>shall</del> <u>must</u> not contravene any requirement specified in the <i>agricultural*</i> manufacturer's instructions.</p> <p>(c) The <i>discharge^</i> <del>shall</del> <u>must</u> be undertaken in accordance with all mandatory requirements set out in NZS 8409:2004 Management of Agricultural.</p> <p><u>(ca) There must be no measurable adverse effect^ on non-target species.</u></p> <p>(d) Where the <i>discharge^</i> is into <i>water^</i> for the purpose of eradicating, modifying or controlling unwanted marine plants:</p> <p>(i) only <i>agricultural*</i> approved for aquatic use <del>may</del> <u>can</u> be used</p> <p>(ii) the application <del>shall</del> <u>must</u> not exceed the quantity or concentration required for that purpose.</p> <p>(e) The <i>discharge^</i> <del>shall</del> <u>must</u> not include <i>dumping^</i> of <i>agricultural* waste*</i> or surplus product <del>disposal</del> to <i>water^</i> of <del>any agricultural.</del></p> <p>(f) The discharger <del>shall</del> <u>must</u> notify the Regional Council <u>five working days</u> <del>one week</del> prior to application.</p>	
<p><b>17-34</b> <b>Application of</b> <b>agricultural* not</b> <b>complying with Rule</b> <b>17-33</b></p>	<p>The <i>discharge^</i> of <i>agricultural*</i> into air, onto <i>land^</i>, or into <i>water^</i>, in the CMA, pursuant to s15 RMA, that does not comply with Rule 17-33.</p>	<p><b>Controlled</b></p>	<p>(a) The <i>discharge^</i> <del>shall</del> <u>must</u> not contravene any requirement specified in the <i>agricultural*</i> manufacturer's instructions.</p> <p>(b) The <i>discharge^</i> <del>shall</del> <u>must</u> be undertaken in accordance with all mandatory requirements set out in NZS 8409:2004 Management of Agricultural.</p> <p><u>(ba) There must be no measurable adverse effect^ on non-</u></p>	<p>Control is reserved over:</p> <p>(a) qualification required of persons carrying out the activity</p> <p>(b) method, rate and timing of application</p> <p>(c) the provision of information to the public</p> <p>(d) duration, fees and charges, reviews,</p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p><u>target species.</u></p> <p>(c) Where the <i>discharge</i><sup>^</sup> is into <i>water</i><sup>^</sup> for the purpose of eradicating, modifying or controlling unwanted marine plants:</p> <p>(i) only <i>agricultural</i><sup>*</sup> approved for aquatic use <del>may</del> <u>can</u> be used</p> <p>(ii) the application <del>shall</del> <u>must</u> not exceed the quantity or concentration required for that purpose</p> <p>(iii) the <i>discharge</i><sup>^</sup> <del>shall</del> <u>must</u> not include <i>dumping</i><sup>^</sup> of <i>agricultural</i><sup>*</sup> <i>waste</i><sup>*</sup> or surplus product <del>disposal</del> to <i>water</i><sup>^</sup> of any <i>agricultural</i><sup>*</sup>.</p>	<p>monitoring.</p>
<p><b>17-35</b> <b>Sewage and s107(2)</b> <b>RMA discharges<sup>^</sup></b></p>	<p>Pursuant to <del>s4</del> Schedule 1 NZCPS 1994 New Zealand Coastal Policy Statement:</p> <p>(a) any <i>discharge</i><sup>^</sup> of human sewage which has not passed through soil or <i>wetland</i><sup>^</sup>, and which is not otherwise provided for by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, or</p> <p>(b) any <i>discharge</i><sup>^</sup> for which the discharger wishes to rely on exceptional circumstances to justify the granting of consent under s107(2)(a) RMA, and</p> <p>which is not otherwise prohibited by Rule 17-36 of this Plan chapter.</p>	<p><b>Discretionary and restricted coastal activity</b></p>		
<p><b>17-36</b> <b>Dumping<sup>^</sup> of hazardous substances<sup>*</sup></b></p>	<p>The <i>dumping</i><sup>^</sup> or disposal of any <i>hazardous substances</i><sup>*</sup> 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.</p>	<p><b>Prohibited</b></p>		

**Rule Guide:**

- (a) Discharges under ~~s42 s15~~ 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 agricultural discharges.~~
- (e) Refer to sections ss15A, 15B and 15C of the RMA and the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, for full details and consent status and controls relating to:
  - (i) dumping of waste or other matter from any ship, aircraft or offshore installation, prohibited except for the following matters which are deemed to be discretionary: dredge material, sewage sludge, fish processing waste from an onshore facility, ships and platforms or other man-made structures at sea, inert organic geological material, organic materials of natural origins, bulky items consisting mainly of iron, steel, and concrete
  - (ii) incineration of waste (prohibited)
  - (iii) substances to avoid, remedy, or mitigate an *oil*\* spill (permitted subject to the Maritime Transport Act 1994)
  - (iv) discharge of *oil*\* from ship or offshore platforms (permitted)
  - (v) discharge of noxious liquid substances from a ship (permitted)
  - (vi) discharge of sewage from any ship or offshore installation (prohibited within 500 m of ~~mean high water spring~~ MHWS, or within 500 m of a marine farm, or within 200 m of a marine reserve, or within 500 m of a maataitai reserve)
  - (vii) discharge of plastics, dunnage, lining and packaging materials from any ship (prohibited)
  - (viii) discharge of garbage from a ship (permitted subject to conditions)
  - (ix) discharge of garbage from an offshore installation (prohibited)
  - (x) discharge of ballast water from any ship or offshore installation (permitted subject to any requirements of the Biosecurity Act 1993)
  - (xi) discharges as a part of normal operations of ships (permitted)
  - (xii) store or dump radioactive wastes (prohibited).

## 17.8 Noise and Discharges into Air

### 17.8.1 Policies

#### Policy 17-12: Consent decision-making for any *noise*<sup>^</sup> and *discharges*<sup>^</sup> into air

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for activities involving *noise*<sup>^</sup> or ~~other~~ *discharges*<sup>^</sup> into air in the CMA, the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~the objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-1, 3-2, 3-3, 3-4 and 3-5, Objective 8-1 and Policy 8-1 and any relevant policies in the NZCPS New Zealand Coastal Policy Statement, and~~

- ~~(b) the relevant objectives and policies of Chapter 8 and Chapter 17~~
- (c) adopting the *best practicable 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 <b>Noise discharges emissions</b>	Any discharge of <i>noise</i> in the CMA, pursuant to s12(3) RMA including any discharge of noise relating to the normal operation of boats, <i>ships</i> or <i>offshore installations</i> , or from seismic exploration.	Permitted	(a) Any seismic activity- exploration shall must be located at least 1 km away from any Protection Activity Management Area zone as shown in Schedule H.  (b) Any seismic exploration must be undertaken in accordance with the Department of Conservation's Guidelines for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations (February 2006).	

### Rule Guide:

- (a) Noise emissions in the CMA that do not comply with the conditions of the permitted activity rule above or that are not specifically permitted by the rule above or by existing use provisions in s20A RMA are a **discretionary activity** under Rule 17-39.
- (b) ~~Other Discharges into air restricted by s15(1) RMA 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 Resource Management (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*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for activities involving the introduction of exotic and introduced plants in the CMA, the Regional Council ~~will~~ must have ~~particular~~ regard to:

- (a) ~~The objectives and policies of Chapter 9 the Regional Policy Statement, particularly all the objectives and policies of Chapters 4 and 9, Objective 3-1 and Policies 3-2 and 3-4, and any relevant policies in the NZCPS, 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*<sup>^</sup> are identified and can be avoided, and
- (c) imposing *conditions*<sup>^</sup> to avoid any risk of adverse *effects*<sup>^</sup> on indigenous flora in any Protection Activity Management Area 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 s12(1) RMA and s4 Schedule 1 NZCPS 1994, the introduction or planting of any exotic or introduced plant species within the CMA, which is not already present in <del>the region</del> <u>an area</u> .	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 Activity and Controlled Activity Rules**

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>17-39</b>  <b>Activities that are not covered by any other rule<sup>^</sup>, or which do not comply with permitted activity<sup>^</sup> and controlled activity<sup>^</sup> rules<sup>^</sup></b></p>	<p>Any activity that either:                      (a) is subject to s12(1), s12(2), s14(1), s14(2), s15(1) or s15(2) RMA and is not addressed by any other rule<sup>^</sup> in this Plan chapter, or                      (b) does not comply with one or more conditions<sup>^</sup>, standards or terms of a permitted activity<sup>^</sup> or controlled activity<sup>^</sup> rule<sup>^</sup> in this chapter, but <u>and</u> which is not expressly classified as a discretionary activity<sup>^</sup>, non-complying activity<sup>^</sup> or prohibited activity<sup>^</sup>.</p>	<p><b>Discretionary</b></p>		