



# Regional Plans: A User Guide to Rules of the Wellington Region

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## Using the guide

The Wellington Regional Council has six operative regional plans, including the Transitional Regional Plan. We have prepared this Guide to help you find out if anything you do is controlled by a regional rule in any of our regional plans. This is a **Guide**, and cannot be used as a substitute for the rules themselves. You must refer to the rules to find out if any conditions apply to your activity. If you are in doubt, ask staff from the Wellington Regional Council.

Activities that can affect the environment are controlled in the Resource Management Act, 1991. This Act allows some sorts of activities, and prohibits others. But regional plans can restrict something that is otherwise allowed, and can allow something that is otherwise restricted. We do this by adopting regional rules.

Rules in regional plans classify activities as —

- Permitted, in which case no resource consent is required provided you comply with the conditions in the rule
- Controlled, Discretionary, or Non-Complying, in which case you must obtain a resource consent from the Wellington Regional Council, and conditions can be included on the consent
- Prohibited, in which case, the activity cannot be undertaken.

This Guide has got three ways for you to find out what rules apply to which activities.

You can search the list of 25 “activity pages” in Chapter 1. For example, if you want to know what sort of conditions you must comply with if you have a septic tank, you can look up the activity page for “sewage disposal”.

You can look through the rule headings for the rules in each of the regional plans. These are in Chapter 2. For example, if you know there is a rule in the Regional Plan for Discharges to Land about septic tanks, but you don’t which rule it is, you can look it up here.

You can search through the categories of Part Three of the Resource Management Act, 1991. These are in Chapter 3. Here the activities are sorted according to whether they affect land use (section 9 of the Act), the coastal marine area (section 12), the beds of rivers and lakes (section 13), water use (section 14), or whether they involve the discharge of contaminants to the environment (section 15). For example, if you want to discharge sewage to land, you can look up the relevant rules in section 3.6.

If you cannot find the rule that applies to the sort of activity you are interested in, contact the Resource Consent Help Desk at the Wellington Regional Council (04-384 5708 Wellington, or 06-378 2484 Wairarapa). If you have any ideas about how we could improve the Guide, contact the Resource Policy section of the Council at the Wellington office (04-384 5708).



# Contents

|  | <b>Page</b> |
|--|-------------|
| <b>Using the guide</b>   | <b>i</b>    |
| <b>1. Activity pages</b>   | <b>1</b>    |
| <b>1.1 Abrasive Blasting (aka “sand blasting” and “water blasting”)</b>                    | <b>1</b>    |
| 1.1.1 Discharges to air  | 1           |
| 1.1.2 Discharges to fresh water (rivers, lakes, artificial watercourses etc)               | 2           |
| 1.1.3 Discharges to coastal water (estuaries, harbours, bays and beaches)                  | 2           |
| <b>1.2 Agrichemical application (pesticides and herbicides)</b>                            | <b>3</b>    |
| 1.2.1 Discharges to air  | 3           |
| 1.2.2 Discharges to land   | 3           |
| 1.2.3 Discharges to fresh water  | 4           |
| 1.2.4 Discharges to the coastal marine area  | 4           |
| <b>1.3 Agricultural effluent disposal</b>  | <b>5</b>    |
| 1.3.1 Discharges to land   | 5           |
| 1.3.2 Discharges to air  | 5           |
| 1.3.3 Discharges to fresh water  | 6           |
| <b>1.4 Boat sheds</b>  | <b>7</b>    |
| 1.4.1 Rules about boat sheds and activities related to boat shed use                       | 7           |
| <b>1.5 Bores, wells, and drilling</b>  | <b>8</b>    |
| 1.5.1 Rules about bores, wells and drilling on dry land                                    | 8           |
| 1.5.2 Rules about bores, wells and drilling in river beds                                  | 9           |
| 1.5.3 Rules about bores, wells and drilling in the coastal marine area                     | 9           |
| <b>1.6 Bridges</b>   | <b>11</b>   |
| 1.6.1 Bridges and other structures over rivers and lakes                                   | 11          |
| 1.6.2 Bridges and other structures over the coastal marine area, including river estuaries | 12          |
| <b>1.7 Cleanfills</b>  | <b>13</b>   |
| 1.7.1 Discharges to land   | 13          |
| 1.7.2 Discharges to air  | 13          |
| 1.7.3 Deposition in, on or under rivers and lakes  | 13          |
| 1.7.4 Deposition in, on or under the foreshore or seabed                                   | 14          |
| <b>1.8 Culverts, weirs, fords</b>  | <b>15</b>   |
| 1.8.1 Culverts, weirs, and fords in river and lake beds                                    | 15          |
| <b>1.9 Earthworks</b>  | <b>16</b>   |
| 1.9.1 Rules about earthworks   | 16          |
| <b>1.10 Entry or passage across rivers and lakes</b>                                       | <b>17</b>   |



|             |   |           |
|-------------|---|-----------|
| 1.10.1      | Rules about entry or passage across rivers and lakes  | 17        |
| <b>1.11</b> | <b>Forestry and logging</b>   | <b>18</b> |
| 1.11.1      | Rules about vegetation disturbance  | 18        |
| <b>1.12</b> | <b>Gravel and shingle extraction</b>  | <b>19</b> |
| 1.12.1      | Gravel or shingle extraction in the coastal marine area   | 19        |
| 1.12.2      | Discharges to air associated with gravel and shingle extraction                                     | 20        |
| 1.12.3      | Gravel or shingle extraction from the bed of a river or lake  | 20        |
| 1.12.4      | Gravel or shingle extraction not in the coastal marine area and not in the bed of any river or lake | 20        |
| <b>1.13</b> | <b>Jetties, wharves, breakwaters and seawalls</b>   | <b>21</b> |
| 1.13.1      | Structures built or used in the coastal marine area   | 21        |
| <b>1.14</b> | <b>Landfills, rubbish dumps and tips</b>  | <b>23</b> |
| 1.14.1      | Discharges to land  | 23        |
| 1.14.2      | Discharges to air (dust, landfill gas, odour)   | 23        |
| 1.14.3      | Stormwater from landfills   | 23        |
| <b>1.15</b> | <b>Marine dumping, including scuttling a boat</b>   | <b>24</b> |
| 1.15.1      | Dumping into the sea from ships, aircraft and offshore installations                                | 24        |
| <b>1.16</b> | <b>Moorings, including swing moorings</b>   | <b>25</b> |
| 1.16.1      | Structures in the coastal marine area   | 25        |
| 1.16.2      | Structures in rivers and lakes  | 25        |
| <b>1.17</b> | <b>Roading and tracking</b>   | <b>27</b> |
| <b>1.18</b> | <b>Sewage treatment and disposal, including septic tanks</b>  | <b>28</b> |
| 1.18.1      | Discharges to land  | 28        |
| 1.18.2      | Discharges to air associated with sewage treatment and disposal                                     | 28        |
| 1.18.3      | Discharges to fresh water   | 29        |
| 1.18.4      | Discharges to coastal water (except from vessels)   | 29        |
| 1.18.5      | Discharges to coastal water from ships and offshore installations                                   | 29        |
| <b>1.19</b> | <b>Spray painting</b>   | <b>30</b> |
| 1.19.1      | Discharges to air   | 30        |
| <b>1.20</b> | <b>Stopbanks and flood ways</b>   | <b>31</b> |
| 1.20.1      | Plants and structures on flood ways   | 31        |
| 1.20.2      | Activities on and damage to stopbanks   | 32        |
| 1.20.3      | Stopbank construction   | 32        |
| <b>1.21</b> | <b>Stormwater</b>   | <b>33</b> |
| 1.21.1      | Discharges to coastal water   | 33        |
| 1.21.2      | Discharges to fresh water (rivers, lakes and artificial watercourses)                               | 33        |
| 1.21.3      | Discharges to land  | 34        |
| <b>1.22</b> | <b>Subdivision</b>  | <b>35</b> |
| <b>1.23</b> | <b>Vegetation removal (scrub clearance etc)</b>   | <b>36</b> |

|             |   |           |
|-------------|---|-----------|
| 1.23.1      | Burn-offs   | 36        |
| 1.23.2      | Other vegetation removal and disturbance  | 36        |
| <b>1.24</b> | <b>Water takes</b>  | <b>37</b> |
| 1.24.1      | Taking fresh water  | 37        |
| 1.24.2      | Taking coastal water  | 37        |
| <b>1.25</b> | <b>Wetlands</b>   | <b>39</b> |
| 1.25.1      | Damming and diverting water in a wetland  | 39        |
| 1.25.2      | Disturbing the bed of a wetland   | 40        |
| 1.25.3      | Discharges to wetlands  | 40        |
| 1.25.4      | Taking water from a wetland   | 40        |
| <b>2.</b>   | <b>Searching according to the regional plan</b>   | <b>41</b> |
| <b>2.1</b>  | <b>Regional Coastal Plan</b>  | <b>41</b> |
| 2.1.1       | Reclamation and draining of the foreshore and seabed  | 41        |
| 2.1.2       | Structures in, on, under or over the foreshore or seabed  | 42        |
| 2.1.3       | Destruction, damage, disturbance of the foreshore or seabed   | 43        |
| 2.1.4       | Deposition of substances on foreshore or seabed   | 44        |
| 2.1.5       | Introduction or planting of exotic plants in, on, or under the foreshore or seabed  | 44        |
| 2.1.6       | Discharges to land and water  | 45        |
| 2.1.7       | Discharges to air   | 45        |
| 2.1.8       | Taking, use, damming and diverting or water   | 46        |
| 2.1.9       | Any other surface water and foreshore activities  | 46        |
| <b>2.2</b>  | <b>Regional Air Quality Management Plan</b>   | <b>48</b> |
| <b>2.3</b>  | <b>Regional Soil Plan</b>   | <b>50</b> |
| <b>2.4</b>  | <b>Regional Plan for Discharges to Land</b>   | <b>51</b> |
| 2.4.1       | Activities not covered by other rules   | 51        |
| 2.4.2       | Greywater and stormwater  | 51        |
| 2.4.3       | Sewage  | 51        |
| 2.4.4       | Landfills, rubbish dumps and tips   | 51        |
| 2.4.5       | Agricultural Contaminants   | 52        |
| 2.4.6       | Hazardous Substances  | 52        |
| <b>2.5</b>  | <b>Regional Freshwater Plan</b>   | <b>53</b> |
| 2.5.1       | Discharges to fresh water   | 53        |
| 2.5.2       | Taking, using, damming, diverting fresh water   | 53        |
| 2.5.3       | Activities in the beds of lakes and rivers  | 54        |
| <b>2.6</b>  | <b>Transitional Regional Plan</b>   | <b>56</b> |
| <b>3.</b>   | <b>Searching by categories in the Resource Management Act, 1991</b>   | <b>58</b> |
| <b>3.1</b>  | <b>Introduction</b>   | <b>58</b> |
| <b>3.2</b>  | <b>Restrictions on uses of land (Section 9 of the Act)</b>  | <b>58</b> |
| 3.2.1       | Any use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the land | 58        |



|            |  |           |
|------------|--|-----------|
| 3.2.2      | Excavation, drilling, tunnelling, or other disturbance of the land   | 59        |
| 3.2.3      | Destruction, damage or disturbance of habitats of plants   | 60        |
| 3.2.4      | Deposit of any substance in, on, or under the land   | 60        |
| 3.2.5      | Any entry on to, or passing across, the surface of water in any lake or river  | 61        |
| 3.2.5      | Any other use of land  | 61        |
| <b>3.3</b> | <b>Restrictions on use of the coastal marine area (Section 12 of the Act)</b>  | <b>63</b> |
| 3.3.1      | Reclamations or drainage of the foreshore or seabed  | 63        |
| 3.3.2      | Structures in, on, under or over the foreshore or seabed   | 64        |
| 3.3.3      | Disturbing the foreshore or seabed, and destruction, damage or disturbance of any foreshore or seabed  | 65        |
| 3.3.4      | Deposition in, on, or under the foreshore or seabed  | 67        |
| 3.3.5      | Destruction, damage, or disturbance of the foreshore or seabed   | 68        |
| 3.3.6      | Introduction or planting any exotic or introduced plant in, on, or under the foreshore or seabed   | 69        |
| 3.3.7      | Occupation of land of the Crown, or land in the coastal marine area vested in the regional council   | 70        |
| 3.3.8      | Removal of any sand, shingle, shell, or other natural material from land of the Crown, or land in the coastal marine area vested in the regional council   | 70        |
| 3.3.9      | Other activities in, on, under or over any coastal marine area not specified   | 71        |
| <b>3.4</b> | <b>Restrictions on certain uses of beds of lakes and rivers (Section 13 of the Act)</b>  | <b>73</b> |
| 3.4.1      | Structures in, on, under or over the bed of a lake or river  | 73        |
| 3.4.2      | Excavation, drilling, tunnelling or disturbance of the bed of a lake or river  | 74        |
| 3.4.3      | Introduction of plants in, on, or under the bed of a lake or river   | 75        |
| 3.4.4      | Deposition of substances in, on, or under the bed of a lake or river   | 75        |
| 3.4.5      | Reclamation or drainage of the bed of a lake or river  | 76        |
| 3.4.6      | Entry or passage across the bed of any river or lake   | 76        |
| 3.4.7      | Disturbance, removal, damage, or destruction of any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on, or under the bed of any lake or river | 77        |
| <b>3.5</b> | <b>Restrictions relating to water (Section 14 of the Act)</b>  | <b>78</b> |
| 3.5.1      | Taking, using, damming and diverting water (except open coastal water)   | 78        |
| 3.5.2      | Taking, using, damming and diverting heat or energy from water (except open coastal water)   | 79        |
| 3.5.3      | Taking, using, damming and diverting heat or energy from the material surrounding any geothermal water   | 79        |
| 3.5.4      | Taking, using, damming and diverting open coastal water  | 80        |
| <b>3.6</b> | <b>Discharges to the environment (Section 15 of the Act)</b>   | <b>81</b> |



|            |  |           |
|------------|--|-----------|
| 3.6.1      | Discharges to water  | 81        |
| 3.6.2      | Discharging contaminants to land where they may enter water  | 82        |
| 3.6.3      | Discharging contaminants to air from industrial or trade premises  | 84        |
| 3.6.4      | Discharging contaminants to land from industrial or trade premises   | 86        |
| 3.6.5      | Discharging contaminants to land or air other than at industrial or trade premises   | 88        |
| <b>3.7</b> | <b>Restrictions on dumping and incineration of waste or other matter in the coastal marine area (section 15A of the Act)</b>                     | <b>91</b> |
| 3.7.1      | Dumping of waste and other matter in the coastal marine area   | 91        |
| 3.7.2      | Incineration of waste and other matter in the coastal marine area  | 91        |
| <b>3.8</b> | <b>Discharge of harmful substances from ships or offshore installations (section 15B of the Act)</b>   | <b>92</b> |
| 3.8.1      | Discharges of substances for the purpose of avoiding, remedying, or mitigating an oil spill in the coastal marine area                           | 92        |
| 3.8.2      | Discharges of oil in the coastal marine area   | 92        |
| 3.8.3      | Discharges of noxious liquid substances in the coastal marine area   | 93        |
| 3.8.4      | Discharges of sewage in the coastal marine area  | 93        |
| 3.8.5      | Discharges of garbage in the coastal marine area   | 93        |
| 3.8.6      | Discharges of ballast water  | 94        |
| 3.8.7      | Discharges made as part of normal operations of ship or offshore installation  | 94        |
| <b>3.9</b> | <b>Prohibitions in relation to radioactive waste or other radioactive matter and other waste in coastal marine area (section 15C of the Act)</b> | <b>95</b> |
|            | <b>Statutory definitions of words used in this Guide</b>   | <b>96</b> |



# 1. Activity pages

## 1.1 Abrasive Blasting (aka “sand blasting” and “water blasting”)

Abrasive blasting used to be called “sand blasting” and “water blasting”. The name change is not part of any “politically correct” movement. It’s because sand and water are not the only blasting agents used these days. Generally, the purpose of abrasive blasting is to remove old paint, rust and so on from things like bridges, swimming pools, boat hulls and so on.

You can cause adverse effects on air quality whether you are “dry blasting” with sand or ground garnet, because very fine amounts of the blasting agent, and the blasted material, are discharged into the air. You can cause adverse effects on water quality and aquatic habitat if the thing you are blasting is near or over water, like a bridge, because bits of paint and other contaminants can fall into the water. Lead-based paint can harm creatures living in rivers or the coastal marine area.

Discharges to air are controlled in the **Regional Air Quality Management Plan**. Discharges to fresh water are controlled in the **Regional Freshwater Plan**. Discharges to coastal water are controlled in the **Regional Coastal Plan**.

### 1.1.1 Discharges to air

**Rule 16** of the Regional Air Quality Management Plan **permits wet abrasive blasting**, from either mobile or stationary sources, provided conditions specified in the rule are met.

**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for **dry abrasive blasting**, from either mobile or stationary sources, and for wet abrasive blasting if the activity does not comply with the conditions in Rule 16. This is a **discretionary activity**.

**Rule 65** of the Regional Coastal Plan **permits** the discharge of dust, particulate matter or other contaminants to air in the coastal marine area if the discharge is associated with the construction, maintenance, repair, alteration, or reconstruction of a structure and provided the conditions specified in the rule are met.

**Rule 71** of the Regional Coastal Plan requires a coastal permit for the discharge of dust or other contaminants from an **industrial or trade premise** in the coastal marine area, unless the discharge is allowed by one of rules 63 to 67 or is specifically provided for in one of rules 68 to 70, or 72. This is a **discretionary activity**.

**Rule 72** of the Regional Coastal Plan requires a coastal permit for the discharge of dust or other particles or contaminants to any **Area of Significant Conservation Value** in the coastal marine area, unless the discharge is allowed by one of rules 63 to 67 or is specifically provided for in one of rules 68 to 71. This is a **non-complying activity**.





### 1.1.2 Discharges to fresh water (rivers, lakes, artificial watercourses etc)

If you are blasting a bridge or any other structure near fresh water, **Rule 5** of the Regional Freshwater Plan requires a discharge permit to discharge any contaminant to any freshwater, unless the discharge is allowed by **Rule 1** (discharges of water and minor contaminants), or **Rule 2** (discharges of stormwater). This is a **discretionary activity**. If the discharge is to specified wetlands or water bodies being managed in their natural state, this is a **non-complying activity** in accordance with **Rule 6**.

### 1.1.3 Discharges to coastal water (estuaries, harbours, bays and beaches)

If you are blasting a structure or boat over or near coastal water, and the discharge is to an **Area of Significant Conservation Value** in the coastal marine area, a coastal permit is required under **Rule 59** of the Regional Coastal Plan. This is a **non-complying activity** and a **restricted coastal activity**.

If the discharge is not to an **Area of Significant Conservation Value** in the coastal marine area, a coastal permit is required under **Rule 61** of the Regional Coastal Plan. This is a **discretionary** and **restricted coastal activity**.

## 1.2 Agrichemical application (pesticides and herbicides)

The word “**agrichemical**” was made up to describe the many kinds of pesticides used in the agricultural industry (herbicides, insecticides, fungicides and so on). The application of agrichemicals, especially in liquid or powder form, can result in losses from the target area. Such losses are collectively described as “drift”. Off-target drift can contaminate water, and can kill, damage or contaminate neighbouring crops, gardens and non-target species.

Control of off-target drift is scattered through different pieces of legislation, including the Pesticides Act, 1979 and regulations, the Health Act, 1956 and the Resource Management Act, 1991. The New Zealand Agrichemical Education Trust prepared the Code of Practice for the Management of Agrichemicals for Standards New Zealand (NZS 8409:1999). The aim of the Code is to ensure that people follow responsible, safe, and effective practices when using and storing agrichemicals, with minimal adverse impact on human, environmental and animal health. We encourage all people who store and use agrichemicals to follow the practices advised in the Code.

Agrichemical application as powders and sprays, such as 2,4,D, as either a land based or aerial discharge, is controlled in the **Regional Air Quality Management Plan**. Agrichemical application as solids or pastes, such as 1080, as either a land based or aerial discharge, is controlled in the **Regional Plan for Discharges to Land**. Direct discharge of agrichemicals into water are controlled in the **Regional Freshwater Plan**.

### 1.2.1 Discharges to air

**Rule 1** of the Regional Air Quality Management Plan **permits** land based spray or powder application of agrichemicals on domestic properties, trade and industrial premises, and in public and rural areas, subject to conditions specified in the rule.

**Rule 2** of the Regional Air Quality Management Plan **permits** the aerial application of agrichemical sprays and powders, subject to conditions stated in the rule. These conditions are more extensive than those required for compliance with Rule 1.

**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for land-based or aerial applications of agrichemicals that do not comply with the conditions of Rule 1 or Rule 2. This is a **discretionary activity**.

### 1.2.2 Discharges to land

**Rule 16** of the Regional Plan for Discharges to Land **permits** the discharge of pesticides as solids or pastes by land based application methods, provided the discharge complies with conditions stated in the rule.

**Rule 17** of the Regional Plan for Discharges to Land requires a discharge permit for discharges of pesticides as solids or pastes by aerial application methods. This is a **controlled activity**.



**Rule 2** of the Regional Plan for Discharges to Land requires a discharge permit for discharges of pesticides as solids or pastes by land-based or aerial application methods if the discharge does not comply with the conditions in Rule 16, or the standards in Rule 17. This is a **discretionary activity**.

#### 1.2.3 Discharges to fresh water

**Rule 5** of the Regional Freshwater Plan requires a discharge permit for the discharge of agrichemicals into water. This is a **discretionary activity**.

#### 1.2.4 Discharges to the coastal marine area

**Rule 61** of the Regional Coastal Plan requires a coastal permit to discharge any contaminant or water onto land or into water in the coastal marine area, outside any Area of Significant Conservation Value, unless the activity is allowed or provided for by another rule. This is a **discretionary activity**. Note: no other rule allows or provides for discharges of agrichemicals to water in the coastal marine area.

**Rule 62** of the Regional Coastal Plan requires a coastal permit to discharge any contaminant or water onto land or into water in the coastal marine area, within any Area of Significant Conservation Value, unless the activity is allowed or provided for by another rule. This is a **non-complying activity**. Note: no other rule allows or provides for discharges of agrichemicals to water in the coastal marine area.

### 1.3 Agricultural effluent disposal

Agricultural effluent is a term that includes wastewater and washdown from dairysheds, piggeries and other places where livestock are kept in large numbers. In our regional plans, agricultural effluent is defined as “treated and untreated effluent collected during the management of livestock”.

Disposal of effluent collected from livestock is controlled in our regional plans because it can result in pollution of land, water, and air (by spray droplets). Rules about agricultural effluent disposal apply only when a **person** discharges the effluent, for example after hosing down the milking parlour or emptying out the piggery pens. The rules do not apply to discharges from the animals themselves!

Using or discharging composted agricultural effluent is not restricted under any regional plan, and is allowed as of right provided there is no consequential discharge to water. However, if the compost contains any human faecal matter it cannot be discharged to land or water without a discharge permit (see Activity page **Sewage Treatment and Disposal**).

The discharge of artificial **fertiliser**, such as super phosphate, onto or into land is a Permitted Activity (**Rule 12** of the Regional Plan for Discharges to Land). If the fertiliser contains any human faecal matter it cannot be discharged to land or water without a discharge permit (see Activity page **Sewage Treatment and Disposal**).

Discharges of agricultural effluent to land are controlled in the **Regional Plan for Discharges to Land**. Discharges to fresh water are controlled in the **Regional Freshwater Plan**. Discharges to air are controlled in the **Regional Air Quality Management Plan**.

#### 1.3.1 Discharges to land

**Rule 13** of the Regional Plan for Discharges to Land requires a discharge permit for discharges into or onto land of agricultural effluent from dairy sheds, piggeries, poultry farms, and other premises where livestock are kept. This is a **controlled activity**. Discharges of factory farm effluent to land require an air discharge permit as well. See “discharges to air” below.

**Rule 2** of the Regional Plan for Discharges to Land requires a discharge permit for discharges of agricultural effluent that do not comply with the standards in Rule 13. This is a **discretionary activity**.

#### 1.3.2 Discharges to air

**Rule 4** of the Regional Air Quality Management Plan **permits** discharges of contaminants to air from the management, treatment and disposal of agricultural effluent, provided the discharge complies with conditions stated in the rule. This rule does not apply to discharges from factory farms.



**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for any discharge of agricultural effluent that does not comply with the conditions in Rule 4, for the management of factory farm effluent, and for discharges to air from buildings at factory farms used to house animals. This is a **discretionary activity**.

### 1.3.3 Discharges to fresh water

**Rule 5** of the Regional Freshwater Plan requires a discharge permit to discharge agricultural effluent to water. This is a **discretionary activity**.



## 1.4 Boat sheds

Boat sheds are normally used to store boats and their associated paraphernalia. But in the Wellington Region, many people have set up home in their sheds to better enjoy coastal life. In the past this practice was low key and councils tended to turn a blind eye to it. But there are not a lot of coastal areas around Wellington and Porirua that are suitable to launch boats from so, by the 1990s, residential use of boat sheds had started to squeeze out the number of boat sheds available for storing boats.

Any sort of building on the foreshore restricts public access to and along that piece of coast. This is contrary to the principles of the Resource Management Act, 1991. On top of that, most boat sheds don't have toilets connected to a sewer. The Council now requires resource consents from people wanting to stay in their boat sheds, and is taking enforcement action against those people who break the rules.

The use, development and occupation of any structure (including boat sheds) anywhere in the **coastal marine area** is controlled in the **Regional Coastal Plan**. Discharging contaminants to the coastal marine area is also controlled in the Regional Coastal Plan. The words “**foreshore**” and “**water**” are defined in the Resource Management Act, 1991.

### 1.4.1 Rules about boat sheds and activities related to boat shed use

**Rule 27** of the Regional Coastal Plan requires a coastal permit to use any boat shed for residential purposes, or to use any boat shed for non-water based activities that do not require a coastal location. This is a **non-complying activity**. The Council cannot grant a consent for living in a boat shed if that would be contrary to the objectives and policies in the plan. Policy 6.2.1 of the Plan provides direction about what the Council considers is appropriate in the coastal marine area.

**Rule 6** of the Regional Coastal Plan **permits** the maintenance, repair, replacement, extensions, additions and alterations to a structure (including a boat shed) that lawfully existed on 29 June 1994 (the date the Plan was publicly notified) and is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed, provided the activity complies with conditions stated in the rule.

**Rule 7** of the Regional Coastal Plan **permits** the removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, provided the activity complies with conditions stated in the rule.

**Rule 58** and **Rule 60** of the Regional Coastal Plan require a coastal permit to discharge human sewage onto land or into water in the coastal marine area. Outside any **Area of Significant Conservation Value** this is a **discretionary** and **restricted coastal activity**. Within any Area of Significant Conservation Value this is a **non-complying** and **restricted coastal activity**.



## 1.5 Bores, wells, and drilling

People generally put down bores and wells so they can get to groundwater. But they also drill underground to sample the rock types or find bedrock for bridge piers or building foundations. Drilling a bore into shallow groundwater doesn't generally cause significant adverse effects unless the bore is not sealed well in which case pollutants travel down the sides of well into groundwater. But there are some areas in the Region, like the Hutt Valley, where the groundwater is flowing in gravels underneath confining layers of silt and clay. Water in these deeper aquifers is held under pressure (artesian) and if the confining layers of soil above them are punctured with too many holes the aquifer can lose pressure.

The rules controlling bore and well drilling are in the **Regional Freshwater Plan** and the **Regional Coastal Plan**. Being allowed to construct a bore does not automatically allow you to take water. In the Lower Hutt Groundwater Zone a water permit is required to take any water. Everywhere else, you need a water permit to take more than 20,000 litres a day (see "Water takes" activity page). The term **bore** is defined in the Regional Freshwater Plan.

### 1.5.1 Rules about bores, wells and drilling on dry land

**Rule 10** of the Regional Freshwater Plan **permits** drilling bores or wells less than five metres deep in the in the Waitohu, Otaki, Waikanae, Raumati/Paekakariki, Coastal, Upper Hutt, Mangaroa, or Pakuratahi Groundwater Zones, provided the activity complies with the conditions stated in the rule.

**Rule 11** of the Regional Freshwater Plan **permits** drilling bores less than five metres deep anywhere in the Region except the Waitohu, Otaki, Waikanae, Raumati/Paekakariki, Coastal, Upper Hutt, Mangaroa, or Pakuratahi Groundwater Zones, or in the Wairarapa. The rule does not require compliance with any conditions.

**Rule 12** of the Regional Freshwater Plan requires a land use consent to drill bores more than five metres deep anywhere in the Region except the Lower Hutt Groundwater Zone or the Wairarapa. This is a **controlled activity** provided the activity complies with the standards and terms stated in the rule.

**Rule 13** of the Regional Freshwater Plan requires a land use consent to drill bores more than five metres deep in the Lower Hutt Groundwater Zone. This is a **discretionary activity**.

**Rule 14** of the Regional Freshwater Plan requires a land use consent to drill bores anywhere in the Wairarapa. This is a **discretionary activity**.

**Rule 15** of the Regional Freshwater Plan requires a land use consent to drill bores anywhere in the Region, except the Lower Hutt Groundwater Zone or the Wairarapa, unless the activity is allowed by Rule 10 or 11, or is provided for and complies with Rule 12. This is a **discretionary activity**.



1.5.2 Rules about bores, wells and drilling in river beds

**Rule 10** of the Regional Freshwater Plan **permits** drilling bores or wells less than five metres deep in the in the Waitohu, Otaki, Waikanae, Raumati/Paekakariki, Coastal, Upper Hutt, Mangaroa, or Pakuratahi Groundwater Zones, provided the activity complies with the conditions stated in the rule.

**Rule 11** of the Regional Freshwater Plan **permits** drilling bores less than five metres deep anywhere in the Region except the Waitohu, Otaki, Waikanae, Raumati/Paekakariki, Coastal, Upper Hutt, Mangaroa, or Pakuratahi Groundwater Zones, or in the Wairarapa. The rule does not require compliance with any conditions.

**Rule 12** of the Regional Freshwater Plan requires a land use consent to drill bores more than five metres deep anywhere in the Region except the Lower Hutt Groundwater Zone or the Wairarapa. This is a **controlled activity** provided the activity complies with the standards and terms stated in the rule.

**Rule 13** of the Regional Freshwater Plan requires a land use consent to drill bores more than five metres deep in the Lower Hutt Groundwater Zone. This is a **discretionary activity**.

**Rule 14** of the Regional Freshwater Plan requires a land use consent to drill bores anywhere in the Wairarapa. This is a **discretionary activity**.

**Rule 15** of the Regional Freshwater Plan requires a land use consent to drill bores anywhere in the Region, except the Lower Hutt Groundwater Zone or the Wairarapa, unless the activity is allowed by Rule 10 or 11, or is provided for and complies with Rule 12. This is a **discretionary activity**.

Note that, if associated construction disturbs the bed of a river or lake, a land use consent is required by **Rule 49** of the Regional Freshwater Plan. This is a **discretionary activity**.

1.5.3 Rules about bores, wells and drilling in the coastal marine area

**Rule 32** of the Regional Coastal Plan permits any disturbance and damage of the foreshore and seabed associated with any drilling operation provided it does not interfere with the Hutt Valley Aquifer Zone and complies with the rule.

**Rule 37** and **Rule 38** of the Regional Coastal Plan require a coastal permit to excavate, drill, move or tunnel material in specified areas of the foreshore or seabed of the coastal marine area. These are both Discretionary and Restricted Coastal Activities.

**Rule 39** of the Regional Coastal Plan requires a coastal permit to excavate, drill, move or tunnel material in Areas of Significant Conservation Value in the coastal marine area. This is a Non-complying and Restricted Coastal Activity.





**Rule 40** and **Rule 42** of the Regional Coastal Plan require a coastal permit to excavate, drill, move or tunnel material in specified areas in the coastal marine area and not covered by any other specified rule. These are Discretionary Activities.



## 1.6 Bridges

Whether it's a footbridge over the stream at the bottom of the garden, or a rail bridge over the Hutt River, structures over rivers have to be authorised by the Council, either by a land use consent or a regional rule. This is because bridges can make flooding worse unless they are built with enough room for flood flows to pass underneath. Bridge piers can contribute to bank erosion if they are too close to river banks because they can steer the river flow into the bank.

All structures over the beds of rivers and lakes are controlled in the **Regional Freshwater Plan**. All structures over river estuaries and other coastal water are controlled in the **Regional Coastal Plan**.

### 1.6.1 Bridges and other structures over rivers and lakes

**Rule 22** of the Regional Freshwater Plan **permits** the maintenance, repair, replacement, extension, addition to, or alteration of any existing lawful structure provided the activity complies with the conditions stated in the rule. An “existing” structure is one that existed on 25 January 1997 (the date the Proposed Plan was publicly notified).

**Rule 25** of the Regional Freshwater Plan **permits** the placement and use of any river crossing (including any culvert, weir, ford or small bridge) that is fixed in, on, under, or over the bed of any intermittently flowing river or stream provided the activity complies with the conditions stated in the rule.

**Rule 31** of the Regional Freshwater Plan **permits** the erection and maintenance of bridges over rivers if they are less than six metres long and provided the activity complies with the conditions stated in the rule.

**Rule 43** of the Regional Freshwater Plan requires a land use consent to maintain, repair, replace, extend, add to, or alter any existing lawful structure not allowed as a permitted activity by Rule 22. This is a **controlled activity** provided the standards and terms in the rule are met.

**Rule 47** of the Regional Freshwater Plan requires a land use consent to place and use any bridge, culvert, weir, or ford across any river, except the mainstems of rivers specified in the rule. This is a **controlled activity** provided the standards and terms in the rule are met.

**Rule 49** of the Regional Freshwater Plan requires a land use consent for any activity that is not allowed by Rule 22, 25, or 31, or that doesn't meet the standards of Rule 43 or 47. This is a **discretionary activity**.



### 1.6.2 Bridges and other structures over the coastal marine area, including river estuaries

**Rule 6** of the Regional Coastal Plan **permits** the maintenance, repair, replacement, extension, addition to, or alteration of any existing lawful structure provided the activity complies with the conditions stated in the rule. An “existing” structure is one that existed on 29 June 1994 (the date the Proposed Plan was publicly notified).

**Rule 13** of the Regional Coastal Plan requires a **coastal permit** to maintain, repair, replace, extend, add to, or alter any existing lawful structure that is not allowed by Rule 6. An “existing” structure is one that existed on 29 June 1994 (the date the Proposed Plan was publicly notified). This is a **controlled activity** provided the standards and terms in the rule are met.

**Rule 25** of the Regional Coastal Plan requires a **coastal permit** to use or develop a structure outside any Area of Significant Conservation value and not specifically provided for in Rules 6 to 24, Rules 26 or 27. This is a **discretionary activity**.

**Rule 26** of the Regional Coastal Plan requires a **coastal permit** to use or develop a structure inside any Area of Significant Conservation value and not specifically provided for in Rules 6 to 25, Rules 26 or 27. This is a **non-complying activity**.



## 1.7 Cleanfills

As the name suggests, cleanfills can only accept clean “non-polluting” waste. This means that material like concrete, dirt, bitumen and some construction rubble is ok. Material like household rubbish, old timber, car wrecks, reinforcing steel or corrugated iron is not ok. Non-clean waste must be disposed of at a landfill.

Cleanfill operations don’t have problems with leachate, landfill gas, odour, rats and so on. This means that the Regional Council doesn’t require so many controls for them. Landfills must have discharge permits and the Regional Council requires them to make sure that contaminants in the waste do not leak out and pollute the environment, or affect people’s health.

Cleanfills are controlled in the **Regional Plan for Discharges to Land**. Discharges of dust associated with cleanfills are controlled in the **Regional Air Quality Management Plan**. The deposition of material in rivers and lakes is controlled in the **Regional Freshwater Plan**. The deposition of material in the coastal marine area is controlled in the **Regional Coastal Plan**.

### 1.7.1 Discharges to land

**Rule 1** of the Regional Plan for Discharges to Land **permits** the discharge of cleanfill to land provided no contaminant from the discharge will enter water.

**Rule 2** requires a discharge permit to discharge any contaminant to land unless the discharge is allowed by Rule 1. This is a **discretionary activity**.

**Rule 9** of the Regional Plan for Discharges to Land **permits** domestic and farm landfills, rubbish dumps and tips provided they comply with the conditions in the rule.

**Rule 10** of the Regional Plan for Discharges to Land requires a discharge permit for discharges of waste that is not cleanfill, and not allowed by Rule 9. This is a **discretionary activity**.

### 1.7.2 Discharges to air

**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for all waste transfer stations, and landfills that do not comply with the conditions in Rule 20. This is a **discretionary activity**. Rule 23 applies to **cleanfill** operations because they are specifically excluded from the definition of **landfill** and so are not covered by Rule 20.

### 1.7.3 Deposition in, on or under rivers and lakes

**Rule 49** of the Regional Freshwater Plan requires a land use consent to deposit any substance in, on or under the bed of a river or lake. This is a **discretionary activity**.



#### 1.7.4 Deposition in, on or under the foreshore or seabed

**Rule 47** of the Regional Coastal Plan requires a coastal permit to deposit any substance in, on or under the **foreshore** or seabed of the coastal marine area within any **Area of Significant Conservation Value**. This is a **Non-complying** and **restricted coastal activity**.

**Rule 48** of the Regional Coastal Plan requires a coastal permit to deposit any substance in, on or under the foreshore or seabed of the coastal marine area outside any **Area of Significant Conservation Value**. This is a **Discretionary Activity**.



## 1.8 Culverts, weirs, fords

Culverts built to channel a river under a road disturb the bed of the river and so are controlled by the Council. Culverts for artificial watercourses do not disturb the bed of a river, and are not controlled by the Council. These culverts may be controlled by territorial authorities in their district plans.

All activities in the beds of rivers and lakes are controlled in the **Regional Freshwater Plan**. This includes building culverts, fords and weirs over, under or on the bed of a river or lake.

### 1.8.1 Culverts, weirs, and fords in river and lake beds

**Rule 22** of the Regional Freshwater Plan **permits** the maintenance, repair, replacement, extension, addition to, or alteration of any existing lawful structure or any part of an existing lawful structure that is fixed in, on, under, or over the bed of any river or lake, provided the activity complies with conditions stated in the rule. An “existing” structure is one that existed on 25 January 1997 (the date the Proposed Plan was publicly notified).

**Rule 25** of the Regional Freshwater Plan **permits** the placement and use of any river crossing that is fixed in, on, under or over the bed of any intermittently flowing river or stream, provided the activity complies with conditions stated in the rule. This Rule allows a culvert, weir, ford or bridge across the stream. It does not allow the enclosing of a stream within a culvert that is not a river crossing.

**Rule 43** of the Regional Freshwater Plan requires a land use consent to maintain, repair, replace, extend, add to, or alter any existing lawful structure or any part of any existing lawful structure that is fixed in, on, under, or over the bed of any river or lake, unless the activity is allowed by Rule 22. This is a **controlled activity**, provided the activity complies with standards and terms stated in the rule. An “existing” structure is one that existed on 25 January 1997 (the date the Proposed Plan was publicly notified). If any standard is exceeded, the activity is controlled by Rule 49 (see above).

**Rule 47** of the Regional Freshwater Plan requires a land use consent to place and use any culvert, weir, or ford that crosses any river or stream unless the crossing is allowed by Rule 25 or 31. Some rivers are specifically excluded from this rule. This is a **controlled activity**, provided the activity complies with standards and terms stated in the rule. If any standard is exceeded, the activity is controlled by Rule 49 (see below). Rule 47 controls building culverts, weirs, fords and bridges across the stream. It does not provide for enclosing streams within a culvert that is not a river crossing. These require a land use consent under Rule 49.

**Rule 49** of the Regional Freshwater Plan requires a land use consent for all river and lake crossings unless they are allowed by Rule 22, 25, 31, or 35 or meet the standards of Rule 43 or 47. This is a **discretionary activity**.



## 1.9 Earthworks

The term “earthworks” includes many kinds of soil disturbance. Digging up and removing large amounts of soil, or simply moving it around can

- affect land stability
- accelerate erosion, and
- have adverse effects on water quality when soil is washed into rivers, lakes, or estuaries.

**Territorial authorities** are responsible for controlling the effects of the use and development of land. This includes controlling the effects of soil disturbance. Regional councils are responsible for controlling the use of land for the purpose of soil conservation, and for the purpose of maintaining and enhancing water quality, and water quantity.

To avoid unnecessary duplication, the Wellington Regional Council is only controlling large scale **soil disturbance** on steep land. These activities are controlled in the **Regional Soil Plan**. Any other activities involving earthworks are controlled by district rules in district plans. For a discussion of soil disturbance done in accordance with conditions on a subdivision consent issued by a territorial authority, see **Subdivision**.

### 1.9.1 Rules about earthworks

**Rule 1** of the Regional Soil Plan requires a land use consent for soil disturbance associated with formation or upgrade of roads and tracks, including skid sites and access ways (see the definition of **roading and tracking**). The rule only applies if the activity exceeds particular thresholds related to batter height and length of road stated in the rule. If the activity does not exceed those thresholds, no land use consent is required from the Regional Council, although a land use consent may be required from the relevant territorial authority. This is a **restricted discretionary activity**.

**Rule 2** requires a land use consent for soil disturbance on **erosion prone land**, other than soil disturbance associated with **roading and tracking** activities, and other than soil disturbance already authorised by a subdivision consent. The rule only applies if the activity exceeds particular thresholds stated in the rule. If the activity does not exceed those thresholds, no land use consent is required from the Regional Council, although a land use consent may be required from the relevant territorial authority. This is a **restricted discretionary activity**.



## 1.10 Entry or passage across rivers and lakes

You can do it in a car, you can do it on a horse, and you can do it on some skis, of course. In short, entry or passage across river and lake beds, and across the surface of the water, is allowed as of right. But unfortunately it's not quite as simple as that.

Passing across the surface of water is allowed as of right, unless there is a rule about it in a district plan. Check your local district plan for any restrictions.

If you are passing across the **bed** of a river or lake, you cannot disturb that bed. Any disturbance of the bed requires a land use consent unless it is specifically allowed by a rule in a regional plan.

To help clear it up, we have adopted a rule in our regional plan about “entry or passage”. If you are entering or passing over a river or lake on a bridge, weir or ford, see the separate activity page for **bridges, weirs and fords**.

### 1.10.1 Rules about entry or passage across rivers and lakes

**Rule 35** of the Regional Freshwater Plan **permits** “entry or passage” across the bed of any lake or river. This activity is allowed without the need to comply with any conditions. But unrestricted entry or passage does not mean you can “disturb” the bed of the river. This means that if you are passing across a river (for example, in a car or on a horse) there should be no disturbance of the bed of the river or lake that is more than minor. If there is, such as when a large number of trucks drive through a river, then a land use consent may be required under **Rule 49**, or you should construct a ford or bridge to avoid or mitigate the effects of the bed disturbance.





## 1.11 Forestry and logging

Forestry and logging usually involve the creation and maintenance of tracks, sometimes involve the disturbance of large volumes of soil and, by their nature, involve vegetation disturbance. On steep land, these activities can cause slips, increase sediment run off and accelerate erosion. Soil disturbance and vegetation clearance are controlled in the **Regional Soil Plan**.

Our regional rules about vegetation disturbance apply only to steep, erosion prone land. The terms **vegetation disturbance**, **soil disturbance**, and **erosion prone land** are all defined in the Regional Soil Plan.

Territorial authorities may have rules in their district plans restricting vegetation clearance on land that is not erosion prone.

### 1.11.1 Rules about vegetation disturbance

**Rule 3** of the Regional Soil Plan **permits** large scale vegetation disturbance on erosion prone land, provided the activity complies with conditions stated in the rule. If the vegetation doesn't cover more than one hectare or is not on erosion prone land, then it may be cleared without any conditions imposed by the Council. See your district plan for any conditions the district council may have adopted.

**Rule 4** of the Regional Soil Plan requires a land use consent for large scale vegetation disturbance on erosion prone land if the conditions in Rule 3 cannot be met. This is a **restricted discretionary activity**.

## 1.12 Gravel and shingle extraction

The Wellington Region has some excellent sources of gravel and shingle that can be quarried and used for things like road building and general construction. Some of the gravel sources are in the beds of rivers, some are near the coast, and some are inland. Adverse effects of taking gravel and shingle, and breaking it up to useful sizes, include objectionable dust on neighbouring properties, lowering the bed of the river, and muddying the water in rivers and at the coast.

The Council controls any excavation, drilling, tunnelling, or other disturbance of land

- in the coastal marine area (below the high tide mark)
- in the bed of a lake or river
- on erosion prone land

If the gravel and shingle extraction is done in the coastal marine area (below the line of mean high water springs) it is controlled in the **Regional Coastal Plan**.

Gravel and shingle extraction in the beds of lakes and rivers is controlled in the **Regional Freshwater Plan**.

If you want to extract gravel or shingle from land outside the bed of a river or lake, and inland of the coastal marine area, and it involves large scale soil disturbance on erosion prone land, it is controlled in the **Regional Soil Plan**. District plans can restrict gravel extraction or quarrying on any land outside river and lakes, so check those plans for any rules.

Discharges of dust to air associated with gravel extraction are controlled in the **Regional Air Quality Management Plan** unless it's in the coastal marine area, in which case it's controlled in the Regional Coastal Plan.

### 1.12.1 Gravel or shingle extraction in the coastal marine area

The Regional Coastal Plan contains six rules controlling extraction of gravel from **foreshores** and the seabed. No sand, shell or shingle can be taken without a coastal permit. If the extraction causes an associated discharge of dust to air, an additional coastal permit is required. The rules apply seaward of the line of mean high water springs (below the high tide mark).

Within **Areas of Significant Conservation Value**, gravel and shingle extraction is a **non-complying activity** controlled by **Rule 39** or **Rule 43** of the Regional Coastal Plan. Any discharge of dust associated with the activity is a **non-complying activity** under **Rule 72**.

Outside **Areas of Significant Conservation Value**, gravel and shingle extraction is a **discretionary activity** controlled by **Rule 37**, or **Rule 38**, or **Rule 40**, or **Rule 42** of the Regional Coastal Plan, depending on the amount of shingle extracted. Any discharge of dust associated with the activity is a **discretionary activity** under **Rule**



**71.** Dredging less than 300,000 cubic metres of sand, shell or shingle from the Hutt River mouth is a **discretionary activity** under **Rule 41**.

#### 1.12.2 Discharges to air associated with gravel and shingle extraction

**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for the discharge of dust and other contaminants to air associated with any extraction, quarrying, and mining of minerals that is part of an **industrial or trade process** taking place outside the bed of a river. This is a **discretionary activity**.

**Rule 10** of the Regional Air Quality Management Plan **permits** the discharge of dust and other contaminants to air associated with any extraction, quarrying, and mining of minerals provided the activity is not part of an **industrial or trade process** and takes place outside the bed of a lake or river.

Discharges to air associated with gravel and shingle extraction inside the bed of a river are not restricted under the Regional Air Quality Management Plan. Any effects on air quality associated with these extractions are controlled in the Regional Freshwater Plan.

#### 1.12.3 Gravel or shingle extraction from the bed of a river or lake

**Rule 38** of the Regional Freshwater Plan **permits** the extraction of up to 15 cubic metres of gravel per year from any river bed, provided the extraction complies with conditions specified in the rule. Up to fifty cubic metres may be extracted if the person taking the gravel owns the river bed.

**Rule 49** of the Regional Freshwater Plan requires a land use consent for any extraction of gravel from a river or lake bed if the extraction is not permitted by Rule 38. This is a **discretionary activity**.

#### 1.12.4 Gravel or shingle extraction not in the coastal marine area and not in the bed of any river or lake

**Rule 2** of the Regional Soil Plan requires a land use consent for the disturbance of more than 1,000 cubic metres of gravel, soil etc, on **erosion prone land**, unless the disturbance is associated with **roading or tracking**, or is controlled by conditions on a subdivision consent issued by the territorial authority. This is a **restricted discretionary activity**.

Contact the relevant district or city council for information about gravel and shingle extractions that are not on erosion prone land. See the Kapiti Coast District Plan, the Porirua City District Plan, the Wellington City District Plan, the Hutt City District Plan, the Upper Hutt District Plan, the South Wairarapa District Plan, the Carterton District Plan, or the Masterton District Plan.



### 1.13 Jetties, wharves, breakwaters and seawalls

Wharves, jetties, breakwaters and seawalls are structures fixed in, on, under or over the foreshore or seabed. The erection, construction, placement, alteration, removal, or demolition of any structure anywhere in the **coastal marine area** is controlled in the **Regional Coastal Plan**.

If the structure is above the line of mean high water springs, it is not in the coastal marine area. Structures outside the coastal marine area are controlled by rules in district plans. See the Kapiti Coast District Plan, the Porirua City District Plan, the Wellington City District Plan, the Hutt City District Plan, the Upper Hutt District Plan, the South Wairarapa District Plan, the Carterton District Plan, or the Masterton District Plan.

#### 1.13.1 Structures built or used in the coastal marine area

**Rule 6** of the Regional Coastal Plan **permits** the maintenance, repair, replacement, extension, addition or alteration of any existing lawful structure, or any part of an existing lawful structure that is fixed in, on, under or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed, provided the activity complies with conditions stated in the rule. “Existing” means existing on existing at 29 June 1994 (the date the Proposed Plan was publicly notified).

**Rule 7** of the Regional Coastal Plan **permits** the removal or demolition of any structure, or any part of a structure that is fixed in, on, under or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed, provided the activity complies with conditions stated in the rule.

**Rule 8** of the Regional Coastal Plan **permits** the erection or placement of any temporary structure, or any part of a temporary structure that is fixed in, on, under or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed, provided the activity complies with conditions stated in the rule.

**Rule 10** of the Regional Coastal Plan **permits** the undertaking of any activity on any structure, or any part of a structure that is fixed in, on, under or over any foreshore or seabed, provided the activity complies with conditions stated in the rule.

**Rule 13** of the Regional Coastal Plan requires a coastal permit to maintain, repair, replace, add to or alter any existing lawful structure, or any part of an existing lawful structure that is fixed in, on, under or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed not allowed by rules 6 to 12. This is a **controlled activity** provided the activity complies with the standards and terms stated in the rule.

Within any **Area of Significant Conservation Value**,

- **Rule 21** requires a coastal permit for any activity involving the erection of a structure that impounds or effectively contains eight hectares or more of the coastal marine area



- **Rule 22** requires a coastal permit for the erection of a structure that is solid, extends more than 1,000 metres more or less parallel to the line of mean high water springs
- **Rule 23** requires a coastal permit for the erection of a structure that is solid, extends obliquely or perpendicular in horizontal projection to the line of mean high water springs, is more than 1,000 metres in length.

These are all **non-complying activities** and **restricted coastal activities**.

Outside any **Area of Significant Conservation Value**,

- **Rule 17** requires a coastal permit for any activity involving the erection of a structure that impounds or effectively contains eight hectares or more of the coastal marine area
- **Rule 18** requires a coastal permit for the erection of a structure that is solid, and extends more than 1,000 metres more or less parallel to the line of mean high water springs
- **Rule 19** requires a coastal permit for the erection of a structure that is solid, extends obliquely or perpendicular in horizontal projection to the line of mean high water springs, is more than 1,000 metres in length.

These are all **discretionary activities** and **restricted coastal activities**.

**Rule 25** requires a coastal permit for activities involving the use and development of structures and not specifically provided for in another rule. This is a **discretionary activity**.

## 1.14 Landfills, rubbish dumps and tips

The disposal of refuse and rubbish can result in discharges of contaminants to land, air (dust and gases), or water. Discharges to land are controlled in the **Regional Plan for Discharges to Land**. Discharges to air from landfills (dust, landfill gas, odour) are controlled in the **Regional Air Quality Management Plan**. Discharges of stormwater from landfill sites, or diversions of water around landfills, are controlled in the **Regional Freshwater Plan**. For **cleanfills**, see the separate activity page.

### 1.14.1 Discharges to land

**Rule 9** of the Regional Plan for Discharges to Land **permits** discharges to land at farm and domestic dumps, provided the discharge complies with conditions stated in the rule.

**Rule 10** requires a discharge permit for all landfills, rubbish dumps and tips that do not comply with the conditions in Rule 9, or are not farm or domestic dumps. This is a **discretionary activity**.

### 1.14.2 Discharges to air (dust, landfill gas, odour)

**Rule 20** of the Regional Air Quality Management Plan **permits** the discharge of contaminants to air from farm and domestic landfills provided the discharge complies with conditions stated in the rule.

**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for all waste transfer stations, and for landfills that do not comply with the conditions in Rule 20. This rule also applies to **cleanfill** operations. This is a **discretionary activity**.

### 1.14.3 Stormwater from landfills

**Rule 3** of the Regional Freshwater Plan requires a discharge permit for discharges of stormwater from landfills to water because such stormwater contains hazardous substances in the leachate. This is a **controlled activity** provided the discharge complies with the standards and terms stated in the rule. If the stormwater does not contain drainage from an area where hazardous substances are stored or used or there is an interceptor in place to collect hazardous contaminants or divert contaminated stormwater to a trade waste system, this is permitted activity in accordance with **Rule 2**.

**Rule 5** of the Regional Freshwater Plan requires a discharge permit for all discharges to water unless the discharge is of water, minor contaminants, or stormwater. This is a **discretionary activity**.

## 1.15 Marine dumping, including scuttling a boat

If you want to scuttle a boat, this is called “dumping”. If you want to dredge the marina and put the dredged sand somewhere else at sea, this is also called dumping. In fact, any solid waste that is deliberately disposed into the sea is called dumping.

Dumping anything into the sea from a **ship**, boat (or any other kind of craft), aircraft or offshore installation is controlled by regional councils under the **Resource Management (Marine Pollution) Regulations 1998**. These are national regulations established by the Ministry for the Environment on 20 August 1998, and administered by regional councils.

Anything that is disposed of, deliberately or not, from shore to coastal water or land in the coastal marine area, is controlled in the Regional Coastal Plan. See sections 2.1.6 and 3.6 below.

### 1.15.1 Dumping into the sea from ships, aircraft and offshore installations

**Section 4** of the Resource Management (marine pollution) Regulations requires a coastal permit to dump certain things into the sea from any **ship**, aircraft, or offshore installation. These things are

- (a) Dredge material:
- (b) Sewage sludge:
- (c) Fish processing waste from an onshore facility:
- (d) Ships and platforms or other man-made structures at sea:
- (e) Inert, inorganic geological material:
- (f) Organic materials of natural origin:
- (g) Bulky items consisting mainly of iron, steel, and concrete.

This is a **Discretionary Activity**.

**Section 4** of the Resource Management (marine pollution) Regulations **prohibits** people from dumping waste or other matter things into the sea from any ship, aircraft, or offshore installation unless the waste or other matter is something specified in that section (see above), or in **section 8** (oil spill clean ups), **section 9** (oil from ships), **section 10** (some noxious liquid substances), **section 11** and **section 12** (sewage from ships and offshore installations), **section 13** (garbage), **section 14** (ballast water) or **section 15** (associated with normal operations of a ship or offshore installation). All these other discharges must comply with conditions stated in the section.

These regulations came into force on 20 August 1998.



## 1.16 Moorings, including swing moorings

Moorings are structures fixed in, on, or under the foreshore or seabed to attach boats to. They can also be fixed in, on, or under the bed of a river or lake.

The erection, construction, placement, alteration, removal, or demolition of any structure in the **coastal marine area** is controlled in the **Regional Coastal Plan**. The erection, construction, placement, alteration, removal, or demolition of any structure in the **bed** of a river or lake is controlled in the **Regional Freshwater Plan**.

### 1.16.1 Structures in the coastal marine area

**Rule 15** of the Regional Coastal Plan requires a coastal permit to place any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed for the sole purpose of swing mooring a vessel. This is a **controlled activity** provided the discharge complies with the standards and terms stated in the rule.

**Rule 16** of the Regional Coastal Plan **permits** the maintenance, repair, replacement, extension, addition or alteration of any existing lawful structure, or any part of an existing lawful structure that is fixed in, on, under or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed, provided the activity complies with conditions stated in the rule. “Existing” means existing on 29 June 1994 (the date the Proposed Plan was publicly notified).

**Rule 7** of the Regional Coastal Plan **permits** the removal or demolition of any structure, or any part of a structure that is fixed in, on, under or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed, provided the activity complies with conditions stated in the rule.

**Rule 8** of the Regional Coastal Plan **permits** the erection or placement of any temporary structure, or any part of a temporary structure that is fixed in, on, under or over any foreshore or seabed, including any associated disturbance of the foreshore or seabed, provided the activity complies with conditions stated in the rule.

Outside any **Area of Significant Conservation Value**, **Rule 25** of the Regional Coastal Plan requires a coastal permit for activities involving the use and development of structures and not specifically provided for in another rule. This is a **discretionary activity**.

Within any **Area of Significant Conservation Value**, **Rule 26** of the Regional Coastal Plan requires a coastal permit for activities involving the use and development of structures and not specifically provided for in another rule. This is a **non-complying activity**.

### 1.16.2 Structures in rivers and lakes

**Rule 33** of the Regional Freshwater Plan **permits** the removal or demolition of structures fixed in, on, under or over the bed of a river or lake provided the activity complies with conditions stated in the rule.





**Rule 43** of the Regional Freshwater Plan requires a land use consent to maintain, repair, replace, extend, add to, or alter any structure that lawfully existed on 25 January 1997 (the date the proposed plan was publicly notified). This is a **controlled activity** provided it complies with the standards and terms specified in the rule.

**Rule 49** of the Regional Freshwater Plan requires a land use consent to use the bed of any river or lake in any way that is not provided for by one of rules 22 to 48. None of these rules specifically provide for moorings. This is a **discretionary activity**.



## 1.17 Roading and tracking

Building roads and tracks can cause slips above and below the road. The construction activity can make watercourses muddy, and create dust nuisance. The likelihood of creating these effects mostly depends on the type of soil, and how steep the land is. The steeper the land, the more carefully engineered the road or track should be to avoid or decrease the likelihood of creating these effects. The Regional Council only requires land use consents for road construction on steep sites because this is where there is the highest risk of adverse effects.

Roading and tracking is controlled in the **Regional Soil Plan**. The term **roading and tracking** is defined in the Regional Soil Plan.

**Rule 1** of the Regional Soil Plan requires a land use consent for soil disturbance associated with formation or upgrade of roads and tracks, including skid sites and access ways, if the activity exceeds particular thresholds (related to the steepness of the land) stated in the rule. This is a **restricted discretionary activity**. This rule does not apply if the roading or tracking is already authorised by a subdivision consent from the district or city council. If the activity does not exceed those thresholds, no land use consent is required from the Regional Council, although a land use consent may be required from the district or city council.



## 1.18 Sewage treatment and disposal, including septic tanks

Sewage treatment and disposal can result in discharges of contaminants to land, air (spray droplets, odour), fresh water or coastal water. Depending on the degree of treatment, sewage can harm people and the environment because it contains germs, nutrients, and stuff that's not completely broken down.

Discharges to land are controlled in the **Regional Plan for Discharges to Land**. Discharges to fresh water are controlled in the **Regional Freshwater Plan**. Discharges to coastal water are controlled in the **Regional Coastal Plan**. Discharges to air associated with sewage treatment and disposal are controlled in the **Regional Air Quality Management Plan**. Discharges of sewage from ships and offshore installations are controlled in the **Resource Management (Marine Pollution) Regulations, 1998**.

### 1.18.1 Discharges to land

**Rule 3** of the Regional Plan for Discharges to Land **permits** discharges from sewer pipes and pumps provided the activity complies with conditions stated in the rule.

**Rule 5** of the Regional Plan for Discharges to Land **permits** discharges from pit latrines provided the activity complies with conditions stated in the rule.

**Rule 6** of the Regional Plan for Discharges to Land **permits** the discharge of aerobically treated sewage (such as from package plants) into or onto land provided the activity complies with conditions stated in the rule.

**Rule 7** of the Regional Plan for Discharges to Land **permits** the discharge of sewage from septic tanks and other domestic systems into, but not onto, land provided the activity complies with conditions stated in the rule.

**Rule 8** of the Regional Plan for Discharges to Land requires a discharge permit for all discharges of sewage to land, no matter how well it is treated, unless it is allowed by Rule 3, Rule 5, Rule 6 or Rule 7. This is a **discretionary activity**. Note that because discharges of composted sewage sludge are not specifically provided for, they require a discharge permit under this rule.

### 1.18.2 Discharges to air associated with sewage treatment and disposal

**Rule 21** of the Regional Air Quality Management Plan **permits** the discharge of contaminants to air from

- on-site sewage treatment and disposal; and
- the conveyancing of sewage through sewerage systems; and
- sewage pumping stations

subject to compliance with conditions stated in the rule.



**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for all discharges to air from sewage treatment and disposal unless the discharge is allowed by Rule 21.

#### 1.18.3 Discharges to fresh water

Every discharge of sewage to water requires a discharge permit in accordance with **Rule 5** of the Regional Freshwater Plan. This is a **discretionary activity**.

#### 1.18.4 Discharges to coastal water (except from vessels)

**Rule 58** of the Regional Coastal Plan requires a coastal permit to discharge human sewage onto land or into water in the coastal marine area outside any Area of Significant Conservation Value. This rule does not apply to discharges from vessels. This is a **discretionary and restricted coastal activity**.

**Rule 60** of the Regional Coastal Plan requires a coastal permit to discharge human sewage onto land or into water in the coastal marine area within any Area of Significant Conservation Value. This rule does not apply to discharges from vessels. This is a **non-complying and restricted coastal activity**.

#### 1.18.5 Discharges to coastal water from ships and offshore installations

Discharges from **ships** and offshore installations are controlled by the **Resource Management (Marine Pollution) Regulations**, which came into force on 20 July 1998. The regulations apply to every kind of ship, whether or not it has any means of propulsion. The regulations apply to all coastal waters of New Zealand.

**Section 11** of the Resource Management (Marine Pollution) Regulations **prohibit** discharges of untreated sewage from ships and offshore installations to coastal water within 500 metres of a marine farm. This regulation ceased having effect on 1 July 2000. From 1 July 2000, untreated sewage can only be discharged from ships and other crafts more than 500 metres from a marine farm, **and** more than 500 from shore and in water depths greater than 5 metres.

**Section 12** of the Resource Management (Marine Pollution) Regulations **permits** discharges of **treated sewage** from ships and offshore installations to coastal water provided the discharge is more than 100 metres of a marine farm.



## 1.19 Spray painting

Spray painting includes the spray application of paint, paint solvents, varnish, lacquer, dyes, metal oxides, adhesive coatings, elastomer coatings, stains and polishes. Spray painting can result in problems of over-spray, dust, and solvent fumes having adverse effects on the environment. Spray painting is controlled by regional rules in the **Regional Air Quality Management Plan**.

### 1.19.1 Discharges to air

**Rule 15** of the Regional Air Quality Management Plan **permits** spray painting from a stationary source at a rate of less than 30 litres (or 30 kg) and not exceeding 3 litres (or 3 kg) per hour, spray painting at any rate from a mobile source, and discharges from the stoving of enamel or baking and drying of other coating materials, subject to compliance with conditions stated in the rule. Rule 15 does not apply to the spray application of materials that contain di-isocyanates.

**Rule 14** of the Regional Air Quality Management Plan **permits** spray painting with materials containing di-isocyanates or organic plastiscisers, subject to compliance with conditions stated in the rule and provided the di-isocyanate is used at a rate of less than 10 litres (or 10 kg) per day and less than 3 litres (or 3 kg) per hour.

**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit for any spray painting unless the discharge is allowed by Rule 14 or Rule 15. This is a **discretionary activity**.

## 1.20 Stopbanks and flood ways

Stopbanks are continuous mounds of earth built near rivers to stop water from the river flooding nearby land. Americans call them levees. They may look like grassy banks, but they are actually constructed according to very specific engineering designs. When the river is in flood, they need to be able to contain the floodwaters without collapsing.

When a river isn't in flood, which is most of the time, floodways are used as recreational areas, like parks or golf courses. During a flood they need all the space in the floodway to carry the flow otherwise floodwater might spill over the stopbanks and get into people's homes. Too many trees or buildings on a floodway can take up valuable space and slow down or block the flow of floodwater.

Tree roots and rabbit tunnels in stopbanks can create weak places where water can break through and make the stopbank collapse. People can damage stopbanks by riding bikes on them, or digging holes through them for pipelines.

The Council has adopted rules to stop people damaging stopbanks or blocking floodways without specific authorisation. These rules are in the Transitional Regional Plan for the Wellington Region. All these rules were developed before the Resource Management Act, 1991 came into force and will apply until they are formally withdrawn.

### 1.20.1 Plants and structures on flood ways

Section 4.17 of **RP 24** of the Transitional Regional Plan requires a land use consent to plant trees or any other plants in a **floodway**. This is a **discretionary activity**. This rule applies to the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These are the areas that used to be under the control of the Wellington Regional Water Board.

Section 4.22 of **RP 24** of the Transitional Regional Plan requires a land use consent to place or build any house, shed, fence or other structure in a floodway. This is a **discretionary activity**. This rule applies to the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These are the areas that used to be under the control of the Wellington Regional Water Board.

Section 2.5.2 of **RP 25** of the Transitional Regional Plan requires a land use consent to plant willows or other trees in a **floodway** where they will obstruct the flow of water or make it hard to maintain the watercourse or floodway. This is a **discretionary activity**. This rule applies in the part of the Wellington Region that used to be under the control of the Wairarapa Catchment Board and Masterton Regional Water Board.



### 1.20.2 Activities on and damage to stopbanks

Section 4.23 of **RP 24** of the Transitional Regional Plan requires a land use consent to erect, alter or remove any stopbank. This is a **discretionary activity**. This rule applies to the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These are the areas that used to be under the control of the Wellington Regional Water Board.

Section 4.28 of **RP 24** of the Transitional Regional Plan requires a land use consent to drive vehicles or ride horses on stopbanks owned or controlled by the Regional Council. This is a **discretionary activity**. This rule applies to the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These are the areas that used to be under the control of the Wellington Regional Water Board.

Section 2.7.1 of **RP 25** of the Transitional Regional Plan requires a land use consent to drive vehicles or allow livestock onto any stopbank. This is a **discretionary activity**. This rule applies in the part of the Wellington Region that used to be under the control of the Wairarapa Catchment Board and Masterton Regional Water Board.

Section 6 of **RP 26** the Transitional Regional Plan requires a land use consent to erect, construct, alter, add to, or demolish a stopbank. This is a **discretionary activity**. This rule applies the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These areas used to be under the control of the Manawatu Catchment Board.

Section 8 of **RP 26** the Transitional Regional Plan requires a land use consent to drive vehicles or stock on a stopbank, except a stopbank crossing. This is a **discretionary activity**. This rule applies the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These areas used to be under the control of the Manawatu Catchment Board.

### 1.20.3 Stopbank construction

Section 4.23 of **RP 24** of the Transitional Regional Plan requires a land use consent to erect, alter or remove any stopbank. This is a **discretionary activity**. This rule applies to the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These are the areas that used to be under the control of the Wellington Regional Water Board.

Section 6 of **RP 26** the Transitional Regional Plan requires a land use consent to erect, construct, alter, add to, or demolish a stopbank. This is a **discretionary activity**. This rule applies the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. These areas used to be under the control of the Manawatu Catchment Board.



## 1.21 Stormwater

Stormwater is the runoff from rural or urban areas. Fallen rain becomes “rural runoff” in the countryside, and “stormwater” in the towns. Both rural runoff and urban stormwater pick up pollutants along the way and deposit them in river estuaries and at stormwater outlets. While rural runoff pollutants are largely “natural” (like nutrients and bugs from animal manure), dirt and grime from city streets and buildings can be very harmful to the environment.

Stormwater does not go to the sewer. Stormwater is carried through stormwater pipes or channels and discharged into nearby rivers or the sea without any treatment. If it is discharged into a calm environment, like Wellington harbour or the Pauatahanui Inlet, then the dirt and debris carried with the stormwater builds up. Even “clean” dirt can be harmful if it builds up in a marine environment because it can smother the sandy seabed. But dirt carried by urban stormwater is not clean. It is generally contaminated with heavy metals picked up along the way from roofs, guttering, and roads, as well as oils and rubbish from roads and industrial yards. The toxic levels of stormwater dirt can be just as bad, or worse, than toxic levels in sewage sludge.

Stormwater discharged to rivers, lakes and artificial watercourses is controlled in the **Regional Freshwater Plan**. Stormwater discharged to the coastal marine area is controlled in the **Regional Coastal Plan**. Stormwater discharged to land is controlled in the **Regional Plan for Discharges to Land**.

Discharges into stormwater drains are also controlled under the Resource Management Act, 1991. These discharges are controlled in the **Regional Plan for Discharges to Land**.

### 1.21.1 Discharges to coastal water

**Rule 53** of the Regional Coastal Plan **permits** discharges of stormwater to coastal water, provided the discharge complies with conditions stated in the rule.

Outside **Areas of Significant Conservation Value**, **Rule 61** of the Regional Coastal Plan requires a coastal permit for stormwater discharges that do not comply with the conditions of Rule 53. This is a **discretionary activity**.

Within **Areas of Significant Conservation Value**, **Rule 62** of the Regional Coastal Plan requires a coastal permit for stormwater discharges that do not comply with the conditions of Rule 53. This is a **non-complying activity**.

### 1.21.2 Discharges to fresh water (rivers, lakes and artificial watercourses)

**Rule 2** of the Regional Freshwater Plan **permits** stormwater discharges to surface water provided the discharge complies with conditions stated in the rule.

**Rule 3** of the Regional Freshwater Plan requires a discharge permit for stormwater discharges that do not comply with conditions (1) or (2) of Rule 2. This is a





**controlled activity** provided the discharge complies with the standards and terms stated in the rule.

**Rule 5** of the Regional Freshwater Plan requires a discharge permit for stormwater discharges that are not allowed by Rule 2, or do not meet the standards of Rule 3. This is a **discretionary activity**.

### 1.21.3 Discharges to land

**Rule 1** of the Regional Plan for Discharges to Land **permits** discharges of stormwater **into** stormwater pipes if the pipe then discharges to surface water. This is because discharges from the pipe into surface water are controlled by rules in the Regional Coastal Plan and the Regional Freshwater Plan (see above).

**Rule 3** of the Regional Plan for Discharges to Land **permits** discharges of stormwater to land provided the discharge complies with conditions stated in the rule.

**Rule 2** of the Regional Plan for Discharges to Land requires a discharge permit for any stormwater discharge to land that does not comply with Rule 3. This is a **discretionary activity**.



## 1.22 Subdivision

Subdivision is the division of one allotment into parts, each with separate certificates of title, or the lease or sale of part of an allotment. Subdivision is not controlled by regional councils.

Subdivision is regulated in district plans, and subdivision consents are authorised by territorial authorities. For rules about subdivision, see the Kapiti Coast District Plan, the Porirua City District Plan, the Wellington City District Plan, the Hutt City District Plan, the Upper Hutt District Plan, the South Wairarapa District Plan, the Carterton District Plan, or the Masterton District Plan.

Subdivision consents may have conditions attached to them relating to avoiding, remedying or mitigating adverse effects of any development, for example earthworks, associated with the subdivision. To avoid duplication between what territorial authorities regulate and what we regulate, the regional rules about roading and tracking do not apply to people who have a subdivision consent with conditions about roading or tracking.

Some activities associated with subdivision, such as soil disturbance and vegetation clearance; discharges from sewage treatment systems; and abstractions of water, are controlled by regional councils. The Wellington Regional Council has controlled these activities in the **Regional Soil Plan**, the **Regional Freshwater Plan**, and the **Regional Plan for Discharges to Land**.

For information about activities related to subdivision that are controlled by regional councils, see the following activity pages—

- Roading and tracking
- Vegetation removal
- Sewage treatment and disposal
- Stormwater
- Water takes

**Subdivision** is defined in section 218 of the Resource Management Act, 1991.



### 1.23 Vegetation removal (scrub clearance etc)

Clearing large areas of vegetation exposes the soil and makes it vulnerable to erosion. If the exposed soil is washed into rivers and lakes it can have adverse effects on water quality and aquatic habitat. If vegetation is burnt off, the smoke can cause significant effects on the environment, particularly if smoke affects visibility on roads.

Except when contaminants are discharged to air, such as when vegetation is burnt, regional councils can only restrict vegetation clearance in a regional plan if the restriction is necessary to promote soil conservation, or the restriction is necessary to maintain or enhance water quality or water quantity. Our regional rules about vegetation disturbance don't distinguish between whether the vegetation is native or exotic forest, or scrub covered hills. They only distinguish between whether it's a small amount or a large amount of vegetation being disturbed.

Vegetation removal and disturbance is controlled in the **Regional Air Quality Management Plan** and the **Regional Soil Plan**. Rules in the Regional Soil Plan apply only to vegetation disturbance on erosion prone land.

District plans contain rules controlling vegetation disturbance on all types of land. See the Kapiti Coast District Plan, the Porirua City District Plan, the Wellington City District Plan, the Hutt City District Plan, the Upper Hutt District Plan, the South Wairarapa District Plan, the Carterton District Plan, or the Masterton District Plan.

#### 1.23.1 Burn-offs

**Rule 18** of the Regional Air Quality Management Plan **permits** the discharge of contaminants to air from burn-offs associated with land clearance, provided the activity complies with conditions stated in the rule.

**Rule 23** of the Regional Air Quality Management Plan requires a discharge permit to discharge contaminants to air from burn-offs associated with land clearance if the conditions in Rule 18 cannot be met. This is a **discretionary activity**.

#### 1.23.2 Other vegetation removal and disturbance

**Rule 3** of the Regional Soil Plan **permits** large scale vegetation disturbance on erosion prone land, provided the activity complies with conditions stated in the rule. If the vegetation doesn't cover more than one hectare or is not on erosion prone land, then it may be cleared without any conditions imposed by the Council. See your district plan for any conditions the district council may have adopted.

**Rule 4** of the Regional Soil Plan requires a land use consent for vegetation disturbance on erosion prone land if the conditions in Rule 3 cannot be met. This is a **restricted discretionary activity**.



## 1.24 Water takes

No one is allowed to take water from an artificial watercourse, river, lake, or wetland, or from an aquifer or any other groundwater resource, unless their abstraction is allowed by a rule in a regional plan, or they have a water permit. The exemptions in the Resource Management Act, 1991 that allow people to take fresh water for their reasonable domestic needs, or for the reasonable needs of an individual's animals for drinking water do not apply once rules have been adopted in a regional plan.

We have adopted rules allowing water takes in the **Regional Freshwater Plan** and the **Regional Coastal Plan**. Drilling a **bore** to take water may require a land use permit (see “bores, wells and drilling” activity page).

### 1.24.1 Taking fresh water

**Rule 7** of the Regional Freshwater Plan **permits** the abstraction of less than 20,000 litres (20 cubic metres) of water per day at a rate of no more than 2.5 litres per second, provided the abstraction complies with the conditions stated in the rule. The rule applies to surface water and groundwater, except groundwater in the **Lower Hutt Groundwater Zone**.

**Rule 16** of the Regional Freshwater Plan requires a water permit for all abstractions unless the abstraction is allowed by Rule 7 or restricted by Rule 19. This is a **discretionary activity**.

**Rule 19** of the Regional Freshwater Plan requires a water permit to take water from the Lower Hutt Groundwater Zone if the take causes the total abstraction from the aquifer to be more than 32,850,000 cubic metres per year. This is a **non-complying activity**.

### 1.24.2 Taking coastal water

**Rule 73** of the Regional Coastal Plan **permits** the taking of any amount of coastal water, provided it is not taken from a river, stream, estuary, lake or aquifer in the coastal marine area. The activity must comply with conditions stated in the rule.

**Rule 74** of the Regional Coastal Plan **permits** the taking of any amount of coastal water from anywhere in the coastal marine area provided it is taken for the operational needs of vessels, and complies with conditions stated in the rule.

**Rule 75** of the Regional Coastal Plan requires a coastal permit to take up to 3,000 cubic metres of coastal water per day from those parts of the Otaki, Waikanae, or Hutt Rivers, or their estuaries, that are in the coastal marine area, or any part of Lake Onoke. This is a **controlled activity** provided the discharge complies with the standards and terms stated in the rule.

**Rule 76** and **Rule 77** of the Regional Coastal Plan require a coastal permit to take water from anywhere in the coastal marine area unless the abstraction is allowed by Rule 73, 74, or 75 (see above). Rule 76 (**discretionary activity**) applies outside any



Area of Significant Conservation Value, and Rule 77 (**non-complying activity**) applies within any **Area of Significant Conservation Value**.



## 1.25 Wetlands

A “wetland” can be a swamp, or a bog, or a river or lake margin. The land might be wet with fresh water, brackish water, or sea water. Sometimes it might not be wet at all. Wetlands are not useful farmland and you can’t build a house on them. But it is a matter of National Importance to preserve the natural character of wetlands from inappropriate subdivision, use and development (see section 6 of the Resource Management Act, 1991). Why? Here’s a few reasons.

In river systems wetlands act like giant sponges and absorb water during heavy rain, acting as a natural method of flood control. On shorelines and river margins they can reduce the energy of waves, currents or other erosive forces. On river and lake margins they can filter out sediment that would otherwise get carried into the water when it’s raining. And probably most importantly, they are full of native plants and animals and there’s not many wetlands left.

Wetland is defined in the Resource Management Act, 1991 as *includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.*

Regional rules in the **Regional Freshwater Plan** control —

- taking, using, damming or diversion of water from a wetland
- disturbing the bed of a wetland (if it is part of a river or lake)
- discharging contaminants into water in a wetland.

Some rules in the Regional Freshwater Plan specifically apply to wetlands; others do not distinguish between wetlands and other surface water bodies.

### 1.25.1 Damming and diverting water in a wetland

**Rule 8** in the Regional Freshwater Plan **permits** the damming and diversion of water by existing lawful structures. This rule applies to all water, except coastal water and geothermal water. Compliance with this rule is not subject to any conditions except that the structure must have lawfully existed on 25 January 1997 (the date the Plan was publicly notified).

**Rule 9** in the Regional Freshwater Plan **permits** the diversion of less than 1.5 cubic metres per second of water from an intermittently flowing stream provided the diversion complies with conditions stated in the rule. This rule also allows diversions from a wetland if the wetland is part of a stream.

**Rule 18** in the Regional Freshwater Plan requires a water permit to divert water from any wetland with a high degree of natural character (listed in Part A or B of **Appendix 2** of that Plan). This is a **non-complying activity**.

**Rule 16** in the Regional Freshwater Plan requires a water permit to dam or divert any water in or from a wetland unless the diversion is allowed by Rule 8 or Rule 9, and provided it is not specifically restricted by Rule 18. This is a **discretionary activity**.



### 1.25.2 Disturbing the bed of a wetland

**Rule 50** in the Regional Freshwater Plan requires a land use permit to reclaim the bed of any wetland with a high degree of natural character (listed in Part A or B of **Appendix 2** of that Plan). This is a **non-complying activity**.

**Rule 51** in the Regional Freshwater Plan **prohibits** the reclamation of the bed of Lake Wairarapa. No resource consent can be granted for this activity.

**Rules 22 to 49** in the Regional Freshwater Plan control activities in the beds of lakes and rivers. If the wetland could be called a lake or river under the Resource Management Act, 1991, these rules will apply.

### 1.25.3 Discharges to wetlands

**Rule 6** in the Regional Freshwater Plan requires a discharge permit for the discharge of water or contaminants to water in a wetland with a high degree of natural character (listed in Part A or B of **Appendix 2** of that Plan). This is a **non-complying activity**.

**Rule 1** in the Regional Freshwater Plan **permits** discharges of water and minor contaminants to wetlands without a high degree of natural character (not listed in Part A or B of **Appendix 2** of that Plan) provided the discharge complies with conditions stated in the rule.

**Rule 2** in the Regional Freshwater Plan **permits** discharges of stormwater to wetlands provided the discharge complies with conditions stated in the rule. Although this rule is not subject to Rule 6, which restricts discharges to wetlands with a high degree of natural character (listed in Part A or B of **Appendix 2** of that Plan), Rule 6 is more specific than this rule, and so over-rides this rule.

**Rule 3** in the Regional Freshwater Plan requires a discharge permit for discharges of stormwater to wetlands if the stormwater contains drainage from stockyards or areas where hazardous substances are stored. This is a **controlled activity** provided the discharge complies with the standards and terms stated in the rule.

**Rule 5** in the Regional Freshwater Plan requires a discharge permit for any discharges to wetlands other than discharges controlled by Rules 1, 2, 3, or 6. This is a **discretionary activity**.

### 1.25.4 Taking water from a wetland

The rules applying to abstractions of water from wetlands depend whether it is in the coastal marine area or inland. See “Water takes” activity page.

## 2. Searching according to the regional plan

### 2.1 Regional Coastal Plan

The Regional Coastal Plan contains objectives policies and methods (including rules) relating to activities in the coastal marine area. The coastal marine area is all the land and water on the seaward side of the line of mean high water springs out to a distance of 12 nautical miles. The line of mean high water springs is the average of the high tides that happen just after every new moon and every full moon. You can often recognise it by a line of seaweed and driftwood on the beach. Twelve nautical miles is 22.2 kilometres. The coastal marine area also extends up rivers for a distance of one kilometre or five times the width of the river, whichever is the lesser. The boundaries for major rivers in the Region are defined in maps in both the Regional Coastal Plan and the Regional Freshwater Plan.

The Regional Coastal Plan contains 86 rules relating to activities on and disturbance of the foreshore and seabed, structures, taking, using, damming and diverting water, and discharging contaminants to land, air or water. The types of rules are grouped below.

#### 2.1.1 Reclamation and draining of the foreshore and seabed

| <b>Type of activity</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Large Reclamations outside the Commercial Port Area  | Rule 1      | Discretionary and restricted coastal activity |
| Large Reclamations within the Commercial Port Area   | Rule 2      | Discretionary and restricted coastal activity |
| Reclamations in Areas of Significant Conservation Value  | Rule 3      | Non-complying and restricted coastal activity |
| Other activities reclaiming or draining foreshore or seabed  | Rule 4      | Discretionary activity                        |
| Other activities reclaiming or draining the foreshore or seabed within areas of significant conservation value | Rule 5      | Non-complying activity                        |





## 2.1.2 Structures in, on, under or over the foreshore or seabed

| <b>Type of activity</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Maintenance, repair, replacement, extensions, additions and alterations to structures                              | Rule 6      | Permitted Activity                            |
| Removal or demolition of structures  | Rule 7      | Permitted Activity                            |
| Temporary structures   | Rule 8      | Permitted Activity                            |
| Navigation aids for shipping   | Rule 9      | Permitted Activity                            |
| Activities in or on structures   | Rule 10     | Permitted Activity                            |
| Occupation by structures of land of the Crown or any related part of the coastal marine area                       | Rule 11     | Permitted Activity                            |
| Cargo and passenger handling equipment   | Rule 12     | Permitted Activity                            |
| Maintenance, repair, replacement, extensions, additions and alterations to structures                              | Rule 13     | Controlled Activity                           |
| Removal or demolition of structures  | Rule 14     | Controlled Activity                           |
| Placement of swing moorings  | Rule 15     | Controlled Activity                           |
| Structures which impound or effectively contain the coastal marine area  | Rule 17     | Discretionary and restricted coastal activity |
| Structures more or less parallel to mean high water springs  | Rule 18     | Discretionary and restricted coastal activity |
| Structures oblique or perpendicular to mean high water springs   | Rule 19     | Discretionary and restricted coastal activity |
| Structures used in the petroleum and chemical industry   | Rule 20     | Discretionary and restricted coastal activity |
| Structures which impound or effectively contain the coastal marine area in Areas of Significant Conservation Value | Rule 21     | Non-complying and restricted coastal activity |
| Structures more or less parallel to mean high water springs in Areas of Significant Conservation Value             | Rule 22     | Non-complying and restricted coastal activity |
| Structures oblique or perpendicular to mean high water springs in Areas of Significant Conservation Value          | Rule 23     | Non-complying and restricted coastal activity |
| Structures used in the petroleum and chemical industry in Areas of Significant Conservation Value                  | Rule 24     | Non-complying and restricted coastal activity |

| <b>Type of activity</b>   | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| All remaining activities involving the use and development of structures outside any Area of Significant Conservation Value | Rule 25     | Discretionary Activity |
| All remaining activities involving the use and development of structures in Areas of Significant Conservation Value         | Rule 26     | Non-complying Activity |
| The use of any boat shed for residential purposes and non- water based activities which do not require a coastal location   | Rule 27     | Non-complying Activity |

### 2.1.3 Destruction, damage, disturbance of the foreshore or seabed

| <b>Type of activity</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
| Clearance of piped stormwater outfalls  | Rule 28     | Permitted Activity                            |
| Beach grooming and re-contouring  | Rule 29     | Permitted Activity                            |
| River and stream mouth cutting  | Rule 30     | Permitted Activity                            |
| Launching, retrieval, navigation, and mooring of vessels  | Rule 31     | Permitted Activity                            |
| Drilling  | Rule 32     | Permitted Activity                            |
| Maintenance dredging within the Commercial Port Area or Lambton Harbour Development Area  | Rule 33     | Permitted Activity                            |
| River and stream mouth cutting  | Rule 34     | Controlled Activity                           |
| Dredging for river management purposes  | Rule 35     | Controlled Activity                           |
| Maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area  | Rule 36     | Controlled Activity                           |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle outside the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance Area or Hutt River Mouth     | Rule 37     | Discretionary and restricted coastal activity |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc), including any removal of sand, shell or shingle within the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance Area, or Hutt River Mouth Area | Rule 38     | Discretionary and restricted coastal activity |
| Disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc.), including any removal of sand, shell or shingle in Areas of Significant Conservation   | Rule 39     | Non-complying and restricted coastal activity |



| <b>Type of activity</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
| Value   |             |   |
| Other activities involving the destruction, damage, or disturbance of foreshore or seabed outside Areas of Significant Conservation Value                           | Rule 40     | Discretionary Activity                        |
| Dredging in the Hutt River mouth area for river mouth management purposes including any removal of sand, shell or shingle   | Rule 41     | Discretionary Activity                        |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc.) including the removal of sand, shell or shingle or other material                   | Rule 42     | Discretionary Activity                        |
| Other activities involving the destruction, damage or disturbance in Areas of Significant Conservation Value  | Rule 43     | Non-complying Activity                        |
| 2.1.4 Deposition of substances on foreshore or seabed   |             |   |
| Wind blown sand   | Rule 44     | Permitted Activity                            |
| Beach nourishment   | Rule 45     | Controlled Activity                           |
| Deposition of large volumes of substances   | Rule 46     | Controlled Activity                           |
| Deposition of substances in Areas of Significant Conservation Value   | Rule 47     | Non-complying and restricted coastal activity |
| Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed outside Areas of Significant Conservation Value | Rule 48     | Discretionary Activity                        |
| Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed in Areas of Significant Conservation Value      | Rule 49     | Non-complying Activity                        |
| 2.1.5 Introduction or planting of exotic plants in, on, or under the foreshore or seabed  |             |   |
| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b>                         |
| Species which are already established in the area   | Rule 50     | Discretionary Activity                        |
| Species not already established in the area   | Rule 51     | Non-complying and restricted coastal activity |

| <b>Type of activity (Regional Coastal Plan)</b> | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| Spartina  | Rule 52     | Prohibited Activity   |

#### 2.1.6 Discharges to land and water

| <b>Type of activity</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Stormwater   | Rule 53     | Permitted Activity                            |
| Operational needs of ships   | Rule 54     | Permitted Activity                            |
| Other discharges from ships  | Rule 55     | Permitted Activity                            |
| Other discharges of water  | Rule 56     | Permitted Activity                            |
| Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value | Rule 57     | Discretionary and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value                       | Rule 58     | Discretionary and Restricted Coastal Activity |
| Discharges (other than human sewage) with significant adverse effects within any Area of Significant Conservation Value  | Rule 59     | Non-complying and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value                        | Rule 60     | Non-complying and Restricted Coastal Activity |
| Other activities involving discharges to land and water outside Areas of Significant Conservation Value                  | Rule 61     | Discretionary Activity                        |
| Other activities involving discharges to land and water in Areas of Significant Conservation Value                       | Rule 62     | Non-complying Activity                        |

#### 2.1.7 Discharges to air

| <b>Type of activity</b>  | <b>Rule</b> | <b>Classification</b>                |
|--|-------------|--------------------------------------|
| Operational needs of ships   | Rule 63     | Permitted Activity                   |
| Operational needs of the port  | Rule 64     | Permitted Activity                   |
| Construction and maintenance of structures   | Rule 65     | Permitted Activity                   |
| Venting of drainage systems  | Rule 66     | Permitted Activity                   |
| Flaring of hydrocarbons  | Rule 67     | Permitted Activity                   |
| Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value | Rule 68     | Discretionary and Restricted Coastal |



| <b>Type of activity</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
|   |             | Activity                                      |
| Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value | Rule 69     | Non-complying and Restricted Coastal Activity |
| Open burning of cables, cars etc  | Rule 70     | Prohibited Activity                           |
| Discharges from industrial or trade premises outside Areas of Significant Conservation Value      | Rule 71     | Discretionary Activity                        |
| Discharges to air in areas of Significant Conservation Value                                      | Rule 72     | Non-complying Activity                        |

#### 2.1.8 Taking, use, damming and diverting or water

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Takes or uses of water (except in any river, stream, estuary or lake within the coastal marine area)   | Rule 73     | Permitted Activity     |
| Operational needs of ships (taking and using)  | Rule 74     | Permitted Activity     |
| Minor takes or uses from significant rivers or lakes in the coastal marine area                        | Rule 75     | Controlled Activity    |
| Other taking, use, damming, or diversions of water outside any Areas of Significant Conservation Value | Rule 76     | Discretionary Activity |
| Other taking, use, damming, or diversion of water in Areas of Significant Conservation Value           | Rule 77     | Non-complying Activity |

#### 2.1.9 Any other surface water and foreshore activities

| <b>Type of activity (Regional Coastal Plan)</b>                           | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| General surface water and foreshore activities                            | Rule 78     | Permitted Activity     |
| Special events - horse races  | Rule 79     | Permitted Activity     |
| Temporary military training activities                                    | Rule 80     | Permitted Activity     |
| Motor vehicles, motorcycles, trailers and land yachts on beaches          | Rule 81     | Permitted Activity     |
| Motor vehicles, motorcycles, trailers and land yachts on Titahi Bay Beach | Rule 82     | Prohibited Activity    |
| Motor vehicles, motorcycles, trailers and land yachts on beaches          | Rule 83     | Discretionary Activity |
| Other activities on foreshore or seabed outside any                       | Rule 85     | Discretionary Activity |

| <b>Type of activity (Regional Coastal Plan)</b>                                    | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Area of Significant Conservation Value   |             |                        |
| Other activities on foreshore or seabed in Areas of Significant Conservation Value | Rule 86     | Non-complying Activity |



## 2.2 Regional Air Quality Management Plan

The Regional Air Quality Management Plan was made operative on 8 May, 2000. The Plan addresses discharges of contaminants to air that are restricted by section 15 (1)(c) and (2) of the Resource Management Act, 1991. Before this plan became operative the transitional provisions in section 418 of the RMA allowed many discharges to continue without any need for a discharge permit unless the discharge had previously been restricted under the Schedules to the Clean Air Act, or was associated with waste treatment, transfer and disposal.

The Plan contains 23 rules regulating discharges of contaminants to air. They are described below.

| <b>Type of discharge</b>   | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Agrichemical spray and powder application (land based)                       | Rule 1      | Permitted Activity     |
| Agrichemical spray and powder application (aerial application)               | Rule 2      | Permitted Activity     |
| Fumigation   | Rule 3      | Permitted Activity     |
| Agricultural effluent and other on-farm processes                            | Rule 4      | Permitted Activity     |
| Processing of animal and plant matter  | Rule 5      | Permitted Activity     |
| Small combustion engines, heating and electrical generation processes        | Rule 6      | Permitted Activity     |
| Combustion engines, heating and electrical generation processes              | Rule 7      | Controlled Activity    |
| Processing, storage and transfer and flaring of hydrocarbons and biogas      | Rule 8      | Permitted Activity     |
| Fuel conversion processes  | Rule 9      | Discretionary Activity |
| Mineral extraction and the sorting and storage of powdered and bulk products | Rule 10     | Permitted Activity     |
| The drying and heating of minerals   | Rule 11     | Permitted Activity     |
| Metal production and processing  | Rule 12     | Permitted Activity     |
| Chemical processes   | Rule 13     | Permitted Activity     |
| Use of Small Quantities of Di-isocyanates, or organic plasticisers           | Rule 14     | Permitted Activity     |
| Coating processes (including spray painting)                                 | Rule 15     | Permitted Activity     |
| Abrasive blasting processes (mobile and stationary)                          | Rule 16     | Permitted Activity     |
| Cooling towers/ventilation   | Rule 17     | Permitted Activity     |
| Burn-offs and burning associated with land                                   | Rule 18     | Permitted Activity     |



| <b>Type of discharge</b>                                  | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| clearance   |             |                        |
| Burning not associated with land clearance                | Rule 19     | Permitted Activity     |
| Landfilling and composting                                | Rule 20     | Permitted Activity     |
| Sewage and trade waste conveyance and treatment processes | Rule 21     | Permitted Activity     |
| Miscellaneous processes                                   | Rule 22     | Permitted Activity     |
| General rule  | Rule 23     | Discretionary Activity |





## 2.3 Regional Soil Plan

The Regional Soil Plan was made operative on 9 October 2000. The Plan contains rules about soil disturbance and vegetation clearance. Any activity involving soil disturbance and vegetation clearance that is not covered by one of these rules is allowed as right, unless it involves drilling a bore, in which case it is controlled in the Regional Freshwater Plan.

The rules in the Regional Soil Plan regulate soil disturbance and vegetation clearance on erosion prone land. Erosion prone land is defined in the Plan as all land in Area 1 with a slope greater than 23 degrees, and all land in Area 2 with a slope greater than 28 degrees.

Area 1 is the area of land within the Wellington Regional Council's jurisdiction that extends:

- east of the Ruamahanga River to the east coast; and
- west of State Highway 1 to the west coast, north of Pukerua Bay.

Area 2 is the area of land within the Wellington Regional Council's jurisdiction where:

- the eastern boundary is the Ruamahanga River; and
- the western boundary is the west coast south of Pukerua Bay and State Highway 1 north of Pukerua Bay.

The rule numbers, their classification, and what they apply to, are listed below.

| <b>Soil disturbance</b>  | <b>Rule</b> | <b>Classification</b>             |
|--|-------------|-----------------------------------|
| Roading and tracking   | Rule 1      | Restricted Discretionary Activity |
| Disturbance of more 1,000 cubic metres of soil on erosion prone land                                 | Rule 2      | Restricted Discretionary Activity |
| <br>   |             |                                   |
| <b>Vegetation clearance</b>  | <b>Rule</b> | <b>Classification</b>             |
| Clearing more than one hectare on erosion prone land   | Rule 3      | Permitted Activity                |
| Clearing more than one hectare on erosion prone land and not complying with the conditions of Rule 3 | Rule 4      | Restricted Discretionary Activity |



## 2.4 Regional Plan for Discharges to Land

The Regional Plan for Discharges to Land was made operative on 17 December 1999. The Plan addresses discharges to land in terms of Sections 15(1)(b) and (d) and 15(2) of the Resource Management Act, 1991, and the Council’s functions under Section 30 (1)(f) of the Act. Unless specifically stated otherwise, the rules in the Plan apply to discharges to land irrespective of the source of the discharge. For example, discharges of sewage on-site may be from an industrial or trade premise, or a domestic premise, and discharges of agricultural effluent may be from a travelling irrigator or a stationary source.

The Regional Plan for Discharges to Land contains 22 rules about the discharge of contaminants to land. The rule numbers, their classification, and what they cover, are listed below.

### 2.4.1 Activities not covered by other rules

|   |        |                        |
|---|--------|------------------------|
| Discharges not entering water in a river, lake, wetland, farm drain, water supply race or aquifer | Rule 1 | Permitted Activity     |
| Discharges into or onto land not otherwise provided for by a rule in the Plan                     | Rule 2 | Discretionary Activity |

### 2.4.2 Greywater and stormwater

|                                     |        |                    |
|-------------------------------------|--------|--------------------|
| Stormwater and reticulation systems | Rule 3 | Permitted Activity |
| Greywater                           | Rule 4 | Permitted Activity |

### 2.4.3 Sewage

|  |        |                        |
|--|--------|------------------------|
| Pit latrines                           | Rule 5 | Permitted Activity     |
| Aerobically treated sewage             | Rule 6 | Permitted Activity     |
| On-site sewage onto or into land       | Rule 7 | Permitted Activity     |
| All other discharges of human effluent | Rule 8 | Discretionary Activity |

### 2.4.4 Landfills, rubbish dumps and tips

|  |         |                        |
|--|---------|------------------------|
| Domestic and farm waste disposal and composting                          | Rule 9  | Permitted Activity     |
| All other refuse disposal including at landfills, rubbish dumps and tips | Rule 10 | Discretionary Activity |



## 2.4.5 Agricultural Contaminants

|  |         |                     |
|--|---------|---------------------|
| Offal pits and silage                            | Rule 11 | Permitted Activity  |
| Fertiliser                                       | Rule 12 | Permitted Activity  |
| Effluent from dairies, piggyeries, poultry farms | Rule 13 | Controlled Activity |
| Stock dip effluent                               | Rule 14 | Permitted Activity  |

## 2.4.6 Hazardous Substances

|   |         |                        |
|---|---------|------------------------|
| Specified hazardous substances                            | Rule 15 | Non-complying Activity |
| Land-based applications of pesticides as solids or pastes | Rule 16 | Permitted Activity     |
| Aerial applications of pesticides as solids or pastes     | Rule 17 | Controlled Activity    |
| Discharges associated with roading and other sealed areas | Rule 18 | Permitted Activity     |
| Water treatment plant waste                               | Rule 19 | Controlled Activity    |
| Waste oil   | Rule 20 | Discretionary Activity |
| On-site discharges from contaminated sites                | Rule 21 | Permitted Activity     |
| Removal of material from contaminated sites               | Rule 22 | Controlled Activity    |

## 2.5 Regional Freshwater Plan

The Regional Freshwater Plan was made operative on 17 December 1999. The Plan addresses:

- the values identified in sections 6, 7, and 8 (Part II) of the Resource Management Act, 1991 which people and communities hold in relation to fresh water;
- the Council's function to avoid or mitigate natural hazards in relation to flooding, identified in section 30(1)(c)(iii) of the Act; and
- the central activities relating to fresh water identified in sections 13, 14 and 15 of the Act. With respect to section 15 of the Act, the rules in the Plan relate only to section 15(1)(a) of the Act. Discharges to land that may enter water (those restricted by section 15(1)(b) of the Act) are covered in the Regional Plan for Discharges to Land.

The Regional Freshwater Plan contains 51 rules about all activities relating to fresh water, both under and over the ground. This includes discharging water or contaminants into water, taking, using damming and diverting water, and activities in the beds of lakes and rivers. The rule numbers, their classification, and what they cover, are listed below.

### 2.5.1 Discharges to fresh water

| <b>Type of discharge</b>  | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| Discharges of water and minor contaminants  | Rule 1      | Permitted Activity     |
| Stormwater discharges   | Rule 2      | Permitted Activity     |
| Stormwater discharges   | Rule 3      | Controlled Activity    |
| Discharges to groundwater which are contaminated only by heat                                   | Rule 4      | Controlled Activity    |
| All remaining discharges to fresh water   | Rule 5      | Discretionary Activity |
| Discharges to wetlands, lakes and rivers, with surface water to be managed in its natural state | Rule 6      | Non-complying Activity |

### 2.5.2 Taking, using, damming, diverting fresh water

| <b>Type of water use</b>                                       | <b>Rule</b> | <b>Classification</b> |
|--|-------------|-----------------------|
| Minor abstractions   | Rule 7      | Permitted Activity    |
| Damming and diversion of water by existing structures          | Rule 8      | Permitted Activity    |
| Minor diversion of water from an intermittently flowing stream | Rule 9      | Permitted Activity    |



| <b>Type of water use</b>  | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| Shallow drilling (restricted)   | Rule 10     | Permitted Activity     |
| Shallow drilling (unrestricted)   | Rule 11     | Permitted Activity     |
| Bore/well construction  | Rule 12     | Controlled Activity    |
| Bore/well construction below five metres in the Lower Hutt Groundwater Zone   | Rule 13     | Discretionary Activity |
| Bore/well construction in the Wairarapa constituency of the Region  | Rule 14     | Discretionary Activity |
| Bore/well construction other than in the Lower Hutt Groundwater Zone or the Wairarapa constituency of the Region, and not provided for in Rules 10, 11, 12, 13 and 14 | Rule 15     | Discretionary Activity |
| Taking, use, damming or diversion of water, or the transfer to another site of any water permit to take or use water  | Rule 16     | Discretionary Activity |
| Damming water in rivers with a high degree of natural character   | Rule 17     | Non-complying Activity |
| Diverting water from wetlands with a high degree of natural character   | Rule 18     | Non-complying Activity |
| Taking more than 32.85 million cubic metres per year water from the Lower Hutt Groundwater Zone   | Rule 19     | Non-complying Activity |
| Minimum operating level for the Lower Hutt Groundwater Zone   | Rule 20     | Environmental Standard |
| Minimum operating level for the Moroa Groundwater Zone  | Rule 21     | Environmental Standard |

### 2.5.3 Activities in the beds of lakes and rivers

| <b>Type of Activity</b>   | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| Maintenance, repair, replacement, extensions, additions and alterations to structures (excluding extensions of linear rock protection and over head cables) | Rule 22     | Permitted Activity    |
| Extensions of existing linear rock protection   | Rule 23     | Permitted Activity    |
| Placement of vegetative bank protection structures  | Rule 24     | Permitted Activity    |
| Culverts, weirs, fords and small bridges in intermittently flowing streams  | Rule 25     | Permitted Activity    |
| Small dams  | Rule 26     | Permitted Activity    |
| Sediment retention weirs in intermittently flowing  | Rule 27     | Permitted Activity    |



| <b>Type of Activity</b>   | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| streams   |             |                        |
| Laying pipes, ducts, and cables across intermittently flowing streams                 | Rule 28     | Permitted Activity     |
| Staff gauges  | Rule 29     | Permitted Activity     |
| Fences  | Rule 30     | Permitted Activity     |
| Small bridges   | Rule 31     | Permitted Activity     |
| Overhead cables   | Rule 32     | Permitted Activity     |
| Removal or demolition of structures   | Rule 33     | Permitted Activity     |
| Activities in or on structures  | Rule 34     | Permitted Activity     |
| Entry or passage  | Rule 35     | Permitted Activity     |
| Clearance of flood debris from rivers and lakes                                       | Rule 36     | Permitted Activity     |
| “Beach” recontouring  | Rule 37     | Permitted Activity     |
| Minor sand and gravel extraction  | Rule 38     | Permitted Activity     |
| Maintenance of drains   | Rule 39     | Permitted Activity     |
| Removal of vegetation   | Rule 40     | Permitted Activity     |
| Planting  | Rule 41     | Permitted Activity     |
| Urgent works  | Rule 42     | Permitted Activity     |
| Maintenance, repair, replacement, extensions, additions and alterations to structures | Rule 43     | Controlled Activity    |
| Removal or demolition of structures   | Rule 44     | Controlled Activity    |
| Cables  | Rule 45     | Controlled Activity    |
| Pipelines   | Rule 46     | Controlled Activity    |
| Culverts, weirs, fords, and bridges in rivers and streams                             | Rule 47     | Controlled Activity    |
| Placement of impermeable erosion protection structures                                | Rule 48     | Controlled Activity    |
| All remaining uses of river and lake beds   | Rule 49     | Discretionary Activity |
| Reclamation of the beds of lakes or rivers, excluding Lake Wairarapa                  | Rule 50     | Non-complying Activity |
| Reclamation of the bed of Lake Wairarapa  | Rule 51     | Prohibited Activity    |

## 2.6 Transitional Regional Plan

The Transitional Regional Plan, which became operative on 1 October 1991, carries over some provisions that existed because of legislation repealed by the Resource Management Act, 1991. The contents of a Transitional Regional Plan are:

- Local water conservation notices
- Water classifications
- Maximum and minimum flows and minimum water quality standards
- General Authorisations
- Some bylaws relating to river control, soil conservation, and land drainage.

These provisions are the same as regional rules, and can be changed by the same process as regional rules prepared under the Resource Management Act, 1991. The Council changed the Transitional Regional Plan on 7 March 1998. The effect of the change was to remove all transitional rules that had been superseded by some of the regional plans prepared by the Wellington Regional Council. This Plan change became operative on 23 January 1999.

Since the Regional Freshwater Plan and Regional Plan for Discharges to Land became operative on 19 December 1999, some of the remaining rules in the Transitional Regional Plan have also been superseded. The rules that have not been formally deleted or changed, and that have not been superseded by any rule in the Regional Freshwater Plan are listed and described below.

| <b>Type of activity</b>   | <b>Rule</b>  | <b>Classification</b>     |
|---|--------------|---------------------------|
| The Wellington Regional Water Board Bylaws 1976 (Parts 1, 4, 5, 6, and 8), relating to structures, vegetation disturbance, and planting in watercourses and floodways | Rule<br>RP24 | Discretionary<br>Activity |
| Wairarapa Catchment Board and Regional Water Board Bylaws 1979, relating to structures, vegetation disturbance, and planting in watercourses and floodways            | Rule<br>RP25 | Discretionary<br>Activity |
| Manawatu Catchment Board Bylaw 1967, relating to activities affecting stopbanks   | Rule<br>RP26 | Discretionary<br>Activity |
| Manawatu Catchment Board Bylaw No 1, relating to private drains and stopbanks   | Rule<br>RP27 | Discretionary<br>Activity |

RP 24 applies to all land previously under the jurisdiction of the Wellington Regional Water Board. This is the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream.



RP 25 applies to land previously under the jurisdiction of the Wairarapa Catchment Board.

RP 26 and RP 27 apply to land in the area previously under the jurisdiction of the Manawatu Catchment Board that is within the boundaries of the Wellington Regional Council. This is the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream.





## 3. Searching by categories in the Resource Management Act, 1991

### 3.1 Introduction

Part Three of the Resource Management Act 1991 (the Act) contains people's duties and restrictions under the Act. These restrictions are broadly categorised into the use of land (section 9), use of the coastal marine area (section 12), uses of beds of lakes and rivers (section 13), taking, using, damming and diverting water, including water in the coastal marine area (section 14), and discharging contaminants into water, land, and air, including water, land and air in the coastal marine area (section 15).

This chapter of the Guide follows these same broad categories to help you find your way around the Council's regional plans. This will allow you to find out if any particular activity is allowed or restricted by a regional rule.

### 3.2 Restrictions on uses of land (Section 9 of the Act)

Section 9 of the Act applies to land on the landward side of the coastal marine area (above the line of mean high water springs). Both regional councils and district councils can adopt rules about the use of land.

If your activity involves a kind of use of land described in 3.2.1 to 3.2.6 below, then you should check your local District Plan as well as these regional rules. Section 9 (3) of the Act provides that any use of land is allowed as of right, unless that use is specifically restricted in a district plan or a regional plan. Section 9 (4) of the Act defines the various "uses" of land that section 9(3) provides for.

#### 3.2.1 Any use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the land

The use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the land are "uses" of land described in subsection 9 (4)(a) of the Resource Management Act, 1991. The presumption of section 9 is permissive.

The only rules relating to the types of uses described in subsection 9 (4)(a) are in the Transitional Regional Plan. This means you may use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the land (not including land in the coastal marine area or land in the bed of any river or lake) unless you are specifically restricted by a regional rule in that Plan.

Check your district plan because these uses of land may also be restricted by district rules.



RP 24 applies to all land previously under the jurisdiction of the Wellington Regional Water Board. This is the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream. RP 26 applies to all land previously under the jurisdiction of the Manawatu Catchment Board and within the boundaries of the Wellington Regional Council. This is the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream.

| <b>Type of activity (Transitional Regional Plan)</b>                       | <b>Rule</b>          | <b>Classification</b>  |
|--|----------------------|------------------------|
| Deposition, placement or building of structures on a floodway              | 4.22 of RP24         | Discretionary Activity |
| Erection, alteration, addition or removal of stopbank or dam               | 4.23 to 4.25 of RP24 | Discretionary Activity |
| Erection, construction, alteration, addition or demolition of any stopbank | 6.1 to 6.4 of RP26   | Discretionary Activity |

### 3.2.2 Excavation, drilling, tunnelling, or other disturbance of the land

Excavation, drilling, tunnelling, or other disturbance of the land are “uses” of land described in subsection 9 (4)(b) of the Resource Management Act, 1991. The presumption of section 9 is permissive.

This means you may excavate, drill, tunnel, or otherwise disturb land (not including land in the coastal marine area or land in the bed of any river or lake) unless it is restricted by a regional rule.

Check your district plan because these uses of land may also be restricted by district rules.

| <b>Type of activity (Regional Soil Plan)</b>                         | <b>Rule</b> | <b>Classification</b>               |
|--|-------------|-------------------------------------|
| Roading and tracking   | Rule 1      | Permitted Activity                  |
| Disturbance of more 1,000 cubic metres of soil on erosion prone land | Rule 2      | Discretionary Activity (restricted) |

| <b>Type of activity (Regional Freshwater Plan)</b>                          | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| Shallow drilling (restricted)   | Rule 10     | Permitted Activity     |
| Shallow drilling (unrestricted)   | Rule 11     | Permitted Activity     |
| Bore/well construction  | Rule 12     | Controlled Activity    |
| Bore/well construction below five metres in the Lower Hutt Groundwater Zone | Rule 13     | Discretionary Activity |
| Bore/well construction in the Wairarapa                                     | Rule 14     | Discretionary          |



| <b>Type of activity (Regional Freshwater Plan)</b>  | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| constituency of the Region  |             | Activity               |
| Bore/well construction other than in the Lower Hutt Groundwater Zone or the Wairarapa constituency of the Region, and not provided for in Rules 10, 11, 12, 13 and 14 | Rule 15     | Discretionary Activity |

### 3.2.3 Destruction, damage or disturbance of habitats of plants

Destruction, damage or disturbance of habitats of plants are “uses” of land described in section 9 (4)(c) of the Resource Management Act, 1991. The presumption of section 9 is permissive.

This means you may destroy, damage, or disturb the habitats of plants or animals in, on, or under the land (not including land in the coastal marine area or land in the bed of any river or lake), unless the activity is restricted by a regional rule.

Check your district plan because these uses of land may also be restricted by district rules.

| <b>Type of activity (Regional Soil Plan)</b>       | <b>Rule</b> | <b>Classification</b>               |
|--|-------------|-------------------------------------|
| Vegetation disturbance on erosion prone land       | Rule 3      | Permitted Activity                  |
| Other vegetation disturbance on erosion prone land | Rule 4      | Discretionary Activity (restricted) |

### 3.2.4 Deposit of any substance in, on, or under the land

Depositing any substance in, on, or under the land are “uses” of land described in subsection 9 (4)(d) of the Resource Management Act, 1991. The presumption of section 9 is permissive.

The only rule relating to the types of uses described in subsection 9 (4)(d) is in the Transitional Regional Plan. This means you may deposit any substance in, on, or under the land (not including land in the coastal marine area or land in the bed of any river or lake) unless you are specifically restricted by a regional rule. Check your district plan because these uses of land may also be restricted by district rules.

This section of the Act does not override restrictions on **discharges of contaminants** to land, which are restricted by section 15 of the Act. See section 3.6 below.

| <b>Type of activity (Transitional Regional Plan)</b> | <b>Rule</b>  | <b>Classification</b>  |
|--|--------------|------------------------|
| Deposition in a floodway                             | 4.22 of RP24 | Discretionary Activity |



RP 24 applies to all land previously under the jurisdiction of the Wellington Regional Water Board. This is the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream.

3.2.5 Any entry on to, or passing across, the surface of water in any lake or river

Entry on to, or passing across, the surface of water in any lake or river are “uses” of land described in subsection 9 (4)(da) of the Resource Management Act, 1991. The presumption of section 9 is permissive.

Controlling the effects of activities in relation to the surface of water in rivers and lakes is a function of territorial authorities. This means that these activities may only be restricted by district rules, so check your local district plan for any restrictions.

There are no rules in any of our regional plans relating to the types of uses described in subsection 9 (4)(da). This means that you may enter on to, or pass across, the surface of water in any lake or river without getting a resource consent from the Regional Council or complying with any regional rule.

3.2.5 Any other use of land

Section 9 (4)(e) of the Resource Management Act, 1991 allows regional and district councils to restrict “any other use land”. The presumption of section 9 is permissive.

This means you may use land in any way unless it is specifically restricted by a rule described in section 3.2.1 to 3.2.4 above, and provided you are not specifically restricted by one of the regional rules below. The only rules restricting a use of land (not including land in the coastal marine area or land in the bed of any river or lake) not otherwise described above are in the Transitional Regional Plan. Check your district plan because these uses of land may also be restricted by district rules.

RP 24 applies to all land previously under the jurisdiction of the Wellington Regional Water Board. This is the western part of the Wellington Region except for the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream.

RP 26 applies to all land previously under the jurisdiction of the Manawatu Catchment Board and within the boundaries of the Wellington Regional Council. This is the catchments of the Waikanae River, the Mangaone Stream, the Otaki River, the Waitohu Stream, and the Whareroa Stream.

| <b>Type of activity (Transitional Regional Plan)</b> | <b>Rule</b>  | <b>Classification</b>  |
|--|--------------|------------------------|
| Driving vehicles or riding horses on stopbanks       | 4.28 of RP24 | Discretionary Activity |



| <b>Type of activity (Transitional Regional Plan)</b>  | <b>Rule</b>   | <b>Classification</b>  |
|---|---------------|------------------------|
| Driving vehicles or riding horses on scenic ways set aside by the Wellington Regional Water Board | 4.29 of RP24  | Discretionary Activity |
| Riding bicycles on stopbanks and river berms owned by the Wellington Regional Water Board         | 4.30 of RP24  | Discretionary Activity |
| Planting trees, shrubs or other plants in a floodway  | 4.17 of RP24  | Discretionary Activity |
| Planting trees in a floodway  | 2.5.2 of RP25 | Discretionary Activity |
| Driving vehicles or stock on stopbanks in land of the Manawatu Catchment Board                    | 8 of RP26     | Discretionary Activity |



### 3.3 Restrictions on use of the coastal marine area (Section 12 of the Act)

Section 12 of the Act applies to activities in the coastal marine area. The coastal marine area is all the land and water on the seaward side of the line of mean high water springs out to a distance of 12 nautical miles. Twelve nautical miles is 22.2 kilometres. The line of mean high water springs is the average of the high tides that happen just after every new moon and every full moon. You can often recognise it by a line of seaweed and driftwood on the beach.

The coastal marine area also extends up rivers for a distance of one kilometre or five times the width of the river, whichever is less. The coastal marine area boundaries for major rivers in the Region are defined in maps in both the Regional Coastal Plan and the Regional Freshwater Plan. District plans do not apply to activities in the coastal marine area.

The presumption subsections 12 (1) and (2) is restrictive. This means that you must get a resource consent to do any of the activities described in these subsections unless they are specifically allowed by a regional rule. The regional rules covering these activities are described in section 3.3.1 to 3.3.8 below.

The presumption of subsection 12 (3) is permissive. This means that you can do anything described in section 12 (3) as of right, unless it is specifically restricted by a regional rule. These activities are described in sections 3.3.9 and 3.3.10 below.

#### 3.3.1 Reclamations or drainage of the foreshore or seabed

Reclaiming or draining the foreshore or seabed is restricted by section 12 (1)(a) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (1)(a) of the Act is restrictive.

This means you must get a resource consent to reclaim or drain any foreshore or seabed unless what you're doing is specifically allowed by a regional rule.

| Type of activity (Regional Coastal Plan)                | Rule   | Classification                                |
|---|--------|---|
| Large Reclamations outside the Commercial Port Area     | Rule 1 | Discretionary and restricted coastal activity |
| Large Reclamations within the Commercial Port Area      | Rule 2 | Discretionary and restricted coastal activity |
| Reclamations in Areas of Significant Conservation Value | Rule 3 | Non-complying and restricted coastal activity |
| Other activities reclaiming or draining foreshore or    | Rule 4 | Discretionary                                 |



| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| seabed   |             | activity               |
| Other activities reclaiming or draining the foreshore or seabed within areas of significant conservation value | Rule 5      | Non-complying activity |

### 3.3.2 Structures in, on, under or over the foreshore or seabed

Structures in, on, under or over the foreshore or seabed are restricted by section 12 (1)(b) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (1)(b) of the Act is restrictive.

This means you must get a resource consent to erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any part of the foreshore or seabed, unless the activity is specifically allowed by a regional rule. Structures include anything built such as wharves, jetties, seawalls, pipelines and existing reclamations.

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Maintenance, repair, replacement, extensions, additions and alterations to structures        | Rule 6      | Permitted Activity                            |
| Removal or demolition of structures  | Rule 7      | Permitted Activity                            |
| Temporary structures   | Rule 8      | Permitted Activity                            |
| Navigation aids for shipping   | Rule 9      | Permitted Activity                            |
| Activities in or on structures   | Rule 10     | Permitted Activity                            |
| Occupation by structures of land of the Crown or any related part of the coastal marine area | Rule 11     | Permitted Activity                            |
| Cargo and passenger handling equipment   | Rule 12     | Permitted Activity                            |
| Maintenance, repair, replacement, extensions, additions and alterations to structures        | Rule 13     | Controlled Activity                           |
| Removal or demolition of structures  | Rule 14     | Controlled Activity                           |
| Placement of swing moorings  | Rule 15     | Controlled Activity                           |
| Structures which impound or effectively contain the coastal marine area                      | Rule 17     | Discretionary and restricted coastal activity |
| Structures more or less parallel to mean high water springs                                  | Rule 18     | Discretionary and restricted coastal activity |
| Structures oblique or perpendicular to mean high water springs                               | Rule 19     | Discretionary and restricted coastal activity |



| Type of activity (Regional Coastal Plan)  | Rule    | Classification                                |
|---|---------|---|
| Structures used in the petroleum and chemical industry  | Rule 20 | Discretionary and restricted coastal activity |
| Structures which impound or effectively contain the coastal marine area in Areas of Significant Conservation Value          | Rule 21 | Non-complying and restricted coastal activity |
| Structures more or less parallel to mean high water springs in Areas of Significant Conservation Value                      | Rule 22 | Non-complying and restricted coastal activity |
| Structures oblique or perpendicular to mean high water springs in Areas of Significant Conservation Value                   | Rule 23 | Non-complying and restricted coastal activity |
| Structures used in the petroleum and chemical industry in Areas of Significant Conservation Value                           | Rule 24 | Non-complying and restricted coastal activity |
| All remaining activities involving the use and development of structures outside any Area of Significant Conservation Value | Rule 25 | Discretionary Activity                        |
| All remaining activities involving the use and development of structures in Areas of Significant Conservation Value         | Rule 26 | Non-complying Activity                        |
| The use of any boat shed for residential purposes and non- water based activities which do not require a coastal location   | Rule 27 | Non-complying Activity                        |

3.3.3 Disturbing the foreshore or seabed, and destruction, damage or disturbance of any foreshore or seabed

Disturbing the foreshore or seabed, and destruction, damage or disturbance of any foreshore or seabed is restricted by section 12 (1)(c) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (1)(c) of the Act is restrictive.

This means you must get a resource consent to disturb any part of the foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) unless the activity is specifically allowed by a regional rule.

| Type of activity (Regional Coastal Plan) | Rule | Classification |
|--|------|----------------|
|--|------|----------------|





| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
| Clearance of piped stormwater outfalls  | Rule 28     | Permitted Activity                            |
| Beach grooming and re-contouring  | Rule 29     | Permitted Activity                            |
| River and stream mouth cutting  | Rule 30     | Permitted Activity                            |
| Launching, retrieval, navigation, and mooring of vessels  | Rule 31     | Permitted Activity                            |
| Drilling  | Rule 32     | Permitted Activity                            |
| Maintenance dredging within the Commercial Port Area or Lambton Harbour Development Area  | Rule 33     | Permitted Activity                            |
| River and stream mouth cutting  | Rule 34     | Controlled Activity                           |
| Dredging for river management purposes  | Rule 35     | Controlled Activity                           |
| Maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area  | Rule 36     | Controlled Activity                           |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle outside the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance Area or Hutt River Mouth     | Rule 37     | Discretionary and restricted coastal activity |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc), including any removal of sand, shell or shingle within the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance Area, or Hutt River Mouth Area | Rule 38     | Discretionary and restricted coastal activity |
| Disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc.), including any removal of sand, shell or shingle in Areas of Significant Conservation Value   | Rule 39     | Non-complying and restricted coastal activity |
| Other activities involving the destruction, damage, or disturbance of foreshore or seabed outside Areas of Significant Conservation Value   | Rule 40     | Discretionary Activity                        |
| Dredging in the Hutt River mouth area for river mouth management purposes including any removal of sand, shell or shingle   | Rule 41     | Discretionary Activity                        |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc.) including the removal of sand, shell or shingle or other material   | Rule 42     | Discretionary Activity                        |
| Other activities involving the destruction, damage or disturbance in Areas of Significant Conservation Value  | Rule 43     | Non-complying Activity                        |

The rules below provide for any “associated disturbance” of the foreshore or seabed.

| <b>Type of activity (Regional Coastal Plan)</b>                                       | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| Maintenance, repair, replacement, extensions, additions and alterations to structures | Rule 6      | Permitted Activity    |
| Removal or demolition of structures   | Rule 7      | Permitted Activity    |
| Temporary structures  | Rule 8      | Permitted Activity    |
| Navigation aids for shipping  | Rule 9      | Permitted Activity    |
| Maintenance, repair, replacement, extensions, additions and alterations to structures | Rule 13     | Controlled Activity   |
| Removal or demolition of structures   | Rule 14     | Controlled Activity   |

### 3.3.4 Deposition in, on, or under the foreshore or seabed

Deposition in, on, or under the foreshore or seabed is restricted by section 12 (1)(d) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (1)(d) of the Act is restrictive.

This means you must get a resource consent to deposit anything in, on, or under any part of the foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
| Wind blown sand   | Rule 44     | Permitted Activity                            |
| Beach nourishment   | Rule 45     | Controlled Activity                           |
| Deposition of large volumes of substances   | Rule 46     | Controlled Activity                           |
| Deposition of substances in Areas of Significant Conservation Value   | Rule 47     | Non-complying and restricted coastal activity |
| Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed outside Areas of Significant Conservation Value | Rule 48     | Discretionary Activity                        |
| Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed in Areas of Significant Conservation Value      | Rule 49     | Non-complying Activity                        |

The rules below provide for any “associated deposition” on the foreshore or seabed.

| <b>Type of activity (Regional Coastal Plan)</b> | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| River and stream mouth cutting                  | Rule 30     | Permitted Activity    |
| River and stream mouth cutting                  | Rule 34     | Controlled Activity   |

### 3.3.5 Destruction, damage, or disturbance of the foreshore or seabed

Destruction, damage, or disturbance of the foreshore or seabed is restricted by section 12 (1)(e) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (1)(e) of the Act is restrictive.

This means you must get a resource consent to destroy, damage, or disturb any part of the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat, unless the activity is specifically allowed by a regional rule.

There is some overlap between activities restricted under section 12 (1)(e) and section 12 (1)(c) of the Act (see 3.3.3 above).

| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
| Clearance of piped stormwater outfalls  | Rule 28     | Permitted Activity                            |
| Beach grooming and re-contouring  | Rule 29     | Permitted Activity                            |
| River and stream mouth cutting  | Rule 30     | Permitted Activity                            |
| Launching, retrieval, navigation, and mooring of vessels  | Rule 31     | Permitted Activity                            |
| Drilling  | Rule 32     | Permitted Activity                            |
| Maintenance dredging within the Commercial Port Area or Lambton Harbour Development Area  | Rule 33     | Permitted Activity                            |
| River and stream mouth cutting  | Rule 34     | Controlled Activity                           |
| Dredging for river management purposes  | Rule 35     | Controlled Activity                           |
| Maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area  | Rule 36     | Controlled Activity                           |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle outside the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance Area or Hutt River Mouth | Rule 37     | Discretionary and restricted coastal activity |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc), including any  | Rule 38     | Discretionary and restricted coastal          |



| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
| removal of sand, shell or shingle within the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance Area, or Hutt River Mouth Area                  |             | activity                                      |
| Disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc.), including any removal of sand, shell or shingle in Areas of Significant Conservation Value | Rule 39     | Non-complying and restricted coastal activity |
| Other activities involving the destruction, damage, or disturbance of foreshore or seabed outside Areas of Significant Conservation Value                             | Rule 40     | Discretionary Activity                        |
| Dredging in the Hutt River mouth area for river mouth management purposes including any removal of sand, shell or shingle   | Rule 41     | Discretionary Activity                        |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc.) including the removal of sand, shell or shingle or other material                     | Rule 42     | Discretionary Activity                        |
| Other activities involving the destruction, damage or disturbance in Areas of Significant Conservation Value  | Rule 43     | Non-complying Activity                        |

### 3.3.6 Introduction or planting any exotic or introduced plant in, on, or under the foreshore or seabed

Introducing or planting any exotic or introduced plant in, on, or under the foreshore or seabed is restricted by section 12 (1)(f) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (1)(f) of the Act is restrictive.

This means you must get a resource consent to introduce or plant any exotic or introduced plant in, on, or under any part of the foreshore or seabed unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b>                         |
|---|-------------|---|
| Species which are already established in the area | Rule 50     | Discretionary Activity                        |
| Species not already established in the area       | Rule 51     | Non-complying and restricted coastal activity |
| Spartina  | Rule 52     | Prohibited Activity                           |



### 3.3.7 Occupation of land of the Crown, or land in the coastal marine area vested in the regional council

Occupation of land of the Crown, or land in the coastal marine area vested in the regional council is restricted by section 12 (2)(a) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (2)(a) of the Act is restrictive.

This means you must get a resource consent to (in relation to land of the Crown in the coastal marine area, or land in the coastal marine area vested in the regional council), occupy any part of the coastal marine area, unless the activity is specifically allowed by a regional rule. **Occupy** is defined in section 12 of the Act.

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Occupation by structures of the land of the Crown or any related part of the coastal marine area | Rule 11     | Permitted Activity                            |
| Occupation by structures of land of the Crown or any related part of the coastal marine area     | Rule 16     | Controlled Activity                           |
| Exclusive occupation of the coastal marine area  | Rule 84     | Discretionary and restricted coastal activity |

### 3.3.8 Removal of any sand, shingle, shell, or other natural material from land of the Crown, or land in the coastal marine area vested in the regional council

Removal of any sand, shingle, shell, or other natural material from land of the Crown, or land in the coastal marine area vested in the regional council is restricted by section 12 (2)(b) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of section 12 (2)(b) of the Act is restrictive.

This means you must get a resource consent to (in relation to land of the Crown in the coastal marine area, or land in the coastal marine area vested in the regional council), remove any sand, shingle, shell, or other natural material from the land, unless the activity is specifically allowed by a regional rule.

“Remove any sand, shingle, shell, or other natural material” means to take any of that material in such quantities or in such circumstances that, but for the rule in the regional coastal plan or the holding of a resource consent, a licence or profit à prendre to do so would be necessary (see section 12 (4)(b) of the Act).



| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Maintenance dredging within the Commercial Port Area or Lambton Harbour Development Area   | Rule 33     | Permitted Activity                            |
| Maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area   | Rule 36     | Controlled Activity                           |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle outside the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth     | Rule 37     | Discretionary and Restricted Coastal Activity |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle within the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth Area | Rule 38     | Discretionary and Restricted Coastal Activity |
| Disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle in Areas of Significant Conservation Value   | Rule 39     | Non-complying and Restricted Coastal Activity |
| Dredging in the Hutt River mouth area for river mouth management purposes including any removal of sand, shell or shingle  | Rule 41     | Discretionary Activity                        |
| Major disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc) including the removal of sand, shell or shingle or other material   | Rule 42     | Discretionary Activity                        |

### 3.3.9 Other activities in, on, under or over any coastal marine area not specified

Section 12 (3) of the Resource Management Act, 1991 governs activities—

- (a) In, on, under, or over any coastal marine area; or
- (b) In relation to any natural and physical resources contained within any coastal marine area unless the activity is specified in section 12 (1) or (2) of the Act (any of sections 3.3.1 to 3.3.8 above), or in one of the rules below. The presumption of this subsection of the Act is permissive.



This means that you can do anything in the coastal marine area as long as it's not described in sections 3.3.1 to 3.3.8 above, and not described in one of the rules below.

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| General surface water and foreshore activities   | Rule 78     | Permitted Activity     |
| Special events - horse races   | Rule 79     | Permitted Activity     |
| Temporary military training activities   | Rule 80     | Permitted Activity     |
| Motor vehicles, motorcycles, trailers and land yachts on beaches                           | Rule 81     | Permitted Activity     |
| Motor vehicles, motorcycles, trailers and land yachts on Titahi Bay Beach                  | Rule 82     | Prohibited Activity    |
| Motor vehicles, motorcycles, trailers and land yachts on beaches                           | Rule 83     | Discretionary Activity |
| Other activities on foreshore or seabed outside any Area of Significant Conservation Value | Rule 85     | Discretionary Activity |
| Other activities on foreshore or seabed in Areas of Significant Conservation Value         | Rule 86     | Non-complying Activity |

### 3.4 Restrictions on certain uses of beds of lakes and rivers (Section 13 of the Act)

Section 13 of the Act applies to the beds of rivers and lakes. The words **bed**, **river**, and **lake** are defined in the Act. Section 13 does not apply to

- the **water** in the lake or river. Restrictions about water are in section 14 of the Act (see 3.5 below).
- riparian margins. Rules about riparian margins are made pursuant to section 9 of the Act (see section 3.2 above).
- river estuaries. River estuaries are part of the **coastal marine area** and controlled in the Regional Coastal Plan.
- artificial watercourses. Artificial watercourses are specifically excluded from the Act’s definition of “river”.

Sections 3.4.1 to 3.4.7 below follow subsections 13 (1) and (2) of the Act.

#### 3.4.1 Structures in, on, under or over the bed of a lake or river

Structures in, on, under or over the bed of a lake or river are restricted by section 13 (1)(a) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan**. The presumption of section 13 (1)(a) of the Act is restrictive.

This means you must get a resource consent to use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed of a river or lake unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Freshwater Plan)</b>  | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| Maintenance, repair, replacement, extensions, additions and alterations to structures (excluding extensions of linear rock protection and over head cables) | Rule 22     | Permitted Activity    |
| Extensions of existing linear rock protection   | Rule 23     | Permitted Activity    |
| Placement of vegetative bank protection structures  | Rule 24     | Permitted Activity    |
| Culverts, weirs, fords and small bridges in intermittently flowing streams  | Rule 25     | Permitted Activity    |
| Small dams  | Rule 26     | Permitted Activity    |
| Sediment retention weirs in intermittently flowing streams  | Rule 27     | Permitted Activity    |
| Laying pipes, ducts, and cables across intermittently flowing streams   | Rule 28     | Permitted Activity    |
| Staff gauges  | Rule 29     | Permitted Activity    |





| <b>Type of activity (Regional Freshwater Plan)</b>                                    | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| Fences  | Rule 30     | Permitted Activity     |
| Small bridges   | Rule 31     | Permitted Activity     |
| Overhead cables   | Rule 32     | Permitted Activity     |
| Removal or demolition of structures   | Rule 33     | Permitted Activity     |
| Activities in or on structures  | Rule 34     | Permitted Activity     |
| Maintenance, repair, replacement, extensions, additions and alterations to structures | Rule 43     | Controlled Activity    |
| Removal or demolition of structures   | Rule 44     | Controlled Activity    |
| Cables  | Rule 45     | Controlled Activity    |
| Pipelines   | Rule 46     | Controlled Activity    |
| Culverts, weirs, fords, and bridges in rivers and streams                             | Rule 47     | Controlled Activity    |
| Placement of impermeable erosion protection structures                                | Rule 48     | Controlled Activity    |
| All remaining uses of river and lake beds   | Rule 49     | Discretionary Activity |

### 3.4.2 Excavation, drilling, tunnelling or disturbance of the bed of a lake or river

Excavating, drilling, tunnelling or disturbing the bed of a lake or river is restricted by section 13 (1)(b) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan**. The presumption of section 13 (1)(b) of the Act is restrictive.

This means you must get a resource consent to excavate, drill, tunnel, or otherwise disturb the bed of a river or lake unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Freshwater Plan)</b> | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Clearance of flood debris from rivers and lakes    | Rule 36     | Permitted Activity     |
| “Beach” recontouring                               | Rule 37     | Permitted Activity     |
| Minor sand and gravel extraction                   | Rule 38     | Permitted Activity     |
| Maintenance of drains                              | Rule 39     | Permitted Activity     |
| Urgent works                                       | Rule 42     | Permitted Activity     |
| All remaining uses of river and lake beds          | Rule 49     | Discretionary Activity |



The rules below provide for any “associated disturbance” of the bed.

| <b>Type of activity (Regional Freshwater Plan)</b> | <b>Rule</b> | <b>Classification</b> |
|--|-------------|-----------------------|
| Urgent works                                       | Rule 42     | Permitted Activity    |
| Removal or demolition of structures                | Rule 44     | Controlled Activity   |

3.4.3 Introduction of plants in, on, or under the bed of a lake or river

Introduction of plants in, on, or under the bed of a lake or river is restricted by section 13 (1)(c) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan**. The presumption of section 13 (1)(c) of the Act is restrictive.

This means you must get a resource consent to introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed of a river or lake unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Freshwater Plan)</b> | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Planting   | Rule 41     | Permitted Activity     |
| All remaining uses of river and lake beds          | Rule 49     | Discretionary Activity |

3.4.4 Deposition of substances in, on, or under the bed of a lake or river

Deposition of substances in, on, or under the bed of a lake or river is restricted by section 13 (1)(d) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan**. The presumption of 13 (1)(d) of the Act is restrictive.

This means you must get a resource consent to deposit any substance in, on, or under the bed of a river or lake unless the activity is specifically allowed by a regional rule.

“Deposition of substances” is different from the **discharge** of **contaminants**, which are restricted by section 15 of the Act (see section 3.6 below).

There is no specific rule relating to the deposition of substances in, on, or under the bed of any lake or river, but the rules below provide for any “associated deposition”.

| <b>Type of activity (Regional Freshwater Plan)</b>  | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| Minor diversion of water from an intermittently flowing stream  | Rule 9      | Permitted Activity    |
| Maintenance, repair, replacement, extensions, additions and alterations to structures (excluding extensions of linear rock protection and over head | Rule 22     | Permitted Activity    |



| <b>Type of activity (Regional Freshwater Plan)</b>                                    | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| cables)   |             |                        |
| Extensions of existing linear rock protection   | Rule 23     | Permitted Activity     |
| Placement of vegetative bank protection structures                                    | Rule 24     | Permitted Activity     |
| Removal or demolition of structures   | Rule 33     | Permitted Activity     |
| Urgent works  | Rule 42     | Permitted Activity     |
| Maintenance, repair, replacement, extensions, additions and alterations to structures | Rule 43     | Controlled Activity    |
| Removal or demolition of structures   | Rule 44     | Controlled Activity    |
| Culverts, weirs, fords, and bridges in rivers and streams                             | Rule 47     | Controlled Activity    |
| Placement of impermeable erosion protection structures                                | Rule 48     | Controlled Activity    |
| All remaining uses of river and lake beds   | Rule 49     | Discretionary Activity |

#### 3.4.5 Reclamation or drainage of the bed of a lake or river

Reclamation or drainage of the bed of a lake or river is restricted by section 13 (1)(e) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan**. The presumption of section 13 (1)(e) of the Act is restrictive.

This means you must get a resource consent to reclaim or drain the bed of a river or lake unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Freshwater Plan)</b>                   | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Reclamation of the beds of lakes or rivers, excluding Lake Wairarapa | Rule 50     | Non-complying Activity |
| Reclamation of the bed of Lake Wairarapa                             | Rule 51     | Prohibited Activity    |

#### 3.4.6 Entry or passage across the bed of any river or lake

Entry or passage across the bed of any river or lake is allowed by section 13 (2)(a) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan**. The presumption of section 13 (2)(a) of the Act is permissive.

This means you don't need a resource consent to enter or pass across the bed of any river or lake unless the activity is specifically restricted by a regional rule. Allowing entry or passage does not allow "disturbance" of the bed (see section 3.4.2 above).



| <b>Type of activity (Regional Freshwater Plan)</b> | <b>Rule</b> | <b>Classification</b> |
|--|-------------|-----------------------|
| Entry or passage                                   | Rule 35     | Permitted Activity    |

3.4.7 Disturbance, removal, damage, or destruction of any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on, or under the bed of any lake or river

Disturbance, removal, damage, or destruction of any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on, or under the bed of any lake or river is allowed by section 13 (2)(b) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan**. The presumption of section 13 (1)(e) of the Act is permissive.

This means you don't need a resource consent to disturb, remove, damage, or destroy any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on, or under the bed of any lake or river unless the activity is specifically restricted by a regional rule.

| <b>Type of activity (Regional Freshwater Plan)</b> | <b>Rule</b> | <b>Classification</b> |
|--|-------------|-----------------------|
| Removal of vegetation                              | Rule 40     | Permitted Activity    |



### 3.5 Restrictions relating to water (Section 14 of the Act)

Section 14 of the Act restricts all taking, use, damming and diverting water, and using heat or energy from water, including coastal water. “**Water**” is defined in the Act, and includes all water, whether it is in a river, lake, artificial watercourse, wetland, an underground aquifer or the sea.

#### 3.5.1 Taking, using, damming and diverting water (except open coastal water)

Taking, using, damming and diverting water (except open coastal water) is restricted by section 14 (1)(a) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan** and the **Regional Coastal Plan**. The presumption of section 14 (1)(a) of the Act is restrictive.

This means you must get a resource consent to take, use, dam, or divert any water (other than open coastal water) unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Takes or uses of water (except in any river, stream, estuary or lake within the coastal marine area)   | Rule 73     | Permitted Activity     |
| Operational needs of ships (taking and using)  | Rule 74     | Permitted Activity     |
| Minor takes or uses from significant rivers or lakes in the coastal marine area                        | Rule 75     | Controlled Activity    |
| Other taking, use, damming, or diversions of water outside any Areas of Significant Conservation Value | Rule 76     | Discretionary Activity |
| Other taking, use, damming, or diversion of water in Areas of Significant Conservation Value           | Rule 77     | Non-complying Activity |

| <b>Type of activity (Regional Freshwater Plan)</b>   | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Minor abstractions   | Rule 7      | Permitted Activity     |
| Damming and diversion of water by existing structures  | Rule 8      | Permitted Activity     |
| Minor diversion of water from an intermittently flowing stream   | Rule 9      | Permitted Activity     |
| Taking, use, damming or diversion of water, or the transfer to another site of any water permit to take or use water | Rule 16     | Discretionary Activity |
| Damming water in rivers with a high degree of natural character  | Rule 17     | Non-complying Activity |
| Diverting water from wetlands with a high degree   | Rule 18     | Non-complying          |



| <b>Type of activity (Regional Freshwater Plan)</b>  | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| of natural character  |             | Activity               |
| Taking more than 32.85 million cubic metres per year water from the Lower Hutt Groundwater Zone | Rule 19     | Non-complying Activity |
| Minimum operating level for the Lower Hutt Groundwater Zone                                     | Rule 20     | Standard               |
| Minimum operating level for the Moroa Groundwater Zone  | Rule 21     | Standard               |

3.5.2 Taking, using, damming and diverting heat or energy from water (except open coastal water)

Taking, using, damming and diverting heat or energy from water (except open coastal water) is restricted by section 14 (1)(b) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan** and the **Regional Coastal Plan**. The presumption of section 14 (1)(b) of the Act is restrictive.

This means you must get a resource consent to take, use, dam, or divert any heat or energy from water (other than open coastal water) unless the activity is specifically allowed by a regional rule.

There is no rule that specifically allows taking, using, damming or diverting heat or energy from water, so these activities require a water permit.

3.5.3 Taking, using, damming and diverting heat or energy from the material surrounding any geothermal water

Taking, using, damming and diverting heat or energy from the material surrounding any geothermal water is restricted by section 14 (1)(c) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan** and the **Regional Coastal Plan**. The presumption of section 14 (1)(c) of the Act is restrictive.

This means you must get a resource consent to take, use, dam, or divert any heat or energy from the material surrounding any geothermal water unless the activity is specifically allowed by a regional rule.

There is no rule that specifically allows taking, using, damming and diverting heat or energy from the material surrounding any geothermal water, so these activities require a water permit.



### 3.5.4 Taking, using, damming and diverting open coastal water

Taking, using, damming and diverting open coastal water is allowed by section 14 (2)(a) of the Resource Management Act, 1991 and covered in the **Regional Coastal Plan**. The presumption of this section of the Act is permissive.

This means no resource consent is required to take, use, dam, or divert any open coastal water unless the activity is specifically restricted by a regional rule.

| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| Takes or uses of water (except in any river, stream, estuary lake within the coastal marine area) | Rule 73     | Permitted Activity    |
| Operational needs of ships (taking and using)   | Rule 74     | Permitted Activity    |



### 3.6 Discharges to the environment (Section 15 of the Act)

Section 15 of the Act restricts the discharge of water or contaminants to water, including coastal water, and restricts the discharge of contaminants to land or air. The words “discharge”, “contaminant”, “coastal water” and “water” are defined in the Act.

#### 3.6.1 Discharges to water

Discharges to water are restricted by section 15 (1)(a) of the Resource Management Act, 1991 and covered in the **Regional Freshwater Plan** and the **Regional Coastal Plan**. The presumption of section 15 (1)(a) of the Act is restrictive.

This means you must get a resource consent to **discharge** any **contaminant**, or water, into **water** unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Stormwater   | Rule 53     | Permitted Activity                            |
| Operational needs of ships   | Rule 54     | Permitted Activity                            |
| Other discharges from ships  | Rule 55     | Permitted Activity                            |
| Other discharges of water  | Rule 56     | Permitted Activity                            |
| Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value | Rule 57     | Discretionary and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value                       | Rule 58     | Discretionary and Restricted Coastal Activity |
| Discharges (other than human sewage) with significant adverse effects within any Area of Significant Conservation Value  | Rule 59     | Non-complying and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value                        | Rule 60     | Non-complying and Restricted Coastal Activity |
| Other activities involving discharges to land and water outside Areas of Significant Conservation Value                  | Rule 61     | Discretionary Activity                        |
| Other activities involving discharges to land and water in Areas of Significant Conservation Value                       | Rule 62     | Non-complying Activity                        |



| <b>Type of activity (Regional Freshwater Plan)</b>  | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| Discharges of water and minor contaminants  | Rule 1      | Permitted Activity     |
| Stormwater discharges   | Rule 2      | Permitted Activity     |
| Stormwater discharges   | Rule 3      | Controlled Activity    |
| Discharges to groundwater which are contaminated only by heat                                   | Rule 4      | Controlled Activity    |
| All remaining discharges to fresh water   | Rule 5      | Discretionary Activity |
| Discharges to wetlands, lakes and rivers, with surface water to be managed in its natural state | Rule 6      | Non-complying Activity |

### 3.6.2 Discharging contaminants to land where they may enter water

Discharging contaminants to land where they may enter water is restricted by section 15 (1)(b) of the Resource Management Act, 1991 and covered in the **Regional Plan for Discharges to Land** and the **Regional Coastal Plan**. The presumption of section 15 (1)(b) of the Act is restrictive.

This means you must get a resource consent to **discharge** any **contaminant** onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering **water**, unless the activity is specifically allowed by a regional rule.

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Stormwater   | Rule 53     | Permitted Activity                            |
| Operational needs of ships   | Rule 54     | Permitted Activity                            |
| Other discharges from ships  | Rule 55     | Permitted Activity                            |
| Other discharges of water  | Rule 56     | Permitted Activity                            |
| Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value | Rule 57     | Discretionary and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value                       | Rule 58     | Discretionary and Restricted Coastal Activity |
| Discharges (other than human sewage) with significant adverse effects within any Area of Significant Conservation Value  | Rule 59     | Non-complying and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value                        | Rule 60     | Non-complying and Restricted Coastal          |

| <b>Type of activity (Regional Coastal Plan)</b>   | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
|   |             | Activity               |
| Other activities involving discharges to land and water outside Areas of Significant Conservation Value | Rule 61     | Discretionary Activity |
| Other activities involving discharges to land and water in Areas of Significant Conservation Value      | Rule 62     | Non-complying Activity |
| <b>Type of activity (Regional Plan for Discharges to Land)</b>  | <b>Rule</b> | <b>Classification</b>  |
| Discharges into or onto land not otherwise provided for by a rule in the Plan                           | Rule 2      | Discretionary Activity |
| Stormwater and reticulation systems   | Rule 3      | Permitted Activity     |
| Greywater   | Rule 4      | Permitted Activity     |
| Pit latrines  | Rule 5      | Permitted Activity     |
| Aerobically treated sewage  | Rule 6      | Permitted Activity     |
| On-site sewage onto or into land  | Rule 7      | Permitted Activity     |
| All other discharges of human effluent  | Rule 8      | Discretionary Activity |
| Domestic and farm waste disposal and composting   | Rule 9      | Permitted Activity     |
| All other refuse disposal including at landfills, rubbish dumps and tips                                | Rule 10     | Discretionary Activity |
| Offal pits and silage   | Rule 11     | Permitted Activity     |
| Fertiliser  | Rule 12     | Permitted Activity     |
| Effluent from dairies, piggeries, poultry farms, etc.   | Rule 13     | Controlled Activity    |
| Stock dip effluent  | Rule 14     | Permitted Activity     |
| Specified hazardous substances  | Rule 15     | Non-complying Activity |
| Land-based applications of pesticides as solids or pastes   | Rule 16     | Permitted Activity     |
| Aerial applications of pesticides as solids or pastes   | Rule 17     | Controlled Activity    |
| Discharges associated with roading and other sealed areas   | Rule 18     | Permitted Activity     |
| Water treatment plant waste   | Rule 19     | Controlled Activity    |
| Waste oil   | Rule 20     | Discretionary Activity |
| On-site discharges from contaminated sites  | Rule 21     | Permitted Activity     |



| <b>Type of activity (Regional Plan for Discharges to Land)</b> | <b>Rule</b> | <b>Classification</b> |
|--|-------------|-----------------------|
| Removal of material from contaminated sites                    | Rule 22     | Controlled Activity   |

### 3.6.3 Discharging contaminants to air from industrial or trade premises

Discharging contaminants to air from **industrial or trade premises** is restricted by section 15 (1)(c) of the Resource Management Act, 1991 and covered in the **Regional Air Quality Management Plan** and the **Regional Coastal Plan**. For discharges to air associated with waste incineration in the coastal marine area, see the **Resource Management (Marine Pollution) Regulations 1998** and section 3.7.2 of the Guide.

The presumption of section 15 (1)(c) of the Act is restrictive. This means you must get a resource consent to **discharge** any **contaminant** from any industrial or trade premises into air unless the activity is specifically allowed by a regional rule. Some rules in the Regional Air Quality Management Plan apply only to discharges from industrial or trade premises, some apply regardless of the type of premise.

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Operational needs of ships   | Rule 63     | Permitted Activity                            |
| Operational needs of the port  | Rule 64     | Permitted Activity                            |
| Construction and maintenance of structures   | Rule 65     | Permitted Activity                            |
| Venting of drainage systems  | Rule 66     | Permitted Activity                            |
| Flaring of hydrocarbons  | Rule 67     | Permitted Activity                            |
| Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value | Rule 68     | Discretionary and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value  | Rule 69     | Non-complying and Restricted Coastal Activity |
| Open burning of cables, cars etc   | Rule 70     | Prohibited Activity                           |
| Discharges from industrial or trade premises outside Areas of Significant Conservation Value       | Rule 71     | Discretionary Activity                        |
| Discharges to air in areas of Significant Conservation Value                                       | Rule 72     | Non-complying Activity                        |

| <b>Type of activity (Regional Air Quality Management Plan)</b> | <b>Rule</b> | <b>Classification</b> |
|--|-------------|-----------------------|
|--|-------------|-----------------------|



| <b>Type of activity (Regional Air Quality Management Plan)</b>               | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Agrichemical spray and powder application (land based)                       | Rule 1      | Permitted Activity     |
| Agrichemical spray and powder application (aerial application)               | Rule 2      | Permitted Activity     |
| Fumigation   | Rule 3      | Permitted Activity     |
| Agricultural effluent and other on-farm processes                            | Rule 4      | Permitted Activity     |
| Processing of animal and plant matter  | Rule 5      | Permitted Activity     |
| Small combustion engines, heating and electrical generation processes        | Rule 6      | Permitted Activity     |
| Medium sized combustion engines, heating and electrical generation processes | Rule 7      | Controlled Activity    |
| Processing, storage and transfer and flaring of hydrocarbons and biogas      | Rule 8      | Permitted Activity     |
| Fuel conversion processes  | Rule 9      | Discretionary Activity |
| Mineral extraction and the sorting and storage of powdered and bulk products | Rule 10     | Permitted Activity     |
| The drying and heating of minerals   | Rule 11     | Permitted Activity     |
| Metal production and processing  | Rule 12     | Permitted Activity     |
| Chemical processes   | Rule 13     | Permitted Activity     |
| Use of small quantities of di-isocyanates, or organic plasticisers           | Rule 14     | Permitted Activity     |
| Coating processes, including spray painting                                  | Rule 15     | Permitted Activity     |
| Abrasive blasting processes (mobile and stationary)                          | Rule 16     | Permitted Activity     |
| Cooling towers/ventilation   | Rule 17     | Permitted Activity     |
| Burn-offs and burning associated with land clearance                         | Rule 18     | Permitted Activity     |
| Burning not associated with land clearance                                   | Rule 19     | Permitted Activity     |
| Landfilling and composting   | Rule 20     | Permitted Activity     |
| Sewage and trade waste conveyance and treatment processes                    | Rule 21     | Permitted Activity     |
| Miscellaneous processes (permitted activities)                               | Rule 22     | Permitted Activity     |
| General rule (discretionary activity)  | Rule 23     | Discretionary Activity |



### 3.6.4 Discharging contaminants to land from industrial or trade premises

Discharging contaminants to land from **industrial or trade premises** is restricted by section 15 (1)(d) of the Resource Management Act, 1991 and covered in the **Regional Plan for Discharges to Land** and the **Regional Coastal Plan**. The presumption of section 15 (1)(d) of the Act is restrictive.

This means you must get a resource consent to discharge any contaminant from any industrial or trade premises onto or into land unless the activity is specifically allowed by a regional rule. The rules in the Regional Plan for Discharges to Land apply regardless of the type of premise.

| <b>Type of activity (Regional Plan for Discharges to Land)</b>                                    | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| Discharges not entering water in a river, lake, wetland, farm drain, water supply race or aquifer | Rule 1      | Permitted Activity     |
| Discharges into or onto land not otherwise provided for by a rule in the Plan                     | Rule 2      | Discretionary Activity |
| Stormwater and reticulation systems   | Rule 3      | Permitted Activity     |
| Greywater   | Rule 4      | Permitted Activity     |
| Pit latrines  | Rule 5      | Permitted Activity     |
| Aerobically treated sewage  | Rule 6      | Permitted Activity     |
| On-site sewage onto or into land  | Rule 7      | Permitted Activity     |
| All other discharges of human effluent  | Rule 8      | Discretionary Activity |
| Domestic and farm waste disposal and composting   | Rule 9      | Permitted Activity     |
| All other refuse disposal including at landfills, rubbish dumps and tips                          | Rule 10     | Discretionary Activity |
| Offal pits and silage   | Rule 11     | Permitted Activity     |
| Fertiliser  | Rule 12     | Permitted Activity     |
| Effluent from dairies, piggeries, poultry farms, etc.   | Rule 13     | Controlled Activity    |
| Stock dip effluent  | Rule 14     | Permitted Activity     |
| Specified hazardous substances  | Rule 15     | Non-complying Activity |
| Land-based applications of pesticides as solids or pastes   | Rule 16     | Permitted Activity     |
| Aerial applications of pesticides as solids or pastes   | Rule 17     | Controlled Activity    |
| Discharges associated with roading and other sealed areas   | Rule 18     | Permitted Activity     |

| <b>Type of activity (Regional Plan for Discharges to Land)</b>   | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Water treatment plant waste  | Rule 19     | Controlled Activity                           |
| Waste oil  | Rule 20     | Discretionary Activity                        |
| On-site discharges from contaminated sites   | Rule 21     | Permitted Activity                            |
| Removal of material from contaminated sites  | Rule 22     | Controlled Activity                           |
| <br>   |             |   |
| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
| Stormwater   | Rule 53     | Permitted Activity                            |
| Operational needs of ships   | Rule 54     | Permitted Activity                            |
| Other discharges from ships  | Rule 55     | Permitted Activity                            |
| Other discharges of water  | Rule 56     | Permitted Activity                            |
| Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value | Rule 57     | Discretionary and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value                       | Rule 58     | Discretionary and Restricted Coastal Activity |
| Discharges (other than human sewage) with significant adverse effects within any Area of Significant Conservation Value  | Rule 59     | Non-complying and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value                        | Rule 60     | Non-complying and Restricted Coastal Activity |
| Other activities involving discharges to land and water outside Areas of Significant Conservation Value                  | Rule 61     | Discretionary Activity                        |
| Other activities involving discharges to land and water in Areas of Significant Conservation Value                       | Rule 62     | Non-complying Activity                        |

### 3.6.5 Discharging contaminants to land or air other than at industrial or trade premises

Discharging contaminants to land or air other than at **industrial or trade premises** is allowed by section 15 (2) of the Resource Management Act, 1991 and covered in the **Regional Air Quality Management Plan**, the **Regional Plan for Discharges to Land** and the **Regional Coastal Plan**. For discharges to air associated with waste incineration in the coastal marine area, see the **Resource Management (Marine Pollution) Regulations 1998** and section 3.7.2 of the Guide.

The presumption of section 15 (2) of the Act is permissive. This means no resource consent is required to **discharge** any **contaminant** into the air, or into or onto land, from any place, or any other source, whether moveable or not, unless the activity is specifically restricted by a regional rule.

| <b>Type of activity (Regional Plan for Discharges to Land)</b>                                    | <b>Rule</b> | <b>Classification</b>  |
|---|-------------|------------------------|
| Discharges not entering water in a river, lake, wetland, farm drain, water supply race or aquifer | Rule 1      | Permitted Activity     |
| Discharges into or onto land not otherwise provided for by a rule in the Plan                     | Rule 2      | Discretionary Activity |
| Stormwater and reticulation systems   | Rule 3      | Permitted Activity     |
| Greywater   | Rule 4      | Permitted Activity     |
| Pit latrines  | Rule 5      | Permitted Activity     |
| Aerobically treated sewage  | Rule 6      | Permitted Activity     |
| On-site sewage onto or into land  | Rule 7      | Permitted Activity     |
| All other discharges of human effluent  | Rule 8      | Discretionary Activity |
| Domestic and farm waste disposal and composting   | Rule 9      | Permitted Activity     |
| All other refuse disposal including at landfills, rubbish dumps and tips                          | Rule 10     | Discretionary Activity |
| Offal pits and silage   | Rule 11     | Permitted Activity     |
| Fertiliser  | Rule 12     | Permitted Activity     |
| Effluent from dairies, piggeries, poultry farms, etc.   | Rule 13     | Controlled Activity    |
| Stock dip effluent  | Rule 14     | Permitted Activity     |
| Specified hazardous substances  | Rule 15     | Non-complying Activity |
| Land-based applications of pesticides as solids or pastes   | Rule 16     | Permitted Activity     |

| <b>Type of activity (Regional Plan for Discharges to Land)</b> | <b>Rule</b> | <b>Classification</b>  |
|--|-------------|------------------------|
| Aerial applications of pesticides as solids or pastes          | Rule 17     | Controlled Activity    |
| Discharges associated with roading and other sealed areas      | Rule 18     | Permitted Activity     |
| Water treatment plant waste                                    | Rule 19     | Controlled Activity    |
| Waste oil  | Rule 20     | Discretionary Activity |
| On-site discharges from contaminated sites                     | Rule 21     | Permitted Activity     |
| Removal of material from contaminated sites                    | Rule 22     | Controlled Activity    |

| <b>Type of activity (Regional Coastal Plan)</b>  | <b>Rule</b> | <b>Classification</b>                         |
|--|-------------|---|
| Operational needs of ships   | Rule 63     | Permitted Activity                            |
| Operational needs of the port  | Rule 64     | Permitted Activity                            |
| Construction and maintenance of structures   | Rule 65     | Permitted Activity                            |
| Venting of drainage systems  | Rule 66     | Permitted Activity                            |
| Flaring of hydrocarbons  | Rule 67     | Permitted Activity                            |
| Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value | Rule 68     | Discretionary and Restricted Coastal Activity |
| Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value  | Rule 69     | Non-complying and Restricted Coastal Activity |
| Open burning of cables, cars etc   | Rule 70     | Prohibited Activity                           |
| Discharges from industrial or trade premises outside Areas of Significant Conservation Value       | Rule 71     | Discretionary Activity                        |
| Discharges to air in areas of Significant Conservation Value                                       | Rule 72     | Non-complying Activity                        |

| <b>Type of activity (Regional Air Quality Management Plan)</b> | <b>Rule</b> | <b>Classification</b> |
|--|-------------|-----------------------|
| Agrichemical spray and powder application (land based)         | Rule 1      | Permitted Activity    |
| Agrichemical spray and powder application (aerial application) | Rule 2      | Permitted Activity    |
| Fumigation   | Rule 3      | Permitted Activity    |





| <b>Type of activity (Regional Air Quality Management Plan)</b>  | <b>Rule</b> | <b>Classification</b> |
|---|-------------|-----------------------|
| Agricultural effluent and other on-farm processes   | Rule 4      | Permitted Activity    |
| Small internal or external combustion engines, heating appliances and electrical generation plants        | Rule 6      | Permitted Activity    |
| Medium sized internal or external combustion engines, heating appliances and electrical generation plants | Rule 7      | Controlled Activity   |
| Use of small quantities of di-isocyanates, or organic plasticisers  | Rule 14     | Permitted Activity    |
| Coating processes, including spray painting   | Rule 15     | Permitted Activity    |
| Abrasive blasting processes (mobile and stationary)   | Rule 16     | Permitted Activity    |
| Burn-offs and burning associated with land clearance  | Rule 18     | Permitted Activity    |
| Burning not associated with land clearance  | Rule 19     | Permitted Activity    |
| Landfilling and composting  | Rule 20     | Permitted Activity    |
| Sewage and trade waste conveyance, treatment and disposal   | Rule 21     | Permitted Activity    |

### 3.7 Restrictions on dumping and incineration of waste or other matter in the coastal marine area (section 15A of the Act)

Section 15A of the Resource Management Act, 1991 prohibits the dumping or incineration of waste or other matter in the coastal marine area without a resource consent. There is no provision for such activities to be authorised by a permitted activity rule.

Regulations were made by Order in Council on 20 July 1998. These are the **Resource Management (Marine Pollution) Regulations**. The regulations are described below.

#### 3.7.1 Dumping of waste and other matter in the coastal marine area

The dumping of waste and other matter in the coastal marine area is controlled by section 4 of the Resource Management (Marine Pollution) Regulations 1998. These regulations override regional rules in Regional Coastal Plans.

**Section 4** of the Resource Management (Marine Pollution) Regulations 1998 requires a coastal permit to dump specified materials from any **ship**, aircraft, or offshore installation in the coastal marine area. This is a **discretionary activity**. The specified materials are —

- (a) Dredge material
- (b) Sewage sludge
- (c) Fish processing waste from an onshore facility
- (d) Ships and platforms or other man-made structures at sea
- (e) Inert, inorganic geological material
- (f) Organic materials of natural origin
- (g) Bulky items consisting mainly of iron, steel, and concrete.

**Section 4** of the Resource Management (Marine Pollution) Regulations 1998 **prohibits** the dumping of any waste or other matter not listed in (a) to (g) above, from any ship, aircraft, or offshore installation in the coastal marine area, unless it is related to seabed mineral exploitation or processing or allowed by section 15B of the Resource Management Act, 1991 (see section 3.8 below).

#### 3.7.2 Incineration of waste and other matter in the coastal marine area

**Section 6** of the Resource Management (Marine Pollution) Regulations 1998 **prohibits** the incineration of waste in marine incineration facility. This regulation overrides rules in Regional Coastal Plans, but does not apply to a discharge made in accordance with section 15B of the Act or sections 8 to 16 of the regulations (see section 3.8 below).



### 3.8 Discharge of harmful substances from ships or offshore installations (section 15B of the Act)

Section 15B of the Resource Management Act, 1991 prohibits people from discharging a harmful substance or contaminant from a ship or offshore installation unless there are none of the effects listed in subsections (1)(b) or (c) of that section, or unless the discharge is permitted or controlled by a rule in a regional coastal plan, a resource consent, or a regulation.

Section 15B of the Resource Management Act, 1991 prohibits people from discharging water into water in the coastal marine area from any **ship** or offshore installation unless the discharge is permitted or controlled by a rule in a regional coastal plan, a resource consent, or a regulation, or after reasonable mixing, the water discharged is not likely to give rise to any significant adverse effects on aquatic life.

Regulations were made by Order in Council on 20 July 1998. These are the **Resource Management (Marine Pollution) Regulations**. The regulations are described below.

#### 3.8.1 Discharges of substances for the purpose of avoiding, remedying, or mitigating an oil spill in the coastal marine area

The discharge of substances for the purpose of avoiding, remedying, or mitigating an oil spill in the coastal marine area is controlled by section 8 of the Resource Management (Marine Pollution) Regulations 1998. These regulations override regional rules in Regional Coastal Plans.

**Section 8** of the Resource Management (Marine Pollution) Regulations 1998 **permits** discharges of substances from a **ship** or offshore installation if the substances are discharged for the purpose of avoiding, remedying, or mitigating oil spills in the coastal marine area.

#### 3.8.2 Discharges of oil in the coastal marine area

The discharge of oil in the coastal marine area is controlled by section 9 of the Resource Management (Marine Pollution) Regulations 1998. These regulations override regional rules in Regional Coastal Plans.

**Section 9** of the Resource Management (Marine Pollution) Regulations 1998 **permits** the discharge of oil, or mixtures containing oil, from **ships** in the coastal marine area provided the discharge complies with conditions in that section.



### 3.8.3 Discharges of noxious liquid substances in the coastal marine area

The discharge of noxious liquid substances in the coastal marine area is controlled by section 10 of the Resource Management (Marine Pollution) Regulations 1998. These regulations override regional rules in Regional Coastal Plans.

**Section 10** of the Resource Management (Marine Pollution) Regulations 1998 **permits** the discharge of any noxious liquid substance from any ship in the coastal marine area provided the noxious liquid substance is part of a discharge of **clean ballast water** or **segregated ballast water** and provided the discharge is from any ship carrying a noxious liquid substance in bulk. Noxious liquid substances are defined in the First Schedule to the regulations.

### 3.8.4 Discharges of sewage in the coastal marine area

The discharge of sewage from ships and offshore installations in the coastal marine area is controlled by sections 11 and 12 of the Resource Management (Marine Pollution) Regulations 1998. These regulations override regional rules in Regional Coastal Plans.

**Section 11** of the Resource Management (Marine Pollution) Regulations 1998 **permits** the discharge of sewage from a **ship** or offshore installation provided the discharge is more than 500 metres from a marine farm. This part of the regulation ceased having effect on 1 July 2000.

**Section 11** of the Resource Management (Marine Pollution) Regulations 1998 **permits** the discharge of sewage from a **ship** or offshore installation provided the discharge is more than 500 metres from a marine farm and the shore, and in water more than five metres deep. This regulation came into effect on 1 July 2000.

**Section 12** of the Resource Management (Marine Pollution) Regulations 1998 **permits** the discharge of treated sewage from a **ship** or offshore installation provided the discharge is more than 100 metres from a marine farm, and the quality of the treated sewage complies with the definition of “**treated sewage**” in the regulations.

### 3.8.5 Discharges of garbage in the coastal marine area

The discharge of garbage in the coastal marine area is controlled by section 13 of the Resource Management (Marine Pollution) Regulations 1998. These regulations override regional rules in Regional Coastal Plans.

**Section 13** of the Resource Management (Marine Pollution) Regulations 1998 **prohibits** the discharge of plastics, dunnage, lining, and packaging materials in the coastal marine area from any **ship**.



**Section 13** of the Resource Management (Marine Pollution) Regulations 1998 **permits** the discharge of garbage in the coastal marine area from any **ship** provided the discharge does not contain any plastics, dunnage, lining, and packaging materials and provided it complies with conditions in that section.

**Section 13** of the Resource Management (Marine Pollution) Regulations 1998 **prohibits** the discharge of garbage in the coastal marine area from any offshore installation.

### 3.8.6 Discharges of ballast water

The discharge of ballast water in the coastal marine area is controlled by section 14 of the Resource Management (Marine Pollution) Regulations 1998. These regulations override the regional rules in the Regional Coastal Plan.

**Section 14** of the Resource Management (Marine Pollution) Regulations 1998 **permits** the discharge of **clean ballast water** or **segregated ballast water** from a **ship** or offshore installation provided the discharge complies with the section.

### 3.8.7 Discharges made as part of normal operations of ship or offshore installation

**Section 15** of the Resource Management (Marine Pollution) Regulations 1998 **permits** discharges to the coastal marine area of a contaminant that is incidental to, or derived from, or generated during, the operations listed in **Schedule 4** of the regulations as the normal operations of a **ship** or offshore installation.



### 3.9 Prohibitions in relation to radioactive waste or other radioactive matter and other waste in coastal marine area (section 15C of the Act)

Section 15C of the Resource Management Act, 1991 **prohibits** the dumping of radioactive waste, and the storage of radioactive, toxic, or hazardous waste or matter in the coastal marine area. Toxic or hazardous waste means any waste or other matter prescribed as toxic or hazardous waste by regulations. A definition has not yet been prescribed by regulations (31 May 2000).



## Statutory definitions of words used in this Guide

**Agrichemical** is defined in the Regional Air Quality Management Plan as —

Any substance, whether inorganic or organic, manufactured or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture, forestry, management of public amenity areas, or related activity, to eradicate, or control flora or fauna. Fertilisers are explicitly excluded from this definition.

**Area 1** is defined in the Regional Soil Plan as —

the area of land within the Wellington Regional Council’s jurisdiction that extends:

- east of the Ruamahanga River to the east coast; and
- west of State Highway 1 to the west coast, north of Pukerua Bay.

**Area 2** is defined in the Regional Soil Plan as —

that area of land within the Wellington Regional Council’s jurisdiction where:

- the eastern boundary is the Ruamahanga River; and
- the western boundary is the west coast south of Pukerua Bay and State Highway 1 north of Pukerua Bay.

**Areas of Significant Conservation Value** is defined in the Regional Coastal Plan as —

| Name                                | Area  | Value   |
|-------------------------------------|---|---|
| Kapiti Marine Reserve               | All that area shown as areas A and B on SO36790, as indicated on Planning Map 2A.   | Conservation, scenic, natural and scientific values. A unique combination of habitats and environments: native marine mammals and birds; diverse underwater flora and fauna; rare assemblages of sponge and ascidian species; a high degree of water clarity; spectacular scenery; and important geological formations.                 |
| Waikanae Estuary Scientific Reserve | All that area of the coastal marine area which lies within SO37103, Lot1 DP50376, Lot 5 DP71625 and Lot 1 DP52594 (all Scientific Reserve) and Lots 2 & 4 P71625 (Local Purpose (Esplanade) Reserve and Recreation Reserve), as indicated on Planning Map 2A. | A range of important habitats and indigenous plant and animal species. A nationally significant wetland for waders, seabirds and waterfowl (local and migratory). An important spawning area and nursery for threatened fish species (including Galaxias spp). The reserve contains significant vegetation of estuarine shrub-rushland. |
| Pauatahanui Inlet                   | The entire Pauatahanui  | Natural, conservation, geological   |



| Name       | Area   | Value   |
|------------|--|---|
|            | Inlet from the Inlet side of the Paramata Bridge (SH1) and including those areas of Pauatahanui Domain to the north-east of Grays Road as lie inside the coastal marine area, as indicated on Planning Map 2B. | and scientific values. A wildlife reserve with a diverse waterfowl and wading-bird habitat (local and migratory), threatened fish species (including Galaxias spp) and endangered vegetation. The reserve contains significant salt marsh vegetation. |
| Lake Onoke | The entire area of Lake Onoke from the Ruamahanga River cross river boundary, as indicated on Planning Map 2J.   | Wildlife and conservation values. A breeding ground for threatened bird species and marine fish (including Galaxias spp). Vegetation includes rare and vulnerable native plant species.   |

**Areas of Important Conservation Value** is defined in the Regional Coastal Plan as —

| Name                                 | Area  | Value   |
|--------------------------------------|---|---|
| Kapukapuariki Reef                   | Offshore from Whareroa Beach, as indicated in Planning Map 2E.                            | Mahinga maataitai.  |
| Pukerua Bay Sponge Garden            | About 300m offshore from Pukerua Bay at about 30m depth, as indicated on Planning Map 2E. | A localised sponge garden resulting from a small backwater which causes high local nutrient levels. Characteristic of importance to tangata whenua. |
| Wairaka Rock                         | Pukerua Bay, as indicated on Planning Map 2E.   | Geological feature and characteristic of value to tangata whenua (Hau's wife in Maori oral history).  |
| Toka-a-papa Reef                     | Approximately 1km offshore from Karehana Bay, as indicated on Planning Map 2D.            | Characteristic of importance to tangata whenua.   |
| Onehunga Bay, Whitireia              | Onehunga Bay as indicated on Planning Map 2D.   | Tauranga waka of importance to tangata whenua.  |
| Titahi Bay Pleistocene Fossil Forest | Intertidal reef in the centre of Titahi Bay, as indicated on Planning Map 2C.             | Remains of forest from last interglacial period.  |
| The Bridge                           | Seabed between Mana Island and the mainland, as indicated on Planning Map 2C.             | A unique submarine isthmus with marine flora and fauna of national significance. Characteristic of importance to                                    |





| <b>Name</b>                  | <b>Area</b>  | <b>Value</b>   |
|------------------------------|--|--|
|                              |  | tangata whenua.  |
| Makara Stream Estuary        | Mouth of the Makara Stream, as indicated on Planning Map 2F. | Estuary of regional significance for indigenous flora and fauna. Characteristic of importance to tangata whenua. |
| Cape Terawhiti to Opau Point | As indicated on Planning Map 2F.                             | Important winter haulout for New Zealand fur seals   |
| Oterongo (Oteranga)          | Oteronga Bay, as indicated on Planning Map 2F.               | Characteristic of importance to tangata whenua.  |

**Bed** is defined in the Resource Management Act, 1991 as -

- (a) In relation to any river -
  - (i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:
  - (ii) In all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and
- (b) In relation to any lake, except a lake controlled by artificial means, -
  - (i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin:
  - (ii) In all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and
- (c) In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and
- (d) In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

**Bore** is defined in the Regional Freshwater Plan as —

any structure advanced into the subsurface by means of drilling, boring, driving or other construction method for the purpose of taking groundwater, or which results in groundwater being taken, or for geotechnical investigations within the groundwater zones shown in Appendix 9, or for the investigation or monitoring of groundwater.

**Clean ballast water** is defined in the Resource Management (Marine Pollution) Regulations 1998 as —

means ballast water and contaminants carried in a tank used to carry a noxious liquid substance or oil,—

- (a) Where the tank has been thoroughly cleaned since last used to carry a noxious liquid substance, and the residue from that cleaning discharged with the tank being emptied; or
- (b) Where the tank has been thoroughly cleaned since last used to carry oil and the ballast water and contaminants, when discharged, would not contain oil exceeding 15 parts per million.



**Cleanfill** is defined in the Regional Plan for Discharges to Land and the Regional Air Quality Management Plan as —

materials such as clay, soil, rock, concrete, or brick, that are free of combustible or putrescible components or hazardous substances or materials likely to create a hazardous leachate by means of biological or chemical breakdown.

**Coastal marine area** is defined in the Resource Management Act, 1991 as —

the foreshore, seabed, and coastal water, and the air space above the water -

- (a) Of which the seaward boundary is the outer limits of the territorial sea:
- (b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
  - (i) One kilometre upstream from the mouth of the river; or
  - (ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.

*Explanation (not part of the definition)*

*The coastal marine area is all the land and water on the seaward side of the line of mean high water springs out to a distance of 12 nautical miles. The line of mean high water springs is the average of the high tides that happen just after every new moon and every full moon. You can often recognise it by a line of seaweed and driftwood on the beach. Twelve nautical miles is 22.2 kilometres. The coastal marine area also extends up rivers for a distance of one kilometre or five times the width of the river, whichever is the lesser. The boundaries for major rivers in the Region are defined in maps in both the Regional Coastal Plan and the Regional Freshwater Plan.*

**Coastal water** is defined in the Resource Management Act, 1991 as —

seawater within the outer limits of the territorial sea and includes -

- (a) Seawater with a substantial fresh water component; and
- (b) Seawater in estuaries, fiords, inlets, harbours, or embayments:

**Contaminant** is defined in the Resource Management Act, 1991 as —

includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat -

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

**Controlled activity** is defined in the Resource Management Act, 1991 as—

an activity which -

- (a) Is provided for, as a controlled activity, by a rule in a plan or proposed plan; and
- (b) Complies with standards and terms specified in a plan or proposed plan for such activities; and
- (c) Is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and



- (d) Is allowed only if a resource consent is obtained in respect of that activity

*Explanation (not part of the definition)*

*A resource consent is required for these activities and the Plan sets out the information required with the application. The Council must grant applications for controlled activities if the activity complies with standards and terms specified in the rule. Conditions can be imposed on the consent only in relation to matters over which it has reserved control.*

**Discharge** is defined in the Resource Management Act, 1991 as—  
includes emit, deposit, and allow to escape.

**Discretionary activity** is defined in the Resource Management Act, 1991 as—  
an activity -

- (a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
- (b) Which is allowed only if a resource consent is obtained in respect of that activity; and
- (c) Which may have standards and terms specified in a plan or proposed plan; and
- (d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity

*Explanation (not part of the definition)*

*A resource consent is required for these activities and the Plan sets out the information required with the application. The Council has the discretion to grant the consent and impose conditions, or decline the application. The rule may limit the scope of the Council discretion to specified matters. In this case the activity is described in the Plan as a “restricted discretionary activity” (see below).*

**Dry abrasive blasting** is defined in the Regional Air Quality Management Plan as —  
abrasive blasting involving the use of abrasive substances such as sand, lead shot, etc.

**Erosion Prone Land** is defined in the Regional Soil Plan as —

any land within **Area 1** (see definition) with a slope greater than 23 degrees; and any land within **Area 2** (see definition) with a slope greater than 28 degrees. Slope is the angle from horizontal and is measured in degrees to an accuracy no less than that achieved by a hand-held inclinometer or abney level.

**Fertiliser** is defined in the Regional Plan for Discharges to Land as —

means any substance that is suitable for sustaining or increasing the growth, productivity or quality of plants by the provision of essential nutrients, provided the substance is free from human faecal matter and any pathogens.



**Floodway** is defined in RP 24 of the Transitional Regional Plan as —  
means a channel or any part thereof intended for the passage of flood waters or the natural passage of flood waters.

**Floodway** is defined in RP 25 of the Transitional Regional Plan as —  
means every watercourse, and land over which flood waters are intended or expected to pass from time to time.

**Foreshore** is defined in the Resource Management Act, 1991 as —  
any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.

**Fresh water** is defined in the Resource Management Act, 1991 as —  
all water except coastal water and geothermal water.

**Industrial or trade premises** is defined in the Resource Management Act, 1991 as —

- (a) Any premises used for any industrial or trade purposes; or
- (b) Any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or
- (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process-  
but does not include any production land.

**Industrial or trade process** is defined in the Resource Management Act, 1991 as —  
includes every part of a process from the receipt of raw material to the dispatch or use in another process or disposal of any product or waste material, and any intervening storage of the raw material, partly processed matter, or product.

**Lake** is defined in the Resource Management Act, 1991 as —  
a body of fresh water which is entirely or nearly surrounded by land.

**Land** is defined in the Resource Management Act, 1991 as —  
includes land covered by water and the air space above land.

**Non-complying activity** is defined in the Resource Management Act, 1991 as —  
an activity which -

- (a) Is provided for, as a non-complying activity, by a rule in a plan or proposed plan; or
- (b) Contravenes a rule in a plan or proposed plan -  
and is allowed only if a resource consent is obtained in respect of the activity

*Explanation (not part of the definition)*

*A resource consent is required for these activities and the Plan sets out the information required with the application. This category includes activities which a rule specifies as non-complying as well activities that contravene a rule in a plan. These activities are not prohibited. When making a decision on a resource consent*



*application for a non-complying activity, the Council may only grant the consent if it is satisfied that -*

*"(i) The adverse effects on the environment will be minor; or  
(ii) Granting the consent will not be contrary to the objectives and policies of the plan or proposed plan" (Section 105 (2)(b) of the Resource Management Act, 1991 ).*

*Usually activities described as non-complying will have more than minor adverse effects. Where that is the case a permit can only be granted if sub-paragraph (ii) is satisfied.*

**Occupy** is defined in section 12 (4)(a) of the Resource Management Act, 1991 as—  
means the activity of occupying any part of the coastal marine area—

- (i) Where that occupation is reasonably necessary for another activity; and
- (ii) Where it is to the exclusion of all or any class of persons who are not expressly allowed to occupy that part of the coastal marine area by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent; and
- (iii) For a period of time and in a way that, but for a rule in the regional coastal plan and in any relevant proposed regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary to give effect to the exclusion of other persons, whether in a physical or legal sense.

**Permitted activity** is defined in the Resource Management Act, 1991 as —  
an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in section 108 or section 220) specified in the plan.

*Explanation (not part of the definition)*

*No resource consent is required to undertake these activities provided they comply with all conditions specified in the rule.*

**Person** is defined in the Resource Management Act, 1991 as —  
includes the Crown, a corporation sole, and also a body of persons, whether corporate or unincorporate.

**Prohibited activity** is defined in the Resource Management Act, 1991 as —  
an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; [and includes any activity prohibited by section 105(2)(b) of the Historic Places Act 1993] [and any prospecting, exploring, or mining for Crown owned minerals in the internal waters (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 197) of the Coromandel Peninsula, other than those prospecting, exploration, or mining activities set out in section 61 (1A) of the Crown Minerals Act 1991]

*Explanation (not part of the definition)*

*An activity described in a rule as being a prohibited activity cannot be undertaken in any circumstances. Any person who wants to do something described in a rule as a*



*prohibited activity would have to apply to the Council for a Plan Change. Plan changes follow the same procedure of public submission and appeal as plan preparation.*

**Restricted coastal activity** is defined in the Resource Management Act, 1991 as —  
any discretionary activity or non-complying activity -

- (a) Which, in accordance with section 68, is stated by a regional coastal plan to be a restricted coastal activity; and
- (b) For which the Minister of Conservation is the consent authority:

*Explanation (not part of the definition)*

*An activity described in a rule as being a Restricted Coastal Activity requires a coastal permit. These activities will also be discretionary activities or non-complying activities. The difference is that they are granted or declined by the Minister of Conservation, rather than the regional council.*

**Restricted discretionary activity.** A “restricted discretionary activity” is not separately defined in the Resource Management Act, 1991. This classification describes a **discretionary activity** for which the Council has restricted the exercise of its discretion. The definition of a discretionary activity in the Resource Management Act, 1991 is—

an activity -

- (a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
- (b) Which is allowed only if a resource consent is obtained in respect of that activity; and
- (c) Which may have standards and terms specified in a plan or proposed plan; and
- (d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.

*Explanation (not part of the definition)*

*When assessing an application for a “restricted discretionary activity” the Council may only consider the matters over which it has retained discretion. If the consent is granted, the Council may only attach conditions to the consent about those same matters.*

**River** is defined in the Resource Management Act, 1991 as —

a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

**Roading or Tracking Activities** is defined in the Regional Soil Plan as —

any earthworks associated with the formation of any new road or track, or the **upgrade** of any existing road or track. Roding or tracking activities include the formation of skid sites and any access way such as driveways and paths and railway tracks but excludes any tracking undertaken by a mine or quarry operation which either had a currently valid mining license, or was lawfully established, at 26 April 1997 (the date the Regional Soil Plan was publicly notified).





**Schedule 4** of the Resource Management (Marine Pollution) Regulations 1998 is —  
 NORMAL OPERATIONS OF SHIP OR OFFSHORE INSTALLATION

1. Ship propulsion.
2. Heat exchange systems, including engine cooling systems, air conditioning, refrigeration, and condensers.
3. Stormwater drainage from systems and scuppers, except from those areas used for the storage of any harmful substance.
4. The use of washing facilities in the accommodation areas producing greywater from showers, handbasins, baths, galleys, dishwashers, and laundries but does not include use of any dispensary, sick bay, or other medical premises.
5. The cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo.
6. The incineration of waste or other matter generated from a ship or offshore installation.
7. Fire-fighting.
8. The operation of a weapon system on any ship of the New Zealand Defence Force.

**Segregated ballast water** is defined in the Resource Management (Marine Pollution) Regulations 1998 as —

means ballast water and contaminants in a ship's tank where that tank is completely separated from cargo oil and fuel oil systems and is permanently allocated to the carriage of ballast water or cargoes other than oil or noxious liquid substances.

**Ship** is defined in the Resource Management Act as "has the same meaning as in section 2 of the Maritime Transport Act 1994." The Maritime Transport Act 1994 defines ship as —

means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

- (a) A barge, lighter, or other like vessel;
- (b) A hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) A submarine or other submersible:

**Soil Disturbance** is defined in the Regional Soil Plan as —

the disturbance of soil by any means, including blading, blasting, contouring, ripping, root-raking, moving, removing excavating, and cutting.

Soil disturbance excludes:

- soil disturbance as a result of vegetation disturbance activity;
- non-motorised soil disturbance activities;
- thrusting, boring or trenching or mole ploughing associated with cable or pipe laying;
- soil disturbance undertaken by a mine or quarry operation which either had a currently valid mining licence, or was lawfully established, at 26 April 1997 (the date the Regional Soil Plan was publicly notified);
- cultivation and grazing; and



- foundation works for structures.

**Subdivision** is defined in section 218 of the Resource Management Act, 1991 as follows.

- (1) In this Act, the term "subdivision of land" means -
  - (a) The division of an allotment –
    - (i) By an application to a District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or
    - (ii) By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
    - (iii) By a lease of part of the allotment which, including renewals, is or could be for 20 years or longer[; unless that part of the allotment is in the coastal marine area, and that lease is allowed for a term of 20 years or longer by a coastal permit or by a rule in a regional coastal plan; or]
    - (iv) By the grant of a company lease or cross lease in respect of any part of the allotment; or
    - (v) By [the deposit of a unit plan, or] an application to a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
  - (b) An application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226, -  
and the term "subdivide land" has a corresponding meaning.

**Territorial authority** is defined in the Resource Management Act, 1991 as —  
a city council or a district council.

**Treated sewage** is defined the Resource Management (Marine Pollution) Regulations 1998 as “treated sewage” means sewage that, when sampled 5 times or more over 24 hours, meets, or exceeds, the following standards:

- (a) A faecal coliform standard where the geometric mean of the faecal coliform count does not exceed 250 faecal coliforms per 100 millilitres; and
- (b) A suspended solids standard where the geometric mean of the total suspended solids content, when suspended solids are analysed by gravimetric methods, does not exceed—
  - (i) 50 milligrams per litre when analysed on shore; or
  - (ii) 100 milligrams per litre more than the suspended solids content of the ambient water used for flushing when analysed on board a ship; and
- (c) A biochemical oxygen demand count where the geometric mean of 5 day biochemical oxygen demand of the samples of sewage does not exceed 50 milligrams per litre.

**Upgrade** is defined in the Regional Soil Plan as —

Upgrade of an existing road or track means an increase in the road or track width by undertaking earthworks on the batter that extends the road or track width by greater than 20% of the existing width, within any 12 month period.

**Vegetation Disturbance** is defined in the Regional Soil Plan as —





the clearance or destruction of vegetation by physical/ mechanical or chemical means and includes logging, felling or harvesting of trees and the burning of vegetation. Vegetation disturbance does not include:

- vegetation disturbance associated with a roading or tracking activity or a soil disturbance activity;
- root raking;
- grazing or cutting of grass;
- pruning, thinning or layering,
- plant pests (as identified in Table 2 of the *Regional Pest Plant Management Strategy, Wellington Region 1996-2001 (WRC/WA-G-96/38)*) cut by hand,
- the trimming of vegetation (for example along existing private and public roads, railway lines, and under or over a public utility network, or within public reserves and land held under the Conservation Act 1987);
- the removal of vegetation for the purposes of creating a building site;
- vegetation disturbance undertaken by a mine or quarry operation which either had a currently valid mining licence, or was lawfully established at 26 April 1997 (the date the Regional Soil Plan was publicly notified); or
- spraying of annual pasture weeds and all thistles, including biannual thistles.

Note: The spray application of agrichemicals is addressed in the *Regional Air Quality Management Plan for the Wellington Region*.

**Water** is defined in the Resource Management Act, 1991 as —

- (a) Means water in all its physical forms whether flowing or not and whether over or under the ground;
- (b) Includes fresh water, coastal water, and geothermal water;
- (c) Does not include water in any form while in any pipe, tank, or cistern.

**Water body** is defined in the Resource Management Act, 1991 as —

fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

**Wet abrasive blasting** is defined in the Regional Air Quality Management Plan as —

abrasive blasting involving the use of high-pressure water as the blasting medium.

**Wetland** is defined in the Resource Management Act, 1991 as —

includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

