

Appendix 2 – matters to be considered

Resource Management Act 1991

Section 5 - Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while-
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 6 - Matters of national importance

In achieving the purpose of this Act, all person exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision, use and development.

Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-

- (a) Kaitiakitanga:
- (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) Repealed.
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon.

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 13 – Restrictions on certain uses of beds of lakes and rivers

- (1) No person may, in relation to the bed of any lake or river, -
 - (a) Use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
 - (b) Excavate, drill, tunnel, or otherwise disturb the bed; or
 - (c) Introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or
 - (d) Deposit any substance in, on, or under the bed; or
 - (e) Reclaim or drain the bed -

unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent.
- (2) No person may -

- (a) Enter or pass across the bed of any river or lake; or
 - (b) 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 -

in a manner that contravenes a rule in a regional plan or proposed regional plan unless that activity is -
 - (c) Expressly allowed by a resource consent granted by the regional council responsible for the plan; or
 - (d) Allowed by section 20A (certain existing lawful uses allowed).
- (3) This section does not apply to any use of land in the coastal marine area.
- (4) Nothing in this section limits section 9.

Section 14- Restrictions relating to water

- (1) No person may take, use, dam, or divert any –
 - (a) Water (other than open coastal water); or
 - (b) Heat or energy from water (other than open coastal water); or
 - (c) Heat or energy from the material surrounding any geothermal water –

unless the taking, use, damming or diversion is allowed by subsection (3).
- (2) No person may –
 - (a) Take, use, dam, or divert any open coastal water; or
 - (b) Take or use any heat or energy from any open coastal water, -

in a manner that contravenes a rule in a regional plan or a proposed regional plan unless expressly allowed by a resource consent or allowed by section 20A (certain existing lawful activities allowed).
- (3) A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water, heat, or energy if –
 - (a) The taking, use, damming, or diversion is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent; or
 - (b) In the case of fresh water, the water, heat, or energy is required to be taken or used for –
 - (i) An individual's reasonable domestic needs; or

- (ii) The reasonable needs of an individual's animals for drinking water, -
and the taking or use does not, or is not likely to, have an adverse effect on the environment; or
- (c) In the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment; or
- (d) In the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or
- (e) The water is required to be taken or used for fire-fighting purposes.

Section 15 – Discharge of contaminants into environment

- (1) No person may discharge any –
 - (a) Contaminant or water into water; or
 - (b) 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; or
 - (c) Contaminant from any industrial or trade premises into air; or
 - (d) Contaminant from any industrial or trade premises onto or into land –
unless the discharge is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan, a resource consent, or regulations.
- (2) No person may discharge any contaminant into the air, or into or onto land, from –
 - (a) Any place; or
 - (b) Any other source, whether moveable or not, -

in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by a resource consent, or regulations, or allowed by section 20A (certain existing lawful activities allowed).

Section 104 of the Resource Management Act 1991 outlines the matters to be considered by a consent authority when considering an application for resource consent and any submissions received. Section 104 gives precedence to Part II of the Act.

Section 104 – Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (b) any relevant provisions of –
 - (i) a national policy statement:
 - (ii) a New Zealand coastal policy statement:
 - (iii) a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan: and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect on the activity on the environment if the plan permits an activity with that effect.
- (3) A consent authority must not –
 - (a) have regard to trade competition when considering an application:
 - (b) when considering an application, have regard to any effect on a person who has given written approval to the application:
 - (c) grant a resource consent contrary to the provisions of section 107 or section 217, any Order in Council in force under section 152, or under any regulations:
 - (d) grant a resource consent if the application should have been publicly notified and was not.
- (4) Subsection (3)(b) does not apply if a person has given written approval in accordance with that paragraph but, before the date of the hearing (if a hearing is held) or otherwise before the determination of the application, that person gives notice in writing to the consent authority that the approval is withdrawn.
- (5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of the type of activity the application was expressed to be for.

Section 104B – Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

Section 104C – Particular restrictions for restricted discretionary activities

When considering an application for a resource consent for a restricted discretionary activity, a consent authority

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and
- (b) may grant or refuse the application; and
- (c) if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.

Section 105 – Matters relevant to certain applications

- (1) If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to –
 - (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (b) the applicant's reasons for the proposed choice; and
 - (c) any possible alternative methods of discharge, including discharge into any other receiving environment.
- (2) If an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in section 104(1), consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent.

Section 107 – Restriction on grant of certain discharge permits

- (1) Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing –
 - (a) The discharge of a contaminant or water into water; or
 - (b) A discharge of a 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; or
 - (ba) The dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant, -

if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:

- (c) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - (d) Any conspicuous change in the colour or visual clarity:
 - (e) Any emission of objectionable odour:
 - (f) The rendering of fresh water unsuitable for consumption by farm animals:
 - (g) Any significant adverse effects on aquatic life.
- (2) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied –
- (a) That exceptional circumstances justify the granting of the permit; or
 - (b) That the discharge is of a temporary nature; or
 - (c) That the discharge is associated with necessary maintenance work –
- and that it is consistent with the purpose of this Act to do so.
- (3) In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.

Section 108 – Conditions of resource consents

- (1) Except as expressly provided in this section and subject to any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate, including any conditions of a kind referred to in subsection (2).
- (2) A resource consent may include any one or more the following conditions:
 - (a) Subject to subsection (10), a condition requiring that a financial contribution be made:
 - (b) A condition requiring provision of a bond (and describing the terms of that bond) in accordance with section 108A:
 - (c) A condition requiring that services or works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the

protection, restoration, or enhancement of any natural or physical resource, be provided:

- (d) In respect of any resource consent (other than a subdivision consent), a condition requiring that a covenant be entered into, in favour of the consent authority, in respect of the performance of any condition of the resource consent (being a condition which relates to the use of land to which the consent relates):
- (e) Subject to subsection (8), in respect of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or section 15B, a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge and other discharges (if any) made by the person from the same site or source:
- (f) In respect of a subdivision consent, any condition described in section 220 (notwithstanding any limitation on the imposition of conditions provided for by section 77B(2)(c) or (3)(c)):
- (g) In respect of any resource consent for reclamation granted by the relevant consent authority, a condition requiring an esplanade reserve or esplanade strip of any specified width to be set aside or created under Part 10:
- (h) In respect of any coastal permit to occupy any part of the coastal marine area (relating to land of the Crown in the coastal marine area or land in the coastal marine area vested in the regional council), a condition –
 - (i) Detailing the extent of the exclusion of other persons:
 - (ii) Specifying any coastal occupation charge.
- (3) A consent authority may include as a condition of a resource consent a requirement that the holder of a resource consent supply to the consent authority information relating to the exercise of the resource consent.
- (4) Without limiting subsection (3), a condition made under that subsection may require the holder of the resource consent to do one or more of the following:
 - (a) To make and record measurements:
 - (b) To take and supply samples:
 - (c) To carry out analyses, surveys, investigations, inspections, or other specified tests:
 - (d) To carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:
 - (e) To provide information to the consent authority at a specified time:
 - (f) To provide information to the consent authority in a specified manner:

- (g) To comply with the condition at the holder of the resource consent's expense.
- (5) Any conditions of a kind referred to in subsection (3) that were made before the commencement of this subsection, and any action taken or decision made as a result of such a condition, are hereby declared to be, and to have always been, as valid as they would have been if subsections (3) and (4) had been included in this Act when the conditions were made, or the action was taken, or the decision was made.
- (6) Repealed.
- (7) Any condition under subsection (2)(d) may, among other things, provide that the covenant may be varied or cancelled or renewed at any time by agreement between the consent holder and the consent authority.
- (8) Before deciding to grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or 15B subject to a condition described in subsection (2)(e), the consent authority shall be satisfied that, in the particular circumstances and having regard to –
 - (a) The nature of the discharge and the receiving environment; and
 - (b) Other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment –

the inclusion of that condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.
- (9) In this section, “financial contribution” means a contribution of –
 - (a) Money; or
 - (b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
 - (c) A combination of money and land.
- (10) A consent authority must not include a condition in a resource consent requiring a financial contribution unless –
 - (a) The condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and
 - (b) The level of contribution is determined in the manner described in the plan or proposed plan.

Wellington Regional Policy Statement

Chapter 4 – The Iwi Environmental Management System

Objective 1

A mutually satisfactory relationship is developed and maintained between the Wellington Regional Council and the iwi of the Region.

Objective 2

The principles of the Treaty of Waitangi are taken into account in resource management.

Objective 3

There are increased opportunities for tangata whenua to exercise kaitiakitanga in the Region.

Objective 4

There are increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met.

Policy 2

To support the active participation of tangata whenua in the development and implementation of resource management policy and plans, and in the resource consent granting process.

Method 4

The Wellington Regional Council, where it is the consent granting authority, will:

- (1) Consult with tangata whenua on all consent applications it considers will have a significant effect on tangata whenua;
- (2) Encourage applicants to consult with tangata whenua as part of the assessment of effects;
- (3) Appoint Maori as hearings commissioners, when appropriate;
- (4) Recognise, when appropriate, tikanga Maori in pre-hearing meetings and hearings; and
- (5) Consider effects on iwi when assessing whether consent applications should be non-notified.

Chapter 5 – Fresh Water

Objective 1

The quantity of fresh water meets the range of uses and values for which it is required, safeguards its life supporting capacity, and has the potential to meet the reasonably foreseeable needs of future generations.

Objective 2

The quality of fresh water meets the range of uses and values for which it is required, safeguards its life supporting capacity, and has the potential to meet the reasonably foreseeable needs of future generations.

Objective 3

Freshwater resources of significance or of high value for cultural, spiritual, scenic, ecosystem, natural, recreational, or other amenity reasons are protected or enhanced.

Policy 5

To improve water quality and restore contaminated water to a standard which is appropriate for its desired uses and natural values.

Method 1

The Wellington Regional Council will:

Manage the use and development of all fresh water by means of resource consents unless the use is allowed by a rule in a regional plan or the water is taken for reasons allowed by the Act (s.14(3)).

Chapter 6 – Soil and Minerals

Objective 1

The soils of the Wellington Region maintain those desirable physical, chemical, and biological characteristics which enable them to retain their life supporting capacity and to sustain plant growth.

Policy 1

To avoid, remedy or mitigate erosion and other forms of soil degradation on susceptible sites and avoid off-site effects of erosion and other soil degradation, including the contamination of water, contamination of the beds of water bodies and the coastal marine area and contamination of air.

Policy 6

To avoid, remedy or mitigate the adverse effects of harmful waste and contaminants on soil, and to dispose of these in ways which respect the assimilative capacity of the soil and which comply with relevant standards set for water quality and air quality.

Method 5

The Wellington Regional Council will:

Provide advice on establishing and managing soil conservation plantings used in revegetation programmes to ensure long-term stability is maximised.

Method 20

The Wellington Regional Council will:

Control the discharge of waste products, chemical contaminants and effluent onto or into soil through provisions in a regional plan dealing with the discharge of contaminants to land.

Chapter 8 – Air

Objective 3

The adverse effects of the discharge of contaminants into air on human health, local or global environmental systems and public amenity are avoided, remedied or mitigated.

Objective 4

The output of gases which potentially promote climate change is at a level which is consistent with central government climate change policy.

Policy 4

To develop, enhance and maintain systems for measuring air quality in the Region, for storing and analysing air quality information, and for assessing the effects of poor air quality on human health, environmental systems and public amenity.

Policy 5

To establish and promote air quality guidelines for setting desirable ambient air quality and for the control of activities which cause discharges to air.

Policy 6

To avoid or minimise, where appropriate and practicable, the discharge of contaminants to air at their source by the development and implementation of improved control technology and by good pollution control practice.

Policy 11

To avoid, remedy or mitigate the adverse effects of air pollution on public amenity values.

Policy 12

To avoid, remedy or mitigate the adverse effects of odours on public amenity.

Method 4

The Wellington Regional Council will:

Require those industries and activities that require a resource consent to discharge contaminants to air to carry out emission monitoring as part of the resource consent requirements where appropriate.

Chapter 9 – Ecosystems

Objective 1

The overall quality of ecosystems in the Region is increased.

Objective 2

Healthy, functioning ecosystems are distributed throughout the Region, including the rural and urban environments.

Objective 3

The area and quality of indigenous ecosystems in the Region is increased.

Objective 4

The Region has a diversity of healthy ecosystems which represent the full range of regional flora, fauna and habitats.

Objective 5

Special ecosystems in the Region are actively protected and appropriately managed.

Policy 1

To increase understanding of the Region's ecosystems to a level to enable the effective monitoring of change.

Method 2

The Wellington Regional Council will:

Where it is the resource consent authority, consider applying resource consent conditions which require holders to monitor ecosystems which may be affected by the resource consent.

Chapter 13 – Waste Management and Hazardous Substances

Objective 1

The quantity of waste generated is reduced.

Objective 2

The quantity of residual wastes for disposal is minimised through reuse, recycling and resource recovery.

Objective 3

Adverse effects on the environment and human health from the inappropriate disposal of residual liquid and solid wastes are avoided or, where this is not possible, remedied and mitigated.

Objective 4

The potential for any accidental or unanticipated effects to arise as a result of the use, storage, transportation and disposal of hazardous substances is minimised and any adverse effects that do occur are remedied or mitigated.

Policy 1

To develop an integrated waste management framework in the Region, including integration across environmental media and jurisdictional boundaries, and between levels of government.

Policy 2

To adopt and implement the waste management hierarchy of:

- (1) Reducing the amount of waste generated;
- (2) Reusing waste resources;
- (3) Recycling waste resources;
- (4) Recovering resources (including energy) from waste; and
- (5) Disposing of residual waste in an environmentally safe

Policy 5

As a matter of priority, to promote the concepts of clean production and waste minimisation and to support all sectors of the community in the implementation of these concepts.

Policy 6

To provide opportunities for the reuse of waste materials, recycling, and the recovery of resources from waste (including composting and the recovery of landfill gas).

Policy 7

To ensure that all residual wastes are safely disposed of in an appropriate facility

Policy 8

To avoid, remedy or mitigate all adverse effects of waste disposal sites, including those sites that are no longer used for waste disposal, and as a matter of priority to avoid the adverse effects of landfill leachate.

Policy 9

To rationalise the siting of landfills within the Wellington Region.

Policy 13

To minimise the risk of damage to the environment and human health from contaminated sites in the Region.

Method 8

To achieve integrated management, other means which could be used to implement Waste Management and Hazardous Substances Policies 4-6 include:

- (1) Education and information dissemination on waste minimisation;
- (2) Setting a good example by implementing measures which minimise the generation of waste; and
- (3) Providing appropriate waste management services.

Method 9

The Wellington Regional Council will:

Include objectives, policies and, where appropriate, rules and other methods in the regional plans dealing with the discharge of contaminants to land, water and air.

Method 10

The Wellington Regional Council will:

Review, improve and extend landfill leachate monitoring for the Wellington Region.

Method 11

Liaise with the relevant iwi and give particular consideration to any relevant iwi management plans or statements of iwi views when developing policies and plans on waste disposal, and disposal of sewage in particular.

Method 13

To achieve integrated management, other means which could be used to implement Waste Management and Hazardous Substances Policy 7 include:

- (1) Provision of information and education programmes on appropriate waste disposal to all waste generators, including the industrial, commercial, agricultural and domestic sectors;
- (2) Provision of facilities for the collection and disposal of wastes, including hazardous wastes; and
- (3) Use of the provisions and powers of other legislation, regulations and guidelines for the disposal of hazardous wastes.

Regional Freshwater Plan for the Wellington Region

Chapter 4 – General Objectives and Policies

Policy 4.2.5

To have regard to the values and customary knowledge of the tangata whenua, where these have been identified by the tangata whenua, when assessing resource consent applications for the use and development of water bodies and river and lake beds.

Chapter 5 – Water Quality

Policy 5.2.6

Except for rivers and streams identified in Appendix 7, to manage the water quality of all surface water bodies in the Region for aquatic ecosystem purposes (subject to Policy 5.2.10).

Policy 5.2.7

To manage all groundwater in the Wellington Region so that there are no net adverse affects on its quality as a result of discharges to surface water or groundwater (subject to Policy 5.2.10).

Policy 5.2.14

To encourage the treatment of stormwater discharges to reduce the adverse effects of such discharges on the receiving water body.

Rule 5 All remaining discharges to fresh water

The discharge of any contaminant or water into fresh water:

- that is not provided for in Rules 1, 2, 3, and 4; and
- which cannot meet the requirements of Rules 1, 2, 3, and 4; and
- which is not a non-complying activity in Rule 6;

is a **Discretionary Activity**.

Chapter 6 – Water Quantity

Policy 6.2.1

To manage the allocation of water and flows in the parts of the rivers and streams shown in column 1 of Table 6.1 by:

- (1) recognising the flows shown in column 3 as minimum flows that should be achieved in low flow conditions; and
- (2) authorising, through resource consents, the taking of no more than the core allocation shown in column 4 (except where the requirements for supplementary allocation in clause (3) of this policy are satisfied); and
- (3) authorising, through resource consents, the taking of a supplementary allocation when the flow exceeds that shown in column 5 (which is additional to the core allocation provided for in clause (2) of this policy);

and

- (4) authorising, through resource consents, the taking of no more than the first and second stepdown allocations shown in columns 6 and 7, respectively, when the river or stream is below the stepdown flows, also shown in columns 6 and 7 respectively.

Policy 6.2.2

To manage the flows in rivers and streams not identified in Policy 6.2.1 by having regard to:

- the significance of natural, amenity, and tangata whenua values; and
- the scale/magnitude of any adverse effects on natural, amenity and tangata whenua values; and
- the reversibility of any adverse effects on natural, amenity and tangata whenua values.

Policy 6.2.3

To manage the aquifers in each groundwater zone in Tables 6.2-6.5 (below) using the safe yield shown and to maintain discretion over the allocation of aquifers not identified in the Tables.

Policy 6.2.4

To ensure that land use permits to construct a bore/well avoid:

- damage to the structural integrity of an aquifer; or

- contamination of an aquifer from external sources.

Policy 6.2.8

To ensure that water permits to take groundwater:

- consider excessive reductions in the yields of nearby bores (including excessive interference drawdowns); and
- avoid significant adverse effects on surface water bodies.

Policy 6.2.15

To allow the damming or diversion of water in any river, lake, or wetland, provided:

- (1) adverse effects are avoided, remedied or mitigated; and
- (2) significant adverse affects, which cannot be adequately offset, are avoided on:
 - the values held by tangata whenua; and
 - natural or amenity values; and
 - water quality and flows below the dam or diversion; and
 - water levels in any lake or wetland; and
 - biological and physical processes; and
 - fish passage; and
 - sediment transport processes; and
 - the quality of lawful public access along a river or lake bed; and
 - the flood hazard; and
 - river or lake bed or bank stability.

Rule 16 Taking, use, damming or diversion of water, or the transfer to another site of any water permit to take or use water

The taking, use, damming, or diversion of any fresh water, or the transfer to another site of any water permit to take or use water:

- that is not specifically provided for in any other rules in this Plan; and
- which cannot meet the requirements of those rules; and

- that, for takes of water from the Lower Hutt Groundwater Zone (Taita Alluvium/Waiwhetu aquifers), would not cause the maximum rate of takes authorised by resource consents to exceed 32.85 million cubic metres per year; and
- which is not a non-complying activity in Rules 17, 18 or 19

is a **Discretionary Activity**.

Chapter 7 – Use of the Beds of Rivers and Lakes and Development on the Floodplain

Policy 7.2.1

To allow the following uses within river and lake beds:

structures or activities for flood mitigation or erosion protection purposes; structures for transportation and network utility purposes; or structures for activities which need to be located in, on, under, or over the beds of rivers and lakes; or structures for cultural harvest (e.g., pa tuna); or the maintenance of any lawful structure; or the removal of aquatic weeds from farm drains and urban drains for drainage purposes; or the extraction of sand, gravel, or rock; or the diversion of water associated with activities that are otherwise authorised; or the enhancement of the natural character of any wetland, lake or river and its margins; provided that any adverse effects are avoided, remedied or mitigated and that the significant adverse effects identified in Policy 7.2.2 are avoided.

Policy 7.2.2

To not allow the use of river and lake beds for structures or activities that have significant adverse effects on:

- the values held by tangata whenua; and/or
- natural or amenity values; and/or
- lawful public access along a river or lake bed; and/or
- the flood hazard; and/or
- river or lake bed or bank stability; and/or
- water quality; and/or
- water quantity and hydraulic processes (such as river flows and sediment transport); and/or
- the safety of canoeists or rafters.

Rule 49 - All remaining uses of river and lake beds

The use, of any river or lake bed;

which is not specifically provided for in Rules 22 to 48; and
which cannot meet the requirements of Rules 22 to 48; and
which is not a non-complying or prohibited activity in Rules 50 and 51

is a **Discretionary Activity**.

Regional Land Discharge to Land Plan for the Wellington Region

Chapter 4 – Objectives and Policies

Policy 4.2.1

To encourage all organisations and individuals who generate or manage waste to implement the waste management hierarchy, to the greatest extent practicable, in relation to their own operations, by:

- (1) reducing the amount and/or toxicity of material entering the waste stream;
- (2) re-using materials;
- (3) recycling the material that cannot be reused;
- (4) recovering resources from materials in the waste stream;
- (5) taking responsibility for the safe and effective management of the residual wastes that remain after the waste stream has been reduced through the application of each of the previous steps; and
- (6) rehabilitating the environment after the disposal of residual wastes.

Policy 4.2.6

- (1) To discourage the siting of new landfills in areas which:
 - (a) are vulnerable to natural hazards, including:
 - (i) flood plains,
 - (ii) the margins of lakes and rivers,
 - (iii) areas with active geological faulting,
 - (iv) unstable or erosion-prone land;
 - (b) support ecosystems which are particularly vulnerable to the effects of landfills, including:

- (i) wetlands,
 - (ii) intertidal areas and coastal dunes,
 - (iii) native bush,
 - (iv) recognised wildlife habitats;
- (2) To ensure that the effects of any existing landfills sited in areas identified in this policy are avoided, remedied or mitigated.

Policy 4.2.8

To ensure that discharges of residual solid wastes to land in the Region occur only by way of:

- (1) disposal in municipal or private landfills which have the appropriate discharge consents required by the Act and this Plan; or
- (2) disposal in cleanfills, provided that the discharge is not subject to biological or chemical breakdown; or
- (3) disposal in any other situation where the discharge consists only of household or farm wastes generated on the property, or inert solids, provided that any adverse effects are avoided, remedied or mitigated.

Policy 4.2.9

To give particular consideration to the following matters when assessing applications for permits to discharge contaminants to land, in relation to the operation of a landfill:

- (1) the nature of the residual wastes to be discharged;
- (2) the location of the landfill and the hydrogeological conditions at and around the site, and any actions which may be required in order to address any risks posed by the site;
- (3) any steps taken or planned to reduce the quantity of residual wastes disposed of at the landfill;
- (4) the potential for any long term contamination or other long term effects arising from the landfill operation, and any actions planned or required in order to avoid, remedy or mitigate any adverse effects of the landfill when it is no longer used for the disposal of residual wastes;
- (5) any effects of landfill leachate and stormwater on groundwater, surface water and coastal water;
- (6) the effects of any discharge of landfill gas, odour or other contaminant to air, and the desirability of recovering landfill gas where practicable;

- (7) any actual or potential effects of any discharges on human health or amenity, and on the health and functioning of plants, animals or ecosystems;
- (8) whether the discharge will attract pest populations, and the potential effects of the pests on sensitive land uses;
- (9) any other uses or values of the site and surrounding area, including any values placed on the site by tangata whenua; and
- (10) the need for, and adequacy of, discharge monitoring systems at the landfill, including:
 - (a) the Waste Analysis Protocol;
 - (b) landfill leachate monitoring; and
 - (c) landfill gas monitoring.

Policy 4.2.10

To require the effects of discharges to and from landfills to be managed in accordance with site-specific landfill management plans.

Policy 4.2.10

To require the effects of discharges to and from landfills to be managed in accordance with site-specific landfill management plans.

Policy 4.2.11

To allow the temporary discharge of solid contaminants onto land, provided that any adverse effects on water quality, soils and amenity values can be avoided, remedied or mitigated.

Policy 4.2.32

To promote the provision of adequate treatment and disposal facilities for hazardous wastes generated in the Wellington Region, and in particular to:

- (1) promote reductions in the quantities of liquid hazardous wastes entering landfills in the Region; and
- (2) investigate the need for, and feasibility of, a dedicated hazardous waste treatment facility for the Region.

Policy 4.2.19

To allow discharges of liquid contaminants to land which are not likely to have adverse effects on soil, water quality and amenity values, particularly where the effects of the contaminants would be greater if they were discharged directly into water.

Policy 4.2.43

Seek to identify and evaluate sites with a history of using, storing or manufacturing hazardous substances in the Wellington Region, and set priorities for further investigation to confirm the presence or absence of contamination using the ANZECC Guidelines for the Assessment and Management of Contaminated Sites (1992).

Policy 4.2.44

To give priority to identifying and assessing the following types of sites:

- (1) current and closed landfills;
- (2) old gas works;
- (3) underground storage tanks;
- (4) timber treatment plans and storage sites; and
- (5) munitions and military equipment dumps.

Policy 4.2.48

To give particular consideration to the following matters when assessing applications for permits for discharges associated with contaminated sites:

- (1) the nature, concentration and quantity of contaminants at the site;
- (2) the potential for contaminants from the site to contaminate surrounding:
 - groundwater;
 - surface water;
 - soil; or
 - air;
 - and any effects of that contamination;
- (3) the potential for direct or indirect contact of humans or animals with contaminants on the site;
- (4) any actual or potential adverse effects on:
 - human health;
 - the health and functioning of plants, animals or ecosystems; or
 - existing or future uses of water or land on the site and in the surrounding area;
- (5) any potential long-term or cumulative effects of discharges from the site;
- (6) any remedial action planned or required in relation to the site, and the potential adverse effects of any remedial action on the matters listed in (1) – (5) above, whether at the site or at another location; and

- (7) The ANZECC Guidelines for the Assessment and Management of Contaminated Sites and the Draft Health and Environmental Guidelines for Selected Timber Treatment Chemicals, and any other relevant national or international guidelines or standards.

Rule 10 Landfills, rubbish dumps and tips

Except as allowed by Rule 9(1), the discharge of contaminants onto or into land used for the disposal of waste materials, with the exception of land used exclusively for cleanfill disposal, but including disposal at a landfill, rubbish dump or tip, is a **Discretionary Activity**.

Regional Soil Plan for the Wellington Region

Policy 4.2.14

To avoid, remedy or mitigate the adverse effects of vegetation disturbance by promoting:

- the maintenance and enhancement of vegetation in erosion prone areas;
- the conversion of erosion prone areas to forestry or soil conservation woodlots, or regeneration or active restoration to native bush;
- riparian management, including where this will help safeguard the life supporting capacity of aquatic ecosystems;
- compliance with industry recognised standards and procedures such as the Logging Industry Research Organisation's (LIRO) "Forestry Code of Practice" (Second Edition, 1993); and/or
- the maintenance and retention of erosion control plantings.

Policy 4.2.15

To regulate soil disturbance activities to ensure that they are unlikely to have significant adverse effects on:

- erosion rates;
- soil fertility;
- soil structure;
- flood mitigation structures and works;
- water quality;
- downstream locations;
- bridges, culverts and other water crossing structures;

- aquatic ecosystems; and
- historic sites with tangata whenua values.

Policy 4.2.16

To ensure that recognised erosion control and land rehabilitation techniques are adopted to avoid, remedy or mitigate any adverse effects resulting from soil disturbance activities.

Rule 1 Roding and tracking

Any roding or tracking activity that is:

- (1) located in Area 1 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 1.5 metres measured vertically; or
- (2) located in Area 2 and, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 2 metres measured vertically;

excluding any roding or tracking activity that is

- (a) undertaken in accordance with conditions on a subdivision consent; is a **Restricted Discretionary Activity**.

Discretion

The matters over which the Wellington Regional Council has restricted the exercise of its discretion are:

- (1) the duration of the consent;
- (2) the carrying out of measurements, samples, analyses, surveys, investigations, or inspection;
- (3) the provision of information to the consent authority at specified times;
- (4) compliance with monitoring, sampling and analysis conditions at the consent holder's expense;
- (5) the payment of administration charges;
- (6) the methods of sediment retention and sediment run-off control to be adopted;
- (7) any measures necessary to rehabilitate the land following the completion of the activity;
- (8) the effects of the activity on soil conservation and water quality, including any measures necessary to avoid, remedy or mitigate those adverse effects;

- (9) any steps to be taken to ensure the minimisation of vegetation, soil, slash or any other debris entering any water body;
- (10) any steps to be taken to avoid, remedy or mitigate the effects of the activity on slope stability; and
- (11) the effects of the activity on tangata whenua values.

Rule 2 Soil disturbance on erosion prone land

Any soil disturbance on erosion prone land that:

- (1) involves the disturbance of greater than or equal to 1,000 m³ of soil, within any 10,000 m² area (calculated using a minimum width of 10 m) and within any continuous 12 month period; or
- (2) involves root raking over an area greater than 10,000 m² in any continuous 12 month period;
excluding any soil disturbance;
 - (a) associated with roading and tracking activities, or
 - (b) undertaken in accordance with conditions on a subdivision consent;

is a **Restricted Discretionary Activity**.

Discretion

The matters over which the Wellington Regional Council has restricted the exercise of discretion are:

- (1) the duration of the consent;
- (2) the carrying out of measurements, samples, analyses, surveys, investigations, or inspection;
- (3) the provision of information to the consent authority at specified times;
- (4) compliance with monitoring, sampling and analysis conditions at the consent holder's expense;
- (5) the payment of administration charges;
- (6) the methods of sediment retention and sediment runoff control to be adopted;
- (7) any measures necessary to rehabilitate the land following the completion of the activity;
- (8) the effects of the activity on soil conservation and water quality, including any measures necessary to avoid, remedy or mitigate those adverse effects;

- (9) any steps to be taken to ensure the minimisation of vegetation, soil, slash or any other debris entering any water body;
- (10) any steps to be taken to avoid, remedy or mitigate the effects of the activity on slope stability; and
- (11) the effects of the activity on tangata whenua values.

Rule 4 Vegetation disturbance on erosion prone land

Any vegetation disturbance activity which is provided for by Rule 3 but does not comply with any of the conditions in Rule 3 is a **Restricted Discretionary Activity**.

Discretion

The matters over which the Wellington Regional Council has restricted the exercise of its discretion are:

- (1) the duration of the consent;
- (2) the carrying out of measurements, samples, analyses, surveys, investigations, or inspection;
- (3) the provision of information to the consent authority at specified times;
- (4) compliance with monitoring, sampling and analysis conditions at the consent holder's expense;
- (5) the payment of administration charges;
- (6) the methods of sediment retention and sediment run-off control to be adopted;
- (7) any measures necessary to rehabilitate the land following the completion of the activity;
- (8) the effects of the activity on soil conservation and water quality including any measures necessary to avoid, remedy or mitigate those adverse effects;
- (9) any steps to be taken to ensure the minimisation of vegetation, soil, slash or any other debris entering any water body;
- (10) the deposition of soil on, or immediately adjacent to, the area of land being disturbed;
- (11) any steps to be taken to avoid, remedy or mitigate the effects of the activity on slope stability; and
- (12) the effects of the activity on tangata whenua values.

Regional Air Plan for the Wellington Region

Policy 4.2.1

To have regard to the Regional Ambient Air Quality Guidelines in Appendix 2, in managing the Region's air resource.

Policy 4.2.4

To avoid, remedy or mitigate any adverse effect of the discharge of contaminants to air that is noxious, dangerous, offensive, or objectionable.

Policy 4.2.5

To avoid or minimise, where appropriate and practicable, the discharge of contaminants to air at their source.

Policy 4.2.6

To ensure that any measures adopted to avoid, remedy or mitigate the effects of discharges of contaminants to air, take account of the sensitivity of alternative receiving environments (e.g., water or soil).

Policy 4.2.7

To avoid, remedy or mitigate the adverse effects of the discharge of contaminants to air on amenity values.

Policy 4.2.9

To give particular consideration, where relevant, to the following matters when assessing an application for a resource consent to discharge contaminants to air:

- (1) the volume, composition and characteristics of the discharge, including the maximum ground level concentration of significant contaminants in the discharge, especially hazardous contaminants identified in Appendix 1 and any contaminants listed in Appendix 2;
- (2) the frequency, intensity, duration, offensiveness, location and time of the discharge;
- (3) the potential for the discharge to be reduced at source, and in particular, the desirability of minimising the emission of any of the "Hazardous Air Contaminants" identified in Appendix 1;
- (4) any actual or potential effects of the discharge on human health and safety;
- (5) any actual or potential effects of the discharge on amenity values, including any effects of odour or particulate matter arising from the discharge;

- (6) any actual or potential effects of the discharge on resources or values of significance to tangata whenua;
- (7) any actual or potential effects of the discharge on the health and functioning of ecosystems, plants and animals, including indigenous ecosystems and plants and animals of commercial significance;
- (8) any actual or potential effects of the discharge on other environmental media;
- (9) any actual or potential effects on the global atmosphere;
- (10) any cumulative effects which may arise over time or in combination with other effects;
- (11) any effects of low probability but high potential impact;
- (12) any positive effects arising from activities associated with the discharge; and
- (13) any other relevant matters.

Policy 4.2.10

To adopt the following approach when placing conditions on air discharge permits:

- (1) to set emission limits on a discharge, where appropriate, in order to minimise its effects on ambient air quality and the surrounding environment;
- (2) to require, where appropriate, that the best practicable option (BPO) be adopted to prevent or minimise the adverse effects arising from discharges;
- (3) to minimise the emission of any of the hazardous air contaminants identified in Appendix 1;
- (4) to require, where appropriate, an operations manual and contingency plans relating to discharges;
- (5) to require, where relevant, adherence to particular guidelines or codes of practice; and
- (6) to require appropriate effects-based monitoring, where appropriate, which may consider a wider range of air contaminants and their effects than those listed in Appendix 2.

Policy 4.2.12

To have regard to the following matters when determining the nature and extent of any conditions to be placed on a resource consent:

- (1) the significance of the adverse effects arising as a consequence of, or in association with, the proposed activity;
- (2) the extent to which the proposed activity contributes to the adverse effects;

- (3) the extent to which the adverse effects of the proposed activity can be, and have been, dealt with by other means;
- (4) any proposals by the applicant to avoid, remedy or mitigate adverse effects, and any agreements reached at pre-hearing meetings;
- (5) the monitoring proposed to be carried out by the applicant;
- (6) the extent to which the community as a whole benefits from the proposed activity and from any proposed conditions on a consent;
- (7) the financial cost of complying with any conditions on a consent;
- (8) the extent to which a condition placed on a consent will avoid, remedy or mitigate any adverse effects;
- (9) the degree of compliance with a relevant industry code of practice; and
- (10) agreements with affected parties.

Policy 4.2.13

To avoid, remedy or mitigate adverse effects, conditions on a resource consent may relate to all or any of the following:

- (1) project design and implementation, choice of materials, site improvements;
- (2) habitat restoration, rehabilitation, creation and improvement;
- (3) restocking and replanting of fauna or flora (with respect to replanting, preference will be given to the use of indigenous species, with a further preference for the use of local genetic stock);
- (4) works and services relating to the improvement, provisions, reinstatement, protection, restoration or enhancement of the matters listed in Policy 4.2.12; and
- (5) the monitoring proposed to be carried out by the applicant.

Policy 4.2.14

To avoid, remedy or mitigate any adverse effects, (including on human health or amenity values) which arise as a result of the frequency, intensity, duration, offensiveness, time and location of the discharge to air of odorous contaminants.

Rule 23 General rule (Discretionary Activities)

The discharge of contaminants into air from:

- (1) any process or activity explicitly excluded from Rules 1-22; or
- (2) any process or activity covered by Rules 1-22, but which does not meet the conditions attached to those rules; or

- (3) any process or activity on an industrial or trade premises not covered by Rules 1-22;

is a **Discretionary Activity**.