

## 5 Rules

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## 5.1 Air quality

### Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon .

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

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### 5.1.1 Air quality other methods

The Wellington Regional Council will work to improve air quality in a **polluted airshed** through Method M5.

### 5.1.2 Outdoor burning

#### Rule R1: Outdoor burning – permitted activity



The discharge of contaminants into air from **outdoor burning** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no burning of **specified materials**.

#### *Note*

**Outdoor burning** is also controlled by provisions in district plans and bylaws.

#### Rule R2: Frost prevention devices – permitted activity

The discharge of contaminants into air from the use of a **frost prevention device** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the discharge is from a chimney, and
- (c) there is no burning of **specified materials**.

#### Rule R3: Outdoor burning for firefighter training – permitted activity



The discharge of contaminants into air from the burning of a building, **specified materials**, vegetation and fuels for the purpose of firefighter training or research is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the fire shall be under the control of Fire and Emergency New Zealand, Department of Conservation, New Zealand Defence Force, any airport fire service or other industry brigade, or any other nationally recognised body authorised to undertake firefighting research or fire training activities, and
- (c) the relevant territorial authority and the Wellington Regional Council is notified in writing at least seven days before the fire begins and the notification is to include; the location of the fire, the duration of the fire, and the contact details of the person(s) overseeing the fire.

#### Rule R4: Pyrotechnics – permitted activity



The discharge of contaminants into air from pyrotechnics displays is a permitted activity.

#### Rule R5: Outdoor burning of specified materials – prohibited activity



The discharge of contaminants into air from the **outdoor burning of specified materials**, except firefighter training or research as permitted by Rule R3 and pyrotechnics as permitted by Rule R4, is a prohibited activity.

### 5.1.3 Domestic fires

#### Rule R6: Fuels prohibited in domestic fires – prohibited activity



The discharge of contaminants into air from the combustion of **specified materials** in a **domestic fire** is a prohibited activity.

*Note*

The installation of a new **open fire** is a prohibited activity in a **polluted airshed** under Clause 24A of the *Resource Management (National Environmental Standards for Air Quality) Regulations 2004*.

#### 5.1.4 Large scale combustion activities

##### Rule R7: Natural gas and liquefied petroleum gas – permitted activity



The discharge of contaminants into air from a **large scale generator** not exceeding a maximum generating capacity of 5MW, from the combustion of natural gas or liquefied petroleum gas is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) when the maximum generating capacity is more than 1MW, the discharge shall occur via a chimney stack or chimney at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (c) the discharge shall be directed vertically into air, and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (d) rain excluders shall not impede the vertical discharge of combustion gases, and
- (e) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

##### Rule R8: Diesel or kerosene blends – permitted activity



The discharge of contaminants into air from any **large scale generator** not exceeding a maximum generating capacity of 2MW, from the combustion of diesel or kerosene blends outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the sulphur content of the kerosene shall not exceed 0.5% by weight, and

- (c) when the maximum generating capacity is more than 1MW, the discharge shall occur via a chimney stack or chimney at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (d) the discharge shall be directed vertically into air, and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (e) rain excluders shall not impede the vertical discharge of combustion gases, and
- (f) the discharge shall not at any time increase the concentration of PM<sub>10</sub> (calculated as a 24-hour mean) by more than 2.5µg/m<sup>3</sup> in any part of a **polluted airshed**, and
- (g) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

#### Rule R9: Biogas – permitted activity



The discharge of contaminants into air from any **large scale generator** not exceeding a maximum generating capacity of 2MW, from the combustion of **biogas** outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the sulphur content of the **biogas** shall not exceed 0.5% by weight, and
- (c) when the maximum generating capacity is more than 1MW, the discharge shall occur via a chimney stack or chimney at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (d) the discharge shall be directed vertically into air, and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (e) rain excluders shall not impede the vertical discharge of combustion gases, and



- (f) the discharge shall not at any time increase the concentration of PM<sub>10</sub> (calculated as a 24-hour mean) by more than 2.5µg/m<sup>3</sup> in any part of a **polluted airshed**, and
- (g) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

#### Rule R10: Untreated wood – permitted activity



The discharge of contaminants into air from any **large scale generator** not exceeding a maximum generating capacity of 1MW, from the combustion of untreated wood outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the moisture content of the wood to be burned shall not exceed 25%, and
- (c) the discharge shall occur via a chimney stack or chimney of at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building, land or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (d) the discharge shall be directed vertically into air and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (e) rain excluders shall not impede the vertical discharge of combustion gases, and
- (f) the discharge shall not at any time increase the concentration of PM<sub>10</sub> (calculated as a 24-hour mean) by more than 2.5µg/m<sup>3</sup> in any part of a **polluted airshed**, and
- (g) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

#### Rule R11: Coal, light fuel oil, and petroleum distillates of higher viscosity – permitted activity



The discharge of contaminants from any **large scale generator** not exceeding a maximum generating capacity of 500kW, from the combustion of coal, light fuel oil, and petroleum distillates of higher viscosity outside a **polluted airshed** is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the discharge shall occur via a chimney stack or chimney of at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building, land or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and
- (c) the discharge shall be directed vertically into air and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and
- (d) rain excluders shall not impede the vertical discharge of combustion gases, and
- (e) the discharge shall not at any time increase the concentration of PM<sub>10</sub> (calculated as a 24-hour mean) by more than 2.5µg/m<sup>3</sup> in any part of a **polluted airshed**, and
- (f) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.

#### Rule R12: Emergency power generators – permitted activity



The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (a) applies from the combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when:

- (a) the electricity network is disrupted through weather, accidents, or any unforeseen circumstances, or
- (b) the person operating the equipment is undertaking necessary maintenance or testing of the device, or
- (c) the electricity connection is not available due to planned outages, or load shedding/peak load generation is required

is a permitted activity, provided the following conditions are met:

- (d) the discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (e) the discharge shall not at any time increase the concentration of PM<sub>10</sub> (calculated as a 24-hour mean) by more than 2.5µg/m<sup>3</sup> in any part of a **polluted airshed**.

Rule R13: Fuels not permitted in large scale generators – non-complying activity 

The discharge of contaminants into air from a **large scale generator** from the combustion of **specified materials** is a non-complying activity.

### 5.1.5 Chemical and metallurgical processes


Rule R14: Spray coating within an enclosed space – permitted activity 

The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic plasticisers, or water-based paints within a spray booth and/or room is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the spray booth and/or room is fitted with an extraction system that vertically discharges all contaminants and exhaust air to a vent, and
- (c) all vents shall be 3m above the building roof and shall discharge vertically, and
- (d) the discharge is not impeded by any obstruction above the vent that decreases the vertical efflux velocity, and
- (e) the discharge shall be filtered by an extraction system that removes more than 95% of particulate matter from the discharge. The filtration system shall be maintained to 95% efficiency at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

*Note*

The spray booth and/or room is in accordance with the *AS/NZS 4114.1:2003 Spray painting booths, designated spray painting areas and paint mixing rooms, Part 1: Design, construction and testing*.

Rule R15: Spray coating not within an enclosed space – permitted activity 

The discharge of contaminants into air from the spray application of surface coatings containing diisocyanates or organic plasticisers not within a spray booth and/or room is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and

- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge shall be located at least 10m away from a **sensitive activity** or **sensitive areas**.

#### Rule R16: Printing processes – permitted activity



The discharge of contaminants into air from printing processes is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the undiluted water based inks, dyes and additives shall contain less than 5% volatile organic compounds by weight, and
- (d) the vent shall be 3m above the roof of the building and shall discharge vertically, and
- (e) the discharge is not impeded by any obstruction above the vent that decreases the vertical efflux velocity, and
- (f) the total discharge of hydrocarbon solvents shall not exceed 5kg per day, and a record of the amount of solvents used is held by the operator and available to the Wellington Regional Council on request.

#### Rule R17: Dry cleaning – permitted activity



The discharge of contaminants into air from dry cleaning processes is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge shall contain no chlorofluorocarbons, and
- (d) maximum daily organic solvent used in the dry cleaning process shall not exceed 100kg per day, and
- (e) the recovery of organic solvents from the refrigerated condenser unit is more than 95% efficiency at all times. The control equipment is maintained by a suitably qualified person at least once per annum,

with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

#### Rule R18: Fume cupboards – permitted activity



The discharge of contaminants into air from a fume cupboard is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the discharge shall occur from a vent 3m above the height of the ridge line of the roof of the building, and
- (c) the vent shall be 15m or more from a public access area.

#### Note

Laboratory fume cupboard shall comply with *AS/NZS 2243.8 Safety in Laboratories Part 8 – Fume cupboards (2006)*.

#### Rule R19: Workplace ventilation – permitted activity



The discharge of contaminants into air from windows, doors and vents as a result of the ventilation of buildings is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**.

#### Note

The ventilation system shall be in accordance with the *Workplace Exposure Standards and Biological Indices (1994)*, Department of Labour, and comply with *AS/NZS 3666.3 Air handling and water systems of buildings – Microbial control – Part 3: Performance based maintenance of cooling water system*.

#### Rule R20: Mechanical processing of metals – permitted activity



The discharge of contaminants into air from the mechanical processing of metals, including but not limited to, mechanical grinding, cutting and shaping by heat, machining, welding, soldering and arc air gouging is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and

- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge into air from mechanical shredding of scrap metal indoors is through emission control equipment that achieves a particulate emission rate of no more than 10mg/m<sup>3</sup> (STP, dry gas basis and 12% CO<sub>2</sub> by volume). The control equipment shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

#### Rule R21: Thermal metal spraying – permitted activity



The discharge of contaminants into air from thermal spraying of metal including the melting of metal or metal alloy is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the discharge is through control equipment that achieves a particulate emission rate of no more than 30mg/m<sup>3</sup> (Standard Temperature and Pressure, dry gas basis and 12% CO<sub>2</sub> by volume). The control equipment shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

#### Rule R22: Metallurgical or chemical processing of metal – discretionary activity



The discharge of contaminants into air from metallurgical and chemical processing of metal including:

- (a) melting of any metal or metal alloy (excluding activities permitted by Rule R20), and
- (b) electroplating, and
- (c) galvanising, and
- (d) cleaning of metals by pyrolysis, and
- (e) production of metals by wet process or by electrical or mechanical energy, and

- (f) extraction, including electrochemical methods of reduction of any metal or metal alloy from its ore, oxide or compounds, and
- (g) the heating in a furnace or other heating appliance of any metal or metal alloy for the purpose of removing grease, oil or any other non-metallic contaminant

is a discretionary activity.

### 5.1.6 Cremation and incineration

#### Rule R23: Crematoria – discretionary activity



The discharge of contaminants into air from human or animal **crematoria** is a discretionary activity.

#### Rule R24: Flaring of gas – discretionary activity



The discharge of contaminants into air from the flaring of gas and petrochemical products (including **biogas**) excluding landfill gas is a discretionary activity.

### 5.1.7 Dust generating activities

#### Rule R25: Abrasive blasting within an enclosed booth – permitted activity



The discharge of contaminants into air from dry or wet abrasive blasting undertaken in an enclosed booth is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the enclosed booth is fitted with an air extraction system that discharges vertically all contaminants and exhaust air into a vent, and
- (c) the discharge is from a vent and the vent shall be 5m from a **sensitive activity** established prior to the commencement of the abrasive blasting operation, and
- (d) the free silica content of a sample of the blasting material is less than 5% by weight, and
- (e) the discharge is filtered by an extraction system that removes more than 95% of particulate matter and shall be maintained to 95% efficiency at all times. The filtration system shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.

### Rule R26: Abrasive blasting outside an enclosed area – permitted activity



The discharge of contaminants into air from dry or wet abrasive blasting outside an enclosed area is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) the operation of a mobile abrasive blasting unit used at one **property** is no more than 10 days in any 12 month period (except for abrasive blasting of the **National Grid**), and
- (c) abrasive blasting shall only be undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and
- (d) if the blasting is dry abrasive blasting, the blasting materials shall only be garnet, sodium bicarbonate, crushed glass, or agricultural materials including crushed corn cobs or walnuts, and
- (e) if the blasting is wet abrasive blasting, the blasting shall only use water, and
- (f) the free silica content of a sample of the blasting material shall not exceed 5% by weight, and
- (g) all work areas and surrounding areas are kept clean and substantially free of accumulations of deposited material and other debris.

### Rule R27: Handling of bulk solid materials – permitted activity



The discharge of contaminants into air from the handling of **bulk solid materials** including from the activities of quarrying, mining, cleanfilling, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, sorting, and storage is a permitted activity, provided the following conditions are met:

- (a) for the **Commercial Port Area** shown on Map 51 and Map 52 any discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **Commercial Port Area** on Map 51 and Map 52, and
- (b) for all other areas, the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.



### Note

In relation to (b) above, all other areas include the Operational Port Area as defined in the Wellington City District Plan outside the **Commercial Port Area** as defined on Maps 51 and 52.

### Rule R28: Cement storage – permitted activity



The discharge of contaminants into air from the storage, handling, redistribution or packing of cement in fully enclosed silos and conveyance systems is a permitted activity, provided the following condition is met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

## 5.1.8 Food, animal or plant matter manufacturing and processing

### Rule R29: Alcoholic beverage production – permitted activity



The discharge of contaminants into air from alcoholic beverage production is a permitted activity, provided the discharge shall not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

### Rule R30: Coffee roasting – permitted activity



The discharge of contaminants into air from roasting of coffee is a permitted activity, provided the discharge shall not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

### Rule R31: Food, animal or plant matter manufacturing and processing – permitted activity



The discharge of contaminants into air from food, animal or plant matter manufacturing and processing including any process incidental to the cooking of food such as deep fat frying, oil frying, roasting, drying, curing by smoking and the slaughter or skinning of animals:

- (a) not exceeding 250kg/hour of product, or
- (b) not exceeding 2 tonnes per hour of drying milk products to produce milk powders

is a permitted activity, provided the following condition is met:

- (c) the discharge does not cause offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

### Rule R32: Food, animal or plant matter manufacturing and processing – discretionary activity

The discharge of contaminants into air from food, animal or plant matter manufacturing and processing that is not permitted by Rule 31 or includes:

- (a) extraction, distillation or purification of vegetable oils or fats, or
- (b) manufacture of animal casings, or
- (c) manufacture of yeast or starch, or
- (d) preservation of animal hides or skins or the removal of hair, wool or feathers (including tanneries and fellmongeries) by chemical or heat treatment, or
- (e) refinement of sugars, roasting or drying of berries, grains or plant matter (except roasting of green coffee beans in Rule R30), curing by smoking, flour or grain milling, baking, roasting, deep fat or oil frying exceeding 250kg/hour of product, or
- (f) rendering, reduction or drying of animal matter through the application of heat, or
- (g) wool scouring operations or dag washing

is a discretionary activity.

#### 5.1.9 Fuel storage

##### Rule R33: Petroleum storage or transfer facilities – permitted activity

The discharge of contaminants into air from the storage or transfer of petroleum products including but not limited to, volatile organic compounds, solvent vapours, ventilation of solvents and displacement of solvents is a permitted activity, provided the following conditions are met:

- (a) the discharge does not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property** that does, or is likely to, cause adverse effects on human health, ecosystems or **property**.

#### 5.1.10 Mobile sources

##### Rule R34: Mobile source emissions – permitted activity

The discharge of contaminants into air from a **mobile source** is a permitted activity.

### 5.1.11 Gas, water and wastewater processes

#### Rule R35: Gas, water and wastewater processes – permitted activity



The discharge of contaminants into air from the enclosed storage, conveyance and/or pumping of gas (including the flaring and venting of natural gas from gas distribution and transmission networks), water and **wastewater** processes is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause offensive or objectionable odour at the boundary of a **sensitive activity**, and
- (b) for venting and flaring of natural gas:
  - (i) the discharge is required for operational, maintenance or repair purposes, and
  - (ii) any equipment used is specifically designed for that purpose and in the case of flaring, provides for an unimpeded vertical discharge from an emission stack, and
  - (iii) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property** that does, or is likely to, cause adverse effect on human health, ecosystems or **property**.

### 5.1.12 Drying and kiln processes

#### Rule R36: Drying and heating of minerals – permitted activity



The discharge of contaminants into air from drying and heating of clay or cement based products or firing in kilns heated by electricity or combustion of natural gas or liquid petroleum gas is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**, and
- (c) the total **property** production capacity from the drying and heating of clay or cement based products shall not exceed 5 tonnes of finished product per day, and
- (d) the kiln heating capacity shall not exceed 500kW per day.

### 5.1.13 Discharge of agrichemicals

#### General conditions for the discharge of agrichemicals

General conditions for the discharge of **agrichemicals** into air, or onto or into land where it may enter water, or into water are that:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no discharge directly into the coastal marine area or a **surface water body**, unless the **agrichemical** is approved by the Environmental Protection Agency for use into water, and
- (c) there is no discharge into water:
  - (i) in a surface water **community drinking water supply protection area** as shown on Map 39, or
  - (ii) two kilometres upstream of a surface water intake for a **group drinking water supply**, and
  - (iii) the applicator shall notify every person taking water for potable supply within 1km downstream of the proposed discharge 12 hours before the discharge begins, and
- (d) the **agrichemical** is approved by the Environmental Protection Agency, and
- (e) the discharge shall be undertaken in accordance with the directions on the **agrichemical** product label, the manufacturer's instructions and safety data sheets, or as specifically approved by the Environmental Protection Authority, and
- (f) in public places, including alongside roadways,
  - (i) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash on any **property** adjacent to where the discharge originates, and
  - (ii) the applicator must display prominent signage advising that **agrichemical** spraying is taking place.

#### *Note*

Some substances require that a permission be sought from the Environmental Protection Authority under section 95A of the Hazardous Substances and New Organisms Act 1996.

### Rule R37: Handheld discharge of agrichemicals – permitted activity

The discharge of **agrichemicals** into air, or onto or into land where it may enter water, or into water, using a handheld and hand-pumped sprayer with a capacity of 20 litres or less is a permitted activity, provided the following condition is met:

- (a) the discharge of **agrichemicals** shall comply with the general conditions of Section 5.1.13.

### Rule R38: Motorised and aerial discharge of agrichemicals – permitted activity

The discharge of **agrichemicals** into air, or onto or into land where it may enter water, or into water, using a motorised sprayer or aerial discharge is a permitted activity, provided the following conditions are met:

- (a) the discharge of **agrichemicals** shall comply with the general conditions of Section 5.1.13, and
- (b) the applicator holds a qualification in accordance with section 5.3.6 and Appendix H5 of *NZS 8409: 2004 Management of Agrichemicals*, and
- (c) there is no discharge onto a roof used for rain water collection, and
- (d) aerial applicators must keep GPS records of aerial discharge of **agrichemicals** for at least three years and provide these to the Wellington Regional Council on request. The records must include the spray swath and secondary flight paths, and
- (e) where the discharge is in or adjacent to a **sensitive area**, the landowner of a **property**:
  - (i) shall prepare and follow a spray plan, and
  - (ii) shall notify adjacent neighbours likely to be affected by the discharge of **agrichemicals**, and
  - (iii) shall, where the discharge is onto or into water in a **surface water body**, notify the relevant iwi authority, and
  - (iv) in relation to (i) to (iii) may contract out the responsibility to the applicator, and
- (f) the spray plan required under condition (e) shall be prepared in accordance with Appendix M4 of *NZS 8409: 2004 Management of Agrichemicals*, and

- (g) where the discharge of **agricultural chemicals** is in a public place the notification of all persons likely to be affected by the discharge of **agricultural chemicals** must be undertaken as follows:
- (i) placing a public notice in a local newspaper or letter drop in the area to be sprayed at least seven working days prior to the discharge date, or
  - (ii) placing signs in the immediate vicinity of the spraying during the spray period and any required stand-down period afterwards, or where spraying is occurring on or alongside roads, any vehicle associated with the spraying must display a sign on the front and the rear of the vehicle advising that spraying is in occurring.

*Note*

For the purposes of (e)(iii) Wellington Regional Council maintains a list of the contact details for iwi authorities.

**Rule R39: Agricultural chemicals not permitted – restricted discretionary activity**



The discharge of **agricultural chemicals** into air or onto or into land where it may enter water or into water that is not permitted by Rule R37 or Rule R38, is a restricted discretionary activity.

*Matters for discretion*

1. The substance to be discharged including its toxicity and volatility and the carrying agent (formulation)
2. The proposed method of discharge, including the type of spray equipment to be used, the spray volume and droplet size, the direction of spraying and the height of release above the ground
3. The nature of any training undertaken by the operator
4. Measures to avoid **agricultural chemical** spray drift beyond the target site
5. The extent to which the use or discharge complies with *NZS8409:2004 Management of Agricultural Chemicals*
6. The proximity of the discharge to **sensitive areas**
7. The timing of the discharge in relation to weather conditions
8. Communication requirements for the discharge
9. Measures to avoid adverse effects on human drinking water quality

### 5.1.14 Fumigation

#### Rule R40: Fumigation – permitted activity



The discharge of **fumigants** into air excluding ethylene dibromide, ethylene oxide, methyl bromide, hydrogen cyanide, phosphine or chloropicrin is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**, and
- (b) there is no emission of **hazardous air pollutants** as identified in Schedule L2 (air pollutants) beyond the boundary of the **property**.

#### Rule R41: Discharge of other fumigants – controlled activity



The discharge of **fumigants** that is not permitted by Rule R40, or the discharge of **fumigants** including, ethylene dibromide, ethylene oxide, methyl bromide, hydrogen cyanide, phosphine or chloropicrin into air is a controlled activity.

#### *Matters of control*

1. Monitoring and reporting requirements
2. Distance of the buffer zone from the area of discharge.

### 5.1.15 All other discharges

#### Rule R42: All other discharges – discretionary activity




The discharge of contaminants into air that are not permitted, controlled, discretionary, non-complying or prohibited is a discretionary activity.

## 5.2 Discharges to land and water

### Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon. 

### Note

The rules relating to the discharge of contaminants to water, do not apply to the discharge of contaminants to water in relation to an existing **National Grid** line (existing at 14 January 2010) that forms part of the **National Grid**. These activities are covered by Regulations 28 and 29 of the *Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009*.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Discharges to land and water	Page	P	C	RD	D	NC	Pr
<b>Discharges of water and contaminants</b>	158						
Rule R43: Water to water	158	●					
Rule R44: Pool and spa pool water	158	●					
Rule R45: Potable water	159	●					
Rule R46: Dye or salt tracer	160	●					
Rule R47: Other dye or salt tracer	160		●				



<b>Rules – Discharges to land and water</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
<b>Stormwater</b>	161						
Rule R48: Stormwater from an individual property	161	•					
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Rule R52: Stormwater from a local authority or state highway network	163		•				
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Rule R56: Water races	165				•		
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Rule R59: Pit latrine	167	•					
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Rule R62: Existing on-site domestic wastewater systems	168	•					
Rule R63: New or modified on-site domestic wastewater systems	169	•					
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<b>Wastewater</b>	173						
Rule R65: Wastewater discharges to coastal and fresh water	173				•		
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<b>Rules – Discharges to land and water</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
<b>Drinking water treatment plant waste</b>	176						
Rule R69: Drinking water treatment plant supernatant waste	176		•				
<b>Biosolids</b>	177						
Rule R70: Discharge of biosolids to land	177	•					
Rule R71: Discharge of biosolids to land	177			•			
<b>Fertiliser and animal effluent</b>	178						
Rule R72: Discharge of fertiliser from ground-based or aerial discharge	178	•					
Rule R73: Discharge of collected animal effluent onto or into land	179		•				
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<b>Compost, solid animal waste, silage and refuse</b>	180						
Rule R75: Discharge of compost or solid animal waste to land	180	•					
Rule R76: Discharge of compost or solid animal waste to land	181			•			
Rule R77: Manufacture and storage of silage and compost, and storage of solid animal waste	181	•					
Rule R78: Farm refuse dumps	182	•					
Rule R79: Offal pit	183	•					
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Rule R80: Cleanfill material	184	•					
<b>Contaminated land and hazardous substances</b>	185						
Rule R81: Detailed site investigation	185	•					
Rule R82: Discharges from contaminated land	185	•					
Rule R83: Investigation of, or discharges from contaminated land	186				•		
<b>Vertebrate toxic agents</b>	186						
Rule R84: Land-based discharge of vertebrate toxic agents	186	•					
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<b>Wastewater from ships and offshore installations and biofoul cleaning</b>	188						
Rule R87: Wastewater from ships and offshore installations	188	•					

Rules – Discharges to land and water	Page	P	C	RD	D	NC	Pr
Rule R88: Wastewater from ships and offshore installations	188					•	
Rule R89: In-water biofoul cleaning	188	•					
Rule R90: In-water biofoul cleaning	189				•		
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Rule R91: Minor discharges	189	•					
Rule R92: Discharges to land from a new pit latrine, a new farm refuse dump, a new offal pit, of collected animal effluent or solid animal waste within a community drinking water supply protection area	192			•			
Rule R93: All other discharges to sites of significance	192					•	
Rule R94: All other discharges	193				•		

### 5.2.1 Discharges to land and water other methods



The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M6, M7, M8, M9, M10, M11, M12, M14, M15, M17, M18, M19, M20, M21, M23, M26, M27, M32, M33, M34 and M35.

### 5.2.2 Discharges of water and contaminants

#### Rule R43: Water to water – permitted activity



The discharge of water into water is a permitted activity, provided the following conditions are met:

- (a) the discharge is to the same water body or area of coastal water it was taken from, and
- (b) the quality of the discharged water is the same as or better than the quality of the water body or area of coastal water it was taken from, and
- (c) the discharge shall not cause a change in temperature of more than 2°C in the receiving water after the **zone of reasonable mixing**, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

#### Rule R44: Pool and spa pool water – permitted activity



The discharge of water into water, or onto or into land where it may enter water from a swimming pool, or spa pool, on a residential **property** is a permitted activity provided the following conditions are met:

- (a) the discharge does not enter a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation) and
- (b) the discharge shall not contain any filter backwash water, copper chemicals or flocculants, including, but not limited to, aluminium salts, and
- (c) the swimming pool or spa pool is not covered for a period of 14 days, and has not been treated within the previous 14 days with a pool sanitising agent, including, but not limited to, chlorine, bromine or polyhexamethylene biguanide, and
- (d) if the discharge enters fresh water, the discharge is not from a saltwater pool, and
- (e) the discharge shall not result in water or contaminants discharging onto another **property**.

#### Rule R45: Potable water – permitted activity



The discharge of potable water, including scouring water, into water, or onto or into land where it may enter water, for the purpose of draining pipelines or water reservoirs for inspection, repair, maintenance or **upgrade** is a permitted activity provided the following conditions are met:

- (a) if the discharge is to a tidally-influenced environment, the discharge occurs during the time between three hours before and three hours after high tide, unless the discharge occurs directly into open water without disturbing sediment, and
- (b) the discharge shall not contain backwash water from a water treatment plant, and
- (c) the concentration of free or combined residual chlorine
  - (i) in the discharge shall not exceed 0.3g/m<sup>3</sup>, or
  - (ii) for significant rivers (Schedule F1 rivers or streams with high macroinvertebrate health) shall not exceed 0.0004 g/m<sup>3</sup>, or 0.003 g/m<sup>3</sup> for all other fresh water bodies, after the **zone of reasonable mixing**, and
- (d) the concentration of fluoride in the discharge shall not exceed 1.5g/m<sup>3</sup>, and
- (e) the discharge shall not cause any conspicuous change in the colour or visual clarity in the receiving water after the **zone of reasonable mixing**, and

- (f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

#### Rule R46: Dye or salt tracer – permitted activity



The discharge of dye or salt tracer, excluding radioisotope tracers, into water or onto or into land where it may enter water is a permitted activity, provided the following conditions are met:

- (a) the discharge is not into a water body within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- (b) the dye or salt tracer shall not exceed:
  - (i) 20L of dye in solution, or
  - (ii) 10kg of salt, or
  - (iii) 100L of salt solution, and
- (c) the dye or salt tracer is not a hazardous substance in accordance with the Hazardous Substances and New Organisms Act 1996, and
- (d) the Wellington Regional Council is notified prior to the dye or salt tracer being discharged, including details of the:
  - (i) persons responsible for the discharge, including contact details, and
  - (ii) nature of the tracer (including type, colour, product name or description), and
  - (iii) location, timing and duration of the discharge, and
  - (iv) purpose of the tracer programme.

#### Rule R47: Other dye or salt tracer – controlled activity



The discharge of salt or dye tracer, including radioisotope tracers, into water, or onto or into land where it may enter water, not permitted by Rule R46 is a controlled activity.

##### *Matters of control*

1. Duration and timing of the discharge
2. Volume, concentration and type of the tracer
3. Effects on **aquatic ecosystem health** and **mahinga kai**
4. Effects on **community drinking water supply** water quality

5. Effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity) or Schedule H1 (contact recreation)

#### *Notification*

In respect of Rule R47 applications are precluded from public notification (unless special circumstances exist).

### 5.2.3 Stormwater

#### Rule R48: Stormwater from an individual property – permitted activity



The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, from an individual **property** is a permitted activity, provided the following conditions are met:

- (a) the discharge does not originate from industrial or trade premises where **hazardous substances** are stored or used unless:
  - (i) **hazardous substances** cannot enter the **stormwater** system, or
  - (ii) the **stormwater** contains no **hazardous substances** except petroleum hydrocarbons, and the **stormwater** is passed through an interceptor and the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons prior to release, and
- (b) the discharge is not from, onto or into **SLUR Category III land**, unless the **stormwater** does not come into contact with **SLUR Category III land**, and
- (c) the discharge is not from a local authority **stormwater network**, a port, airport or state highway, and
- (d) the discharge shall not contain **wastewater**, and
- (e) the concentration of total suspended solids in the discharge shall not exceed:
  - (i) 50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or
  - (ii) 100g/m<sup>3</sup> where the discharge enters any other water, and

- (f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
- (g) the discharge shall not give rise to the following effects beyond the **zone of reasonable mixing**:
  - (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
  - (ii) any conspicuous change in the colour or visual clarity, or
  - (iii) any emission of objectionable odour, or
  - (iv) the fresh water is unsuitable for consumption by farm animals, or
  - (v) any significant adverse effects on aquatic life.

*Note*

In respect of the discharge of sediment from **earthworks** activities refer to Rules R101 and R105.

**Rule R49: Stormwater from new subdivision and development – permitted activity**



The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, including through an existing local authority or state highway **stormwater network**, from:

- (a) a new urban subdivision or new urban development associated with **earthworks** up to a total area of 3,000m<sup>2</sup> per **property** per 12 month period, or
- (b) a new or redeveloped state highway associated with **earthworks** up to a total area of 3,000 m<sup>2</sup>, or
- (c) a new urban subdivision or new urban development, or new or redeveloped state highway in an area where a **stormwater management strategy** in accordance with Schedule N (stormwater strategy) applies

is a permitted activity provided the following condition is met:

- (d) the discharge shall comply with the conditions of Rule R48 except condition R48(c).

**Rule R50: Stormwater from new subdivision and development – restricted discretionary activity**



The discharge of **stormwater** from a new urban subdivision or new urban development, or new or redeveloped state highway into water, or onto or into

land where it may enter a **surface water body** or coastal water, including through an existing local authority or state highway **stormwater network**, that is not permitted by Rule R49 is a restricted discretionary activity.

*Matters for discretion*

1. Measures to **minimise** the adverse effects of **stormwater** discharges in accordance with Policy P83, including the extent to which **water sensitive urban design** measures are employed
2. Measures to manage runoff volumes and peak flows in accordance with Policy P84
3. Requirements of any relevant local authority **stormwater network** discharge consent, including those set out in any relevant **stormwater management strategy** developed in accordance with Schedule N (stormwater strategy)

Rule R51: Stormwater to land – permitted activity



The discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, is a permitted activity provided the following conditions are met:

- (a) the discharge is not from, onto or into **SLUR Category III land**, unless the **stormwater** does not come into contact with **SLUR Category III land**, and
- (b) the discharge shall not cause or exacerbate the flooding of any other **property**, and
- (c) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and
- (d) the discharge does not originate from industrial or trade premises where **hazardous substances** are stored or used unless:
  - (i) **hazardous substances** cannot enter the **stormwater** system, or
  - (ii) the **stormwater** contains no **hazardous substances** except petroleum hydrocarbons, and the **stormwater** is passed through an interceptor and the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons prior to release.

Rule R52: Stormwater from a local authority or state highway network – controlled activity



The discharge of **stormwater**, including **stormwater** that may be contaminated by **wastewater** into water, or onto or into land where it may enter water, from



a local authority or state highway **stormwater network** is a controlled activity, provided the following condition is met:

- (a) the resource consent application is received prior to 31 December 2021.

*Matters of control*

1. Requirements to monitor and report on the quality of **stormwater** discharges to fresh and/or coastal water, including **stormwater network** discharges containing **wastewater**
2. Management of acute effects of **stormwater** on human health detected during monitoring
3. Duration of consent up to a maximum of five years
4. Timeframes for the development of a **stormwater management strategy** in accordance with Schedule N (stormwater strategy)

*Notification*

In respect of Rule R52 applications are precluded from public notification (unless special circumstances exist) and are precluded from limited notification.

**Rule R53: Stormwater from a local authority or state highway network with a stormwater management strategy – restricted discretionary activity**




The discharge of **stormwater**, including **stormwater** that may be contaminated by **wastewater**, into water, or onto or into land where it may enter water, from a local authority or state highway **stormwater network** that is not provided for by Rule R52 is a restricted discretionary activity, provided the following condition is met:

- (a) the resource consent application includes a **stormwater management strategy** in accordance with Schedule N (stormwater strategy).

*Matters for discretion*

1. The contents and implementation of the **stormwater management strategy** in accordance with Schedule N (stormwater strategy)
2. Development and implementation of methods, such as catchment-specific **stormwater** management plan(s), in accordance with any relevant objectives identified in this plan, including any relevant **whaitua**-specific objectives
3. Management of adverse effects, including cumulative effects, on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**

4. Management of adverse effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)
5. Management of adverse effects on human health

**Rule R54: Stormwater from a port or airport – restricted discretionary activity** 

The discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, including through a local authority **stormwater network**, from a port or airport is a restricted discretionary activity.

*Matters for discretion*

1. The management of the adverse effects of **stormwater** capture and discharge, including cumulative effects, of **stormwater** on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**
2. The management of effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)
3. **Minimisation** of the adverse effects of **stormwater** discharges
4. Requirements of any relevant local authority **stormwater network** discharge consent

**Rule R55: All other stormwater – discretionary activity** 

The discharge of **stormwater**, including **stormwater** that may be contaminated by **wastewater** into water or onto or into land where it may enter water that is not permitted by Rules R48, R49 or R51, or controlled by Rule R52, or a restricted discretionary activity under Rules R50, R53, or R54 is a discretionary activity.

**5.2.4 Water races and pumped drainage schemes**

**Rule R56: Water races – discretionary activity**

The discharge of water or contaminants from a **water race** shown on Map 44 into water is a discretionary activity.

**Rule R57: Existing pumped drainage schemes – permitted activity** 

The discharge of water or contaminants into a **surface water body**, or coastal water from an existing **pumped drainage scheme**, established prior to the date of 31 July 2015, is a permitted activity provided the following conditions are met:

- (a) the discharge shall not cause any erosion of the channel or banks of the receiving water body or coastal marine area, and
- (b) the concentration of total suspended solids in the discharge shall not exceed:
  - (i) 50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua, Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation),
  - (ii) 100g/m<sup>3</sup> where the discharge enters any other water,
- (c) the discharge shall not cause the concentration of *E.coli* in a **significant contact recreation fresh water body** to exceed the limits in Table 3.1, or
- (d) the discharge shall not give rise to the following, after the **zone of reasonable mixing**:
  - (i) the daily minimum dissolved oxygen concentration of less than 4mg/L, or
  - (ii) the 7-day mean minimum dissolved oxygen concentration of less than 5mg/L, or
  - (iii) a change in the pH of  $\pm 0.5$  pH unit, or
  - (iv) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
  - (v) any conspicuous change in the colour or visual clarity, or
  - (vi) any emission of objectionable odour, or
  - (vii) fresh water is unsuitable for consumption by farm animals, or
  - (viii) any significant adverse effects on aquatic life.

#### Rule R58: All other pumped drainage schemes – discretionary activity



The discharge of water or contaminants into a **surface water body**, or coastal water, from a **pumped drainage scheme** established after the date of 31 July 2015, or from a **pumped drainage scheme** that is not permitted by Rule R57, is a discretionary activity.

### 5.2.5 On-site domestic wastewater

#### Rule R59: Pit latrine – permitted activity

The discharge of domestic **wastewater** from a **pit latrine** onto or into land where a contaminant may enter water and the associated discharge of odour to air is a permitted activity, provided that the following conditions are met:

- (a) the **pit latrine** is not located:
  - (i) within 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, or
  - (ii) within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, or
  - (iii) where a sewer connection is available, and
- (b) the **pit latrine** shall be located in silty or clay soils, and
- (c) the bottom of the **pit latrine** shall be 0.6m above the seasonally highest water table, and
- (d) **stormwater** is prevented from entering the **pit latrine**, and
- (e) domestic **wastewater** in the **pit latrine** shall not accumulate to a level less than 0.3m of the original ground surface, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

#### *Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

#### Rule R60: Composting toilets – permitted activity

The discharge of domestic **wastewater** from a **composting toilet** onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a permitted activity, provided the following conditions are met:

- (a) the discharge shall occur on the **property** where the **composting toilet** is located, and
- (b) the discharge has been aerobically composted for more than 12 months from the last addition of raw domestic **wastewater**, and
- (c) the discharge is not within 20m of a **surface water body**, the coastal marine area, or **bore** used for water abstraction for potable supply, and

- (d) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

Permission may be required from the relevant city or district council in respect of the discharge under other legislation or bylaws.

**Rule R61: Greywater – permitted activity**

The discharge of **greywater** onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a permitted activity, provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the discharge rate of **greywater** shall not exceed a maximum daily volume of 2,000L, and
- (c) the discharge is not located within:
  - (i) 20m of a **surface water body** or the coastal marine area, or **bore** used for water abstraction for potable supply, and
  - (ii) 20m of the boundary of the **property**, unless the land discharge system consists of a pressure compensating drip **irrigation** system where the boundary set back is 5m, and
- (d) the discharge shall not pond on the surface of the ground or runoff from the discharge area, and
- (e) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

**Rule R62: Existing on-site domestic wastewater systems – permitted activity**

The discharge of domestic **wastewater** onto or into land where a contaminant may enter water, and the associated discharge of odour to air from an **on-site domestic wastewater treatment and discharge system** that existed at the date of 31 July 2015 is a permitted activity provided the following conditions are met:

- (a) the **on-site domestic wastewater treatment and discharge system** has not been modified from that established at the time the system was constructed, other than through routine maintenance or building

consent approvals for the system or related changes to the connected building, and

- (b) the volume of the discharge has not been increased as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system, and
- (c) the **on-site domestic wastewater treatment and discharge system** is:
  - (i) operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of the *New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
  - (ii) the system is performing effectively, including the **sludge** and scum layers not occupying more than one half of the system primary tank volume, and
- (d) the volume of domestic **wastewater** to be discharged from any one system shall not exceed 1,300L/day (calculated as a weekly average), and
- (e) there is no direct discharge to groundwater, a **surface water body** or above ground level, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

It is recommended that performance inspections be carried out every two years, or more frequently if required by the system manufacturer.

**Rule R63: New or modified on-site domestic wastewater systems – permitted activity**

The discharge of domestic **wastewater** onto or into land where a contaminant may enter water, and the associated discharge of odour to air from an **on-site domestic wastewater treatment and discharge system** installed or modified after the date of 31 July 2015 is a permitted activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the **on-site domestic wastewater treatment and discharge system** design shall meet the requirements of *AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and

- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
  - (i) 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, or 50m from a **bore** used for water abstraction for potable supply when the discharge is from an **on-site domestic wastewater treatment and discharge system** installed after 31 July 2019, or
  - (ii) 20m of the boundary of the **property** unless the land discharge system consists of a pressure compensating drip **irrigation** system where the boundary set-back is 5m, or
  - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, or
  - (iv) a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, or
  - (v) a **property** where there is a **wastewater network** available, and
- (f) the **on-site domestic wastewater treatment and discharge system** is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of *AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management*, and
- (g) the discharge shall not exceed 14,000L/week and a maximum daily volume of 2,000L, and
- (h) the **wastewater** is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (i) the system is performing effectively, including the **sludge** and scum layers not occupying more than one half of the system primary tank volume, and
- (j) the following reserve areas shall be provided:

- (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
  - (ii) for pressure compensating drip **irrigation** systems, no reserve area is required, or
  - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

It is recommended that performance inspections be carried out every two years, or more frequently if required by the system manufacturer.

**Rule R64: New or modified on-site domestic wastewater systems within community drinking water supply protection areas – controlled activity**

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour to air from a new or modified **on-site domestic wastewater treatment and discharge system** within a **community drinking water supply protection area** that is not permitted by Rule R63 is a controlled activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the **on-site domestic wastewater treatment and discharge system** design shall meet the requirements of *AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
  - (i) 20m of a **surface water body**, coastal marine area, gully or **bore** used for water abstraction for potable supply, or



- (ii) 20m of the boundary of the **property** unless the land discharge system consists of a pressure compensating drip **irrigation** system where the boundary set-back is 5m, or
- (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, and
- (f) the **on-site domestic wastewater treatment and discharge system** is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of *AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management*, and
- (g) the discharge does not exceed 14,000L/week and a maximum daily volume of 2,000L, and
- (h) the system is performing effectively, and the **sludge** and scum layers are not occupying more than one half of the system primary tank volume, and
- (i) the **wastewater** is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (j) the following reserve areas shall be provided:
  - (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
  - (ii) for pressure compensating drip **irrigation** systems, no reserve area is required, or
  - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**, and
- (l) there is no **wastewater network** available to the **property**.

*Matters of control*

1. Type and concentration of the contaminants in the discharge, and effects on **community drinking water supply** water quality
2. Travel time and path of contaminants from source to any **community drinking water supply** abstraction point
3. Treatment, design, maintenance and frequency of monitoring and maintenance inspections

4. Sampling of the discharge, on at least an annual basis, for biochemical oxygen demand, total suspended solids and *E.coli*
5. Risk of accident or an unforeseen event causing significant adverse effects on water quality

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

## 5.2.6 Wastewater

### Rule R65: Wastewater discharges to coastal and fresh water – discretionary activity



The discharge of **wastewater**:

- (a) into coastal water, or
- (b) that is an **existing wastewater discharge** into fresh water and meets the following conditions:
  - (i) the volume of the discharge is reduced from that previously consented, and
  - (ii) the loads of the contaminants monitored under the previous consent are reduced, or
- (c) that is an **existing wastewater discharge** into fresh water as a result of a heavy rainfall event overflow, and the application is accompanied by a management plan to demonstrate how the frequency and/or volume of the discharge will be progressively reduced,

is a discretionary activity.

*Notification*

Any resource consent application arising from Rules R65 and R66 may be publicly notified; but shall be notified to the relevant iwi authority where their written approval has not been obtained.

### Rule R66: Discharges of wastewater to fresh water – non-complying activity

The discharge of **wastewater** into fresh water that is:

- (a) an **existing wastewater discharge** into fresh water that does not comply with Rule R65(b) or (c), or
- (b) a **new wastewater discharge** into fresh water

is a non-complying activity.

### Rule R67: Discharge of wastewater from an industrial or trade process – controlled activity

The discharge of **wastewater** or **sludge** from an industrial or trade process, excluding **wastewater** or **sludge** from a **wastewater network**, onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air, is a controlled activity, provided the following conditions are met:

- (a) the volume of the discharge does not exceed 20m<sup>3</sup> per day, and
- (b) the discharge is not of **hazardous waste**, or contains:
  - (i) a **hazardous substance**,
  - (ii) a substance likely to cause infectious disease in humans or other animals, or
  - (iii) human sewage, and
- (c) the discharge is not:
  - (i) directly to fresh or coastal water, or within 20m of a **surface water body**, a **bore**, the coastal marine area, or the **property boundary**, and
  - (ii) within a **Community Drinking Water Supply Protection Area** set out in Map 39, Map 40, Map 41, Map 42 or Map 43, and
  - (iii) onto or into land with **high risk soils**, and
  - (iv) onto or into **SLUR Category III land**.

#### *Matters of control*

1. Location, design and management of the discharge system
2. Effects on quality of soils, groundwater, surface water and air
3. Impacts on **mana whenua** cultural values and sites of significance
4. Discharge rates and volume, including in relation to the infiltration rate and water storage capacity of the soil
5. Contaminant loading rates on land
6. Design, volume, construction and maintenance of the **wastewater** collection (including **stormwater** collection) and storage system
7. **Wastewater** storage volume to allow for the deferred discharge during periods of prolonged wet weather

8. Procedures for desludging the system and applying **sludge** to land
9. Odour mitigation methods
10. Contingency plans for prolonged wet weather, mechanical failure or other emergencies
11. Monitoring and reporting

**Rule R68: Discharge of treated wastewater from a wastewater network – restricted discretionary activity** 

The discharge of treated **wastewater** from a **wastewater network** onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a restricted discretionary activity.

*Matters for discretion*

1. Effects on wetlands, groundwater and surface water quality, including a **community drinking water supply, group drinking water supply** or domestic water supply
2. The quality of the discharge, including limits on:
  - (i) biological oxygen demand (five day),
  - (ii) total suspended solids,
  - (iii) *Escherichia coli* (*E.coli*), and
  - (iv) other contaminants
3. **Wastewater** discharge method, hydraulic loading rate, discharge depth and nitrogen and phosphorus loading rates
4. Set back distances from waterbodies, the coastal marine area, water supply **bores, property** boundaries and other sensitive environments
5. Measures to **minimise** spray drift to prevent impacts on any **sensitive area** or **sensitive activity**, adjacent to the **property**
6. Suitability of the land to receive treated **wastewater** and potential effects on soil condition (including potential cumulative adverse effects)
7. Management of the land discharge area (including the management of the farm system) and management of discharges of any other wastes, or **fertilisers** or **agricultural chemicals**
8. The contents and implementation of an Operation and Management Plan covering monitoring and reporting requirements including in relation to **emerging contaminants**

9. Effects on **mana whenua** cultural and spiritual values and sites of significance identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or a site identified in a planning document recognised by an iwi authority and lodged with a local authority
10. Effects of improved surface water and coastal water quality, including potential improvements in **aquatic ecosystem health**, **Māori customary use**, **mahinga kai** and contact recreation values arising from the adoption of discharge to land in preference to direct discharge to freshwater or coastal water

#### *Notification*

In respect of Rule R68, applications are precluded from public notification (unless special circumstances exist); except that the relevant iwi authority/ies is an affected person under RMA s95E when a discharge may have a minor or more than minor adverse effect on **mana whenua** cultural or spiritual values.

#### *Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

### **5.2.7 Drinking water treatment plant waste**

Rule R69: Drinking water treatment plant supernatant waste – controlled activity



The discharge of supernatant from a drinking water treatment plant onto or into land where a contaminant may enter water, is a controlled activity, provided the following conditions are met:

- (a) the discharge is not located within 20m of a **surface water body**, the coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) the base of the **disposal** area shall be 0.6m above the seasonally highest water table.

#### *Matters of control*

1. Effects on groundwater and **surface water bodies**
2. Discharge rate(s) of the supernatant

#### *Notification*

In respect of Rule R69, applications are precluded from public notification (unless special circumstances exist).

## 5.2.8 Biosolids

### Rule R70: Discharge of biosolids to land – permitted activity

The discharge of **biosolids** onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a permitted activity, provided the following conditions are met:

- (a) the **biosolids** comply as Grade Aa in the *Guidelines for the Safe Application of Biosolids to land in New Zealand 2003*;
- (b) **biosolids** discharge rates shall not exceed a three-year average of 200kg total N/ha/year, or 600kg N/ha/year with no repeat within three years, and
- (c) soil pH where the **biosolids** are discharged is not less than pH 5.5, and
- (d) the discharge is not located within 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (e) the discharge is not located within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

### Rule R71: Discharge of biosolids to land – restricted discretionary activity



The discharge of **biosolids** onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air is a restricted discretionary activity, provided the following conditions are met:

- (a) the **biosolids** comply as Grade Ab, Ba or Bb under the *Guidelines for the Safe Application of Biosolids to Land in New Zealand 2003*, and
- (b) the discharge is not located within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- (c) the discharge shall not result in the creation of contaminated land.

#### *Matters for discretion*

1. Discharge rate, volume and location including in relation to:
  - (i) presence of subsurface drainage
  - (ii) nutrient capacity of the soil
2. Effects on soil health

3. Storage period and volume for deferred discharge during periods of prolonged wet weather
4. Effects on groundwater quality
5. Set back distances from **surface water bodies**, coastal marine area, and water supply **bores**
6. Discharge of odour
7. Methods for the incorporation of **biosolids** into soil
8. Effects on soil pH
9. Nitrogen loading rate

#### *Notification*

In respect of Rule R71 applications are precluded from public notification (unless special circumstances exist).

### **5.2.9 Fertiliser and animal effluent**

#### **Rule R72: Discharge of fertiliser from ground-based or aerial discharge – permitted activity**

The discharge of **fertiliser** onto or into land where a contaminant may enter water, or into air is a permitted activity, provided the following conditions are met:

- (a) the discharge from ground-based application is not directly onto or into a **surface water body**, and
- (b) all reasonably practicable steps must be taken to prevent the discharge by a commercial operator undertaking aerial application onto or into a river with an **active bed**, lake, **natural wetland**, **water race** or an estuary outside the coastal marine area, and
- (c) the discharge does not cause an offensive or objectionable effect beyond the boundary of the **property**, and
- (d) the discharge by a commercial operator is in accordance with the *Fertiliser Quality Council's Code of Practice for the Placement of Fertiliser in New Zealand 2018*, and
- (e) the discharge by a non-commercial operator using groundspreading equipment, is in accordance with the *Fertiliser Association of New Zealand's Code of Practice for Nutrient Management (With Emphasis on Fertiliser Use) 2013*.

*Note*

The discharge of synthetic nitrogen **fertiliser** is also subject to Regulations 33 and 34 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*. These regulations are in effect from 3 September 2020.

**Rule R73: Discharge of collected animal effluent onto or into land – controlled activity**

The discharge of collected **animal effluent**, including **sludge**, onto or into land where a contaminant may enter water, and the associated discharge of odour to air from:

- (a) dairy farms,
- (b) piggeries,
- (c) poultry farms,
- (d) other premises involving the concentration of animals in a confined area

is a controlled activity, provided the following conditions are met:

- (e) the discharge is not located within:
  - (i) 20m of a **surface water body**, the coastal marine area, or **bore** used for water abstraction for potable supply, or
  - (ii) 20m of the boundary of the **property**, unless the agreement of the adjacent landowner is obtained, or
  - (iii) a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- (f) the **animal effluent** collection, storage and treatment facilities (including, sumps and ponds) are sealed. The permeability of the sealing layer shall not exceed  $1 \times 10^{-9}$  m/s, and
- (g) the capacity of the **animal effluent** storage and treatment facilities (including sumps and ponds) shall be sufficient to provide for deferred **irrigation** when the **field capacity** of the soil is exceeded, and
- (h) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Matters of control*

1. Effluent discharge rates and volume, including in relation to the infiltration rate and water storage capacity of the soil



2. Maximum effluent volume
3. Nutrient loading rates
4. Design, volume, construction and maintenance of the collection (including **stormwater** collection), storage and discharge system
5. Effluent storage volume to allow for the deferred **irrigation** during periods of prolonged wet weather
6. Procedures for desludging the system and applying **sludge** to land
7. Odour mitigation methods
8. Contingency plans for prolonged wet weather, mechanical failure or other emergencies
9. Measures to avoid adverse effects on **mana whenua** values or sites of significance
10. Effects on groundwater and surface water quality

#### *Notification*

In respect of Rule R73, applications are precluded from public notification (unless special circumstances exist).

#### Rule R74: Discharge of collected animal effluent to water – non-complying activity



The discharge of collected **animal effluent** into water is a non-complying activity.

### 5.2.10 Compost, solid animal waste, silage and refuse

#### Rule R75: Discharge of compost or solid animal waste to land – permitted activity

The discharge of **compost** or **solid animal waste** onto or into land, where a contaminant may enter water, and the associated discharge of odour to air, is a permitted activity provided the following conditions are met:

- (a) the discharge of **compost** or **solid animal waste** is not located within 5m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) The discharge of **solid animal waste** is not located between 5m and 20m of a **bore** used for a **community drinking water supply**, or within a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- (c) the discharge shall not enter a **surface water body**, and

- (d) nitrogen loading on the discharge area from the discharge is less than 150kg N/ha/year, and
- (e) the **compost** or **solid animal waste** shall be spread evenly on the land, and there shall be no subsequent discharge event until **compost** or **solid animal waste** from a previous discharge event is not visible in the land surface, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

The manufacture and storage of **compost** is controlled by Rule R77.

**Rule R76: Discharge of compost or solid animal waste to land – restricted discretionary activity**



The discharge of **compost** or **solid animal waste** onto or into land, where a contaminant may enter water, and the associated discharge of odour to air that is not permitted by Rule R75 is a restricted discretionary activity.

*Matters for discretion*

1. Set-back distances from any **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply
2. Discharges to water-logged or flooded land
3. Effects on water quality
4. Discharge of odour

**Rule R77: Manufacture and storage of silage and compost, and storage of solid animal waste – permitted activity**

The discharge of contaminants onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air, from the manufacture and storage of **silage** or **compost**, or storage of **solid animal waste** is a permitted activity, provided the following conditions are met:

- (a) the manufacture and storage area shall not be located within 20m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
- (b) the discharge does not contain:
  - (i) **hazardous substances**, or
  - (ii) **wastewater, sludge** and other human sewage material, industrial waste, offal or dead animal matter, and

- (c) there shall be no discharge of leachate to water from a manufacturing or storage area, and
- (d) **stormwater** is prevented from entering into the manufacturing or storage area, and
- (e) the walls and floor of a permanent pit or bunker for the storage of **silage** or **solid animal waste** shall have an impermeable lining able to withstand corrosion, and
- (f) the base of a **silage** stack storage area shall be constructed of compacted clay or compacted hardfill to **minimise** seepage of contaminants into land, and the base of the storage area shall be located at least 0.6m above the seasonally highest water table at the site, and
- (g) the manufacture and storage of **compost** at an industrial or trade premise shall be undertaken on an impermeable surface, and
- (h) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

*Note*

Permission may be required from the relevant city or district council in respect of other legislation or bylaws.

The discharge of **compost** to land is controlled by Rules R75 and R76.

**Rule R78: Farm refuse dumps – permitted activity**

The discharge of contaminants onto or into land, or into land where a contaminant may enter water, and the associated discharge of odour to air, from a new **farm refuse dump** is a permitted activity, provided the following conditions are met:

- (a) the contents of the **farm refuse dump** is from the **property** where the **farm refuse dump** is located, and
- (b) the total volume of **farm refuse dump** capacity available on a **property** at any time shall not exceed 50m<sup>3</sup>, and
- (c) the **farm refuse dump** is located:
  - (i) on a **property** that is over 20ha, or
  - (ii) in a hole excavated in silty or clay soils, or
  - (iii) where no kerbside community collection is available or the **property** is located more than 20km by road from a transfer station, and

- (d) the **farm refuse dump** is not located within:
  - (i) an area prone to flooding or ponding, or
  - (ii) 50m of a **surface water body**, coastal marine area, gully, **bore** used for water abstraction for potable supply, or boundary of the **property**, or
  - (iii) a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- (e) the base of the **farm refuse dump** is 0.6m above the seasonally highest water table, and
- (f) the discharge does not contain:
  - (i) **hazardous substances**, or
  - (ii) **wastewater**, and
- (g) there is no burning of the contents of a **farm refuse dump**, and
- (h) the size and location is recorded, using GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information made available to the Wellington Regional Council upon request, and
- (i) the **farm refuse dump** is re-contoured and re-vegetated to a condition that is compatible with the surrounding land within six months of completion, and
- (j) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

#### Rule R79: Offal pit – permitted activity

The discharge of contaminants onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air, from a new **offal pit** is a permitted activity, provided that the following conditions are met:

- (a) the **offal pit** shall only contain dead animal matter from the **property** where the **offal pit** is located, and
- (b) the **offal pit** shall not be located within:
  - (i) 50m of a **surface water body**, coastal marine area, or **bore** used for water abstraction for potable supply, and
  - (ii) an area prone to flooding or ponding, and
- (c) the **offal pit** shall be located in silty or clay soils, and

- (d) the bottom of the **offal pit** is 0.6m above the seasonally highest water table, and
- (e) **stormwater** is prevented from entering the **offal pit**, and
- (f) the location is recorded, by GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information is made available to the Wellington Regional Council upon request, and
- (g) the **offal pit** is re-contoured and re-vegetated to a condition that is compatible with the surrounding land within six months of completion, and
- (h) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**, and
- (i) the **offal pit** is not located in a **community water drinking water protection area** as shown on Map 39, Map 40, Map 41, Map 42 and Map 43.

### 5.2.11 Cleanfill material

#### Rule R80: Cleanfill material – permitted activity

The discharge of **cleanfill material** onto or into land, or onto or into land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) the **cleanfill material** is not located within 20m of a **surface water body**, or **bore** used for water abstraction for potable supply, and
- (b) the **cleanfill material** is located to avoid being undermined or eroded by **natural processes** or being inundated from coastal or river flooding, and
- (c) the **cleanfill material** shall be 0.6m above the seasonally highest water table, and
- (d) the **cleanfill material** shall be managed (siting, design and operation) in accordance with Sections 5-8 in *A Guide to the Management of Cleanfills (2002)*, and
- (e) the volume of **cleanfill material** deposited at a **property** shall not exceed 400m<sup>3</sup> per 12 month period, and
- (f) the volume and origin of the **cleanfill material** and the date the material has been deposited on this **property**, is recorded using GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information is made available to the Wellington Regional Council upon request, and

- (g) the **cleanfill material** shall be **stabilised** and re-vegetated within six months of completion of the activity.

*Note*

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

Rule R27 is applicable for the associated discharge to air from **cleanfill material**.

### 5.2.12 Contaminated land and hazardous substances

#### Rule R81: Detailed site investigation – permitted activity

The use of land to undertake a detailed site investigation of contaminated land and any associated discharge into air is a permitted activity, provided the following conditions are met:

- (a) the investigation is undertaken in accordance with *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011)*, and
- (b) the investigation is reported in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011)*, and
- (c) a copy of the report is provided to the Wellington Regional Council within two months following the completion of the investigation.

#### Rule R82: Discharges from contaminated land – permitted activity

The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met:

- (a) a detailed site investigation has been undertaken, reported and provided to Wellington Regional Council in accordance with Rule R81, and
- (b) the results of the detailed site investigation indicate that the discharge does not pose unacceptable risks to human health or the environment – on-site or off-site, or
- (c) the discharge from **SLUR Category III land** or **SLUR Category IV land** does not, or is not likely to, result in:
  - (i) water quality exceeding the maximum acceptable value (MAV) in the *Drinking-Water Standards New Zealand 2005 (Revised 2008)* or 50% of the MAV in a **community drinking water supply protection area** shown on Maps 39, 40, 41, 42 or 43 at the following locations:

1. at the **property** boundary, or within 50m from the source of the discharge, whichever is the lesser distance, or
  2. in an existing **bore** within the **property** boundary or within 50m from the source of the discharge, whichever is the lesser distance, used to abstract water for any use other than water quality monitoring,
- (ii) water quality in a **surface water body** within the **property** boundary or within 50m from the source of the discharge, whichever is the lesser distance, exceeding a value in Schedule V for the protection of 95% of species.

#### Rule R83: Investigation of, or discharges from contaminated land – discretionary activity

The use of land to undertake a detailed site investigation of contaminated land that is not permitted by Rule R81, or the discharge from **SLUR Category III land** or **SLUR Category IV land** where a contaminant may enter water, that is not permitted by Rule R82 is a discretionary activity.

### 5.2.13 Vertebrate toxic agents

#### Rule R84: Land-based discharge of vertebrate toxic agents – permitted activity

The discharge of **vertebrate toxic agents (except rotenone)**, onto or into land, or onto or into land where it may enter water, via land-based methods is a permitted activity, provided the following conditions are met:

- (a) the substance and discharge technique or method is approved for use by the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all controls of the approval, and
- (b) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply, and
- (c) where the **vertebrate toxic agent** is applied to public land, signs shall be placed for the duration of any residual effects of the pesticide at all public lines of approach to the discharge area. The signs shall identify the pesticide(s) applied, the date of discharge and the precautions, if any, that people using the area should take.

#### *Note*

This rule does not apply to any **vertebrate toxic agent** that is exempt from section 15 of the RMA under the *Resource Management (Exemption) Regulations 2017*.

## Rule R85: Aerial discharge of vertebrate toxic agents – controlled activity

The discharge of a **vertebrate toxic agent** (except **rotenone**) onto or into land, or onto or into land where it may enter water, and the associated discharge into water, by aerial discharge is a controlled activity, provided the following conditions are met:

- (a) the substance and the discharge technique or method is approved for use under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all controls of the approval, and
- (b) the discharge is not onto a roof or other structure used to collect drinking water.

### *Matters of control*

1. Advice and information to people and authorities in and adjacent to the discharge area, including flight paths and accidental discharge into water
2. Discharge methods, systems and management processes to prevent fugitive discharges and the recording of discharge areas
3. Navigational guidance systems

### *Notification*

In respect of Rule R85, applications are precluded from public notification (unless special circumstances exist).

### *Note*

The rule does not apply to any **vertebrate toxic agent** that is exempt from section 15 of the RMA under the *Resource Management (Exemption) Regulations 2017*.

## Rule R86: Discharge of rotenone - discretionary activity

The discharge of **rotenone** into water or onto land where it may enter water, including in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule FI (rivers/lakes), Schedule F3 (identified natural wetland), Schedule F4 (coastal sites) or Schedule HI (contact recreation) for the control of invasive aquatic organisms by the Department of Conservation, or any person authorised in writing for that purpose by the Director-General of Conservation, is a discretionary activity.

### *Notification*

In respect of Rule R86, applications are precluded from public notification (unless special circumstances exist). For any applications affecting sports fish<sup>1</sup>

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<sup>1</sup> Sports fish are defined in Schedule I of the Freshwater Fisheries Regulations 1983



resources the statutory manager of those resources, the Wellington Fish and Game Council shall be determined to be an affected party.

*Note*

The rule does not apply to a discharge of **rotenone** that is exempt from section 15 of the RMA under the *Resource Management (Exemption) Regulations 2017*.

#### 5.2.14 Wastewater from ships and offshore installations, and biofoul cleaning

##### Rule R87: Wastewater from ships and offshore installations – permitted activity

The discharge of **wastewater** into coastal water from a ship greater than 500 tonnes, or an offshore installation outside the **harbour and pilotage limit** as shown on Map 68 is a permitted activity.

*Note*

Also see the requirements of the *Resource Management (Marine Pollution) Regulations 1998* in sections 11, 12 and 12A in relation to the discharge of **wastewater** from ships and offshore installations into coastal water.

##### Rule R88: Wastewater from ships and offshore installations – non-complying activity

The discharge of **wastewater** into coastal water from a ship greater than 500 tonnes, or an offshore installation, inside the **harbour and pilotage limit** shown on Map 68, and not controlled by sections 12 or 12A of the *Resource Management (Marine Pollution) Regulations 1998*, is a non-complying activity.

##### Rule R89: In-water biofoul cleaning – permitted activity

The discharge of contaminants and biological material (including process water to which no contaminants have been added and which has been UV treated or filtered to 50 microns maximum) into coastal water from **in-water cleaning of biofouling** from a vessel, moveable structure or navigation aid, in the coastal marine area, is a permitted activity provided the following conditions are met:

- (a) the **anti-foul coating** on the vessel, moveable structure or navigation aid shall not have exceeded its planned service life as specified by the manufacturer, and
- (b) the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations, and
- (c) the cleaning of **microfouling** and goose barnacles may occur without capture, and
- (d) for **macrofouling** less than or equal to 2 on the Level of Fouling Rank the cleaning shall ensure minimal release, using best available technology, capture any biological material greater than 50µm in

diameter, with any captured cleaning debris disposed of at an approved landfill, and

- (e) for **macrofouling** not within (d) the cleaning shall capture any biological material greater than 50µm in diameter, with any captured cleaning debris disposed of at an approved landfill, and
- (f) if any person suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pests under the Biosecurity Act 1993) are to be found, that person shall take the following steps:
  - (i) any cleaning activities commenced shall cease immediately, and
  - (ii) the Wellington Regional Council Harbourmaster and the Ministry of Primary Industries shall be notified without unreasonable delay, and
  - (iii) the cleaning may not recommence until notified by the Wellington Regional Council to do so.

#### Notes

1. For the purposes of Rule R89 any terms not defined in Section 2 of the Natural Resources Plan, guidance is provided in the *Anti-Fouling and In-Water Cleaning Guidelines (June 2013)*.
2. International vessels arriving in New Zealand waters will have additional obligations under the *Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014)*.

#### Rule R90: In-water biofoul cleaning – discretionary activity



The discharge of contaminants and biological material into coastal water from **in-water cleaning** of **biofouling** from a vessel, moveable structure or navigation aid that is not permitted by Rule R89 is a discretionary activity.

#### Note

For the purposes of Rule R90, guidance is provided in the *Anti-Fouling and In-Water Cleaning Guidelines (June 2013)*.

### 5.2.15 All other discharges

#### Rule R91: Minor discharges – permitted activity



The discharge of a contaminant into water, or onto or into land where it may enter water that is not specifically provided for by any other rule in this Plan is a permitted activity provided the following conditions are met:

- (a) the discharge is not a restricted discretionary activity, discretionary activity or non-complying activity under the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*,
- (b) the discharge does not or is not likely to result in the *Drinking-Water Standards New Zealand 2005 (Revised 2018)* being exceeded in a **community drinking water supply protection area** as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- (c) where the discharge is onto or into land, or onto or into land where a contaminant may enter groundwater, the discharge:
  - (i) is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and
  - (ii) if a **point source discharge**, shall not cause an adverse effect beyond the boundary of the **property**, and
  - (iii) shall not result in the creation of contaminated land, and
  - (iv) is not from, onto or into **SLUR Category III land**, unless the discharge:
    1. does not come into contact with **SLUR Category III land**, or
    2. results from the performance or exercise of Fire and Emergency New Zealand's emergency functions, duties or powers.
- (d) where the discharge is a **point source discharge** and may enter a **surface water body** or coastal water,
  - (i) the concentration of total suspended solids in the discharge shall not exceed:
    1. 50g/m<sup>3</sup>, where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), or
    2. 100g/m<sup>3</sup>, where the discharge enters any other water, and
  - (ii) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and

(iii) the discharge shall not give rise to the following effects after the **zone of reasonable mixing** or within a Schedule C (mana whenua) site:

1. a change in the pH of  $\pm 0.5$  pH unit, or
2. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
3. any conspicuous change in the colour or visual clarity, including
  - in Schedule A and Schedule F1 surface water bodies a decrease in water clarity of no more than 20%, or
  - in any other **surface water body** a decrease in water clarity of no more than 30%, or
4. a change in temperature of no more than:
  - 2°C in **river classes** 1 or 2, or
  - 2°C in any river or lake identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or
  - 3°C in any other **surface water body**, and
5. any emission of objectionable odour, or
6. the fresh water is unsuitable for consumption by farm animals, or
7. any significant adverse effects on aquatic life, and

(iv) after the **zone of reasonable mixing**, the discharge shall not cause:

1. a value in Schedule V for the protection of 99% of species to be exceeded in a river identified in Schedule F1 (rivers/lakes) as having high macroinvertebrate community health, or
2. a value in Schedule V for the protection of 95% of species to be exceeded in any other river or lake, or coastal water.

Rule R92: Discharges to land from a new pit latrine, a new farm refuse dump, a new offal pit, of collected animal effluent or solid animal waste within a community drinking water supply protection area – restricted discretionary activity

The discharge of a contaminant from a new **pit latrine**, a new **farm refuse dump**, or a new **offal pit**, of collected **animal effluent** or **solid animal waste**, onto or into land where a contaminant may enter water, that occurs within a **community drinking water supply protection area**, or is a discharge of **solid animal waste** that occurs between 5m and 20m of a **bore** used for a **community drinking water supply** is a restricted discretionary activity provided the following conditions are met:

- (a) any new **pit latrine** must meet the conditions of Rule R59, except condition (a)(ii)
- (b) any discharge of contaminants from a new **farm refuse dump** must meet the conditions of Rule R78, except condition (d)(iii)
- (c) any new **offal pit** must meet the conditions of Rule R79, except condition (i)
- (d) a discharge of collected **animal effluent** must meet the conditions of Rule R73, except condition (e)(iii)
- (e) a discharge of **solid animal waste** must meet the conditions of Rule R75, except condition (b).

*Matters for discretion*

1. Effects on water quality including **community drinking water supply** water quality

Rule R93: All other discharges to sites of significance – non-complying activity



The discharge of water or contaminants into water, or onto or into land where it may enter water:

- (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and
- (b) that is not a permitted, controlled, restricted discretionary, or discretionary activity under any rule in the Plan, or a non-complying activity under Rules R66, R74 or R88

is a non-complying activity.

### Rule R94: All other discharges – discretionary activity



The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:

- (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and
- (b) a permitted, controlled, restricted discretionary, or non-complying activity under any other rule in the Plan, or a discretionary activity under Rules R55, R56, R58, R65, R83 or R90,

is a discretionary activity.




## 5.3 Land use

### *Interpretation*

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1, provisions relevant to the coastal marine area are identified by this icon 

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Land use	Page	P	C	RD	D	NC	Pr
<b>Cultivation and break-feeding</b>	196						
Rule R95: Cultivation of land	196	•					
Rule R96: Break-feeding	197	•					
Rule R97: Cultivation and break-feeding	198				•		
<b>Livestock access</b>	199						
Rule R98: Livestock access to a surface water body or the coastal marine area	199	•					
Rule R99: Livestock access to a surface water body or the coastal marine area (excluding any Category 1 surface water body)	201				•		
Rule 100: Livestock access to any Category 1 surface water body	201					•	
<b>Earthworks and vegetation clearance</b>	201						
Rule R101: Earthworks	202	•					



Rules – Land use	Page	P	C	RD	D	NC	Pr
Rule R102: Construction of a new farm track	202	•					
Rule R103: Construction of a new farm track	203		•				
Rule R104: Vegetation clearance on erosion prone land	204	•					
Rule R105: Vegetation clearance on erosion prone land in accordance with a Freshwater Farm Plan	205	•					
Rule R106: Earthworks and vegetation clearance for renewable energy generation	205			•			
Rule R107: Earthworks and vegetation clearance	207				•		
<b>Land use change and irrigation</b>	207						
Rule R108: Use of rural land irrigated with new water	208		•				
Rule R109: The use of land for pastoral land use, arable land use or horticultural land use irrigated with new water	210				•		
Rule R110: Use of rural land in priority catchments	210	•					
Rule R111: Use of rural land in priority catchments	210		•				
Rule R112: Use of rural land in priority catchments	212				•		

### 5.3.1 Land use other methods

The Wellington Regional Council will promote sustainable land and water management through Methods M1, M2, M7, M8, M9, M10, M11, M12, M15, M19, M21, M23, M32, M33, M34 and M35.

### 5.3.2 Cultivation and break-feeding

#### Rule R95: Cultivation of land – permitted activity

The use of land for **cultivation** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **cultivation** on land with slope of more than 3 degrees shall not occur within 5m of the bed of a **surface water body** or the coastal marine area, or
- (b) **cultivation** on land with slope of 3 degrees or less shall not occur within 2m of the bed of a **surface water body** or the coastal marine area, and

- (c) the land between the cultivated land and the bed of a **surface water body** or the coastal marine area shall be in pasture or other groundcover vegetation throughout the period of **cultivation**, and
- (d) **cultivation** is undertaken along the contour of the land, where reasonably practicable, and
- (e) a sediment control measure or measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area, and

*Note*

Guidance on sediment control measures for **cultivation** is available in Section 4 of Horticulture NZ's *Erosion and Sediment Control Guidelines for Vegetable Production (June 2014)*

- (f) where **cultivation** is within 5-10m (land with slope of more than 3 degrees) or 3-10m (land with slope of 3 degrees or less) of a **natural wetland** (as defined in the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, if permitted by the Regulations, and
- (g) any discharge from land subject to **cultivation** shall not, outside the **zone of reasonable mixing** in a **surface water body** or the coastal marine area, result in any of the following effects in receiving waters:
  - (i) a conspicuous change in colour or visual clarity,
  - (ii) the rendering of fresh water unsuitable for consumption by animals,
  - (iii) any significant adverse effect on aquatic life.

*Note*

Regulation 50 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* controls **vegetation clearance, earthworks** or land disturbance (which includes **cultivation**) outside, but within 10m of a **natural wetland** for the purpose of arable or **horticultural land use**. For the avoidance of doubt, **cultivation** for this purpose is subject to Regulation 50.

#### Rule R96: Break-feeding – permitted activity

The use of land for **break-feeding** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, is a permitted activity, provided the following conditions are met:

- (a) **break-feeding** on land with slope of more than 3 degrees shall not be within 5m of the bed of a **surface water body** or the coastal marine area, and

- (b) **break-feeding** on land with slope of 3 degrees or less shall not be within 2m of the bed of a **surface water body** or the coastal marine area, and
- (c) the land between the land used for **break-feeding** and the bed of a **surface water body** or the coastal marine area shall be in pasture or other groundcover vegetation, and not be grazed or cultivated throughout the period that the land adjacent is used for **break-feeding**, and
- (d) a sediment control measure or measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area, and

*Note*

Guidance on sediment control measures for break-feeding is available from <http://www.gw.govt.nz/good-management-practice/>

- (e) any discharge to a **surface water body** from land used for **break-feeding** shall not, outside of the **zone of reasonable mixing** in a **surface water body** or the coastal marine area, result in any of the following effects in receiving waters:
  - (i) a conspicuous change in colour or visual clarity,
  - (ii) the rendering of fresh water unsuitable for consumption by animals,
  - (iii) any significant adverse effect on aquatic life.

*Note*

The activity of break-feeding of winter forage crops and intensive winter grazing by **livestock** is also subject to:

- (i) the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, with regulations to take effect on 01 May 2021, and
- (ii) the *Resource Management (Stock Exclusion) Regulations 2020*, with regulations for break-feeding of cattle beef and deer to take effect on 03 September 2020 for new pastoral systems and 01 July 2023 for existing pastoral systems.

**Rule R97: Cultivation and break-feeding – discretionary activity** 

The use of land for **cultivation** or **break-feeding** and the associated discharge of a contaminant into water or onto land where a contaminant may enter water, that is not permitted by Rule R95 or Rule R96 is a discretionary activity.

### 5.3.3 Livestock access

#### Note

Any restrictions in this Plan on **livestock** access to a **water race** do not limit the use of the **water race** for the purpose of providing drinking water for stock, provided **livestock** do not enter the **water race**.

**Livestock** access to, and exclusion from, a **surface water body** is also subject to:

- (i) the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, with regulations to take effect on 01 May 2021, and
- (ii) the *Resource Management (Stock Exclusion) Regulations 2020*, with regulations to take effect on 03 September 2020 for new pastoral systems and from 01 July 2023 and 01 July 2025 for existing pastoral systems.

#### Rule R98: Livestock access to a surface water body or the coastal marine area – permitted activity

**Livestock** access to a **surface water body** or the coastal marine area, and any associated discharge to water, is a permitted activity provided the following conditions are met:


- (a) From 31 July 2019, there shall be no **livestock** access to a **Category 1 surface water body**, except that sheep may have access to a **natural wetland** if authorised by a resource consent pursuant to Rule R116.
- (b) From 31 July 2022, access by:
  - (i) cattle, farmed deer or farmed pigs to a **Category 2 surface water body**, (except for a Schedule F1 river that is less than 1m wide), and
  - (ii) **dairy cows** to a river that is not a **Category 1 or Category 2 surface water body** and has an **active bed** width of 1m or wider at the location of the access,  
  
may occur provided the access is only at a **stock crossing point** and the cattle (including **dairy cows**), farmed deer or farmed pigs:
    - (iii) are supervised and actively driven across the water body, and
    - (iv) do not cross the same water body more than twice in any month.
- (c) From 1 July 2025, access by:

- (i) cattle, farmed deer or farmed pigs to a **Category 2 surface water body**, which is a Schedule F1 river that is less than 1m wide), and
  - (ii) cattle, farmed deer or farmed pigs to a **Category 2 surface water body** which is within that part of the Huangarua River catchment identified in Schedule I (trout spawning habitat), during the trout spawning season (31 May to 31 August),
- may occur provided, the access is only at a **stock crossing point** and the cattle (including **dairy cows**), farmed deer or farmed pigs:
- (iii) are supervised and actively driven across the water body, and
  - (iv) do not cross the same water body more than twice in any month.
- (d) Access by **livestock**, excluding sheep, to all **surface water bodies** or the coastal marine area shall not result in:
- (i) a conspicuous change in colour or visual clarity of water,
    1. in a site with significant **mana whenua** values identified in Schedule C (mana whenua), or
    2. in a lake, estuary or the coastal marine area, or
    3. beyond the **zone of reasonable mixing** in a river, or
  - (ii) more than minor damage in a **natural wetland** provided that:
    1. the **natural wetland** is 0.05 ha or more and is not identified as a **Category 1 surface water body**, or
    2. stock exclusion from the **natural wetland** is not required by the *Resource Management (Stock Exclusion) Regulations 2020*, and
  - (iii) more than minor damage to the water body's bed and banks, including through bank collapse, except at a **stock crossing point** where **livestock** are supervised and actively driven across the water body.
- (e) In the **coastal marine area**:
- (i) access by beef cattle shall not result in more than minor damage, and

- (ii) beef cattle shall be supervised in, or driven across, land below mean high water springs in a Schedule F5 (coastal habitats) or Schedule J (geological features) site or habitat, and
- (iii) cattle (other than beef cattle), farmed deer or farmed pigs shall be supervised in, or driven across, land below mean high water springs, and
- (iv) where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, **livestock** access to the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment must be expressly allowed for in a Freshwater Farm Plan certified under section 271G of the RMA.

*Note*

Fencing is one method of managing **livestock** access and fencing can be either permanent or temporary as long as it achieves the conditions of the rule.

Rule R99: Livestock access to a surface water body or the coastal marine area (excluding any Category 1 surface water body) – discretionary activity 

The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, from **livestock** access that does not comply with condition (b), (c), (d) or (e) of Rule R98, is a discretionary activity.

Rule R100: Livestock access to any Category 1 surface water body – non complying

The use and disturbance of the bed, including the banks, or other land in a **surface water body** or the coastal marine area, and any associated discharge to water, from **livestock** access that does not comply with condition (a) of Rule R98, is a non complying activity.

### 5.3.4 Earthworks and vegetation clearance

*Notes*

**Vegetation clearance** is also controlled by provisions in district plans and bylaws, and the *Electricity (Hazards from Trees) Regulations 2003*.

The rules in this section do not control any **earthworks**, soil disturbances, **vegetation clearance** or vegetation disturbances covered by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*.

**Earthworks** and **vegetation clearance** outside, but within 10 metres of a **natural wetland** on land used for horticulture or **arable land uses** is also controlled by provisions in the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*.

#### Rule R101: Earthworks – permitted activity



The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** up to a total area of 3,000m<sup>2</sup> per **property** per 12 month period is a permitted activity, provided the following conditions are met:

- (a) soil or debris from **earthworks** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) **earthworks** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** occurs, and
- (c) any **earthworks** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
  - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
  - (ii) any conspicuous change in colour or visual clarity, or
  - (iii) any emission of objectionable odour, or
  - (iv) the rendering of fresh water unsuitable for consumption by animals, or
  - (v) any significant adverse effect on aquatic life, and
- (d) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
- (e) work areas are **stabilised** within six months after the completion of the **earthworks**.

#### Rule R102: Construction of a new farm track – permitted activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** up to a total area of 10,000m<sup>2</sup> per **property** per 12 month period for the construction of a new **farm track** is a permitted activity, provided the following conditions are met:

- (a) the side cutting height measured vertically is less than 2m, or over 2m for continuous length of no more than 150m, and

- (b) soil or debris from **earthworks** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (c) **earthworks** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** occurs, and
- (d) any **earthworks** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
  - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
  - (ii) any conspicuous change in colour or visual clarity, or
  - (iii) any emission of objectionable odour, or
  - (iv) the rendering of fresh water unsuitable for consumption by animals, or
  - (v) any significant adverse effect on aquatic life, and
- (e) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
- (f) work areas must be **stabilised** as soon as reasonably practicable and until the work area is **stabilised**, erosion and sediment control measures shall be used where a preferential flow path connects with a **surface water body** or the coastal marine area.

*Note*

Guidance on erosion and sediment control measures is available from <http://www.gw.govt.nz/good-management-practice/>

### Rule R103: Construction of a new farm track – controlled activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** for the construction of a new **farm track** that is not permitted by Rules R101 or R102 is a controlled activity, provided the following conditions are met:

- (a) **earthworks** shall not occur within 5m of a **surface water body** except for **earthworks** undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
- (b) a maximum side cutting height measured vertically is no more than 3m for a continuous length of no more than 100m.



### *Matters of control*


1. The location, duration and timing of the **earthworks**
2. The need for increased **surface water body** setbacks to manage erosion risk and sediment loss
3. The design, suitability, monitoring and maintenance of erosion and sediment control measures
4. Monitoring and reporting requirements
5. Effects on **aquatic ecosystem health** and **mahinga kai**
6. The effects, after the **zone of reasonable mixing**, in receiving waters including:
  - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
  - (ii) any conspicuous change in colour or visual clarity, or
  - (iii) any emission of objectionable odour, or
  - (iv) the rendering of fresh water unsuitable for consumption by animals, or
  - (v) any significant adverse effect on aquatic life

### **Rule R104: Vegetation clearance on erosion prone land – permitted activity**

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **vegetation clearance** up to a total area of 2ha per **property** per 12 month period on **erosion prone land** is a permitted activity, provided the following conditions are met:

- (a) any soil or debris from the **vegetation clearance** is not placed where it can enter a **surface water body** or the coastal marine area, and
- (b) any soil disturbances associated with the **vegetation clearance** shall not after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
  - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
  - (ii) any conspicuous change in colour or visual clarity, or
  - (iii) any emission of objectionable odour, or

- (iv) the rendering of fresh water unsuitable for consumption by animals, or
  - (v) any significant effect on aquatic life, and
- (c) **vegetation clearance** shall not occur within 5m of a **surface water body** except for **vegetation clearance** undertaken in association with by Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139.

Rule R105: Vegetation clearance on erosion prone land in accordance with a Freshwater Farm Plan – permitted activity 

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from or **vegetation clearance on erosion prone land** is a permitted activity where it is expressly allowed for in a Freshwater Farm Plan certified under section 217G of the RMA.

Rule R106: Earthworks and vegetation clearance for renewable energy generation – restricted discretionary activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks** not permitted by Rule R101 or **vegetation clearance on erosion prone land** that is not permitted by Rule R104 associated with the use, development, operation, maintenance and **upgrade of renewable energy generation** is a restricted discretionary activity, provided the following conditions are met:

- (a) the **earthworks** or **vegetation clearance** and associated discharge are associated with the following construction activities:
  - (i) the formation of access tracks,
  - (ii) the formation of laydown areas and stockpile areas,
  - (iii) the formation of wind turbine platforms, including foundation formation,
  - (iv) foundations for any operations building or transmission line,
  - (v) placement of excess fill associated with any of the activities listed in (i) to (iv) above,
  - (vi) ancillary works necessary to construct or maintain any erosion and sediment control measures associated with (i) to (v) above, and
- (b) the activity does not occur within the **coastal marine area**, and

- (c) soil or debris from **earthworks** or **vegetation clearance** is not placed where it can enter a **surface water body** or the **coastal marine area**, and
- (d) the **earthworks** or **vegetation clearance** will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the **property** where the **earthworks** or **vegetation clearance** occurs, and
- (e) work areas are **stabilised** within six months after the completion of the **earthworks**, and
- (f) any **earthworks** shall not, after the **zone of reasonable mixing**, result in any of the following effects in receiving waters:
  - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
  - (ii) any conspicuous change in colour or visual clarity, or
  - (iii) any emission of objectionable odour, or
  - (iv) the rendering of fresh water unsuitable for consumption by animals, or
  - (v) any significant effect on aquatic life, and
- (g) the **earthworks** or **vegetation clearance** shall not, occur within 10m of a **surface water body** or coastal marine area.

*Matters for discretion*

1. The location, area, scale, volume, duration and timing of works
2. The design and suitability of erosion and sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated with
3. Staging of works and progressive **stabilisation**:
4. Adverse effects on:
  - (i) groundwater, **surface water bodies** and their margins, particularly **surface water bodies** within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or

Schedule I (important trout fishery rivers and spawning waters)

- (ii) group and **community drinking water supplies**
  - (iii) **mauri**, water quality (including water quality in the coastal marine area), **aquatic** and marine **ecosystem health**, aquatic and riparian habitat quality, indigenous biodiversity values, **mahinga kai** and critical life cycle periods for indigenous aquatic species
  - (iv) the **natural character** of lakes, rivers, **natural wetlands** and their margins and the coastal environment
  - (v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers
5. The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site
  6. The benefits to be derived from the use and development of **renewable energy generation**
  7. Monitoring and reporting requirements

#### Rule R107: Earthworks and vegetation clearance – discretionary activity



The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from **earthworks**, or **vegetation clearance** on **erosion prone land** that is not permitted by Rules R101, R102, R104 and R105, and not controlled by Rule R103, or not restricted discretionary by Rule R106 is a discretionary activity.

#### 5.3.5 Land use change and irrigation

##### *Note*

In addition to the rules below, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 control the:

- (i) conversion of **plantation forestry** to pastoral land uses (Regulations 16, 17 and 24)
- (ii) conversion of land on a **farm** to dairy farm land (Regulations 18, 19 and 24)
- (iii) **irrigation** of dairy farms (Regulations 20, 21 and 24)

- (iv) use of land for dairy support (Regulations 22, 23 and 24)

Additionally, Regulation 36 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* also requires any person responsible for a landholding that includes any dairy farm land to provide annually to the Wellington Regional Council information on land use and synthetic nitrogen **fertiliser** as set out in Regulation 36.

#### Rule R108: Use of rural land irrigated with new water – controlled activity

The use of land for **pastoral land use, arable land use, or horticultural land use**, and the associated discharge of contaminants into water or into or onto land where a contaminant may enter water that is **irrigated** with **new water** is a controlled activity where:

- (a) 20 ha or more of the **irrigated** land is for **arable land use, pastoral land use or low intensity horticultural use**, or
- (b) 5 ha or more of the **irrigated** land is for **horticultural land use** that is not a **low intensity horticultural use**, or

provided the following conditions are met:

- (c) a **farm environment plan** for the **farm** has been prepared for the land, and
- (d) a **Farm Environment Plan Certifier** certifies in writing that the **farm environment plan** lodged with the application has been prepared in accordance with, and meets the requirements of, Schedule Z, and
- (e) the land use is undertaken in accordance with the **farm environment plan** certified under condition (b), and
- (f) if the use of land receiving the **new water** is the farming of **dairy cattle** or **dairy support cattle**, the maximum area **irrigated** must not exceed the area **irrigated** before 2 September 2020, and
- (g) if the use of land receiving the **new water** is **commercial vegetable production**, that land must have been used for **commercial vegetable production** at some time in the five years prior to 2 September 2020, and
- (h) full electronic access to any software or assessment tool that models or records diffuse contaminant losses or loss risk for the activity authorised by this rule is granted to the Wellington Regional Council, and if requested, any analysis produced by an approved software or assessment tool is provided to the Wellington Regional Council, and

- (i) seasonal and monthly **irrigation** water balances prepared in accordance with Policy P125 and Schedule P, shall be used to demonstrate that the amount of **irrigation** water applied does not exceed the **irrigation** demand by more than 20%. The **irrigation** water balances must be used to manage water **irrigation** and must be made available to the Wellington Regional Council on request. The **irrigation** water balances shall specify:
  - (i) area of land **irrigated**
  - (ii) **farm** type and rotation dates (if applicable)
  - (iii) volume of water **irrigated**
  - (iv) start and end date of **irrigation** season
  - (v) seasonal **irrigation** demand.

*Matters of control*

1. The assessed annual contaminant loss risk in the period preceding 2 September 2020 taking into account any need to adjust for any poor management practice
2. The content of the **farm environment plan**
3. The actions, management practices and mitigation measures necessary to ensure that discharge of nitrogen, phosphorus, sediment and *E.coli* will not increase beyond that which occurred from that land prior to the land being **irrigated by new water**
4. The method, rate, volume and timing of the application **irrigation** water
5. The contents of the seasonal and monthly **irrigation** water balances
6. In terms of condition (e), the determination of the area of land used for **commercial vegetable production** used at any time during the five years preceding 2 September 2020
7. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and **farm environment plan**
8. The time and circumstances under which the resource consent conditions may be reviewed
9. The timing, frequency and requirements for review, audit and amendment of the **farm environment plan**

### Notification

In respect of Rule R108, applications are precluded from public and limited notification (unless special circumstances exist).

### Rule R109: The use of land for pastoral land use, arable land use or horticultural land use irrigated with new water – discretionary activity

The use of land for **pastoral land use**, **arable land use**, or **horticultural land use** and the associated discharge of contaminants into water or into or onto land where contaminants may enter water which is **irrigated** with **new water** is not otherwise permitted or controlled by Rule R108, is a discretionary activity.

### Rule R110: Use of rural land in priority catchments – permitted activity

Until 31 December 2028, in the **priority catchments** listed in Schedule Y the use of:

- (a) 20 ha or more of land for **arable land use, pastoral land use or low intensity horticultural use**, or
- (b) 5 ha or more of land for **horticultural land use** that is not a **low intensity horticultural use**,

is a permitted activity provided the following conditions are met:

- (c) no later than the applicable date specified in Table 1 a **farm environment plan** in respect of the land and associated land use is supplied to Wellington Regional Council, and
- (d) a **Farm Environment Plan Certifier** certifies in writing that the **farm environment plan** supplied to the Wellington Regional Council has been prepared in accordance with, and meets the requirements of, Schedule Z, and
- (e) the land use is undertaken in accordance with the **farm environment plan** certified under condition (d).

**Table 1 – Phase-in of priority catchments listed in Schedule Y**

Location	Due Date
Land in the Waitawa and Parkvale catchments	30 Dec 2023
Land in the Otukura, Mangatarere, Waipoua catchments	30 Sep 2024
Land in the Kōpuaranga, Makakaha and Taueru catchments	30 June 2025

### Rule R111: Use of rural land in priority catchments – controlled activity

In the **priority catchments** listed in Schedule Y the use of:

- (a) 20 ha or more of land for **arable land use, pastoral land use or low intensity horticultural use**, or

- (b) 5 ha or more of land for **horticultural land use** that is not a **low intensity horticultural use**,

and the associated discharge of contaminants into water or into or onto land where contaminants may enter water after 31 December 2028, or that does not meet condition (c) of Rule R110, is a controlled activity provided that the following conditions are met:

- (c) A **farm environment plan** for the **farm** has been prepared for the land, and
- (d) A **Farm Environment Plan Certifier** certifies in writing that the **farm environment plan** lodged with the application has been prepared in accordance with, and meets the requirements of, Schedule Z, and
- (e) The land use is undertaken in accordance with the **farm environment plan** certified under condition (d), and
- (f) Full electronic access to any software or assessment tool that models or records diffuse contaminant losses or loss risk for the activity authorised by this rule is granted to the Wellington Regional Council, and if requested, any analysis produced by an approved software or assessment tool is provided to the Wellington Regional Council.

#### *Matters of control*

1. The content of the **farm environment plan** including the actions, management practices and mitigation measures necessary to ensure that the discharge of nitrogen, phosphorus, sediment and *E.coli* is **minimised** and accords with **good management practice**.
2. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and **farm environment plan**
3. The time and circumstances under which the resource consent conditions may be reviewed
4. The timing, frequency and requirements for review, audit and amendment of the **farm environment plan**

#### *Notification*

In respect of Rule R111, applications are precluded from public and limited notification (unless special circumstances exist).



### Rule R112: Use of rural land in priority catchments – discretionary activity


From the applicable date in Table 1 of Rule R110, the use of land for **pastoral land use, arable land use, or horticultural land use** within a catchment listed in Schedule Y and the associated discharge of contaminants into water or into or onto land where contaminants may enter water that does not meet condition (c), (d) or (e) of Rule R110 or is not controlled by Rule R111, is a discretionary activity.

## 5.4 Wetlands and beds of lakes and rivers

### Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon 

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Wetlands and beds of lakes and rivers	Page	P	C	RD	D	NC	Pr
<b>Activities in wetlands</b>	215						
Wetlands general conditions	215						
Rule R113: Existing structures in natural wetlands	217	●					
Rule R114: Planting and pest plant control in natural wetlands and outstanding natural wetlands	218	●					
Rule R115: Removal of wetland plants for Māori customary use or the use of an individual	219	●					
Rule R116: Restoration of natural wetlands and outstanding natural wetlands	220		●				
Rule R117: Activities in natural wetlands	220				●		
Rule R118: Activities in natural wetlands	221					●	
Rule R119: Activities in outstanding natural wetlands	222				●		
Rule R120: Activities in outstanding natural wetlands	223					●	

<b>Rules – Wetlands and beds of lakes and rivers</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
Rule R121: Reclamation or drainage of outstanding natural wetlands	224						•
<b>Uses of beds of lakes and rivers</b>	224						
Uses of beds of lakes and rivers general conditions	224						
Rule R122: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates)	227	•					
Rule R123 Maintenance of function of structures	230		•				
Rule R124: Diversion of flood water by existing structures	231	•					
Rule R125: River crossing structures	231	•					
Rule R126: Culverts and ancillary culvert structures	232	•					
Rule R127: Establishing a dam	234	•					
Rule R128: New structures	236	•					
Rule R129: Structures within a site identified in Schedule C (mana whenua)	237			•			
Rule R130: Removing or demolishing structures	238	•					
Rule R131: Clearance or removal of flood debris and beach recontouring	238	•					
Rule R132: Minor sand and gravel extraction	240	•					
Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance	241				•		
Rule R134: Maintenance of highly modified rivers or streams within an individual property	241	•					
Rule R135: Removal of aquatic vegetation and/or accumulated sediment from the bed of a highly modified rivers or stream or stream used to convey stormwater in an urban area by a local authority	244	•					
Rule R136: Removal of aquatic vegetation and/or accumulated sediment from the bed of a highly modified rivers or stream or stream used to convey stormwater in an urban area by a local authority	244			•			
Rule R137: Removing vegetation from the bed of any river or lake	245	•					
Rule R138: Planting	247	•					
Rule R139: Entry or passage over bed (excluding livestock access)	248	•					
<b>Reclamation and placement of a dam</b>	248						
Rule R140: Placement of a dam in an outstanding water body	248					•	

Rules – Wetlands and beds of lakes and rivers	Page	P	C	RD	D	NC	Pr
Rule R141: Reclamation of the bed of a river or lake inside a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua)	249					•	
Rule R142: Reclamation of the bed of a river or lake outside of a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua)	249				•		
Rule R143: Reclamation associated with piping of a river outside of a site identified in Schedule A1 (outstanding rivers) or Schedule C (mana whenua)	250					•	
Rule R144: Reclamation of the bed of a river or lake and associated diversion inside a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua)	250						•
<b>All other uses of the beds of lakes and rivers</b>	250						
Rule R145: All other uses of river and lake beds	250				•		
<b>Damming and diverting water</b>	250						
Rule R146: Diversion of groundwater	250	•					
Rule R147: Damming or diverting water within or from rivers	251				•		
Rule R148: Damming or diverting water within or from rivers	251					•	
Rule R149: Damming or diverting water within or from natural lakes	251				•		
Rule R150: Damming or diverting water within or from natural lakes, Lake Kohangatera or Lake Kohangapiripiri	251					•	
Rule R151: General rule for damming and diverting water	251				•		

#### 5.4.1 Wetlands and beds of lakes and rivers other methods



The Wellington Regional Council will promote sustainable management of wetlands and the beds of lakes and rivers through Methods M1, M2, M6, M7, M8, M12, M19, M20, M21, M23, M26, M32, M33, M34, and M35.

#### 5.4.2 Activities in wetlands general conditions

Wetlands general conditions



Wetland general conditions for activities in **natural wetlands** and **outstanding natural wetlands** are that:

- (a) the vegetation and the bed of the **natural wetland** or **outstanding natural wetland** shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and

- (b) there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals and other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and
- (c) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a **natural wetland** or **outstanding natural wetland**, or at any location where fuel can enter a water body, and
- (d) all machinery, equipment and materials used for the activity shall be removed from the **natural wetland** or **outstanding natural wetland** every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and
- (e) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities, and
- (f) in any part of the **natural wetland** or **outstanding natural wetland** with inanga spawning habitat identified in Schedule F1b (inanga spawning), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a **stormwater** discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and
- (g) the diversion of water shall not be for longer than the time required to undertake the activity, and any diversion of water required to undertake the activity must be for fewer than 14 consecutive days, and must occur prior to the disturbance of the bed of the **natural wetland** or **outstanding natural wetland**, and
- (h) the following setback conditions apply to **plantation forestry** activities as covered by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*:
  - (i) **earthworks** must not occur within 10m of a **natural wetland**, and
  - (ii) harvesting machinery must not be operated within 10m of a **natural wetland**, and

- (iii) mechanical land preparation must not occur within 10m of a **natural wetland**.

*Note*

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.

The meaning of **earthworks**, harvesting machinery and mechanical preparation are defined in the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*.

### 5.4.3 Activities in wetlands

*Note*

Also refer to the relevant district plan for provisions that apply to activities within or adjacent to wetlands.

Nothing in this Plan affects:

- (a) an individual’s right under RMA section 14(3)(b) to take and use water for reasonable domestic needs, or for the reasonable needs of a person’s animals for drinking water, provided the take and use of water does not, or is not likely to, have an adverse effect on the environment; or
- (b) the take and use of water for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017.

### Rule R113: Existing structures in natural wetlands – permitted activity



Unless regulated by Regulations 43, 44, 46, 47 and 54 of the *Resource Management (Natural Environmental Standards for Freshwater) Regulations 2020*, in a **natural wetland**:

- (a) The use, maintenance, repair, addition, alteration, or replacement (like for like) of an existing lawfully established structure or existing lawfully established **Regionally Significant Infrastructure**, including associated vegetation removal, and
- (b) the removal of an existing structure,

including any associated:

- (c) disturbance of a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and

- (d) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
- (e) damage to a part of the foreshore or seabed that forms part of a **natural wetland**, and
- (f) diversion of water, and
- (g) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (h) only hand-held machinery is used in any area of the **natural wetland**, and
- (i) any alteration or addition to an existing structure does not increase the size of the structure so that it occupies an area greater than 10m<sup>2</sup>, and
- (j) the activity shall comply with the wetland general conditions for activities in **natural wetlands** and **outstanding natural wetlands** specified above in Section 5.4.2.

*Note*

Regulations 43, 44, 46, 47 and 54 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* prevail over Rule R104(a) in respect of **vegetation clearance**, **earthworks** or land disturbance or taking, use, damming, diversion or discharge of water associated with the maintenance of a **wetland utility structure** or the maintenance and operation of **specified infrastructure** and **other infrastructure**.

Rule R114: Planting and pest plant control in natural wetlands and outstanding natural wetlands – permitted activity



The deliberate introduction or planting of a plant, and the removal or control of pest plants in the bed of a **natural wetland**, or **outstanding natural wetland** including any associated:

- (a) disturbance of a river or lake bed, or foreshore or seabed, that forms part of a **natural wetland** or **outstanding natural wetland**, and
- (b) deposition in, on, or under a river or lake bed, or foreshore or seabed, that forms part of a **natural wetland** or **outstanding natural wetland**, and
- (c) damage to part of the foreshore or seabed that forms part of a **natural wetland** or **outstanding natural wetland**, and
- (d) diversion of water, and

- (e) discharge of sediment to water

is a permitted activity provided the following conditions are met:

- (f) only indigenous wetland species typical of the area and wetland type are deliberately introduced or planted, and
- (g) only plant species that are not typical of the area and wetland type are deliberately removed or controlled, and
- (h) only **agricultural chemicals** approved by the Environmental Protection Authority for use into and over water are used and the conditions of Rule R37 are met, and
- (i) **agricultural chemicals** are not applied by aerial spraying, and
- (j) only hand-held machinery is used in any area of the **natural wetland or outstanding natural wetland**, and
- (k) the activity shall comply with the wetland general conditions for activities in **natural wetlands and outstanding natural wetlands** specified above in Section 5.4.2.

*Note*

The Wellington Regional Council provides advice on its website and upon request regarding the management of wetlands, including appropriate species to plant (those that are typical of the area and wetland type) and appropriate pest plants to remove (those that are not typical of the area and wetland type).

Rule R114 prevails over Regulation 38(1) and (2) of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* where the activity is the deliberate introduction or planting of a plant, or the removal or control of pest plants in the bed of a **natural wetland** or an **outstanding natural wetland**. Regulation 38 otherwise applies.

Rule R115: Removal of wetland plants for Māori customary use or the use of an individual – permitted activity



The selective removal of a plant or part of a plant from a **significant natural wetland** or an **outstanding natural wetland** for the purpose of **Māori customary use** or for the reasonable and non-commercial use of an individual is a permitted activity provided that:

- (a) the activity is carried out by hand, and
- (b) the vegetation and the bed of the **significant natural wetland** or an **outstanding natural wetland** shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and



- (c) within a site identified in Schedule C (mana whenua), the use is for **Māori customary use** only.

#### Rule R116: Restoration of natural wetlands and outstanding natural wetlands – controlled activity



**Livestock** access for the purpose of the **restoration** of the indigenous biodiversity of a **natural wetland** or **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), unless prevented by the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, is a controlled activity provided the following condition is met:

- (a) the activity is stipulated in and carried out in accordance with an approved **wetland restoration management plan**.

#### *Matters of control*

1. Type, frequency, density and timing of **livestock** access to, and (where there is no practicable alternative) the limited location of fencing within, the **natural wetland** or **outstanding natural wetland**

#### *Notification*

In respect of Rule R116, applications are precluded from public notification (unless special circumstances apply).

#### *Waiver of consent fees*

To encourage and support the **restoration** of wetlands, the Wellington Regional Council will waive resource consent fees issued for this rule at its discretion.

#### Rule R117: Activities in natural wetlands – discretionary activity



The following activities in a **natural wetland** except for those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R116 or Regulation 39 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*:

- (a) the placement of structures, and
- (b) the discharge of water or contaminants not permitted by Rule R91, where the adverse effects on aquatic life are no more than minor, and
- (c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R114 and the removal of plants for **Māori customary use** or for the use of an individual under R115, and **vegetation clearance** regulated by Regulations 43, 44, 45, 46, 47 and 54 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*),
- (d) activities not meeting the conditions of Rules R113, R114 or R115,

including any associated:

- (e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
- (f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
- (g) damage to a part of the foreshore or seabed that forms part of a **natural wetland**, and
- (h) diversion of water, and
- (i) discharge of sediment to water

are discretionary activities.

#### *Notes*

Rule R117(a) prevails over Regulation 42 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* for activities occurring in the bed a **natural wetland**, but that regulation applies to activities within specified setbacks from the bed of a **natural wetland**.

Regulations 45 and 54 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* prevail over Rule R117(a) in respect of **vegetation clearance, earthworks** or land disturbance or taking, use, damming, diversion or discharge of water associated with the placement of a new structure in the bed of a **natural wetland**.

Rule R117(c) prevails over Regulations 40, 41, 42 and 51 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, for activities occurring in the bed of a **natural wetland**, but those regulations apply to activities within specified setbacks from the bed of a **natural wetland**.

Regulation 54 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* prevails over Rule 117(c).

#### **Rule R118: Activities in natural wetlands – non-complying activity**

The following activities, in a **natural wetland** except for those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R116 or Regulation 39 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*:

- (a) take, use, damming or diverting water into, within, or from the **natural wetland**, or the take and use of water within 50m of the **natural wetland**, and
- (b) land disturbance including excavation and deposition, and
- (c) **reclamation of a natural wetland**,

including any associated:

- (d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
- (e) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
- (f) damage to a part of the foreshore or seabed that forms part of a **natural wetland**, and
- (g) diversion of water, and
- (h) discharge of sediment to water

are non-complying activities.

#### *Notes*

Rule R118(a)-(c) prevails over Regulations 38-51 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, but those regulations apply to damming or diverting water within 100m of the bed of a **natural wetland** and take and use within 50-100m of the bed of a **natural wetland**.

Regulations 52, 53 and 54 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* prevail over Rule R118(a) and (b).

Regulation 53 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* prevails over Rule R118(c).

#### Rule R119: Activities in outstanding natural wetlands – discretionary activity



The following activities in an **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), except those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R116 or Regulation 39 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*:

- (a) the maintenance, repair or replacement (like for like) of existing structures, and
- (b) maintenance, repair, replacement, or **upgrade** of existing **Regionally Significant Infrastructure** within Pauatahanui Inlet Saltmarsh, Pauatahanui Inlet Tidal Flats and Waikanae River Mouth, and
- (c) the placement of new structures of an area less than 10m<sup>2</sup> for the purpose of hunting and recreation (including maimai and jetties),

- (d) the removal of existing structures,
- (e) removal of pest plants that are not permitted by Rule R114

are discretionary activities.

#### Notes

Rule R119(a) prevails over Regulations 43, 44, 46, and 47 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* for activities occurring in the bed of an **outstanding natural wetland**, but those regulations apply to activities within specified setbacks from the bed of an **outstanding natural wetland**.

Rule R119(b) prevails over Regulations 46 and 47 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* for activities occurring in the bed of an **outstanding natural wetland**, but those regulations apply to activities within specified setbacks from the bed of an **outstanding natural wetland**.

Rule R119(c) prevails over Regulation 42 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* for activities occurring in the bed an **outstanding natural wetland**, but that regulation applies to activities within specified setbacks from the bed of an **outstanding natural wetland**.

Rule R119(e) prevails over Regulation 39 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* for activities occurring in the bed of an **outstanding natural wetland**, but this regulation applies to activities within specified setbacks from the bed of an **outstanding natural wetland**.

#### Rule R120: Activities in outstanding natural wetlands – non-complying activity



The following activities, in an **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), except for those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R116 or Regulation 39 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*:


- (a) the discharge of water or contaminants, and
- (b) take, use, damming or diverting water into, within, or from the **outstanding natural wetland**, or the take and use of water within 50m of the **outstanding natural wetland**, and
- (c) the placement of new structures with an area 10m<sup>2</sup> or greater for the purpose of hunting and recreation (including maimai and jetties), and all other structures, and

- (d) land disturbance including excavation and deposition, and
- (e) **vegetation clearance**, excluding the removal of pest plants under Rule R114, and
- (f) other activities that are not discretionary under Rule R119 or prohibited by Rule R121, and
- (g) partial **reclamation** or partial drainage associated with the maintenance, repair, replacement or **upgrade** of existing **Regionally Significant Infrastructure** within Pauatahanui Inlet Saltmarsh, Pauatahanui Inlet Tidal Flats and Waikanae River Mouth

are non-complying activities.

*Note*

Rule R120(a)-(g) prevails over the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* for activities within the bed of an **outstanding natural wetland**, but those regulations apply to activities within specified setbacks from the bed of a **natural wetland**.

Rule R121: Reclamation or drainage of outstanding natural wetlands – prohibited activity 

**Reclamation** or drainage of all or part of an **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), except stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R116, or Regulation 39 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*, or Rule R120(g), is a prohibited activity.

*Note*

Rule R121 prevails over the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* for **reclamation** or drainage within an **outstanding natural wetland**, but those regulations apply to **reclamation** or drainage within specified setbacks from a **natural wetland**.

**5.4.4 Uses of beds of lakes and rivers general conditions** 

Beds of lakes and rivers general conditions

Beds of lakes and rivers general conditions for uses of the beds of lakes and rivers that apply as specified in Rules R122 to R129:

- (a) except where the discharge is expressly allowed by the activity description of a rule in this chapter there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals or other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and

- (b) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a river or lake bed, or at any location where fuel can enter any water body, and
- (c) all machinery, equipment and materials used for the activity shall be removed from the river or lake bed every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and
- (d) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, except:
  - (i) as required for the operation of backflow devices during heavy rainfall events, or
  - (ii) a temporary restriction of no more than 48 hours is required for construction or maintenance activities,

unless the structure is a culvert or weir, other than a customary weir, installed after 2 September 2020, then

  - (iii) the placement, use, alteration, extension or reconstruction of the culvert or weir in, on, over or under the bed of any river or connected area must provide for the same passage of fish upstream and downstream as would exist without the structure, except as required to carry out the construction works.

The design, installation, maintenance and use of all structures shall avoid any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and

- (e) in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a **stormwater** discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and
- (f) in any part of the river or lake bed covered by water, which is identified as trout spawning waters in Schedule I (trout habitat), disturbance of the bed or diversions of water shall not take place during the spawning period of between 31 May and 31 August, and

- (g) all reasonable steps shall be taken to **minimise** the generation and release of sediment from the activity, and the discharge of any sediment to water from any activity in, on, over or under the bed of a river or lake must not, after reasonable mixing, result in any conspicuous change in the colour of water in the receiving water or change in horizontal visibility of greater than 30%, and
- (h) car bodies or demolition rubble shall not be used for any purpose on the bed of any river or lake, and
- (i) all reasonable steps shall be taken to **minimise** the duration of the diversion of water, and any diversion of water required to undertake the activity shall:
  - (i) only be temporary and for a period no longer than that required to complete the activity, and
  - (ii) must not involve a lake, and
  - (iii) any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring **property**, and
- (j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring **property**, and
- (k) any structure, other than a **stormwater** intake structure or debris arrestor, shall be designed so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to manage **flood debris** accumulated against the structure and the conveyance of flood flows, and
- (l) any structure shall not alter the natural course of the river, including any diversion of water from the natural course during floods. Tree planting or **vegetative bank edge protection** works that are limited to the banks of the river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition, and
- (m) the river or lake bed shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and
- (n) in any part of a river or lake bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes), no structure shall be constructed, and no disturbance shall take place, during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified as nesting, roosting and foraging at the work site, and

- (o) beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R127 to R137 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions in the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*.

*Note*

Any activity that results in fish passage being impeded may require approval from the Director General of Conservation under the *Freshwater Fisheries Regulations 1983*.

#### 5.4.5 Uses of beds of lakes and rivers

##### Rule R122: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity

The maintenance (including the maintenance of function), repair, replacement, **upgrade** or use of a lawfully established structure or a part of a structure (excluding passive flap gates placed in rivers after 2 September 2020, and the Barrage Gates located in the lower Wairarapa Valley) that is fixed in, on, under, or over the bed of a river or lake, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*, including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water, and
- (e) temporary damming of water

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, except the use of existing structures shall only comply with conditions (d), (h), (j), and (k), and
- (g) the resulting structure, excluding any cable, pipe or duct (for example gas pipes, electricity cables or ducts) attached to the structure and including any deposition, adds no more to the existing structure than whichever is the lesser of:
  - (i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or
  - (ii) 1m in horizontal projection and 1m in vertical projection



measured from the structure as it was in the river or lake bed on the date of 31 July 2015 or from the date that the structure was lawfully established, whichever is later, and

- (h) the removal or redistribution of **flood debris** or gravel, sand or other natural bed material that has accumulated as a result of a culvert, **stormwater** inlet or outlet, bridge or debris arrestor structure, or a dam spillway, outflow pipe or overflow pipe, for the purpose of maintaining the function of a structure, including to reduce the perched nature of any culvert due to scour, shall only:
  - (i) be undertaken within 5m of the structure, and
  - (ii) result in the disturbance or excavation of an area of bed of no more than 10m<sup>2</sup>, and
  - (iii) not result in the deposition of non-natural material, or the deposition of **flood debris** or bed material in such a way as to form a stockpile, dam or mound within the bed of the river, except as required to provide for fish passage, and
- (i) the use of any water monitoring equipment may divert up to 30m<sup>3</sup> of water per day for the purpose of measuring water quality or quantity provided the water is returned to the water body within 50m of the diversion point, and the quality of the water in the receiving body after the diverted water is returned is maintained, and
- (j) any replacement, repair or **upgrade** of a dam structure shall be contained within the form of the existing structure as it was in the river or lake bed on the date of 31 July 2015 or from the date that the structure was lawfully established, whichever is later, and no increase in size shall be provided for by clause (g) of this rule, and
- (k) any use, alteration, extension or reconstruction of a culvert placed in a river or connecting area after 2 September 2020, in, on over or under the bed of any river or connected area must also comply with the following:
  - (i) be laid parallel to the slope of the bed of the river or connected area, and
  - (ii) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches, and
  - (iii) the culvert's width where it intersects with the bed of the river or connected area (**s**) and the width of the bed at that location (**w**), both measured in metres, must compare as follows:

1. where  $w \leq 3$ ,  $s \geq 1.3 \times w$ :
  2. where  $w \geq 3$ ,  $s \geq (1.2 \times w) + 0.6$ , and
- (iv) the culvert must be open-bottom or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed, and
  - (v) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time, and
  - (vi) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris), and
- (l) any use, alteration, extension or reconstruction of a weir placed in a river or connecting area after 2 September 2020 and that is not a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:
- (i) the fall height of the weir must be no more than 0.5m, and
  - (ii) the slope of the weir must be no steeper than 1:30, and
  - (iii) the face of the weir must have a roughness elements that mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and
  - (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between  $5^\circ$  and  $10^\circ$ , and
- (m) for all alterations, extensions, or reconstructions or replacement of culverts, weirs (except customary weirs), non-passive flap gates, dams, fords, or aprons and ramps, placed in a river or connecting area after 2 September 2020, the information requirements of Regulations 62, and 63 to 68 as relevant for the structure, of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* shall be provided as set out in the regulations.

*Note*

The use, alteration, extension or reconstruction of a passive flap gate in, on, over, or under the bed of any river or connected area is a non-complying activity regulated by the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*.

### Rule R123 Maintenance of function of structures – controlled activity

The removal or redistribution of **flood debris** or gravel, sand or other natural bed material that has accumulated as a result of a culvert, **stormwater** inlet or outlet, bridge or debris arrester structure, or a dam spillway, outflow pipe or overflow pipe, for the purposes of maintaining the function of a structure, including to reduce the perched nature of any culvert due to scour, by a local authority that does not meet Rule R122(h) including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a controlled activity provided the following conditions are met:

- (e) the activity does not occur within a site identified in Schedule A (outstanding waterbodies); and
- (f) the activity shall be undertaken within 40m of the structure; and
- (g) the activity shall result in the disturbance or excavation of an area of bed of no more than 200m<sup>2</sup>; and
- (h) the activity shall not result in the deposition of non-natural material, or the deposition of **flood debris** or bed material in such a way as to form a stockpile, dam or mound within the bed of the river, except as required to provide for fish passage; and
- (i) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, excluding condition (f); and
- (j) the resource consent application includes a Code of Practice which sets out best practice for managing adverse effects on the following:
  - 1. biodiversity, **aquatic ecosystem health** and **mahinga kai**
  - 2. **Māori customary use** and recreation values
  - 3. values of sites identified in Schedule C (mana whenua), and Schedule F (indigenous biodiversity)

#### *Matters of Control*

- 1. The contents, implementation and review of a Code of Practice
- 2. Effects on biodiversity, **aquatic ecosystem health** and **mahinga kai**

3. Effects on **Māori customary use** and recreation values
4. Management of effects on sites identified on Schedule C (mana whenua), and Schedule F (indigenous biodiversity)
5. Management of **hazard risk**

#### Rule R124: Diversion of flood water by existing structures – permitted activity

The diversion of flood water by a structure or stopbank outside the bed of a river or lake that was in existence on the date of 31 July 2015, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*, is a permitted activity, provided the following condition is met:

- (a) the structure or stopbank causing the diversion shall not increase by more than 5% of the plan or cross-sectional area on the date of 31 July 2015, provided the increased size does not cause flooding on any neighbouring **property**.

#### Note

The diversion of flood waters by any new structure constructed outside the bed of a lake or river, or any **upgraded** structures that do not meet condition (a) of Rule R124, would fall under Rule R151.

#### Rule R125: River crossing structures – permitted activity

The placement or construction of a river crossing structure, including, but not limited to, weirs, fords and bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*, including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water, and
- (e) temporary damming of water

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and
- (g) the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than:

- (i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or
  - (ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and
- (h) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m<sup>2</sup>, and
- (i) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (j) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:
- (i) the fall height of the weir must be no more than 0.5m, and
  - (ii) the slope of the weir must be no steeper than 1:30, and
  - (iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and
  - (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and
- (k) for all new weirs (except customary weirs) and fords placed in rivers or connected areas, the information requirements of Regulations 62, and 64 and 67 as relevant for the structure of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* shall be provided as set out in the regulations.

*Note*

Pipes, lines and cables are not considered to be river crossing structures and are addressed by Rule R128.

Condition (h) does not limit the total area of the structure over the bed of the river.

**Rule R126: Culverts and ancillary culvert structures – permitted activity**

The placement of a culvert or an **ancillary culvert structure** that is fixed in, or on, the bed of a river excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water, and
- (e) temporary damming of water,

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, except condition (l) (not altering the natural course of the river), and
- (g) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (h) where multiple culverts are placed side by side, the total capacity of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and
- (i) the culvert, associated fill and culvert placement shall comply with the following dimensions:
  - (i) a maximum culvert length of 20m (excluding any **ancillary culvert structure**), and
  - (ii) for circular culverts an external culvert diameter of 0.3m to 1.2m (inclusive), and
  - (iii) for non-circular culverts an external width and height of 0.3m to 1.2m each (inclusive), and
  - (iv) the culvert's width where it intersects with the bed of the river or connected area must be more than 1.3 times the width of the bed at that location,
  - (v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedence probability (20 year return period) flood event without the fill being overtopped, and
- (j) a minimum culvert installation depth below the bed of 25% of the width of the culvert, or the culvert must be open bottomed, and
- (k) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and

- (l) the culvert shall be positioned so that its alignment and gradient are the same as the river, and
- (m) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and
- (n) the culvert shall be constructed to allow:
  - (i) the flow from a 5% annual exceedence probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and
  - (ii) the flow from a two year return period flood event without any flow impediment, and
- (o) the culvert inlet and outlet shall be protected against erosion, and
- (p) any **ancillary culvert structure** shall not occupy a total bed area of greater than 10m<sup>2</sup>, and
- (q) all steps shall be taken to **minimise** the release of sediment during construction, and
- (r) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and
- (s) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties, and
- (t) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris); and
- (u) the information requirements of Regulations 62, 63 and 68 of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* shall be provided as set out in the regulation.

#### Rule R127: Establishing a dam – permitted activity

The placement of a new dam, that is fixed in, on, or under the bed of a river including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) damming of water, and

- (e) discharge of sediment to water, and
- (f) the damming of water outside the bed of a lake or river by a dam structure

is a permitted activity, provided the following conditions are met:

- (g) where the dam occurs in the bed of a lake or river, the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, except condition (l) (not altering the natural course of the river), and, where the activity occurs in an **ephemeral watercourse**, condition (d) (fish passage), and
- (h) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (i) the dam is not located in and does not cause water to pond in, a **natural wetland** identified in Schedule F3 (identified **natural wetlands**) or an outstanding water body identified in Schedule A (outstanding water bodies), and
- (j) the dam shall not impound more than 20,000m<sup>3</sup> of water above natural ground level, and
- (k) the dam has a maximum water depth of less than 3m (measured from the natural ground level at the downstream toe of the dam structure), and
- (l) any new dam does not have a catchment area above the dam of more than 20ha, and
- (m) the water impounded by the dam does not encroach onto adjoining **properties**, and
- (n) a spillway or overflow pipe is constructed to prevent the dam from overtopping in a 5% annual exceedence probability (20 year return period) flood event, and connects or discharges to the downstream watercourse, and
- (o) any new dam in a permanently flowing river shall maintain a flow out of the dam at all times including during filling of the dam.

*Note*

If a dam retains 4m or more depth or holds 20,000m<sup>3</sup> of water or more, then a building consent is required in accordance with the Building Act 1991. This rule does not permit the taking of water from behind the dam structure. This is controlled by other rules in the Plan.



### Rule R128: New structures – permitted activity

The placement of a new structure, including sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, erosion protection structures, debris arrestor structures and structures associated with **vegetative bank edge protection** except a structure permitted by Rules R125, R126 and R127 and passive flap gates, that is fixed in, on, under, or over the bed of any river or lake, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* except general condition 5.4.4(n), including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water, and
- (e) temporary damming of water,

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and
- (g) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipes or cables to an existing structure or providing for fish refuge, and
- (h) the activity does not occur in or on any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), and
- (i) the structure does not occupy a bed area any greater than 10m<sup>2</sup>, except for where the structure is associated with **vegetative bank edge protection**, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and
- (j) the catchment upstream of any sediment retention weir is not greater than 200ha, and
- (k) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and
- (l) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:
  - (i) the fall height of the weir must be no more than 0.5m, and

- (ii) the slope of the weir must be no steeper than 1:30, and
  - (iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and
  - (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and
- (m) for all new weirs (except customary weirs), non-passive flap gates, aprons and ramps, placed in rivers or connected areas, the information requirements of Regulations 62, 64, 65, and 68 as relevant for the structure, of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* shall be provided as set out in the regulations.

*Note*

The placement of a passive flap gate in, on, over or under the bed of any river or connected area is a non-complying activity regulated by the *Resource Management (National Environment Standards for Freshwater) Regulations 2020*.

**Rule R129: Structures within a site identified in Schedule C (mana whenua) – restricted discretionary activity**

The placement of a river crossing structure, a culvert, new dam, or other structure that that is fixed in, on, under, or over the bed of a river within a site identified in Schedule C (mana whenua), including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) damming of water, and
- (e) discharge of sediment to water
- (f) the damming of water outside the bed of a lake or river by a dam structure

is a restricted discretionary activity, provided the following conditions are met:

- (g) any river crossing (other than a culvert) must meet the conditions of Rule R125, except condition (i), and

- (h) any culvert must meet the conditions of Rule R126, except condition (h), and
- (i) any new small dam structure, must meet the conditions of Rule R127, except condition (h), and
- (j) any other small new structure must meet the conditions of Rule R128 except condition (g).

*Matters for discretion*

1. Effects on sites identified in Schedule C (mana whenua) with significant **mana whenua** values

**Rule R130: Removing or demolishing structures – permitted activity**

The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and
- (f) the removal or demolition of the structure disturbs less than 10m<sup>2</sup> of the bed of the river or lake, and
- (g) it results in the complete removal of the structure from the river or lake bed, or the complete removal of that part of the structure requiring removal from the river or lake bed, and
- (h) no explosives shall be used in the demolition of the structure, and
- (i) the removal or deposition shall not result in the diversion of water from a **natural wetland**.

**Rule R131: Clearance or removal of flood debris and beach recontouring – permitted activity**

The clearance or removal of **flood debris** on the bed of a river or lake, and **beach recontouring** of the bed of a river (including, but not limited to, beach ripping), excluding activities regulated by the *Resource Management (National*

*Environmental Standards for Plantation Forestry) Regulations 2017* except general conditions 5.4.4(n) including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition of natural material on the river or lake bed, and
- (c) discharge of sediment to water associated with the clearing of **flood debris**

is a permitted activity, provided the following conditions are met:

- (d) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, excluding condition (f) (trout spawning) if the activity is solely for the purpose of removing **flood debris** from the inlet or outlet of a culvert or **stormwater** discharge pipe, or to remove **flood debris** from against the supporting structures of a bridge, and if in the case of both of these exceptions, the removal is necessary to maintain the immediate integrity and safety of the affected structures, and
- (e) the removal of **flood debris** shall be for the purposes of flood or erosion control or to maintain the integrity of a structure, and
- (f) any **beach recontouring** operation shall not occur on any part of the bed covered by water at the time of the bed disturbance, and
- (g) depth of excavation for **beach recontouring** activities shall not extend below a level greater than 0.1m above the water level adjacent to the extraction site and shall not extend to a depth greater than 1m, and
- (h) any moved or extracted river bed material or **flood debris** shall not be placed in the bed of the river in such a way as it forms a mound or causes the natural course of the river to be altered in a flood event, and
- (i) any **beach recontouring** shall only be for the purposes of mitigating the adverse effects of flooding or erosion, and
- (j) the activity does not occur within a site identified in Schedule C (mana whenua).

*Note*

General condition 5.4.4(n) prevails over the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*.

The removal or extraction of gravel, sand or other natural bed material from the bed of a river is provided for in Rule R132.

### Rule R132: Minor sand and gravel extraction – permitted activity

The excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* except general condition 5.4.4(n) including any associated:

- (a) deposition on the river or lake bed

is a permitted activity, provided the following conditions are met:

- (b) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and
- (c) extraction in any 12 month period shall be limited to whichever is the lesser of:
  - (i) 15m<sup>3</sup> for an individual's needs, or
  - (ii) 50m<sup>3</sup> for use on the **property** on which the river bed occurs or is adjacent to, or
  - (iii) 1m<sup>3</sup> where the material is removed from Te Awa Kairangi/Hutt River, which must be collected by non-mechanical means, and
- (d) the extraction site is not covered by water at the time of extraction, and
- (e) the extraction shall not extend to a level deeper than whichever is the greater of the following:
  - (i) 0.1m above the water level adjacent to the extraction site, or
  - (ii) 0.5m below the original height of the beach where the extraction is occurring, and
- (f) no machinery shall operate in the area of the river bed covered in water, except for crossings to access and haul gravel. River crossing for this purpose shall be limited to one crossing point at each gravel extraction location, and
- (g) there shall be no stockpiling of extracted gravel on the bed of the river, and
- (h) the extraction site shall be set back more than 150m upstream from any established water level recorder, more than 50m upstream and downstream from any established weir, ford, culvert, bridge, dam, surface water intake structure or network utility structure, and more

than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and

- (i) the extraction site shall be groomed upon completion of the extraction so that there are no mounds, depressions, steep cut banks or edges left on the river bed, and
- (j) the activity does not occur within a site identified in Schedule C (mana whenua).

*Note*

General condition 5.4.4(n) prevails over the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*.

**Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity**

Destruction, damage or disturbance associated with gravel extraction for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the bed of a lake or river, including any associated:

- (a) deposition on the river or lake bed, and
- (b) discharge of sediment to water, and
- (c) diversion of water

is a discretionary activity.

**Rule R134: Maintenance of highly modified rivers or streams within an individual property – permitted activity**



The removal of vegetation or bed material and associated sediment from any **highly modified river or stream** within an individual **property**, excluding a **highly modified river or stream** that is managed in association with a **stormwater network** or that is a **water race**, including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, except condition (g)

(sediment condition), with all reference to a river or lake being read to also include a **highly modified river or stream**, and

- (f) any works to alter the depth or width of a **highly modified river or stream** shall not excavate any deeper or wider than the original grade or cross section of the channel, unless the widening or deepening is for the purpose of constructing or maintaining a sediment retention trap or a fish refuge bay, and
- (g) an intact vegetation cover (excluding weeds) shall be retained on the banks of the watercourse, and
- (h) any fish (except identified pest species), kākahi and kōura removed from the **highly modified river or stream** during maintenance works shall be returned to the **highly modified river or stream** at a site upstream of the works as soon as practicable, and no later than one hour after its removal, and
- (i) any sediment, or bed or plant material removed from the **highly modified river or stream** shall be placed and spread on adjoining land in such a way that it cannot slump and be washed back into the **highly modified river or stream** or other waterbodies, including wetlands, and
- (j) if mechanically clearing, to provide fish refuge areas, either:
  - (i) only one side of the **highly modified river or stream** shall be cleared at any one time, and the other side may only be cleared at least three months following completion of the initial works, or
  - (ii) if clearing both sides of the **highly modified river or stream**, for every 200m length of **highly modified river or stream** cleared either:
    1. at least a 10m length, or 5% bed area, of intact aquatic vegetation cover is retained (and may not be cleared for at least three months), or
    2. a constructed fish refuge that is at least 1m<sup>2</sup> is provided, and
- (k) sediment shall be trapped at the downstream end of the cleared reach by either installing a sediment trap or a sediment retention device, or retaining a length of intact aquatic vegetation that is at least 10m in length until, at least:
  - (i) the end of each working day where the reach has been cleared working upstream, or

- (ii) otherwise the end of the following working day.
- (l) any maintenance works in the bed of a **highly modified river or stream** shall not remove any woody debris with a diameter greater than 0.2m from the **highly modified river or stream** unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and
- (m) where works are only being undertaken in a section of **highly modified river or stream** where the substrate that is to be removed is dry, conditions (h), (j) and (k) do not apply, but a sediment retention device shall be installed at the downstream end of the cleared reach and shall be maintained until after the first rainfall event following completion of works, and
- (n) for properties located in the whitebait migration zone shown on Map 75, between 1 August and 31 December:
  - (i) a visual inspection of the works area is undertaken immediately prior to the works and if a shoal of whitebait is present, no mechanical vegetation clearance and sediment removal work shall be undertaken until the shoal passes, and
  - (ii) mechanical vegetation clearance and sediment removal work shall not occur more than once per reach.

*Note*

Many watercourses that are considered to be drains are natural watercourses that have been highly modified, often over many decades, and include channels dug to drain **natural wetlands**.


To provide guidance for landowners and plan users, **highly modified rivers and streams** have been mapped in those parts of the region that have a high concentration of these watercourse types (see here – [GIS Mapping – Watercourses](#)).

Guidance on watercourse classification is also available (see here [Watercourse Categorisation Guidance](#)).

The application of **agrichemicals** over **surface water bodies** or over lake or river beds is covered in Section 5.1.13.

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.



Rule R135: Removal of aquatic vegetation and/or accumulated sediment from the bed of a highly modified river or stream or a stream used to convey stormwater in an urban area by a local authority – permitted activity 

The removal of aquatic vegetation and/or accumulated sediment by a local authority from the bed of a **highly modified river or stream** and other streams used to convey **stormwater** in an urban area to manage the **hazard risk** of flooding to people, **property**, infrastructure and communities, or to maintain the efficiency of **water races**, including any associated:


- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity until 30 June 2022, provided the following conditions are met:

- (e) a map identifying the waterbodies within which the local authority will be undertaking these activities is provided to Greater Wellington Regional Council by 30 November 2021, and
- (f) the activity shall comply with the conditions of Rule R134, except j(i) and (ii) if the activity is the removal of vegetation and/or accumulated sediment from the bed of the river or stream, or Rule R137 if the activity is the trimming or removal of vegetation from the bed of the river or stream and any associated sediment or bed material attached to the roots of the vegetation being removed, and
- (g) excluding **water races**, instream fish cover shall be retained or provided on at least 5% of the bed for every 200m of stream cleared.

*Note*

For the avoidance of doubt, the excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material that is not accumulated sediment is a separate activity that is managed by Rules R122, R123, R132 and R145.

Rule R136: Removal of aquatic vegetation and/or accumulated sediment from the bed of a highly modified river or stream or a stream used to convey stormwater in an urban area by a local authority – restricted discretionary activity 

The removal of aquatic vegetation and/or accumulated sediment by a local authority from the bed of a **highly modified river or stream** and other streams used to convey **stormwater** in an urban area to manage the **hazard risk** of

flooding to people, **property**, infrastructure and communities, or to maintain the efficiency of **water races**, including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a restricted discretionary activity, provided the following condition is met:

- (e) the resource consent application includes a **vegetation and sediment removal management plan** in accordance with Schedule W (Vegetation and sediment removal plan).

#### *Matters for discretion*

1. The contents and implementation of the **vegetation and sediment removal management plan** in accordance with Schedule W
2. Management of adverse effects, including cumulative effects, on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**
3. Management of adverse effects on sites identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), and Schedule F (indigenous biodiversity)
4. The benefits of flood risk mitigation

#### *Notification*

In respect of Rule R136, applications are precluded from public notification (unless special circumstances exist).

#### *Note*

For the avoidance of doubt, the excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material that is not accumulated sediment is a separate activity that is managed by Rules R122, R123, R132 and R145.

#### **Rule R137: Removing vegetation from the bed of any river or lake – permitted activity**



The trimming or removal of vegetation (including weeds) from the bed of any river or lake and any associated sediment or bed material attached to the roots of the vegetation being removed, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* except general condition 5.4.4(n), including any associated:

- (a) disturbance of the lake or river bed, and
- (b) deposition on the lake or river bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and
- (f) the activity shall not cause any increase in flooding on neighbouring **properties**, and
- (g) any fish (except identified pest species), kākahi and kōura removed from the river or lake bed during maintenance works shall be returned to the river or lake at a site upstream of the works as soon as practicable, and no later than one hour after removal, and
- (h) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the *Greater Wellington Regional Pest Management Strategy 2002-2022*), and
- (i) where the activity involves the mechanical clearance of aquatic vegetation from a river, to provide fish refuge areas either:
  - (i) only one side of the river shall be cleared at any one time, and the other side may only be cleared at least three months following completion of the initial works, or
  - (ii) if clearing both sides of the river, for every 200m length of watercourse cleared at least a 10m length of intact aquatic vegetation cover is retained (and may not be cleared for at least three months), and
- (j) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and
- (k) no excavation of the bed, or widening or deepening of the bed is permitted by this rule, and
- (l) where works are only being undertaken in a section of watercourse where the substrate that is to be removed is dry, conditions (g) and (i) do not apply, but a sediment retention device shall be installed at the

downstream end of the cleared reach and shall be maintained until after the first rainfall event following completion of works, and

- (m) for properties located in the whitebait migration zone shown on Map 75, between 1 August and 31 December:
  - (i) a visual inspection of the works area is undertaken immediately prior to the works and if a shoal of whitebait is present, no mechanical **vegetation clearance** and sediment removal work shall be undertaken until the shoal passes, and
  - (ii) mechanical **vegetation clearance** shall not occur more than once per reach.

*Note*

The spray application of **agrichemicals** over water bodies or over river and lake beds is covered in Section 5.1.13.

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.

General condition 5.4.4(n) prevails over the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*.

**Rule R138: Planting – permitted activity**

The deliberate introduction or planting of a plant in the bed of a river or lake, including any associated:

- (a) disturbance of the lake or river bed, and
- (b) deposition on the lake or river bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

but excluding the deliberate introduction or planting of:

- (e) a species listed in the *Greater Wellington Regional Pest Management Strategy 2002-2022*

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and
- (g) only native plants shall be used in a site identified in Schedule A (outstanding water bodies) or Schedule C (mana whenua). In a site identified in Schedule F (indigenous biodiversity) only native plants

shall be used, except where appropriate non-native species are required for flood protection or erosion control, and

- (h) no planting shall be undertaken in an identified river management scheme area, unless it is undertaken in accordance with the planting program specified in the relevant floodplain management plan.

#### Rule R139: Entry or passage over bed (excluding livestock access) – permitted activity

The entry or passage across the bed of a river or lake that is not associated with any use of the river or lake bed specified in Rules R122 to R138, excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*, which is not for the purpose of **livestock** access covered by Rules R98 and R99 is a permitted activity provided the following condition is met:

- (a) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, except if the entry or passage is associated with an activity with an **existing resource consent** granted prior to the date of 31 July 2015.

#### Note

Entry or passage across the bed of a river or lake is permitted by Rule R139 but does not permit other uses of river or lake beds that are identified in Section 13 of the RMA. Other uses of river and lake beds such as disturbance, deposition, and **reclamation** require resource consents unless they are permitted by a rule in the Plan.

Entry or passage across the bed of a river or lake associated with a permitted activity is not restricted by this rule.

### 5.4.6 Reclamation and placement of a dam

#### Rule R140: Placement of a dam in an outstanding water body – non-complying activity

The placement or use of a dam that is fixed in, on, or under the bed of an outstanding water body identified in Schedule A2 (outstanding lakes) or Schedule A1 (outstanding rivers), or the damming of water that encroaches on an outstanding water body including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) discharge of sediment to water, and
- (d) **reclamation** associated with the dam structure, and

- (e) and the damming of water outside the bed of a lake or river by a dam structure

is a non-complying activity.

**Rule R141: Reclamation of the bed of a river or lake inside a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) – non-complying activity**

The **reclamation** of the bed, or any part of the bed, of a river or lake:

- (a) in a site identified in Schedule A1 (outstanding rivers) or Schedule A2 (outstanding lakes) where the **reclamation** is necessary to enable the operation, maintenance or **upgrade** of **Regionally Significant Infrastructure**, or
- (b) in a site identified in Schedule C (mana whenua) where the **reclamation** is necessary to enable the operation, maintenance or **upgrade** of **Regionally Significant Infrastructure**,
- (c) in a site identified in Schedule C (mana whenua) where the **reclamation** is only a partial **reclamation** for the purposes of flood protection or erosion control,

is a non-complying activity.

*Note*

Damming inside a site identified in Schedule A1 (outstanding lakes) or Schedule A2 (outstanding rivers) is a non-complying activity under Rule R140.

**Rule R142: Reclamation of the bed of a river or lake outside of a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) – discretionary activity**

The **reclamation** of the bed, or any part of the bed, of a river or lake outside of a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) except where the **reclamation** is associated with the piping of a river, unless this piping is necessary to enable the operation, maintenance or **upgrade** of existing **Regionally Significant Infrastructure**, is a discretionary activity.

*Note*

Piping of a river does not include a culvert for the purpose of forming a reasonable crossing point. This is addressed by Rules R126 and R145.

Rule R143: Reclamation associated with piping of a river outside of a site identified in Schedule A1 (outstanding rivers) or Schedule C (mana whenua) – non-complying activity

The **reclamation** of the bed, or any part of the bed, of a river outside of a site identified in Schedule A1 (outstanding rivers) or Schedule C (mana whenua), associated with piping of a river, that is not a discretionary activity under Rule R142, is a non-complying activity.

*Note*

Piping of a river does not include a culvert for the purpose of forming a reasonable crossing point. This is addressed by Rules R126 and R145.

Rule R144: Reclamation of the bed of a river or lake and associated diversion inside a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) – prohibited activity

The **reclamation** of the bed, or any part of the bed, of a river or lake:

- (a) in a site identified in Schedule A1 (outstanding rivers), or
- (b) in a site identified in Schedule A2 (outstanding lakes), or
- (c) in a site identified in Schedule C (mana whenua)

including any associated diversion of water, is a prohibited activity, except as provided for by Rules R140 and R141.

#### 5.4.7 All other uses of the beds of rivers and lakes

Rule R145: All other uses of river and lake beds – discretionary activity



All other uses that would otherwise contravene section 13(1) or 13(2) of the RMA and any associated activities under sections 14 or 15 of the RMA in, on, under or over river and lake beds that is not permitted, controlled or restricted discretionary by Rule R122 to Rule R129 is a discretionary activity, except for **reclamation**, damming and diverting of water.

#### 5.4.8 Damming and diverting water

Rule R146: Diversion of groundwater – permitted activity



Diversion of groundwater is a permitted activity, provided the following conditions are met:

- (a) there shall be no flooding or erosion of any neighbouring **property**, and
- (b) there shall be no lowering of water levels in any river, lake, or **natural wetland**, and

- (c) there shall be no lowering of groundwater levels on any neighbouring **property**.

**Rule R147: Damming or diverting water within or from rivers – discretionary activity**

The damming or diverting of water within or from a river that does not meet Rules R122, R125, R126, R127, R128, R130, R131, R134, R137 and R138 and R159 is a discretionary activity, provided the following conditions are met:

- (a) the damming or diverting of water shall not result in river flows falling below **minimum flows** in chapters 7 to 11 of the Plan, and
- (b) the damming or diverting of water is not in any outstanding river identified in Schedule A1 (outstanding rivers).

**Rule R148: Damming or diverting water within or from rivers – non-complying activity**

The damming or diverting of water within or from a river that does not meet conditions in Rule R147 is a non-complying activity.

**Rule R149: Damming or diverting water within or from natural lakes – discretionary activity**

The damming or diverting of water within or from a **natural lake** other than Lake Kohangatera and Lake Kohangapiripiri is a discretionary activity provided the following conditions are met:

- (a) in Lake Wairarapa, the **minimum water levels** in chapter 7 of the Plan are met, and
- (b) in **natural lakes**, other than Lake Wairarapa, there is no change in the natural minimum lake level.

**Rule R150: Damming or diverting water within or from natural lakes, Lake Kohangatera or Lake Kohangapiripiri – non-complying activity**

The damming or diverting of water within or from **natural lakes** that do not meet the conditions in Rule R149 or within or from Lake Kohangatera or Lake Kohangapiripiri is a non-complying activity.

**Rule R151: General rule for damming and diverting water – discretionary activity**



The damming or diverting of water that would otherwise contravene sections 14(2) or 14(3) of the RMA and is not permitted, controlled, restricted discretionary, discretionary, non-complying or a prohibited activity is a discretionary activity.




## 5.5 Water allocation

### Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon .

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Water allocation	Page	P	C	RD	D	NC	Pr
<b>Take and use of water</b>	254						
Rule R152: Take and use of water	254	•					
Rule R153: Farm dairy washdown and milk-cooling water	255	•					
Rule R154: Water races	256	•					
Rule R155: Pumping test	256	•					
Rule R156: Take and use of water from a water storage facility	257	•					
Rule R157: Take and use of water	257		•				
Rule R158: All other take and use	258				•		
Rule R159: Dewatering	258	•					
Rule R160: Dewatering	259			•			

Rules – Water allocation	Page	P	C	RD	D	NC	Pr
<b>Transferring water permits</b>	260						
Rule R161: Temporary water permit transfers	260		•				
Rule R162: Transferring water permits	261			•			
Rule R163: Transferring water permits	262				•		
<b>Bore construction, alteration or decommissioning</b>	262						
Rule R164: Decommissioning or sealing of bores – Permitted	262	•					
Rule R165: Investigation and monitoring bores	263	•					
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Rule R168: Construction and excavation activities greater deeper than 5m below ground level in community drinking water supply protection areas and the Hutt Valley Aquifer Protection Zone – discretionary activity	264				•		

### 5.5.1 Water allocation other methods

The Wellington Regional Council will promote sustainable water management through Method M1, M2, M6, M7, M14, M19, M20 and M21.

### 5.5.2 Take and use of water

In addition to the rules in Section 5.5.2, rules in chapters 7 to 11 of the Plan on the take and use of water also apply.

The take and use of water for:

- reasonable domestic needs or reasonable needs for animal drinking is provided for by section 14(3)(b) of the RMA and the taking or use does not, or is not likely to have an adverse effect on the environment, and
- emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017 is provided for by section 14(3)(e) of the RMA

Rules R152, R153, R154, R155, R157, R158 and R159 provide for water to be taken and used in addition to those purposes.

#### Rule R152: Take and use of water – permitted activity

The take and use of water from a **surface water body** (other than a **water race** that is permitted by Rule R154) or groundwater is a permitted activity, provided the following conditions are met:

- (a) the total take and use per **property** shall not exceed the following rates and volumes, and

Property size	Rate	Volume per day
Greater than 20ha	2.5L/s	20m <sup>3</sup>
Less than 20ha	2.5L/s	10m <sup>3</sup>

- (b) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and
- (c) where the take and use is from a **surface water body**:
  - (i) a fish screen with a maximum mesh size of 3mm shall be installed to prevent fish entering the intake, and
  - (ii) the fish screen shall be constructed of smooth material to prevent damage to any fish coming into contact with the screen, and
  - (iii) the fish screen shall be placed parallel to river flow and located to **minimise** the length of river bed affected by its placement, and
- (d) the water is not taken from a **natural wetland**, or from within 50m of a **natural wetland**, and
- (e) no water shall run to waste, and
- (f) at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.

#### Rule R153: Farm dairy washdown and milk-cooling water – permitted activity

The take and use of water from a **surface water body** (other than a **water race** that is permitted by Rule R154) or groundwater for the purpose of **farm** dairy washdown and milk cooling on a dairy milking platform is a permitted activity, provided the following conditions are met:

- (a) the take shall be for a single **property**, and
- (b) the total take shall be no more than 70L per day per head based on the maximum herd size on the **property** at any time during the three years prior to 31 July 2015, and
- (c) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and
- (d) where the take and use is from a **surface water body**:

- (i) a fish screen with a maximum mesh size of 3mm shall be installed to prevent fish entering the intake, and
  - (ii) the fish screen shall be constructed of smooth material to prevent damage to any fish coming into contact with the screen, and
  - (iii) the fish screen shall be placed parallel to river flow and located to **minimise** the length of river bed affected by its placement, and
- (e) the water is not taken from a **natural wetland**, or from within 50m of a **natural wetland**, and
  - (f) all practicable measures for recycling of uncontaminated milk-cooling water are implemented, and
  - (g) at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.

*Note*

Water taken for **farm** dairy washdown and cooling water may be taken in addition to water taken under Rule R152.

In respect of condition (b) the Wellington Regional Council holds a record of the maximum herd size on the **property** using information obtained from the **property** owner in compliance with a resource consent obtained under Rule R73.

**Rule R154: Water races – permitted activity**

The take and use of water from a **water race** by a single **property** (that is not already permitted by Rule R152 or Rule R153) is a permitted activity, provided the take and use is authorised within the resource consent held by the territorial authority controlling the **water race**.

*Note*

**Water races** shown on Map 44 are under territorial authority control and the approval of the relevant territorial authority is required to take water from a **water race**.

**Rule R155: Pumping test – permitted activity**

The take and use of water from groundwater and the associated diversion and discharge of groundwater or contaminants for the purpose of carrying out a **pumping test** is a permitted activity, provided the following conditions are met:

- (a) the take continues only for the time required to carry out the **pumping test** and does not exceed 120 hours and totals no more than 10 days in any consecutive 12 month period per **bore**, and
- (b) any **pumping test** is carried out in accordance with Schedule S (pump test), and
- (c) records (including electronic copies) of the **pumping test** are provided to the Wellington Regional Council within one month of completion of the **pumping test**, and
- (d) there is no flooding beyond the boundary of the **property**, and
- (e) a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R91.

#### Rule R156: Take and use of water from a water storage facility – permitted activity

The take and use of water from a water storage facility located outside a river bed, is a permitted activity provided the take and use of water to fill the storage facility is authorised by a resource consent or Rule R152.

#### Rule R157: Take and use of water – controlled activity

The take and use of water from a **surface water body** or groundwater is a controlled activity, provided the following conditions are met:

- (a) the take and use was in existence on a **property** less than 20ha in size on the date of 31 July 2015, and
- (b) the total take and use per **property**, in combination with permitted activity Rule R152, shall not exceed 20m<sup>3</sup> per day at a rate of no more than 2.5L/s, and
- (c) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby **bores**, and
- (d) where the take and use is from a **surface water body**:
  - (i) a fish screen with a maximum mesh size of 3mm shall be installed to prevent fish entering the intake, and
  - (ii) the fish screen shall be constructed of smooth material to prevent damage to any fish coming into contact with the screen, and
  - (iii) the fish screen shall be placed parallel to river flow and located to **minimise** the length of river bed affected by its placement, and

- (e) the water is not taken from a **natural wetland** or within 50m of a **natural wetland**, and
- (f) no water shall run to waste.

*Matters of control*

1. Supply and contents of water use records

**Rule R158: All other take and use – discretionary activity**

The take and use of water that would otherwise contravene sections 14(2) or 14(3) of the RMA and is not a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity.

**Rule R159: Dewatering – permitted activity**

The take of groundwater and the associated diversion and discharge of that water for the purpose of **dewatering** a site (including the use of land associated with well pointing), is a permitted activity, provided the following conditions are met:

- (a) the take continues only for the time required to carry out the work but does not exceed one month, and
- (b) the discharge point is not located within 20m of a **bore** used for water abstraction for potable supply or stock water;
- (c) the take and diversion and discharge is not from, onto or into:
  - (i) **SLUR Category III land**, or
  - (ii) within a **community drinking water supply protection area** shown on Maps 40, 41, 42 or 43, or
  - (iii) land where an activity or industry described in the Ministry for the Environment *Hazardous Activities and Industries List 2011* is, or has been undertaken, and
- (d) the take does not cause ground subsidence, and
- (e) the take does not deplete water in a **surface water body**, and
- (f) there is no flooding beyond the boundary of the **property**, and
- (g) where a discharge is to water, or to land where it may enter a **surface water body**:
  - (i) at the point of discharge the quality of the discharge shall not exceed:

1. 50g/m<sup>3</sup> of total suspended solids where the discharge is to a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation); or
  2. 100g/m<sup>3</sup> of total suspended solids where the discharge is to any site or habitat not referred to in condition (i); or
  3. the maximum acceptable value (MAV) for any determinand in the Drinking-Water Standards New Zealand 2005 (Revised 2008) in a **community drinking water supply protection area** shown on Map 39, and
- (ii) after the **zone of reasonable mixing**, the discharge shall not cause:
1. a value in Schedule V for the protection of 99% of species to be exceeded in a river identified in Schedule F1 (rivers/lakes) having high macroinvertebrate community health; or
  2. a value in Schedule V for the protection of 95% of species to be exceeded in any other river or lake; and
- (h) where a discharge is onto or into land where it may enter groundwater within a **community drinking water supply protection area** shown on Maps 40, 41, 42 or 43, the quality of the discharge at the discharge point shall not exceed the maximum acceptable value (MAV) for any determinand in the Drinking-Water Standards New Zealand 2005 (Revised 2008), and
- (i) where the **dewatering** is located within the Hutt Valley Aquifer Protection Zone shown on Map 49, any construction or removal of building foundations or earth retention structures or excavation (permanent or temporary) associated with the **dewatering** does not exceed a depth of 5m below the natural ground level.

#### Rule R160: Dewatering – restricted discretionary activity

The take of groundwater and the associated diversion and discharge of that water (including the use of land associated with well pointing) for the purpose of **dewatering** a site that is not permitted by Rule R159 is a restricted discretionary activity, provided the following condition is met:

- (a) where the **dewatering** is located within a **community drinking water supply protection area** shown on Map 40, Map 41, Map 42 or Map 43,

or the Hutt Valley Aquifer Protection Zone shown on Map 49, any construction or removal of building foundations or earth retention structures or excavation (permanent or temporary) associated with the **dewatering** does not exceed a depth of 5m below the natural ground level.

*Matters for discretion*

1. Duration, location, volume and rate of take, diversion or discharge
2. Quality of the discharge
3. Effects of land subsidence
4. Interference effects on lawfully existing water takes
5. Effects on **surface water bodies**
6. Effects of contamination on land, soil and water
7. Measuring, monitoring and reporting

*Note*

**Dewatering** activity that does not comply with Rule R160 is managed under Rule R168.

### 5.5.3 Transferring water permits

#### Rule R161: Temporary water permit transfers – controlled activity

The transfer of the whole or part of a water permit for the take and use of water to another location for a period of no more than one year is a controlled activity, provided the following conditions are met:

- (a) the transfer is:
  - (i) within the same **catchment management sub-unit** for takes within the Ruamāhanga Whaitua (chapter 7), or
  - (ii) within the same **catchment management unit** for takes within any other **whaitua** (chapters 8-11), and
- (b) does not transfer the water take from groundwater to a river, and
- (c) all parties to the transfer shall have the same or equivalent metering and reporting requirements as in the parent/original permit, and
- (d) the reliability of supply for existing lawfully established water takes is not reduced, and



- (e) the take shall not occur when flows or water levels fall below the **minimum flows** or **minimum water levels** in chapters 7-11 of the Plan, and
- (f) there is no increase in saline intrusion into the **aquifer**, or landward movement of the salt water/fresh water interface.

*Matters of control*

1. The timing, amount and rate of water transferred
2. The duration of the transfer permit
3. Measures to ensure the reasonable and efficient use of water
4. Matters relating to any conditions of the parent/original water permit
5. Reduction in the rate of take at times of low flow

**Rule R162: Transferring water permits – restricted discretionary activity**

The transfer of the whole or part of a water permit for the take and use of water that does not meet the conditions of Rule R161 or that is for a period of more than one year is a restricted discretionary activity, provided the following conditions are met:

- (a) the transfer is:
  - (i) within the same **catchment management sub-unit** for takes within the Ruamāhanga Whaitua (chapter 7), or
  - (ii) within the same **catchment management unit** for takes within any other **whaitua** (chapters 8-11), and
- (b) the reliability of supply for existing lawfully established water takes is not reduced, and
- (c) the take shall not occur when flows or water levels fall below the **minimum flows** or **minimum water levels** in chapters 7-11 of the Plan, and
- (d) there is no increase in saline intrusion into the **aquifer**, or landward movement of the salt water/fresh water interface.

*Matters for discretion*

1. The reasonable and efficient use of water, including the criteria identified in Schedule P (efficient use)
2. The timing, amount (volume) allocated, rate of taking and using water including instantaneously (L/s) and daily (m<sup>3</sup>/day), daily and seasonal requirements, and the duration and timing of peak daily take rate

3. Reduction in the rate of take from surface water **Category A groundwater** and **Category B groundwater** at times of low flow, and restrictions when rivers approach or fall below **minimum flows** or **minimum water levels**, including the guideline for **stepdown allocation** and flows in Schedule Q (stepdown guidelines)
4. Effects due to local flow or water level depletion on **natural wetlands**, springs or the immediate downstream river reaches in the management unit
5. Interference effects on existing lawful water takes
6. For **surface water bodies**, preventing fish from entering the water intake
7. For groundwater, preventing saline intrusion into the **aquifer**, or landward movement of the salt water/fresh water interface
8. The duration of the permit
9. Measuring and reporting, including the guideline in Schedule R (measuring takes)

#### Rule R163: Transferring water permits – discretionary activity

The transfer of the whole or part of a water permit for the taking and use of water that does not meet the conditions of Rule R162 is a discretionary activity.

#### 5.5.4 Bore construction, alteration or decommissioning

##### Rule R164: Decommissioning or sealing of bores – permitted activity



The use of land for the decommissioning or sealing of a **bore** is a permitted activity, provided the following conditions are met:

- (a) the **bore** is decommissioned in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and
- (b) **bores** shall be backfilled and sealed at the surface to prevent contamination of groundwater, and
- (c) **bores** intersecting groundwater shall be sealed to prevent the vertical movement of groundwater and to permanently confine the groundwater to the specific zone (or zones) in which it originally occurred, and
- (d) backfill materials, where used between permanent seals, shall consist of clean sand, coarse stone, clay or drill cuttings. The material shall be non-toxic, and

- (e) decommissioning shall be undertaken by a suitably qualified person, and
- (f) the Wellington Regional Council shall be advised of any **bore**s that are decommissioned and if requested, be supplied with details of how the **bore** was decommissioned.

**Rule R165: Investigation and monitoring bores – permitted activity** 

The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a **bore** for the purpose of investigation or monitoring the conditions below the ground surface is a permitted activity, provided the following conditions are met:

- (a) where the **bore** is located within a **community drinking water supply protection area** shown on Map 40, Map 41, Map 42 or Map 43, the depth below ground level will not exceed 5m, and
- (b) there is compliance with the *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*, and
- (c) a Wellington Regional Council **bore**/well log form is submitted to the Wellington Regional Council within one month of the **bore** being constructed, and
- (d) there is no flooding beyond the boundary of the **property**, and
- (e) where the **bore** is located within the Hutt Valley Aquifer Protection Zone shown on Map 48 the depth below ground level will not exceed 5m on land or 5m below the seabed in the coastal marine area, and
- (f) a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R91, and
- (g) where the **bore** is located within the coastal marine area, the activity shall comply with the coastal management general conditions specified in Section 5.6.2, excluding conditions (b) and (c), and
- (h) the **bore** shall be decommissioned in accordance with *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock* as soon as practical after the investigation and monitoring is completed, and
- (i) the **bore** is not associated with hydrocarbon exploration or production.

*Note*

For contaminated land site investigation **bore**s Rule R81 also applies.

### Rule R166: Drilling, construction or alteration of any bore – controlled activity



The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration of a **bore** that is not permitted by Rules R164 or R165 is a controlled activity, provided the following conditions are met:

- (a) the **bore** is not associated with hydrocarbon exploration or production, and
- (b) the **bore** is constructed, operated and/or decommissioned in accordance with the *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*

#### *Matters of control*

1. Compliance with the *NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock*
2. **Bore** location, size (including diameter of the **bore** casing), casing type and depth
3. **Bore** screening depth and type
4. Backflow prevention methods
5. Information requirements including **bore** logs, piezometric levels, groundwater tests, and **bore** construction details
6. Management of the effects of any discharge of contaminants

### Rule R167: Drilling, construction or alteration of any bore – discretionary activity



The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration and/or decommissioning of a **bore** that is not permitted by Rule R165 or controlled by Rule R166 is a discretionary activity.

### Rule R168: Construction and excavation activities deeper than 5m below ground level in community drinking water supply protection areas and the Hutt Valley Aquifer Protection Zone – discretionary activity

The use of land within a **community drinking water supply protection area** shown on Map 40, Map 41, Map 42 or Map 43, and the Hutt Valley Aquifer Protection Zone shown on Map 49 for the construction or removal of building foundations and earth retention structures or excavation (permanent or temporary) where the depth below the natural ground level exceeds 5m including any associated:

- (a) diversion of water, or
- (b) **dewatering**, or
- (c) discharge of water and contaminants


is a discretionary activity.

## 5.6 Coastal management

### Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon .

Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the *Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009* (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Coastal management general conditions	272						
<b>Maintenance, repair, additions and alterations to existing structures</b>	278						
Rule R169: Maintenance or repair of structures	278	•					
Rule R170: Minor additions or alterations to structures	279	•					
Rule R171: Additions or alterations to structures	280		•				

<b>Rules – Coastal management (CM)</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
<b>Removal or demolition of structures</b>	281						
Rule R172: Removal or demolition of a structure or part of a structure	281	•					
Rule R173: Removal or demolition of a structure or part of a structure	282			•			
<b>New and replacement structures (including temporary structures)</b>	283						
Rule R174: Rule R154: New temporary structures outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites	283	•					
Rule R175: New temporary structures	284			•			
Rule R176: New or replacement navigation aids	285	•					
Rule R177: New or replacement structures for special purposes	286		•				
Rule R178: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes	287				•		
Rule R179: Structures in airport height restriction areas or navigation protection areas	287						•
Rule R180: New structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone and adjacent foreshore, and inside a mana whenua site of significance	288				•		
Rule R181: New structures, additions or alterations to structures outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites	288				•		
Rule R182: New structures, additions or alterations to structures inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites	289					•	
Rule R183: Replacement of structures or parts of structures	289	•					
Rule R184: Replacement of structures or parts of structures	290			•			
<b>Seawalls</b>	291						
Rule R185: Additions or alterations to, or replacements of, existing seawalls outside Schedule C, Schedule F4 and Schedule F5 sites (excluding scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport)	291		•				

<b>Rules – Coastal management (CM)</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
Rule R186: Additions or alterations to, or replacements of, existing seawalls inside Schedule C, Schedule F4 and Schedule F5 sites (excluding scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport)	292			•			
Rule R187: Seawalls outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites	293				•		
Rule R188: Seawalls inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites	294					•	
Rule R189: Existing regionally significant infrastructure and renewable energy generation activities within a site that meets any of the criteria in Policy P38(a)(i) – (v) or (b) within the Coastal Environment - Discretionary Activity	294				•		
<b>Heritage structures</b>	295						
Rule R190: Maintenance or repair or alteration to structures identified in Schedule E1, Schedule E2 or Schedule E3	295	•					
Rule R191: Additions or alterations to structures identified in Schedule E1 or Schedule E2	296			•			
Rule R192: Additions to structures identified in Schedule E3	297	•					
Rule R193: Additions or alterations to structures identified in Schedule E1, Schedule E2 or Schedule E3	298				•		
Rule R194: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3	298				•		
<b>Structures in the Commercial Port Area</b>	298						
Rule R195: Maintenance or repair or alteration or alterations to structures inside the Commercial Port Area	298	•					
Rule R196: Maintenance or repair or alteration or alterations to structures inside the Commercial Port Area	299		•				
Rule R197: New structures associated with passenger and cargo handling inside the Commercial Port Area	300	•					
<b>Boatsheds and swing moorings</b>	301						
Rule R198: Use of boatsheds	301	•					
Rule R199: Change of use of boatsheds	301					•	
Rule R200: New boatsheds inside Boatshed Management Areas	301				•		



<b>Rules – Coastal management (CM)</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
Rule R201: New boatsheds outside Boatshed Management Areas	302					•	
Rule R202: Swing moorings inside Mooring Areas	302	•					
Rule R203: New swing moorings outside Mooring Areas	302					•	
<b>Occupation</b>	303						
Rule R204: Occupation of space by Regionally Significant Infrastructure or a structure owned by a network utility operator	303	•					
Rule R205: Renewal of existing resource consents for occupation of space by structures	303		•				
Rule R206: Occupation of space	303				•		
<b>Surface water and foreshore activities</b>	303						
Rule R207: General surface water and foreshore activities	303	•					
Rule R208: General surface water and foreshore activities	305			•			
Rule R209: General surface water and foreshore activities	306				•		
<b>General disturbance activities</b>	306						
Rule R210: Minor disturbances	306	•					
Rule R211: Clearance of stormwater pipes	307	•					
Rule R212: Disturbance associated with beach grooming	307	•					
Rule R213: Beach recontouring for coastal restoration purposes	308		•				
Rule R214: River, stream and lake mouth cutting	309	•					
<b>Motor vehicles on the foreshore</b>	311						
Rule R215: Motor vehicles for launching, retrieving or temporary mooring of vessels	311	•					
Rule R216: Motor vehicles	311	•					
Rule R217: Motor vehicles for certain purposes	312	•					
Rule R218: Motor vehicles inside Schedule C, Schedule E4, Schedule F2c, Schedule F4, Schedule F5 or Schedule J sites	312					•	
Rule R219: Motor vehicles on the exposed Titahi Bay fossil forest)	312						•
<b>Dredging</b>	313						
Rule R220: Dredging for flood protection purposes or erosion mitigation	313		•				

<b>Rules – Coastal management (CM)</b>	<b>Page</b>	<b>P</b>	<b>C</b>	<b>RD</b>	<b>D</b>	<b>NC</b>	<b>Pr</b>
Rule R221: Dredging for flood protection purposes or erosion mitigation inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites	314					•	
Rule R222: Maintenance dredging outside a Commercial Port Area or navigation protection areas	314		•				
Rule R223: Maintenance dredging within a Commercial Port Area or navigation protection areas	315		•				
Rule R224: Dredging inside a Commercial Port Area or navigation protection areas that does not meet the conditions of Rule R202A	317				•		
<b>Deposition</b>	317						
Rule R225: Re-deposition of wind-blown sand	317	•					
Rule R226: Deposition for beach renourishment	318		•				
Rule R227: Deposition for beach renourishment	319			•			
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Rule R228: Dumping of waste or other matter outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites	320				•		
Rule R229: Dumping or storage of waste or other matter outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites	321				•		
Rule R230: Dumping of waste or other matter inside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites	321					•	
Rule R231: Incineration of waste	322						•
<b>Reclamation and drainage</b>	322						
Rule R232: Reclamation and drainage for Regionally Significant Infrastructure outside of Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites–	322				•		
Rule R233: Reclamation and drainage inside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites	322					•	
<b>All other destruction, damage, disturbance or deposition</b>	323						
Rule R234: Destruction, damage, disturbance or deposition outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites	323				•		
Rule R235: Destruction, damage, disturbance or deposition inside sites of significance	323					•	
<b>Introduction of plants</b>	323						
Rule R236: Planting	323	•					

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Rule R237: Planting	324				•		
Rule R238: Planting of pest species	324						•

### 5.6.1 Coastal management other methods



The Wellington Regional Council will promote sustainable management of the coastal marine area through Methods M1, M2, M3, M4, M6, M8, M12, M17, M23, M26, M27, M28, M30, M32, M33, M34 and M35.

### 5.6.2 Coastal management general conditions



Coastal management general conditions

Coastal management general conditions for activities in the coastal marine area that apply when specified in a rule.

#### *Disturbance*

- (a) the coastal marine area, including river mouths shall not be disturbed to an extent greater than that required to undertake the activity, and
- (b) there is no disturbance of the foreshore or seabed to a depth greater than 0.5m below the seabed or foreshore within the Hutt Valley Aquifer Zone shown on Map 46, unless the activity is for the replacement of an existing submarine telecommunications cable, in which case the depth of disturbance must be no greater than 2.0m, and
- (c) all machinery, equipment and materials used for the activity shall be removed from the foreshore or seabed at the completion of the activity, and

#### *Discharges*

- (d) There shall be no discharge of contaminants (excluding sediment which is addressed by clause (f)) to water or the foreshore or seabed, except where the minor discharge is permitted by another rule in this Plan, and
- (e) The discharge of sediment to water from an activity in, on, over or under the foreshore or seabed in the coastal marine area shall meet the following:
  - (i) the release of sediment associated with the activity shall not be undertaken for more than five consecutive days, and for more than 12 hours per day, and
  - (ii) it shall not, after reasonable mixing, cause any conspicuous change in the colour of the water in the receiving water or any

change in horizontal visibility greater than 30% more than 24 hours after the completion of the activity, and

*Erosion and scouring*

- (f) The activity shall not result in erosion or scouring of river banks (that are part of the coastal marine area) and shall not result in flooding of a neighbouring **property**, and

*Diversion*

- (g) No structure shall alter the natural course of a river (that is part of the coastal marine area), including any diversion of open coastal water during flood events, and

*Note*

Tree planting or **vegetative bank edge protection** works that are limited to the banks of a river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition.

- (h) Any diversion of open coastal water undertaken as part of an activity shall only be temporary and for a period no longer than that required to complete the activity. Any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring **property**, and

*Dumping*

- (i) Demolition materials shall not be used for any purpose in the coastal marine area, and

*Fish passage*

- (j) Any structure constructed in the coastal marine area shall be carried out in a manner to ensure that fish passage between coastal and fresh water habitat is maintained at all times, except:
- (i) as required for the operation of backflow devices during heavy rainfall events, or
  - (ii) a temporary restriction of no more than 48 hours required for construction or maintenance activities, provided any full obstruction is outside the months of August to December inclusive, and

*Note*

Any activity that results in fish passage being impeded may require approval from the Director General of Conservation under the *Freshwater Fisheries Regulations 1983*.

#### *Inanga spawning*

- (k) In any part of the coastal marine area (including any part of a river in the coastal marine area) identified as inanga spawning habitat in Schedule F1b (inanga spawning habitat), no disturbance of or deposition in, on or under the foreshore or seabed shall occur and no diversion of open coastal water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a **stormwater** discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and

#### *Design and maintenance of structures*

- (l) Any structure (other than **stormwater network** structures) shall be designed and maintained so that it does not reduce the ability of the river (that is part of the coastal marine area) to convey flood flows, including the management of **flood debris** accumulated against the structure, and

#### *Refuelling*

- (m) No refuelling or cleaning of equipment shall take place on the foreshore or seabed in the coastal marine area (excluding vessels in the **Commercial Port Area**), and fuel storage shall not occur at a location where fuel can enter coastal water, and

#### *Lighting and glare*

- (n) All exterior lighting shall be managed to avoid the spill of light or glare that is:
  - (i) a hazard to traffic safety on streets outside the coastal marine area, and
  - (ii) a hazard to navigation in the coastal marine area,unless the lighting is necessary for public safety reasons or **operational requirements**, and

#### *Noise in the coastal marine area*

- (o) Noise from activities located outside the **Commercial Port Area** shown on Map 51, Map 52 and Map 53 and the **Lambton Harbour Area** (Northern Zone) shown on Map 51 in the coastal marine area shall meet the following noise standards:
  - (i) the activity shall not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area, and
  - (ii) between the hours of 7.00am and 11.00pm, the noise level (Leq) measured at any point on the nearest Residential Area boundary shall not exceed 55dB(A), and

- (iii) between the hours of 11.00pm and 7.00am, the noise level (Leq) measured at any point on the nearest Residential Area boundary shall not exceed 45dB(A), and
- (iv) single events of noise shall not exceed an Lmax sound level of 75dB(A), and
- (v) noise shall be measured and assessed in accordance with *NZS 6802:2008 Acoustics – Environmental Noise*, and
- (vi) any construction activities shall meet standards specified in Table 1 of *NZS 6803:1999 Acoustics – Construction Noise*, and
- (vii) helicopter landing areas shall meet the standards specified for residential areas in Table 1 of *NZS 6807:1994 Noise management and land use planning for helicopter landing areas*, and

conditions (i) to (iv) shall not apply to the following:

- (viii) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves, or
- (ix) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to **property** or **minimise** or prevent environmental damage, or
- (x) commercial firework displays, or
- (xi) noise generated by overflying aircraft, and

conditions (ii) to (iv) shall not apply to temporary military training activities undertaken for defence purposes. Noise emission as a result of temporary military training measured on a line 20m from and parallel to the facade of any dwelling used for accommodation or the legal boundary where this is closer to the dwelling or building shall meet the following:

- (xii) for all activities excluding the use of explosives:

Time (any day)	Limits (dB(A))	
	L <sub>eq</sub>	L <sub>max</sub>
0000 – 0630	45	75
0630 – 0730	60	75
0730 – 1800	75	90
1800 – 2000	70	85
2000 – 2400	45	75

- (xiii) for activities involving the use of explosives: 122dB(C) during daylight hours, and
- (p) Noise from **port-related activities** located within the **Commercial Port Area** shown on Map 51, Map 52 and Map 53 and the **Lambton Harbour Area** (Northern Zone) shown on Map 51 shall comply with the following noise standards:
- (i) the activity shall not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area, and
- (ii) noise shall be measured in accordance with the requirements of *NZS 6801:2008 Acoustics – Measurement of environmental sound* and *NZS 6809:1999 Port noise management and land use planning*, and
- (iii) noise from **port-related activities** in a **Commercial Port Area** and the part of the **Lambton Harbour Area** shown on Map 51 shall not exceed the following at or beyond the **Port Noise Control Line** as shown on Map 51, Map 52 and Map 53, and

Time (any day)	Limits (dB(A))		
	L <sub>dn</sub>	L <sub>max</sub>	L <sub>eq</sub>
Any 5 consecutive 24 hour periods	65	-	-
Any 24 hour period	68	-	-
10pm – 7am		85	60 (9hr) 65 (15mins)

- (iv) CentrePort shall undertake a noise monitoring programme to ensure that noise from **port-related activities** comply with limits in (p)(iii) at the **Port Noise Control Line** as shown on Map 51, Map 52 and Map 53. This monitoring will be undertaken in accordance with the Port Noise Management Plan for CentrePort Limited (Dec 2008) and the information shall be reported to the Wellington Regional Council, and

conditions (p)(i), (p)(iii) and (p)(iv) shall not apply to the following:

- (v) noise generated by navigational aids, safety signals, warning devices or emergency pressure relief valves, and
- (vi) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to **property** or **minimise** or prevent environmental damage, and

- (vii) noise generated by construction activities which shall meet the standards specified in Table 1 of *NZS 6803:1999 Acoustics – Construction Noise*, and
  - (viii) noise generated by helicopter landing areas which shall meet the standards specified for commercial areas in Table 1 of *NZS 6807:1994 Noise management and land use planning for helicopter landing areas*, and
- (q) The following noise standards shall only apply to activities in the **Commercial Port Area** at Seaview Wharf shown on Map 53 that are controlled by a rule in this Plan, are located in the coastal marine area and refer to the coastal marine area general conditions within the rule:
- (i) the activity shall not cause excessive noise (defined in section 326 of the RMA) outside the coastal marine area at the nearest residential area boundary, and
  - (ii) the noise level measured at any point on the nearest residential area boundary shall not exceed:

Time (any day)	Limits	
	L <sub>eq</sub>	L <sub>max</sub>
7am – 11pm	60 dB(A)	-
11pm – 7am	45 dB(A)	75 dB(A)

- (iii) noise shall be measured in accordance with *NZS 6801:2008 Acoustics – Measurement of environmental sound*. Corrected levels shall be determined in accordance with *NZS 6802:2008 Acoustics – Environmental Noise*, and

conditions (q)(i) and (q)(ii) shall not apply to the following:

- (iv) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves, and
- (v) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to **property** or **minimise** or prevent environmental damage, and
- (vi) noise generated by construction activities which shall meet the standards specified in Table 1 of *NZS 6803:1999 Acoustics – Construction Noise*, and
- (vii) noise generated by helicopter landing areas which shall meet the standards specified for Commercial areas in Table 1 of *NZS*



6807:1994 Noise management and land use planning for helicopter landing areas, and

- (r) Habitable rooms in buildings containing **noise sensitive activities** in a **Commercial Port Area**, the **Lambton Harbour Area** and the **Lambton Harbour Area (Northern Zone)**, shown on Map 51, Map 52 and Map 53, shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standards:

Area	Planning Map	Performance standard
<b>Commercial Port Area</b>	Map 51, Map 52, Map 53	$D_{nT,w} + C_{tr} > 35$ dB
<b>Lambton Harbour Area (Northern Zone)</b>	Map 51	$D_{nT,w} + C_{tr} > 35$ dB
<b>Lambton Harbour Area</b>	Map 51 (excluding northern zone)	$D_{nT,w} + C_{tr} > 30$ dB

- (s) Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5L/s per person. The required airflow level is based on the minimum standard for habitable spaces set out in *NZS 4303:1990 Ventilation for Acceptable Indoor Air Quality*, and

*Port Noise Management Plan*

- (t) CentrePort shall at all times have a port noise management plan in place.

### 5.6.3 Maintenance, repair, additions and alterations to existing structures

#### Rule R169: Maintenance or repair of structures – permitted activity



The maintenance or repair of a structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the maintenance and repair of the structure is contained within the form of the existing structure and there is no increase in length, width, or height of the existing structure (except for increases for the purposes of replacement, removal and alterations of existing utility services, electric or aerial telecommunications cables/conductors/pipelines where these activities will not result in increases in design voltage and the new or altered cables/conductors/pipelines will not be lower in height above the foreshore or seabed), and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

Repainting is permitted by this rule.

This rule applies to all existing coastal marine area structures, including **seawalls**, navigation aids and port structures, except those heritage structures identified in Schedules E1-E3 (in which case Rule R190 applies), and structures in the **Commercial Port Area** (in which case Rule R195 applies).

**Rule R170: Minor additions or alterations to structures – permitted activity**



The addition or alteration to a structure and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) there is no change in the use of the structure, and
- (g) the structure is not a **seawall**, and
- (h) the structure is not in the **Commercial Port Area**, and

- (i) the minor addition or alteration shall add no more than 5m in horizontal projection and 1m in vertical projection to the structure as it existed on the date of 31 July 2015 in the coastal marine area, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

Rule R195 and Rule R196 apply to additions and alterations in the **Commercial Port Area**.

Rules R190 to R193 apply to additions and alterations to heritage structures identified in Schedules E1 to E3.

**Rule R171: Additions or alterations to structures – controlled activity**



The addition or alteration to a structure and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that are not permitted by Rule R169 or Rule R170, is a controlled activity, provided the following conditions are met:

- (f) the structure is not located within a **navigation protection area** shown on Map 68, or in an airport height restriction area shown on Maps 69 and 70, and
- (g) there is no change in the use of the structure, and
- (h) the structure is not a **seawall**, and
- (i) the structure is not in the **Commercial Port Area**, and
- (j) the addition shall add no more than 10m horizontal projection and 3m vertical projection to the structure as it existed on the date of 31 July 2015, and
- (k) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

### *Matters of control*

1. The use and design life of the structure
2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
5. Effects of coastal erosion and inundation (**storm surge**) on the structure
6. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)

### *Notification*

In respect of Rule R171 applications are precluded from public notification (unless special circumstances exist).

### *Note*

Rule R195 and Rule R196 apply to additions and alterations in the **Commercial Port Area**.

Rules R190 to R193 apply to additions and alterations to heritage structures identified in Schedules E1 to E3.

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

## **5.6.4 Removal or demolition of structures**

Rule R172: Removal or demolition of structures or part of a structure – permitted activity



The removal or demolition of a structure or part of a structure in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants, and
- (d) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (e) the structure is not inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (f) the removal or demolition shall not disturb more than 10m<sup>3</sup> of the foreshore or seabed, and
- (g) the structure or part of the structure, is completely removed from the coastal marine area, except for structures within the **Commercial Port Area**, and
- (h) no explosives shall be used in the removal or demolition, and
- (i) written notice detailing the scale and location of the structure and the timing of construction and removal shall be given five working days before work commences to:
  - (i) the Wellington Regional Council Harbourmaster, and
  - (ii) Maritime New Zealand, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

This rule applies to existing coastal marine area structures except those heritage structures identified in Schedules E1 to E3 (in which case Rule R194 applies).

**Rule R173: Removal or demolition of a structure or part of a structure – restricted discretionary activity** 

The removal or demolition of a structure or part of a structure in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants, and
- (d) diversion of open coastal water

that is not permitted by Rule R172 and is not a discretionary activity under Rule R194 or Rule R187, or non-complying under Rule R182 is a restricted discretionary activity.

*Matters for discretion*

1. Effects on public access

2. Effects on public open space and visual amenity
3. Effects of disturbance, deposition, discharge and diversion associated with the removal
4. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats)
5. Lighting and noise
6. Navigational safety including the notification of the Wellington Regional Council Harbourmaster and Maritime New Zealand

### 5.6.5 New and replacement structures (including temporary structures)

Rule R174: New temporary structures outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – permitted activity 

The placement of a new **temporary structure** and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the structure is outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), and
- (g) the structure is outside a **navigation protection area** shown on Map 68, or airport height restriction areas shown on Maps 69 and 70, and
- (h) the structure shall be maintained in a safe condition at all times, and
- (i) the entire structure shall be removed after use, and
- (j) if the structure is on a wharf identified in Schedule E2 (wharves and boatsheds), the **temporary structure** shall not cause permanent physical damage to the wharf, and
- (k) the structure shall not include advertising or marketing signage, and
- (l) the structure shall not cause a hazard to navigation, and

- (m) the structure shall not be in place for a period exceeding a total of 31 days or part days during a 12 month period, inclusive of the placement and removal, and
- (n) the structure shall not prevent public access to and along the foreshore, and
- (o) written notice detailing the scale and location of the structure and the timing of construction and removal shall be given five working days before work commences to:
  - (i) the Wellington Regional Council Harbourmaster, and
  - (ii) Maritime New Zealand,
- (p) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

#### Rule R175: New temporary structures – restricted discretionary activity



The placement of a new **temporary structure** and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R174 is a restricted discretionary activity.

#### *Matters for discretion*

1. Use of the structure
2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas

6. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
7. Effects on the heritage values of structures identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds)
8. Lighting and noise
9. The structural integrity and condition of the structure
10. Navigational safety including the notification of the Wellington Regional Council Harbourmaster and Maritime New Zealand

#### Rule R176: New or replacement navigation aids – permitted activity



The placement of a new or replacement navigational aid and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) written notice detailing the scale and location of the structure and the timing of construction and removal shall be given five working days before work commences to:
  - (i) the Wellington Regional Council Harbourmaster, and
  - (ii) Maritime New Zealand, and
  - (iii) Land Information New Zealand, and
- (g) the navigational aid shall be maintained in a structurally safe condition at all times, and
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.



*Note*

This rule applies to coastal marine area navigation aids except those heritage structures identified in Schedules E1 to E3 (in which case Rules R190, R192 to R194 apply).

**Rule R177: New or replacement structures for special purposes – controlled activity**



The placement of a new structure or the replacement of a structure for scientific, research, monitoring and education purposes and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (f) the activity is not inside a site identified in Schedule E4 (archaeological sites) or Schedule J (geological features), and
- (g) the structure is outside a **navigation protection area** identified on Map 68, and
- (h) there is no change in use of the structure, and
- (i) the structure does not exceed an area of 2m<sup>2</sup> or a vertical projection of 2m, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Matters of control*

1. Use of the structure
2. Effects on public access
3. Effects of disturbance, deposition, discharge and diversion associated with construction
4. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas

5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats)
6. Lighting and noise mitigation methods

*Notification*

In respect of Rule R177, applications are precluded from public notification (unless special circumstances exist).

**Rule R178: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes – discretionary activity**



The placement of a new structure including a **temporary structure** or addition or alteration to a structure and the associated use of the structure:

- (a) in a **navigation protection area** shown on Map 68, or
- (b) within an airport height restriction area shown on Map 69 or Map 70,

including any associated:

- (c) occupation of space in the **common marine and coastal area**, and
- (d) disturbance of the foreshore or seabed, and
- (e) deposition in, on or under the foreshore or seabed, and
- (f) discharge of contaminants, and
- (g) diversion of open coastal water

is a discretionary activity, provided the following conditions are met:

- (h) in respect of condition (b), written approval is given by the relevant airport authority, and
- (i) in respect of condition (a), written approval is given by the Wellington Regional Council Harbourmaster.

**Rule R179: Structures in airport height restriction areas or navigation protection areas – prohibited activity**




The placement of a new structure including a **temporary structure** or addition or alteration to a structure (excluding navigation aids, cables and pipelines fixed to the seabed) and the associated use of the structure in a **navigation protection area** shown on Map 68 or within an airport height restriction area shown on Map 69 or Map 70, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and

- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not a discretionary activity under Rule R178, is a prohibited activity.

**Rule R180: New structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone and adjacent foreshore, and inside a mana whenua site of significance – discretionary activity** 


The placement of a new structure and the associated use of the structure and disturbance associated with **motor vehicles** in the coastal marine area:

- (a) specific to the **National Grid**, and
- (b) inside the Cook Strait Cable Protection Zone shown on Map 71, and adjacent foreshore, and
- (c) inside a site of significance identified in Schedule C (mana whenua),

including any associated:

- (d) occupation of the **common marine and coastal area**, and
- (e) disturbance of the foreshore or seabed, and
- (f) deposition in, on or under the foreshore or seabed, and
- (g) discharge of contaminants, and
- (h) diversion of open coastal water

that is not permitted by Rule R177 is a discretionary activity.


**Rule R181: New structures, additions or alterations to structures outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity** 

The placement of a new structure, addition or alteration to a structure and the associated use of the structure outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and

- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water


that is not permitted by R176, Rule R197, Rule R198, or controlled by R171 or Rule R177 or Rule R196 or restricted discretionary under Rule R175 or prohibited under Rule R179 is a discretionary activity.

**Rule R182: New structures, additions or alterations to structures inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity** 

The placement of a new structure, addition or alteration to a structure and the associated use of the structure inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by R176, Rule R197, Rule R198, or a controlled by Rule R171 or Rule R177 or Rule R196 or a restricted discretionary under Rule R175 or a discretionary activity under Rule R180 or Rule R189, or prohibited under Rule R179 is a non-complying activity.

**Rule R183: Replacement of structures or parts of structures – permitted activity** 

The replacement of a structure or part of a structure and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the replacement structure has a **functional need** or **operational requirement** to be located in the coastal marine area, and
- (g) the structure is not a **seawall** (excluding revetments or those **seawalls** protecting wharves within a **Commercial Port Area**), and
- (h) there is no change in the use of the structure, and
- (i) the replacement structure is built in the same or similar location as the original structure, and
- (j) the replacement structure has the same or lesser footprint as the original structure, and
- (k) the replacement structure maintains the form of the original structure and there is no increase in the length, width or height, and
- (l) the replacement structure is not inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) excluding those structures for scientific, research or education purposes that will enhance the understanding and long term protection of the coastal marine area, and
- (m) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

This rule applies to existing coastal marine area structures except those heritage structures identified in Schedules E1 to E3 (in which case Rule R194 applies).

**Rule R184: Replacement of structures or parts of structures – restricted discretionary activity**



The replacement of a structure or part of a structure and the associated use of the structure in the coastal marine area, including any associated:


- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R169, Rule R172, Rule R176 or Rule R183 or a controlled activity by Rule R177, is a restricted discretionary activity.

*Matters for discretion*

1. The use of the structure
2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
6. Light and noise
7. Effects on shoreline stability in the vicinity and nearby areas

### 5.6.6 Seawalls

Rule R185: Additions or alterations to, or replacements of, existing seawalls outside Schedule C, Schedule F4 and Schedule F5 sites (excluding scheduled kelp beds\* and subtidal rocky reefs to the west and south of Wellington International Airport) – controlled activity 

The addition or alteration to, or replacements of, an existing **seawall** and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (f) any addition shall add no more than 5m in horizontal projection at the ends of the existing structure parallel to the shoreline and 1m in vertical projection to the structure as it existed on the date of 31 July 2015,
- (g) the structure is not inside a site or habitat identified in Schedule F5 (coastal habitats) (other than those scheduled kelp beds\* and subtidal rocky reefs to the west and south of Wellington International Airport, Schedule C (mana whenua), or Schedule F4 (coastal sites),


- (h) the addition shall not extend any further seaward than the existing **seawall**, and
- (i) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Matters of control*

1. Effects on public access
2. Design, design life and construction
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
4. Effects on a site or habitat identified in Schedule F2(c) (indigenous birds), or those scheduled kelp beds\* and subtidal rocky reefs to the west and south of Wellington International Airport, or on an adjacent site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features)
5. Effects of coastal erosion and inundation (**storm surge**) on the **seawall**
6. Effects on the heritage values of structures identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigational aids)

*Note*

\*This exclusion does not apply to Giant kelp *Macrocystis* beds

Rule R186: Additions or alterations to, or replacements of, existing seawalls inside Schedule C, Schedule F4 and Schedule F5 sites (excluding scheduled kelp beds\* and subtidal rocky reefs to the west and south of Wellington International Airport) – restricted discretionary activity 

The addition or alteration to, or replacements of, an existing **seawall** inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) (excluding scheduled kelp beds\* and subtidal rocky reefs to the west and south of Wellington International Airport), and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and

- (e) diversion of open coastal water

that is not controlled by Rule R185, discretionary under Rule R187 or non-complying under Rule R188, is a restricted discretionary activity, provided the following conditions are met:

- (f) any addition shall add no more than 5m in horizontal projection at the ends of the existing structure parallel to the shoreline and 1m in vertical projection to the structure as it existed on the date of 31 July 2015,
- (g) the addition shall not extend any further seaward than the existing **seawall**, and
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Matters of discretion*

1. Effects on public access
2. Design, design life and construction
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
4. Effects of coastal erosion and inundation (**storm surge**) on the **seawall**
5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features)

*Note*

\*This exclusion does not apply to Giant kelp *Macrocystis* beds

**Rule R187: Seawalls outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity**



The placement of a new **seawall**, or the addition to or alteration or replacement of an existing **seawall**, and the associated use of the structure outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and



- (e) diversion of open coastal water

that is not a controlled activity under Rule R185 or restricted discretionary under Rule R186 is a discretionary activity.

**Rule R188: Seawalls inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity**



The placement of a new **seawall**, or the addition to or alteration or replacement of an existing **seawall**, and the associated use of the structure inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not a controlled activity under Rule R185, restricted discretionary under R186, or a discretionary activity under Rule R187 or R189, is a non-complying activity.

**Rule R189: Existing regionally significant infrastructure and renewable energy generation activities within a site that meets any of the criteria in Policy P38(a)(i) – (v) or (b) within the Coastal Environment - Discretionary Activity**




Any destruction, damage, disturbance, deposition or **reclamation**, or the placement of a new structure or **seawall**, or addition or alteration to a structure or a **seawall** and the associated use of the structure or **seawall**, associated with the operation, maintenance, **upgrade** and/or **extension** of existing **regionally significant infrastructure** and **renewable energy generation activities** within a site that meets any of the criteria in Policy P38(a) or (b) or included in Schedule F5, in the coastal environment including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rules R169, R170, R174, R183, R195, or controlled under Rules R185 and R196 or restricted discretionary under Rules R184 and R186 or a discretionary activity under Rule R178 is a discretionary activity, provided the following conditions are met:

- (f) there is a **functional need** or **operational requirement** for the activity to locate in the area, and
- (g) there is no practicable alternative on land or elsewhere in the coastal marine area for the activity to be located, and
- (h) the resource consent application includes a biodiversity management plan setting out how the significant indigenous biodiversity values and attributes at and in proximity to the ecosystem or habitat or area that will be affected by the activity are to be maintained and restored or enhanced, and
- (i) where the **extension** relates to altering the alignment of existing infrastructure, a rehabilitation plan is included in a resource consent application that demonstrates how any areas vacated as a result of the **extension** will be rehabilitated to restore or enhance the significant values of the site.

### 5.6.7 Heritage structures

Rule R190: Maintenance or repair or alteration of structures in Schedule E1, Schedule E2, and Schedule E3 – permitted activity 

The maintenance or repair or alteration of a structure identified in Schedule E1 (heritage structures), E2 (wharves and boatsheds) or E3 (navigation aids) in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) for structures identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds except for Glasgow Wharf) and Schedule E3 (navigation aids), the materials used for maintenance or repair or alteration of the structure shall use the same materials, or the altered components should be of similar materials as the original it replaces in texture, form profile, design and appearance, and

- (f) except for Glasgow Wharf any alteration is contained within the form of the existing structure and there is no increase in length, width, height of the existing structure, and
- (g) for Glasgow Wharf:
  - (i) for maintenance or repair, or additions and alterations that add no more than 5m horizontal projection and 10m vertical projection to the structure as it existed on the date of 31 July 2015, the altered or repaired components should be of the same or similar materials to the existing structure in texture, form, profile, design and appearance;
  - (ii) a new or replacement structure for the transfer of passengers, crews and other persons or cargo handling shall not exceed a height of 27m.
- (h) the number of components altered should be substantially less than existing number of components, and
- (i) the alteration does not include the removal, relocation, partial or total demolition of any structure, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

Repainting is permitted by this rule.

**Rule R191: Additions or alterations to structures identified in Schedule E1 or Schedule E2 – restricted discretionary activity**



The addition or alteration to a structure identified in Schedule E1 (heritage structures), or Schedule E2 (wharves and boatsheds), and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R190, is a restricted discretionary activity, provided the following conditions are met:

- (e) the structure is not a **seawall**, and

- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Matters for discretion*

1. Use of the structure
2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects of disturbance, deposition and discharge associated with construction
5. Effects on the historic heritage values of structures identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds)
6. Lighting and noise
7. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas

*Note*

Additions or alterations to **seawalls** are either a controlled activity under Rule R185, a discretionary activity under Rule R187 or a non-complying activity under Rule R188.

**Rule R192: Additions to structures identified in Schedule E3 – permitted activity**




The addition to a structure identified in Schedule E3 (navigation aids), and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) the addition is for navigation safety or the efficiency of its operation, and
- (f) the addition shall add no more than 3m in horizontal projection and 2m in vertical projection to the structure as it existed on the date of 31 July 2015, and


- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

**Rule R193: Additions or alterations to structures identified in Schedule E1, Schedule E2 or Schedule E3 – discretionary activity** 

The addition or alteration to a structure identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds), or Schedule E3 (navigation aids) and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R190 or Rule R192, or restricted discretionary under Rule R191, is a discretionary activity.

**Rule R194: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3 – discretionary activity** 

The removal, demolition or replacement of a structure or part of a structure identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids) and the associated use of a structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R172, Rule R190, Rule R192 or Rule R195, or controlled under Rule R177 or Rule R185, or restricted discretionary under Rule R191 a discretionary activity.

### **5.6.8 Structures in the Commercial Port Area**

**Rule R195: Maintenance or repair or additions or alterations to structures inside a Commercial Port Area – permitted activity** 

The maintenance or repair or addition or alteration to a structure inside a **Commercial Port Area** shown on Map 51, Map 52 and Map 53 and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the structure is not inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (g) the maintenance or repair or addition and alteration shall add no more than 30m horizontal projection and 10m vertical projection to the structure, as it existed on the date of 31 July 2015,
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

This rule applies to structures in a **Commercial Port Area**, except those heritage structures identified in Schedules E1 to E3 (in which case Rules R190 to R194 apply).

**Rule R196: Maintenance or repair or additions or alterations to structures inside a Commercial Port Area – controlled activity**



The maintenance or repair or addition or alteration to a structure inside a **Commercial Port Area** shown on Map 51, Map 52 and Map 53 and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R195 is a controlled activity, provided the following conditions are met:

- (f) the addition and alteration shall add no more than 50m horizontal projection and 20m vertical projection to the structure as it existed on the date of 31 July 2015, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Matters of control*

1. Use of the structure
2. Lighting and noise mitigation methods
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
4. Effects of disturbance, deposition, discharge and diversion associated with the activity

*Notification*

In respect of Rule R196, applications are precluded from public notification (unless special circumstances exist).

*Note*

This rule applies to structures in a **Commercial Port Area**, except those heritage structures identified in Schedules E1 to E3 (in which case Rules R190 to R194 apply).

**Rule R197: New structures associated with passenger and cargo handling inside the Commercial Port Area – permitted activity**



The placement of a new structure associated with passenger handling (for the transfer of passengers, crews and other persons) or cargo handling and the associated use of the structure inside a **Commercial Port Area** shown on Map 51, Map 52 and Map 53 in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the structure shall not exceed a height of 27m, and

- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

This rule applies to structures in a **Commercial Port Area**, except those heritage structures identified in Schedules E1 to E3 (in which case Rules R190 to R194 apply).

### 5.6.9 Boatsheds and swing moorings

#### Rule R198: Use of boatsheds – permitted activity



The use of a boatshed in the coastal marine area, for water based activities that require a coastal location, is a permitted activity, provided the following condition is met:

- (a) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

#### Rule R199: Change of use of boatsheds – non-complying activity



The change in use of a boatshed in the coastal marine area to an activity that does not have a **functional need** to be in the coastal marine area, after the date of 31 July 2015, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a non-complying activity.

*Notification*

In respect of Rule R199, applications must be publicly notified.

#### Rule R200: New boatsheds inside Boatshed Management Areas – discretionary activity



The placement of a new boatshed inside a Boatshed Management Area shown on Map 50 and the associated use of the boatshed in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants



is a discretionary activity.

#### Rule R201: New boatsheds outside Boatshed Management Areas – non-complying activity

The placement of a new boatshed outside a Boatshed Management Area shown on Map 50 and the associated use of the boatshed in the coastal marine area that is not a discretionary activity under Rule R200, is a non-complying activity.

#### Rule R202: Swing moorings inside Mooring Areas – permitted activity

The placement of a swing mooring inside a Mooring Area shown on Map 55, Map 56, Map 57, Map 58, Map 59 or Map 60 and the associated use of the swing mooring in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) the mooring area has available mooring space, and
- (f) a mooring licence has been obtained from the Wellington Regional Council Harbourmaster, or a resource consent is held, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

#### Rule R203: New swing moorings outside Mooring Areas – non-complying activity

The placement of a new swing mooring outside a Mooring Area shown on Map 55, Map 56, Map 57, Map 58, Map 59 and Map 60 and the associated use of the swing mooring in the coastal marine area, including any associated:


- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a non-complying activity.


### *Notification*

In respect of Rule R203, applications are precluded from public notification (unless special circumstances exist).

## **5.6.10 Occupation**

Rule R204: Occupation of space by regionally significant infrastructure or a structure owned by a network utility operator – permitted activity 

The occupation of space in the **common marine and coastal area** by a structure existing prior to the date of 31 July 2015 which is **regionally significant infrastructure** or owned by a network utility operator is a permitted activity.

Rule R205: Renewal of existing resource consents for occupation of space by structures – controlled activity 

The first renewal of an **existing resource consent** for the occupation of space by a structure in the **common marine and coastal area**, after the date of 31 July 2015 is a controlled activity.

### *Matters of control*

1. Effects on public access
2. Effects on public open space and visual amenity


### *Notification*

In respect of Rule R205, applications are precluded from public notification (unless special circumstances exist).

Rule R206: Occupation of space – discretionary activity 

The occupation of space in the **common marine and coastal area** that is not permitted, controlled, restricted discretionary, non-complying or prohibited is a discretionary activity.

## **5.6.11 Surface water and foreshore activities**

Rule R207: General surface water and foreshore activities – permitted activity 

General surface water and foreshore activities and the associated use in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) the activity is not inside the **Lambton Harbour Area** (including Northern Zone) shown on Map 51, and
- (f) if the activity includes occupation of space in the **common marine and coastal area** that excludes public access or navigation of ships:
  - (i) the area of occupation shall be less than 1ha, and
  - (ii) the activity shall comply with the Wellington Regional Council Navigation and Safety Bylaws Wellington Region 2009, and
  - (iii) the occupation shall not affect the **operational requirement** of emergency services including the coastguard, police and surf lifesaving, and
  - (iv) written notice shall be given five working days before work commences to:
    - a. the Wellington Regional Council Harbourmaster, and
    - b. Maritime New Zealand, and
    - c. the relevant territorial authority, and
  - (v) the duration of the activity in a 12 month period must not exceed:
    - a. for temporary military training activities, 30 days, and
    - b. for all other activities, seven days, and
- (g) if the activity will exclude public access or navigation of ships in the **common marine and coastal area** for more than 24 hours:
  - (i) the public shall be notified of the proposed activity and associated restrictions on use of the area, including via a public notice in local newspapers, at least 14 working days prior to the commencement of the activity, and
  - (ii) signs shall be placed at the location of the activity notifying the public of the event with dates, times, the activity proposed, any restrictions imposed on the use of the area and contact information of the organiser at least seven working days prior to the occupation commencing, and
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

Permission may be required from the relevant city or district council.

Any activities which disturb the foreshore or seabed within the Cook Strait Cable Protection Zone (shown in Map 71), including anchoring and fishing, has the potential to damage the Cook Strait Cables, and is required to comply with the Submarine Cables and Pipeline Protection Order 2009.

**Rule R208: General surface water and foreshore activities – restricted discretionary**



General surface water and foreshore activities and the associated use in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R207 is a restricted discretionary activity, provided the following conditions are met:

- (e) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Matters for discretion*

1. Effects on public access
2. Effects on public open space and visual amenity
3. Use of the structure
4. Extent and exclusivity of the occupation of the **common marine and coastal area**
5. Navigation safety
6. Lighting and noise
7. Effects on a site or habitat identified in or using Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features)
8. Effects on the heritage values of structures identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigational aids)

### Rule R209: General surface water and foreshore activities – discretionary activity



General surface water and foreshore activities in and the associated use of the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

not permitted by Rule R207 or restricted discretionary under Rule R208 is a discretionary activity.

#### 5.6.12 General disturbance activities

##### Rule R210: Minor disturbances – permitted activity



The disturbance of the foreshore or seabed including any removal of sand, shingle, shell or other natural material in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (d) the activity shall not be inside a site or habitat identified in or using Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal) or Schedule J (geological features), and
- (e) no more than 0.1m<sup>3</sup> of sand, shingle, shell or other natural material shall be taken by a person in a 12 month period, and
- (f) the removed natural material shall not be used for commercial gain, and
- (g) the area of excavation shall be smoothed over after the completion of the activity (e.g. no holes left on the foreshore), and
- (h) the extent of the foreshore or seabed disturbance is limited to that required to undertake the activity, and
- (i) no motorised excavation machinery shall be used to disturb or remove sand, shingle, shell or other natural material.

### Note

While the removal of natural materials from a marine reserve (unless authorised for research purposes) is prohibited under the Marine Reserves Act 1971, a memorandum of understanding between the Department of Conservation and the Wellington City Council enables the removal of natural material (beach grooming) within Taputeranga Marine Reserve with particular conditions.

### Rule R211: Clearance of stormwater pipes – permitted activity

The disturbance of the foreshore or seabed from the clearance of a **stormwater** pipe in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (d) the disturbance is undertaken by or for a local authority or a road controlling authority or is required for port maintenance, and
- (e) the extent of the foreshore or seabed disturbance is limited to that required to create a free-draining path from the **stormwater** outlet to the sea, and
- (f) the disturbance shall not prevent public access to or along the foreshore, and
- (g) all material excavated is retained within the **active beach** system except for visibly contaminated material. Any visibly contaminated material shall be removed from the beach system and disposed of appropriately, and
- (h) excavated material is not mounded, banded and/or deposited in a manner that creates ponding or the diversion of water on the foreshore or seabed, and
- (i) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

### Rule R212: Disturbance associated with beach grooming – permitted activity

The disturbance of the foreshore or seabed for beach grooming including any removal of sand, shingle, shell or other natural material in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and

- (b) discharge of contaminants

on the following beaches:

Ōtaki, Te Horo, Peka Peka, Waikanae, Paraparaumu, Raumati, Paekakariki, Tītahi Bay (excluding the area of fossil forest shown on Map 54), Karehana Bay, Plimmerton, Browns Bay, Bradley Point, Motukaraka Point, Mana Foreshore, Onehunga Bay, Dolly Varden Beach, Pukerua Bay, Lyall Bay, Island Bay, Princess Bay, Worsler Bay, Scorching Bay, Oriental Bay, Freyberg, Petone, Point Howard, Sorrento Bay, Days Bay, Rona Bay, Castlepoint, Riversdale

is a permitted activity, provided the following conditions are met:

- (c) the beach grooming shall be carried out for the purpose of grooming and the removal of marine debris and litter, and
- (d) the activity shall be undertaken by or for a local authority, and
- (e) the activity shall not occur when shellfish beds are exposed, and
- (f) the activity shall not be within a site identified in Schedule C (mana whenua) or Schedule E4 (archaeological sites) or Schedule F4 (significant indigenous biodiversity values in the coastal marine area), except on Island Bay beach, and
- (g) the activity shall not be within the Tītahi Bay fossil forest shown on Map 54, and
- (h) the activity shall comply with the coastal management general conditions specified above in section 5.6.2.

*Note*

While the removal of natural materials from a marine reserve (unless authorised for research purposes) is prohibited under the Marine Reserves Act 1971, regulation 7 of the Marine Reserves (Taputeranga) Order 2008 enables a local authority to remove beach cast seaweed and debris after a storm within Taputeranga Marine Reserve with particular conditions.

**Rule R213: Beach recontouring for coastal restoration purposes – controlled activity**



The disturbance of the foreshore or seabed for **beach recontouring** in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants

is a controlled activity, provided the following conditions are met:

- (c) the activity forms part of a **coastal restoration plan**, and
- (d) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2, and
- (e) within the Tītahi Bay fossil forest area shown on Map 54, any **motor vehicle** used shall not have caterpillar tracks.

*Matters of control*

1. Timing of the activity associated with coastal fauna
2. Volume of material removed
3. Effects of disturbance, deposition, discharge and diversion associated with the activity
4. Effects on shoreline stability (including dunes and nearshore) and the potential to create a coastal inundation hazard
5. Effects on the heritage values of structures and sites identified in Schedule E1 (heritage structures) or Schedule E4 (archaeological sites)
6. Effects on sites and habitats identified in or using Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)

*Notification*

In respect of Rule R213, applications are precluded from public notification (unless special circumstances exist).

**Rule R214: River, stream and lake mouth cutting – permitted activity**



The disturbance of the foreshore or seabed for river, stream and lake mouth cutting in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) diversion of open coastal water, and
- (c) discharge of contaminants for the following rivers and lakes:
- (d) Waitohu Stream, Ōtaki River, Mangaone Stream, Waimeha Stream, Waikanae River, Hadfield Drain, Wharemauku Stream, Whareroa Stream, Wainui Stream, Waikakariki Stream, Makara Stream, Motuwaireka Stream, Castlepoint Stream, Whakataki River, Tikotu Stream, and
- (e) Lake Kohangapiripiri, Lake Kohangatera and Lake Onoke, and



- (f) an unnamed stream approximately 190m south of the seaward end of Sunrise Way, Riversdale, and
- (g) an unnamed stream approximately 145m north of the seaward end of Sunrise Way, Riversdale, and
- (h) an unnamed stream at the seaward end of Karaka Drive, Riversdale

is a permitted activity, provided the following conditions are met:

- (i) the activity shall be carried out for the purposes of flood protection and/or erosion mitigation, and
- (j) the activity shall only be carried out by or for a local authority, and
- (k) the activity is only undertaken when the trigger level defined in Schedule T (river mouth cutting) is equalled or exceeded, and
- (l) the foreshore shall not be mechanically disturbed to a depth greater than required to divert stream flow, and
- (m) the activity shall not prevent public access to or along the foreshore (this condition shall not apply to any restrictions on access arising from water flowing in any outlet channel), and
- (n) any material excavated shall be placed on the immediately adjacent foreshore area, and no material shall be removed from the site unless the material is contaminated and/or it contains **hazardous substances**, and
- (o) for activities undertaken in the mouths of either Lake Kohangapiripiri or Lake Kohangatera, any cutting operation shall be in accordance with the *Wellington Regional Council Parangarahu Lakes Area Co-Management Plan (August 2014)*, and
- (p) for activities undertaken in the Lake Onoke mouth, the mechanical opening shall not occur during the period 1 February to 31 May (inclusive) each year without notification to a nominated representative (or in their absence, a nominated deputy) from the Tuhirangi Marae, and
- (q) for activities undertaken in the Waikanae River, the Department of Conservation shall be notified at least two working days prior to the commencement of the cutting operation, and
- (r) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2, except 5.6.2(k) where the activity only disturbs sand or gravel and does not disturb any vegetated area.

### 5.6.13 Motor vehicles on the foreshore

Rule R215: Motor vehicles for launching, retrieving or temporary mooring of vessels – permitted activity



The disturbance of the foreshore or seabed from a **motor vehicle** associated with the launching, retrieval or temporary mooring of a vessel in the coastal marine area is a permitted activity, provided the following conditions are met:

- (a) a boat ramp shall be used if available at the locality, and
- (b) within the Tītahi Bay fossil forest area shown on Map 54, the activity shall not be undertaken:
  - (i) within any area shown as Area A,
  - (ii) outside of the Area A, between 9.30pm and 5.00am,
  - (iii) on or within, a buffer zone of 5 metres of any **exposed** (Tītahi Bay fossil forest),
  - (iv) by any **motor vehicle** with caterpillar tracks, and
- (c) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

#### *Note*

*Marine Reserves Regulations 1993* provide for anchoring and use of vessels in a marine reserve (section 5 and 6 respectively). Anchoring is only permitted on the condition that no damage occurs, or that damage is kept to a minimum practical level. The *Marine Reserves Act 1971* (section 23) provides for anchoring anywhere within a marine reserve in times of stress or emergency.

Rule R216: Motor vehicles – permitted activity



The disturbance of the foreshore from **motor vehicles**, other than those permitted by R215, in the coastal marine area is a permitted activity, provided the following conditions are met:

- (a) the activity is not within the area of Tītahi Bay shown on Map 54, and
- (b) the activity is not within a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), unless the activity involves light vehicles (a **motor vehicle** weighing less than 3,500kg) in the permitted driving area at Castlepoint Basin Lagoon, shown on Map 74.

#### *Note*

Permission may be required from the relevant city or district council.

## Rule R217: Motor vehicles for certain purposes – permitted activity



The disturbance of the foreshore or seabed from **motor vehicles** in the coastal marine area, for the following purposes:

- (a) surf lifesaving operations, or
- (b) emergency situations, including firefighting, oil spills, rescue operations, salvage of vessels and marine mammal strandings, or
- (c) local authority activities, including law enforcement, or
- (d) activities carried out by or on behalf of the Department of Conservation, or
- (e) the maintenance, **upgrade** and operation of **regionally significant infrastructure**

is a permitted activity, provided the following conditions are met:

- (f) subject to (h) below, the vehicle shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal disturbance to the foreshore or seabed, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2, and
- (h) within the Tītahi Bay fossil forest area shown on Map 54, the activity shall not be undertaken on or within a buffer zone of 5 metres from any **exposed** (Tītahi Bay fossil forest).

## Rule R218: Motor vehicles inside Schedule C, Schedule E4, Schedule F2c, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity




The disturbance of the foreshore or seabed from **motor vehicles** inside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, that is not permitted by Rule R215, (excluding on the **exposed** (Tītahi Bay fossil forest) or Rule R216 (excluding on the **exposed** (Tītahi Bay fossil forest)) or Rule R217 is a non-complying activity.

## Rule R219: Motor vehicles on the exposed (Tītahi Bay fossil forest) – prohibited activity



The disturbance of the foreshore or seabed from a **motor vehicle** on any **exposed** (Tītahi Bay fossil forest) within the mapped area on Map 54 that is not permitted activity under Rule R211, a controlled activity under Rule R213 or non-complying under Rule R218, is a prohibited activity.

### 5.6.14 Dredging

Rule R220: Dredging for flood protection purposes or erosion mitigation – controlled activity 

Destruction, damage, disturbance and deposition associated with dredging of the foreshore or seabed for flood protection purposes or erosion mitigation in a river or stream mouth in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (d) the activity shall be carried out by or for a local authority, and
- (e) the activity shall not occur in Te Awa Kairangi/Hutt River, and
- (f) the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), and
- (g) for dredging in the Waikanae River, the Department of Conservation is notified, and
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2, excluding condition (b).

#### *Matters of control*

1. Effects on public access
2. Method of dredging
3. Frequency, volume and timing of disturbance and removal
4. Quality, nature and composition of the material to be disturbed and removed including the potential presence of contaminants
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard
6. Effects on sites or habitats identified in Schedule F2c (bird-coastal), Schedule F2a (birds-rivers)

#### *Notification*

In respect of Rule R220, applications are precluded from public notification (unless special circumstances exist).

*Note*

Rule R220 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rule R228, Rule R229 or Rule R230.

**Rule R221: Dredging for flood protection purposes or erosion mitigation inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity** 


Destruction, damage, disturbance or deposition associated with dredging for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

that is not a discretionary activity under Rule R189 is a non-complying activity.

*Note*

Rule R221 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rule R228, Rule R229 or Rule R230.

**Rule R222: Maintenance dredging outside a Commercial Port Area or navigation protection areas – controlled activity** 

Destruction, damage, disturbance or deposition associated **with maintenance dredging** outside a **Commercial Port Area** shown on Map 51, Map 52 and Map 53 or a **navigation protection area** shown on Map 68, in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (d) the activity shall comply with any related current resource consent conditions and the area of the coastal marine area that this consent(s) specifies, and

- (e) the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2, excluding condition (b).

*Matters of control*

1. Method of dredging
2. Depth of any dredging including that which occurs in the Hutt Valley Aquifer Zone in the Wellington Harbour (Port Nicholson) shown on Map 46
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on sites identified in Schedule J (geological features)
6. Effects on the heritage values of sites identified in Schedule E4 (archaeological sites)
7. Navigational safety and charting including notification of Land Information New Zealand, the Wellington Regional Council Harbourmaster and Maritime New Zealand

*Notification*

In respect of Rule R222, applications are precluded from public notification (unless special circumstances exist).

*Note*

Rule R222 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rules R228, Rule R229 or Rule R230.

**Rule R223: Maintenance dredging within a Commercial Port Area or navigation protection area – controlled activity**



Destruction, damage, disturbance or deposition associated with **maintenance dredging** within a **Commercial Port Area** shown on Maps 51, 52 and 53 or a **navigation protection area** shown on Map 68, in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and

- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (d) a maximum volume up to 5,000m<sup>3</sup> per calendar year in any one location with multiple non-contiguous locations allowed, and
- (e) the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2, and
- (g) within the Hutt Valley Aquifer Zone, the maximum depth is 0.5m below the seabed as delineated on Maps 72 and 73,
- (h) notification of updated seabed charts is provided to Land Information New Zealand, the Wellington Regional Council Harbourmaster and Maritime New Zealand upon completion of dredging.

*Matters of control*

1. Location, design and method of dredging
2. Depth of any dredging including that which occurs in the Hutt Valley Aquifer Zone in the Wellington Harbour (Port Nicholson) shown on Map 46 in which case the record of consultation with Wellington Water Ltd will be required
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on sites and habitats identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features) or Schedule K (surf breaks)
6. Effects on the heritage values of sites identified in Schedule E4 (archaeological sites)
7. Navigational safety

### *Notification*

In respect of Rule R223, applications are precluded from public notification (unless special circumstances exist).

### *Note*

Rules R222 and R223 control the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rules R228, Rule R229 or R230.

### Rule R224: Dredging inside a Commercial Port Area or navigation protection areas that does not meet the conditions of Rule R223 – discretionary activity

Destruction, damage, disturbance or deposition associated with dredging inside the **Commercial Port Area** shown on Map 51, Map 52 and Map 53 or in a **navigation protection area** shown on Map 68, in the coastal marine area that does not meet the conditions of Rule R223, including any associated:

- (a) deposition in, on or under the foreshore or seabed and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a discretionary activity.

### *Note*

Rule R224 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. Dredging outside a **Commercial Port Area** or **navigation protection areas** that does not meet the conditions of Rule R222 is to be considered under Rules R234 and R235. For dumping of material in the coastal marine area refer to Rule R228, Rule R229 or Rule R230.

## 5.6.15 Deposition

### Rule R225: Re-deposition of wind-blown sand – permitted activity

The re-deposition of wind-blown sand into the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (c) the sand is free of contaminants and includes no litter, and



- (d) the sand has been derived from the beach where it is to be deposited, and
- (e) the sand is not removed from sand dunes, and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

**Rule R226: Deposition for beach renourishment – controlled activity**



The deposition of sand, shingle, shell or other naturally occurring coastal material for beach renourishment in, on or under the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

is a controlled activity provided the following conditions are met:

- (c) the deposition is for the purpose of managing beach or shoreline erosion or improving the amenity value of the foreshore, and
- (d) the deposition is undertaken by, or for, a local authority, and
- (e) the volume of material to be deposited shall not exceed 1500m<sup>3</sup> per 12 month period
- (f) the deposition is not inside sites or habitats identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Matters of control*

1. Type and composition of the material to be used including its size, roundness, shape and colour
2. Design, design life and method of deposition
3. Volume of material to be deposited
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas

6. Effects of coastal erosion and inundation (**storm surge**) on the deposition
7. Effects on sites or habitats identified in Schedule F2c (birds–coastal), or on an adjacent site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features)
8. Measures to manage the loss of the deposited material through wind or water erosion
9. Navigational safety and charting including notification of Land Information New Zealand and Maritime New Zealand

#### *Notification*

In respect of Rule R226 applications are precluded from public notification (unless special circumstances exist).

#### **Rule R227: Deposition for beach renourishment – restricted discretionary activity**



The deposition of sand, shingle, shell or other naturally occurring coastal material for beach renourishment in, on or under the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

that is not controlled by Rule R226 is a restricted discretionary activity, provided the following conditions are met:

- (c) the deposition is for the purpose of managing beach or shoreline erosion or improving the amenity value of the foreshore, and
- (d) the deposition is undertaken by, or for, a local authority, and
- (e) the activity forms part of a **coastal restoration plan** prepared in accordance with Schedule X, and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

#### *Matters of discretion*

1. Type and composition of the material to be used including its size, roundness, shape and colour
2. Design, design life and method of deposition
3. Volume of material to be deposited

4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
6. Effects of coastal erosion and inundation (**storm surge**) on the deposition
7. Effects on sites or habitats identified in Schedule C (mana whenua), Schedule F2c (birds–coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features)
8. Measures to manage the loss of the deposited material through wind or water erosion
9. Navigational safety and charting including notification of Land Information New Zealand and Maritime New Zealand

#### 5.6.16 Dumping of waste or other matter

Rule R228: Dumping of waste or other matter outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity




The dumping of:

- (a) dredge material, and
- (b) sewage **sludge**, and
- (c) fish processing waste from an onshore facility, and
- (d) ships and platforms or other man-made structures at sea, and
- (e) inert, inorganic geological material, and
- (f) organic materials of natural origin, and
- (g) bulky items consisting mainly of iron, steel, and concrete

from a ship, aircraft or offshore installation or dredging activity outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (h) disturbance of the foreshore or seabed, and
- (i) discharge of contaminants

is a discretionary activity.


Rule R229: Dumping or storage of waste or other matter outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity 

The dumping or storage of waste or other matter arising directly from, or related to, the exploration, exploitation, and associated offshore processing of, seabed **mineral** resources in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

is a discretionary activity, provided the following condition is met:

- (c) the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features).

Rule R230: Dumping of waste or other matter inside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity 

The dumping of:

- (a) dredge material, and
- (b) sewage **sludge**, and
- (c) fish processing waste from an onshore facility, and
- (d) ships and platforms or other man-made structures at sea, and
- (e) inert, inorganic geological material, and
- (f) organic materials of natural origin, and
- (g) bulky items consisting mainly of iron, steel, and concrete
- (h) from a ship, aircraft or offshore installation or dredging activity inside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:
  - (i) disturbance of the foreshore or seabed, and
  - (j) discharge of contaminants

that is not a discretionary activity under Rule R189, Rule R228 or Rule R229 or is not a prohibited activity under Rule R231, is a non-complying activity.

### Rule R231: Incineration of waste – prohibited activity



The dumping of incineration of waste or other matter in any marine incineration facility in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

that is not a discretionary activity under Rule R228 or Rule R229 or a non-complying activity under Rule R230, is a prohibited activity.

## 5.6.17 Reclamation and drainage

Rule R232: Reclamation and drainage for regionally significant infrastructure outside of Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity



**Reclamation** and drainage for **regionally significant infrastructure** activities outside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) destruction of the foreshore or seabed, and
- (c) disturbance of the foreshore or seabed, and
- (d) deposition in, on or under the foreshore or seabed, and
- (e) discharge of contaminants, and
- (f) diversion of open coastal water

is a discretionary activity.

Rule R233: Reclamation and drainage inside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity




**Reclamation** and drainage in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) destruction of the foreshore or seabed, and
- (c) disturbance of the foreshore or seabed, and
- (d) deposition in, on or under the foreshore or seabed, and
- (e) discharge of contaminants

- (f) diversion of open coastal water

that is not a discretionary activity under Rule R189 or Rule R232 is a non-complying activity.

### 5.6.18 All other destruction, damage, or disturbance or deposition

Rule R234: Destruction, damage, disturbance or deposition outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity 


Destruction, damage, disturbance or deposition outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

that is not permitted, controlled, restricted discretionary, non-complying or prohibited, is a discretionary activity.

#### *Note*

For dredging outside of the **Commercial Port Area** and **navigation protection areas** that does not meet the conditions of Rules R222, R234 or R235 applies.

Rule R235: Destruction, damage, disturbance or deposition inside sites of significance – non-complying activity 

Destruction, damage, disturbance or deposition inside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

that is not permitted, controlled, restricted discretionary, discretionary or prohibited, is a non-complying activity.

### 5.6.19 Introduction of plants

Rule R236: Planting – permitted activity 

The introduction or planting of any plant species in the coastal marine area including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (d) the plant species shall not be identified in the *National Pest Plant Accord 2012* or in the *Greater Wellington Regional Pest Management Strategy 2002-2022*, and
- (e) the plant species planted shall be native species that naturally grow in the area planting occurs, and
- (f) there is no planting in sites identified in Schedule E4 (archaeological sites), and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

*Note*

The Wellington Regional Council will provide advice on its website and upon request regarding appropriate species to plant.

**Rule R237: Planting – discretionary activity**



The introduction or planting of any plant species in the coastal marine area including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants

that is not a permitted under Rule R236 or is not a prohibited activity under Rule R238, is a discretionary activity.

**Rule R238: Planting of pest species – prohibited activity**



The introduction or planting of a pest plant species identified in the *National Pest Plant Accord 2012* or in the *Greater Wellington Regional Pest Management Strategy 2002-2022* in the coastal marine area is a prohibited activity.