

5 Rules

The Panel has asked how robust the framework in the proposed Plan is for managing the risk to areas with natural character (NC), and Outstanding Natural features and Landscapes (ONL), what is permitted by the rules in the plan that might impact upon the values, what is controlled or restricted discretionary, and what matters of control / discretion are retained to enable the council to consider the effects on those values; and what scale of assessment would be required.

The following table identifies the relevant rules, and these are marked with a ‘Y’ where the rule contains an appropriate matter of control / discretion. Prohibited activities are also marked with a ‘Y’ as no consent can be applied for, therefore the risk of potential effects are fully controlled and considered to be nil. Activities marked with a ‘N’ mean there are no conditions or matters of control or discretion in the rule

The criteria in the RPS and the objectives and policies in the plan can be applied when activities require consent under all unrestricted discretionary activity, and non-complying activity rules. The Assessment of Environmental Effects (AEE) associated with any consent application only needs to include such detail as corresponds with the scale and significance of the effects that the activity may have on the environment (in accordance with Schedule 4 of the RMA).

The degree to which natural character is outstanding or modified occurs on a continuum. An assumption has been made that where there is an existing structure, that modification of that structure in accordance with the conditions in the permitted activity rules will not increase the potential effects on natural character. Equally an assumption has been made that alterations or modification of structures will not have potential adverse effects on the values associated with outstanding natural features and landscapes. For example; permitted activity Rule R70 has conditions that the cleanfill material is not located within 20m of a surface water body and the volume of cleanfill material deposited at a property shall not exceed 100m³; Rule R75 has conditions that the discharge is not located within 20m of a surface water body or the coastal marine area; and Rule R149 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.

Air quality is not included in the table below because potential effects on natural character or an outstanding natural feature or landscape from the discharge of a contaminant to air is assumed to be reversible.

The types of activities that are most likely to have adverse effects on natural character or outstanding natural landscapes include structures, seawalls, reclamations, earthworks, changes in water quality and quantity, diverting or damming water, and changes in the habitats and substrate of rivers, lakes and streams, and the removal of vegetation (these are marked in (**bold**)) in the table below.

The analysis below only considers whether the council has the scope to consider whether individual activities may have potential effects on natural character or

outstanding natural features and landscapes. There may be cumulative effects arising from multiple different activities provided for as permitted or controlled activities.

5 Proposed Natural Resources Plan - Rules contents	Rule number
5.1 Air quality	R1-R41
5.2 Discharges to water	R42-R68
5.3 Discharges to land	R69-R93
5.4 Land use	R94-R103
5.5 Wetlands and beds of lakes and rivers	R104-R135
5.6 Water allocation	R136-R148
5.7 Coastal management	R149-R219

Rules – Discharges to water		P	C	RD	D	NC	Pr
Water discharges							
Rule R42: Minor discharges		•					
Rule R43: Water to water		•					
Rule R44: Pool and spa pool water		•					
Rule R45: Potable water		•					
Rule R46: Dye or salt tracer		•					
Rule R47: Other dye or salt tracer			•				
Stormwater							
Rule R48: Stormwater from an individual property		•					
Rule R49: Stormwater to land		•					
Rule R50: Stormwater from a local authority network at plan notification			•				
Rule R51: Stormwater from a local authority network two years after public notification				•			
Rule R52: Stormwater from large sites				•			
Rule R53: All other stormwater					Y		
Contaminated land and hazardous substances							
Rule R54: Site investigation		•					
Rule R55: Discharges from contaminated land		•					
Rule R56: Discharges from contaminated land					Y		
Rule R57: Discharge of hazardous substances						Y	
Water races and pumped drainage schemes							
Rule R58: Water races					Y		
Rule R59: Existing pumped drainage schemes		•					
Rule R60: All other pumped drainage schemes					Y		

Rules – Discharges to water		P	C	RD	D	NC	Pr
Wastewater							
Rule R61: Existing wastewater					Y		
Rule R62: New wastewater to fresh water						Y	
Rule R63: Wastewater from ships and offshore installations		•					
Rule R64: Wastewater from ships and offshore installations						Y	
Biofoul cleaning							
Rule R65: In-water biofoul cleaning		•					
Rule R66: In-water biofoul cleaning					Y		
All other discharges							
Rule R67: Discharges inside sites of significance						Y	
Rule R68: All other discharges					Y		
Rules – Discharges to land		P	C	RD	D	NC	Pr
Discharge of contaminants							
Rule R69: Minor contaminants		•					
Rule R70: Cleanfill material		Y ¹					
Rule R71: Pit latrine		•					
Rule R72: Composting toilets		•					
Rule R73: Greywater		•					
Rule R74: Existing on-site wastewater systems		•					
Rule R75: New or upgraded on-site wastewater systems		•					
Rule R76: New or upgraded on-site wastewater systems within community drinking water supply protection areas			Y ²				
Biosolids							
Rule R77: Application of Aa biosolids to land		•					
Rule R78: Application of biosolids (Ab, Ba, or Bb) to land				Y ³			
Rule R79: Discharge of treated wastewater			•				
Rule R80: Discharge of treated wastewater				N			
Drinking water treatment plant waste							
Rule R81: Drinking water treatment plant supernatant waste			•				
Fertiliser and animal effluent							
Rule R82: Application of fertiliser from ground-based or aerial application		•					

¹ Rule R70 condition that cleanfill material is not located within 20m of a surface water body and the volume of cleanfill material deposited at a property shall not exceed 100m³

² Rule R75 condition that the discharge is not located within 20m of a surface water body or the coastal marine area

³ Rule R78 the matters of discretion include the set back distances from surface water bodies, coastal marine area, and water supply bores

Rules – Discharges to water		P	C	RD	D	NC	Pr
Rule R83: Discharge of collected animal effluent onto or into land			•				
Rule R84: Discharge of collected animal effluent to water						Y	
Rule R85: Application of compost to land		•					
Rule R86: Application of compost to land				Y ⁴			
Vertebrate toxic agents							
Rule R87: Land-based discharge of vertebrate toxic agents		•					
Rule R88: Aerial application of vertebrate toxic agents			•				
Refuse, silage and compost							
Rule R89: Farm refuse dumps		Y ⁵					
Rule R90: Manufacture and storage of silage and compost		•					
Rule R91: Offal pit		•					
Rule R92: All discharges to land within community drinking water supply protection areas				N ⁶			
All other discharges							
Rule R93: All other discharges to land					Y		
Rules – Land use		P	C	RD	D	NC	Pr
Cultivation and break-feeding							
Rule R94: Cultivation or tilling of land		Y ⁷					
Rule R95: Break-feeding		•					
Rule R96: Cultivation and break-feeding					Y		
Livestock exclusion							
Rule R97: Access to the beds of surface water bodies by livestock		•					
Rule R98: Livestock access to the beds of surface water bodies					Y		
Earthworks and vegetation clearance							
Rule R99: Earthworks		N ⁸					
Rule R100: Vegetation clearance on erosion prone land		N ⁹					
Rule R101: Earthworks and vegetation clearance					Y		
Plantation forestry							
Rule R102: Plantation forestry harvesting on erosion prone land		Y ¹⁰					

⁴ Matters of discretion include set-back distances from any surface water body, coastal marine area, or bore used for water abstraction for potable supply

⁵ Rule R89 has a condition that the farm refuse dump is not located within 50m of a surface water body, coastal marine area, g

⁶ Only matter of discretion is effects on community drinking water supply water quality

⁷ Rule R94 includes a condition that cultivation shall not occur within 5m of a surface water body

⁸ Rule R99 permits earthworks that are a contiguous area up to 3,000m² per property per 12 month period

⁹ Rule R100 permits vegetation clearance of a contiguous area up to 2ha per property per 12 month period on erosion prone land

Rules – Discharges to water		P	C	RD	D	NC	Pr
Rule R103: Plantation forestry harvesting			•				
Rules – Wetlands and beds of lakes and rivers		P	C	RD	D	NC	Pr
Wetlands general conditions							
Activities in wetlands							
Rule R104: Structures in natural wetlands and significant natural wetlands		N ¹¹					
Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands		Y ¹²					
Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands			Y ¹³				
Rule R107: Activities in natural wetlands and significant natural wetlands					Y		
Rule R108: Activities in natural wetlands and significant natural wetlands						Y	
Rule R109: Activities in outstanding natural wetlands					Y		
Rule R110: Activities in outstanding natural wetlands						Y	
Rule R111: Reclamation of outstanding natural wetlands							Y
Activities in beds of lakes and rivers							
Beds of lakes and rivers general conditions							
Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates)		Y ¹⁴					
Rule R113: Diversion of flood water by existing structures		Y ¹⁵					
Rule R114: River crossing structures		N ¹⁶					
Rule R115: Culverts		N ¹⁷					
Rule R116: Establishing a small dam and existing dams		N ¹⁸					
Rule R117: New structures		N ¹⁹					

¹⁰ Rule R102 permits plantation forestry harvesting on erosion prone land – an assumption is made that the effects on natural character were considered when the plantation forest was planted.

¹¹ Rule R104 applies to existing structures and permits maintenance, repair, addition, alteration, or replacement (like for like) of an existing structure, and also permits the placement of a new structure of an area less than 10m²

¹² Rule R105 permits planting of appropriate indigenous wetland species are deliberately introduced or planted; wetland general conditions 5.5.2 apply

¹³ Rule R106 is conditional on being carried out in accordance with an approved restoration management plan.

¹⁴ Rule R112 permits the upgrade of a structure that must be contained within the form of the existing structure

¹⁵ Rule R113 applies to existing structures and is conditional on the structure or stopbank causing the diversion shall not increase by more than 5% of the plan or cross-sectional area

¹⁶ Rule R114 permits placement of structures that dam a river where the total area of the structure in or on the bed of the river shall not exceed 20m²,

¹⁷ Rule R115 permits culverts subject to conditions, but allows diversion and culverts of up to 20m in length; multiple culverts must comply with standards as if they are single culverts

¹⁸ Rule R116 permits small dams and allows alterations to the course of a river, must not impound more than 20,000m³ of water

¹⁹ Rule R117 permits new structures of less than 10m²,

Rules – Discharges to water		P	C	RD	D	NC	Pr
Rule R118: Removing or demolishing structures		•					
Rule R119: Clearing flood debris and beach recontouring		Y ²⁰					
Rule R120: Minor sand and gravel extraction		Y ²¹					
Rule R121: Maintenance of drains		•					
Rule R122: Removing vegetation		N ²²					
Rule R123: Planting		N ²³					
Rule R124: Entry or passage over bed (excluding livestock access)		•					
Rule R125: Structures within a site identified in Schedule C (mana whenua)				N ²⁴			
Reclamation and placement of a dam							
Rule R126: Placement of a dam in an outstanding water body						Y	
Rule R127: Reclamation of the beds of rivers or lakes						Y	
Rule R128: Reclamation of the bed of an outstanding lake and associated diversion							Y
Rule R129: All other activities in river and lake beds					Y		
Damming and diverting water							
Rule R130: Diversion of groundwater		Y ²⁵					
Rule R131: Damming or diverting water within or from rivers					Y		
Rule R132: Damming or diverting water within or from rivers						Y	
Rule R133: Damming or diverting water within or from natural lakes					Y		
Rule R134: Damming or diverting water within or from natural lakes, Lake Kohangatera or Lake Kohangapiripiri						Y	
Rule R135: General rule for taking, use, damming and diverting water					Y		
Rules – Water allocation		P	C	RD	D	NC	Pr
Take and use of water							
Rule R136: Take and use of water		•					
Rule R137: Farm dairy washdown and milk-cooling water		•					

²⁰ Rule R119 does not permit the removal of any sand, shingle, rock, gravel or other natural material from the bed, other than what is permitted in Rule R120 (which permits the extraction of material up to 50m² in a 12 month period)

²¹ Rule R120 (which permits the extraction of material up to 50m² in a 12 month period)

²² Rule R122 permits the mechanical clearance of aquatic vegetation from a river

²³ Rule R123 permits planting (except specified species) and only requires native plants shall be used in a site identified in Schedule A (outstanding water bodies), Schedule C (mana whenua) and Schedule F (indigenous biodiversity)

²⁴ Rule only applies to activity in a site in Schedule C

²⁵ Rule R130 only allows diversion of ground water where there is no lowering of water levels in any river, lake, or natural wetland

Rules – Discharges to water		P	C	RD	D	NC	Pr
Rule R138: Water races		Y ²⁶					
Rule R139: Pumping test		•					
Rule R140: Dewatering		Y ²⁷					
Rule R141: Take and use of water			•				
Rule R142: All other take and use					Y		
Transferring water permits							
Rule R143: Temporary water permit transfers			•				
Rule R144: Transferring water permits				N			
Rule R145: Transferring water permits					Y		
Bore construction or alteration							
Rule R146: Geotechnical investigation bores		•					
Rule R147: Drilling, construction or alteration of any bore			•				
Rule R148: Drilling, construction or alteration of any bore					Y		
Rules – Coastal management (CM)		P	C	RD	D	NC	Pr
Coastal management general conditions							
Maintenance, repair, additions and alterations to existing structures							
Rule R149: Maintenance or repair of structures		Y ²⁸					
Rule R150: Minor additions or alterations to structures		N ²⁹					
Rule R151: Additions or alterations to structures			Y ³⁰				
Removal or demolition of structures							
Rule R152: Removal or demolition of a structure or part of a structure		•					
Rule R153: Removal or demolition of a structure or part of a structure				•			
New and replacement structures (including temporary structures)							
Rule R154: New temporary structures outside sites of significance		Y ³¹					
Rule R155: New temporary structures				N ³²			

²⁶ Rule R138 applies to taking water from existing water races

²⁷ Rule 140 permits dewatering provided that the take does not deplete water in a water body

²⁸ Rule R149 has a condition that 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

²⁹ Rule R150 permits additions or alterations provided these add no more than 5m in horizontal projection and 1m in vertical projection to the structure, and they are no seawalls or located in the commercial port

³⁰ Applies to both Schedule J (geological features and Schedule K (significant surf breaks): Matters of control include effects on a site identified in Schedules J and K

³¹ Permitted provided does not occur within a site in Schedule J (geological features)

Rules – Discharges to water		P	C	RD	D	NC	Pr
Rule R156: New or replacement navigation aids		•					
Rule R157: New or replacement structures for special purposes			Y ³³				
Rule R158: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes					Y		
Rule R159: Structures in airport height restriction areas or navigation protection areas							Y
Rule R160: Structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone					Y		
Rule R161: New structures, additions or alterations to structures outside sites of significance					Y		
Rule R162: New structures, additions or alterations to structures inside sites of significance						Y	
Rule R163: Replacement of structures or parts of structures		Y ³⁴					
Rule R164: Replacement of structures				Y ³⁵			
Seawalls							
Rule R165: Additions or alterations to existing seawalls			Y ³⁶				
Rule R166: Seawalls outside sites of significance					Y		
Rule R167: Seawalls inside sites of significance						Y	
Heritage structures							
Rule R168: Alteration to structures identified in Schedule E2 or Schedule E3		•					
Rule R169: Additions or alterations to structures identified in Schedule E1 or Schedule E2				N ³⁷			
Rule R170: Additions to structures identified in Schedule E3		•					
Rule R171: Additions or alterations to structures identified in Schedule E1, Schedule E2 or Schedule E3					Y		
Rule R172: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3					Y		

³² Rule R155 The effects on coastal natural processes is a matter of discretion; no matters of discretion dealing with natural character or outstanding natural features and landscapes

³³ Does not apply to Schedule J (geological features): Condition (g) Activity is not within a site identified in Schedule J (geological features) Applied to Schedule K (significant surf breaks): Matters of control include effects on a site identified in Schedule K

³⁴ Rule R163 permits structures provided they are not a site in Schedule J (geological features) and the replacement structure maintains the form of the original structure and there is no increase in the length, width or height

³⁵ Rule R164 includes effects on a site in Schedule J (geological features) as a matter of discretion

³⁶ Applies to both Schedule J (geological features) and Schedule K (significant surf breaks): Matters of control include effects on a site identified in Schedules J and K

³⁷ Matters of discretion do include effects on public open space and visual amenity and effects on coastal natural processes, but not natural character or outstanding natural features and landscapes

Rules – Discharges to water		P	C	RD	D	NC	Pr
Structures in the Commercial Port Area							
Rule R173: Additions or alterations to structures inside the Commercial Port Area		N ³⁸					
Rule R174: Additions or alterations to structures inside the Commercial Port Area			N ³⁹				
Rule R175: New structures associated with passenger and cargo handling inside the Commercial Port Area		N ⁴⁰					
Boatsheds and swing moorings							
Rule R176: Use of boatsheds		•					
Rule R177: Change of use of boatsheds						Y	
Rule R178: New boatsheds inside Boatshed Management Areas					Y		
Rule R179: New boatsheds outside Boatshed Management Areas						Y	
Rule R180: New swing moorings inside Mooring Areas		•					
Rule R181: New swing moorings outside Mooring Areas						Y	
Occupation							
Rule R182: Occupation of space by a structure owned by a network utility operator		•					
Rule R183: Renewal of existing resource consents for occupation of space by structures			N				
Rule R184: Occupation of space					Y		
Surface water and foreshore activities							
Rule R185: General surface water and foreshore activities		N ⁴¹					
Rule R186: General surface water and foreshore activities				Y ⁴²			
Rule R187: General surface water and foreshore activities					Y		
General disturbance activities							
Rule R188: Minor disturbances		Y ⁴³					
Rule R189: Clearance of stormwater pipes		•					
Rule R190: Launching, retrieving or temporary mooring of vessels		•					

³⁸ Rule R173 permits additions and alterations that add no more than 30m horizontal projection and 10m vertical projection to the structure

³⁹ Rule R174 is conditional on the addition and alteration being no more than 50m horizontal projection and 20m vertical projection to the structure

⁴⁰ Rule R175 permits structures up to a height of 27m

⁴¹ Rule R185 permits the surface water and foreshore activities provided the area of occupation is less than 1ha

⁴² Applies to both Schedule J (geological features and Schedule K (significant surf breaks: Matters of discretion include effects on a site identified in Schedules J and K

⁴³ Permitted provided not within a site in Schedule J

Rules – Discharges to water		P	C	RD	D	NC	Pr
Rule R191: Disturbance associated with beach grooming		N ⁴⁴					
Rule R192: Beach recontouring for coastal restoration purposes			Y ⁴⁵				
Rule R193: River and stream mouth cutting		N ⁴⁶					
Rule R194: Disturbance or damage					Y		
Rule R195: Disturbance or damage inside sites of significance						Y	
Motor vehicles on the foreshore							
Rule R196: Motor vehicles		Y ⁴⁷					
Rule R197: Motor vehicles for certain purposes		N ⁴⁸					
Rule R198: Motor vehicles inside sites of significance						Y	
Rule R199: Motor vehicles in the fossil forest at Titahi Bay							Y
Dredging							
Rule R200: Dredging for flood protection purposes or erosion mitigation			Y ⁴⁹				
Rule R201: Dredging for flood protection purposes or erosion mitigation inside sites of significance					Y		
Rule R202: Maintenance dredging outside a Commercial Port Area or navigation protection areas			Y ⁵⁰				
Rule R203: Dredging inside a Commercial Port Area or navigation protection areas					Y		
All other destruction, damage or disturbance							
Rule R204: Destruction, damage or disturbance outside sites of significance					Y		
Rule R205: Destruction, damage or disturbance inside sites of significance						Y	
Deposition							
Rule R206: Re-deposition of wind-blown sand		•					
Rule R207: Deposition for beach renourishment			Y ⁵¹				

⁴⁴ Rule R191 permits beach grooming and removal of marine materials except in the Titahi Bay fossil forest shown on Map 35.

⁴⁵ Applies to both Schedule J (geological features) and Schedule K (significant surf breaks): Matters of control include effects on a site identified in Schedules J and K

⁴⁶ Rule R193 specifies sites and it is assumed that river and stream mouth cuttings have occurred previously; the activity is conditional on the activity being undertaken only when the trigger level defined in Schedule U (

⁴⁷ Permitted provided not within a site in Schedule J

⁴⁸ Rule R197 permits disturbance by emergency vehicles and for RSI maintenance and upgrade

⁴⁹ Does not apply to Schedule J (geological features): Condition (f) Activity is not within a site identified in Schedule J (geological features)

Applies to Schedule K (significant surf breaks): Matters of control include effects on a site identified in Schedules J and K

⁵⁰ Applies to both Schedule J (geological features) and Schedule K (significant surf breaks): Matters of control include effects on a site identified in Schedules J and K

⁵¹ Applies to both Schedule J (geological features) and Schedule K (significant surf breaks): Matters of control include effects on a site identified in Schedules J and K

Rules – Discharges to water		P	C	RD	D	NC	Pr
Rule R208: Deposition outside sites of significance					Y		
Rule R209: Deposition inside sites of significance						Y	
Dumping of waste or other matter							
Rule R210: Dumping of waste or other matter outside sites of significance					Y		
Rule R211: Dumping or storage of waste or other matter					Y		
Rule R212: Dumping of waste or other matter inside sites of significance						Y	
Rule R213: Incineration of waste							Y
Reclamation and drainage							
Rule R214: Reclamation and drainage for regionally significant infrastructure outside of sites of significance					Y		
Rule R215: Reclamation and drainage						Y	
Destruction							
Rule R216: Destruction						Y	
Introduction of plants							
Rule R217: Planting		•					
Rule R218: Planting					Y		
Rule R219: Planting of pest species							Y

Conclusion

The above table does not assess the likelihood of potential or cumulative effects on natural character or on outstanding natural features and landscapes. The table identifies whether the rules provide the council with an ability to consider the matter.

The objectives and policies that apply to the management of natural character, and to outstanding natural features and landscapes provide guidance to decision makers when the rules for discretionary or non-complying activities are triggered by a development proposal, or when a restricted discretionary or controlled activity contains relevant matters of control / discretion. The rules are assessed as notified. The submissions on the rules are dealt with in other RMA section 42A reports.

The table is intended to assist with identifying the degree of risk associated with acting, or not acting to include specific objectives and policies that apply to the management of natural character to outstanding natural features and landscapes.

The ‘dots’ in the table identify those rules where the scale of the activity is such that the effects are assumed to be minor, and where there are no conditions, or specific matters of control / matters of discretion or conditions in the rule that apply to potential effects on natural character or on outstanding natural features and landscapes.