



PART E – Introduction to Coastal Environment Rules

.1 Rule interpretation

Introduction

This chapter provides some information on how to interpret regional rules under the RMA. However, the HBRC can provide more detailed information on interpreting regional rules and consent application processes. HBRC staff should be contacted by anyone who is in doubt about understanding the rules in this Plan or the resource consent process.

Chapter 27 of this Plan contains rules which allow, regulate, or prohibit resource use activities. This Users' Guide (Chapter 26) has been prepared to assist readers to locate and understand rules of interest. It provides the following:

- (a) an explanation of the classification of activities under the RMA and
- (b) a guide to understanding how the rules are set out in the tables.

In addition, Schedule C provides a guide to interpreting the terms 'noxious', 'dangerous', 'offensive' and 'objectionable', which are used in several rules, especially those regulating the discharge of contaminants into air.

.2 Rule classifications

If an activity is classified in a rule as:

- (a) **Permitted**, it can be carried out without a resource consent provided the conditions in the rule are met and continue to be met.
- (b) **Controlled**, a resource consent is required, but HBRC must grant the consent (unless it has insufficient information to determine whether or not the activity is a controlled activity). HBRC may impose conditions on the consent relating to matters specified in the rule over which control is reserved and the activity must comply with the standards and terms in the rule. HBRC reserves its control over the following matters in addition to any matters specified in the rule tables:
 - (i) financial contributions in the form of money or land or a combination of these
 - (ii) bonds or covenants or both, to ensure performance of, or compliance with, any conditions imposed
 - (iii) works or services to ensure the protection, restoration, or enhancement of any natural or physical resource, including (but not limited to) planting or replanting, earthworks, or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects
 - (iv) administrative charges to be paid to HBRC in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the HBRC's functions under s35 of the RMA
 - (v) requirements for a consent holder to supply HBRC with information relating to the exercise of the consent
 - (vi) requirements for a consent holder to record measurements, take samples, carry out analyses, surveys, investigations, inspections or other specified tests
 - (vii) requirements for a consent holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of a discharge of contaminants
 - (viii) the duration of a resource consent, under s123 of the RMA
 - (ix) the lapsing of a resource consent, under s125 of the RMA
 - (x) provision for the review of some or all of the conditions at some time in the future, under s128 of the RMA.

NOTE: When considering resource consent applications and setting consent conditions, HBRC will have regard to relevant objectives and policies in the Regional Policy Statement parts of the Hawke's Bay Regional Resource Management Plan (particularly Chapter 3.2 and Schedule I); and the relevant objectives and policies elsewhere in this Plan.

- (c) **Restricted discretionary**, a resource consent is required, and HBRC will decide whether or not to grant the consent. However, HBRC's powers to decline consent and to impose conditions are restricted to exercising its discretion over the list of matters specified in the rule and the following matters:
 - (i) financial contributions in the form of money or land or a combination of these
 - (ii) bonds or covenants or both, to ensure performance of, or compliance with, any conditions imposed
 - (iii) works or services to ensure the protection, restoration, or enhancement of any natural or physical resource, including (but not limited to) planting or replanting, earthworks, or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects
 - (iv) administrative charges to be paid to HBRC in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the HBRC's functions under s35 of the RMA
 - (v) requirements for a consent holder to supply HBRC with information relating to the exercise of the consent
 - (vi) requirements for a consent holder to record measurements, take samples, carry out analyses, surveys, investigations, inspections or other specified tests



- (vii) requirements for a consent holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of a discharge of contaminants
- (viii) the duration of a resource consent, under s123 of the RMA
- (ix) the lapsing of a resource consent, under s125 of the RMA
- (x) provision for the review of some or all of the conditions at some time in the future, under s128 of the RMA.

NOTE: When considering resource consent applications and setting consent conditions, HBRC will have regard to relevant objectives and policies in the Regional Policy Statement parts of the Hawke's Bay Regional Resource Management Plan (particularly Chapter 3.2 and Schedule 1); and the relevant objectives and policies elsewhere in this Plan.

- (d) **Discretionary**, a resource consent is required, and the HBRC will decide whether or not to grant the consent. Whether or not the Council grants consent will depend upon the effects of the activity and how consistent the proposed activity is with provisions of the RMA and the objectives and policies set in this Plan.

NOTE: When considering resource consent applications and setting consent conditions, HBRC will have regard to relevant objectives and policies in the Regional Policy Statement parts of the Hawke's Bay Regional Resource Management Plan (particularly Chapter 3.2 and Schedule 1); and the relevant objectives and policies elsewhere in this Plan.

- (e) **Non-complying**, a resource consent is required, and can only be granted if the adverse effects on the environment will be minor, or the activity is not contrary to the objectives and policies of this Plan;

NOTE: When considering resource consent applications and setting consent conditions, HBRC will have regard to relevant objectives and policies in the Regional Policy Statement parts of the Hawke's Bay Regional Resource Management Plan (particularly Chapter 3.2 and Schedule 1); and the relevant objectives and policies elsewhere in this Plan.

- (f) **Prohibited**, the activity is not allowed under any circumstances, subject to s77C of the RMA.

- (g) **Restricted coastal activity**, a resource consent is required. Applications will be publicly notified. The Minister of Conservation is the consent authority who will decide whether or not to grant the consent. However, HBRC holds a hearing and makes a recommendation to the Minister. That recommendation is appealable to the Environment Court which then makes its own (non binding) recommendation to the Minister.

Figure -1 provides an overview of how the activity classifications work.

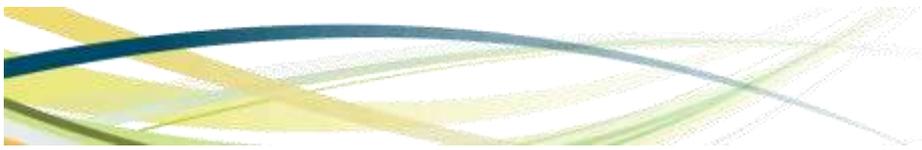
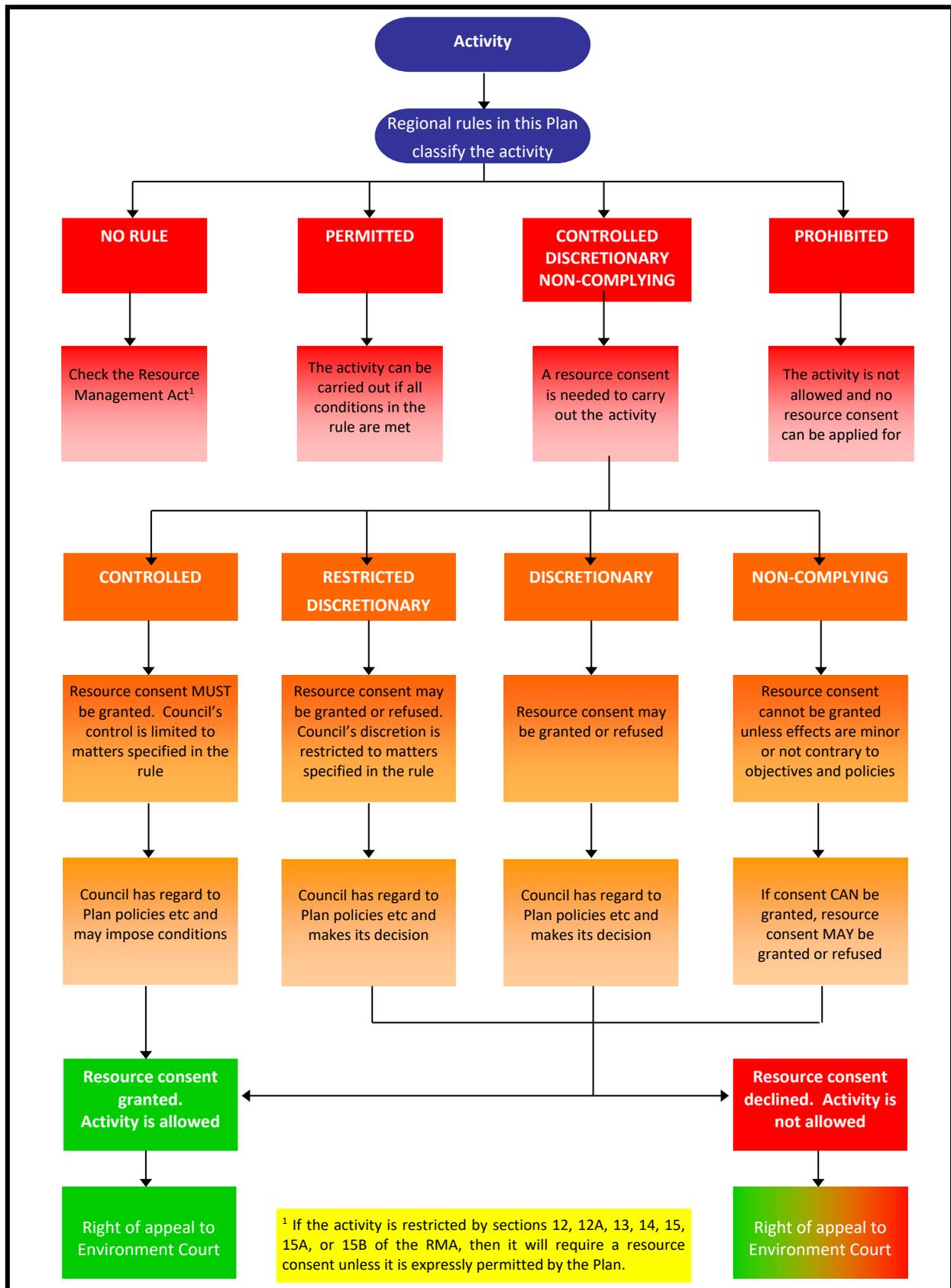


Figure -1: Overview of how the activity classifications work.





.3 Guide to rule tables

The rules in this Plan are arranged in tables. Within each of the rule tables there are six columns headed as follows:

Rule

This column contains the rule number together with a brief title for the rule.

Activity

The activity column describes the activity to be undertaken. For the activity to be considered under this rule it must be consistent with the description contained in this column, and meet any criteria contained in the conditions/standards/terms column.

Classification

This column contains the classification of the activity, i.e. permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. Activity classifications are explained in earlier in this Chapter.

Conditions / Standards / Terms

This column contains conditions for permitted activities, and standards and terms for controlled and restricted discretionary activities. (Note that standards and terms must be stated for controlled activities, but may or may not be stated for restricted discretionary activities.) The conditions, standards and terms are requirements that must be met for the activity to be in the activity class concerned. If the conditions are not met, the rule will not apply and another rule will apply in its place. If consent is granted, the standards or terms will be incorporated into conditions of consent. Failure to comply with conditions on a permitted activity will mean that the activity is no longer permitted, and would thus require a resource consent. This would also amount to a breach of the rule and may be subject to enforcement action.

Matters for Control / Discretion

This column is relevant only for controlled activities and restricted discretionary activities. For controlled activities, this column contains the matters over which HBRC has reserved its control. For restricted discretionary activities, it contains the matters to which HBRC has restricted the exercise of its discretion (also refer to earlier parts of this Chapter). When this column is blank, it means that the activity is classified as a permitted, discretionary, non-complying or prohibited activity.

Notification Requirements

This column is also only relevant for controlled or restricted discretionary activities. For these activity classifications, the HBRC may state whether a consent application for the activity could be considered without notification, and/or without the need to obtain the written approval of affected persons and/or whether notice of the application needs to be served on people affected by the application.

It is important to note that a consent application for a discretionary or non-complying activity may also be considered without public notification if the consent authority is satisfied that the adverse effects of the activity on the environment will be minor, and written approval has been obtained from every affected person. An affected person is a person who is affected in a manner different from the public generally (an interested party or interest group is not necessarily an affected person).

Footnotes

Footnotes are used in the rule tables to express important information on the implementation of rules and/or conditions, and also to provide advisory notes to Plan users.

.4 Regional Coastal Environment Rules

Table 26-1 provides a summary of the rules for easy reference.

It is important to note that a 'permitted activity' as described in the summary in Table 26-1 may be undertaken without a resource consent only if the activity fits the description and complies with all the relevant conditions/standards/terms. The policies referred to in Table 26-1 is only a selection of the more relevant policies in this Plan – it is not a comprehensive list of all policies that relate to a particular rule or activity.

The rules are to be read subject to the following:

- (a) Rules in Chapters 27.1 – 27.4 only apply within the Coastal Margin (ie: not within the coastal marine area). Chapters 27.5 and 27.6 contain rules that apply throughout the region's coastal environment (ie: both within and outside the coastal marine area). The rules in Chapters 27.7 – 27.16 apply to activities and effects in the coastal marine area. The coastal environment is described in Chapter 1 and the landward boundary of the coastal environment is identified on the planning maps. The coastal marine area is also described in Chapter 1 of this Plan.
- (b) Some rules only apply within parts of the coastal environment or parts of the coastal marine area. This is generally indicated in the heading with reference made to the management area(s) to which that rule applies.
- (c) Where an activity is classified as a prohibited activity in the rules of this Plan, it shall be read as an activity for which no resource consent shall be granted (subject to s77B and s77C of the RMA).



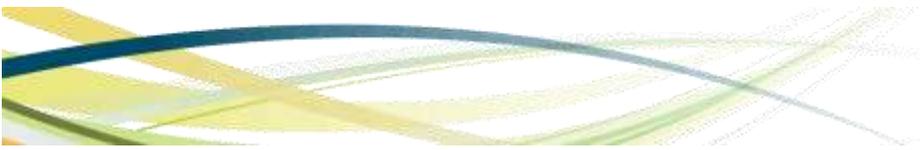
- (d) Where a resource consent is required from the HBRC for an activity and there is no relevant rule in this Plan or this Plan does not classify the activity as controlled, restricted discretionary, discretionary or non-complying, the activity will be treated as a discretionary activity in accordance with s77C of the RMA).
- (e) Where a rule refers to occupation of space in the coastal marine area, the rule only applies in relation to land of the Crown in the coastal marine area or land in the coastal marine area vested in the HBRC, (NOTE, 'land' under the RMA also includes the water column and air space above the land).
- (f) Where an activity may fit within two or more rules, HBRC will generally apply the rule which in its opinion best fits the activity. Where a proposal requires multiple resource consents from HBRC, the proposal will generally be considered as a whole and usually the most restrictive activity classification applying to any component activity will apply to the overall activity.

.5 Application Of Resource Management Regulations & National Environmental Standards

- .5.1 National environmental standards (NESs) provide a consistent approach to decision-making processes throughout the whole country or within a specific area. NESs are prepared by central government and can prescribe technical and non-technical standards, methods (including rules) or other requirements for a range of environmental matters. In some circumstances, rules in regional plans can be more lenient or stringent than NES rules. The circumstances when this is allowed will be identified in each NES. A standard in a NES will prevail over a rule in a plan unless a clause in that NES authorises a rule to be more lenient or stringent. If an activity does not comply with a NES, it requires a resource consent. NESs are enforced by local authorities.
- .5.2 From time to time, Regulations can also be introduced under the RMA. These are another form of central government direction that can apply throughout the whole country or within a specific area. Regulations made under section 360 of the RMA generally deal with matters of detail or implementation, matters of a technical nature, or matters likely to require frequent alterations or updating. Like NESs, Regulations under the RMA are also typically administered and enforced by local authorities.

TABLE .1A: Summary of National Environmental Standards under RMA

National Environmental Standard	Details on rules being more lenient or stringent than the NES
Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ) In force from 8 October 2004	A rule in this plan prevails over a standard in the NES-AQ if it is more stringent than a standard.
Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-DWS) In force from 20 June 2008	A rule in this plan prevails over a standard in the NES-DWS if it is more stringent than a standard.
Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ETA) In force from 14 January 2010	No rules in this plan prevail over a standard in the NES-ETA.
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) In force from 1 January 2012	The NES-CS does not deal with regional councils' RMA functions.
Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 (NES-TF) In force from 1 January 2017, replacing the NES-TF 2008	A rule in this plan prevails over a standard in the NES-TF if it is more stringent than a standard in limited circumstances or where the standard refers to compliance within any applicable regional rules for an activity (.e.g. earthworks). The NES-TF does not apply to anything done in the CMA or in, on, under, or over the bed of a river or lake. However, the NES-TF does apply to anything done over a river or lake. Refer to rules in Chapters 6.3.3 and 6.8.
Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF) In force from 1 May 2018	A rule in this plan prevails over a standard in the NES-PF if it is more stringent than a standard in limited circumstances.



<p>Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) In force from 3 September 2020</p>	<p>A rule in this plan prevails over a standard in the NES-F if it is more stringent than a standard.</p>
<p>Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES-MA) In force from 1 December 2020</p>	<p>The NES-MA expressly states where a rule in a plan may be more lenient than the NES-MA (see Regulation 23 & 43). The NES-MA enables more stringent rules in plans for applications for replacement coastal permits for existing marine farms in areas identified as inappropriate for existing aquaculture activities (see Regulation 13).</p>
<p>Resource Management (National Environmental Standards for Outdoor Tyre Storage) Regulations 2021 (NES-OTS) In force from 20 August 2021</p>	<p>A rule in this plan prevails over a standard in the NES-OTS if it is more stringent than a standard.</p>



26.6

Table 1-1: Summary of regional coastal environment rules.

Chapter Rule #	RULE TITLE	CLASSIFICATION	RELATED POLICIES ⁷	Pg
27.1	USE AND DEVELOPMENT OF LAND IN COASTAL MARGIN			86
Rule 1	Decommissioning of bores	Permitted	11.1	86
Rule 2	Bore drilling and use	Controlled	11.1	86
Rule 3	Bore drilling that does not comply with Rule 2	Rest. Discretionary	11.1	87
Rule 4	Unwanted or leaking bores	Non-Complying	11.1	87
Rule 5	Feedlots and feedpads	Controlled	9.1	87
Rule 6	Feedlots and feedpads that do not comply with Rule 5	Rest. Discretionary	9.1	88
Rule 7	Vegetation clearance and soil disturbance	Permitted	8.1; 9.1	89
Rule 8	Vegetation clearance and soil disturbance that do not comply with Rule 7	Rest. Discretionary	8.1; 9.1	90
27.2	DISCHARGES TO AIR / LAND / WATER IN COASTAL MARGIN			91
Rule 9	Discharges of contaminants not regulated by, or not complying with, other rules	Discretionary	8.1; 9.1; 11.1; 16.1	91
Rule 10	Burial of dead fish, marine mammals and other dead animals	Permitted	17.1	91
Rule 11	Small-scale application of agrichemicals	Permitted	14.1	91
Rule 12	Widespread application of agrichemicals	Permitted	14.1	92
Rule 13	Stock feed on production land	Permitted	9.1; 11.1; 14.1	95
Rule 14	Use of fertiliser, compost, biosolids, and other soil conditioners	Permitted	9.1; 11.1; 14.1	95
Rule 15	Storage of fertiliser, compost and biosolids	Permitted	9.1; 11.1; 14.1	96
Rule 16	Management of solid waste on production land	Permitted	8.1; 9.1; 11.1	97
Rule 17	Discharge of contaminants to surface water	Permitted	9.1	98
Rule 18	Discharge of solid contaminants (incl cleanfill) to land that will not enter water	Permitted	8.1	100
Rule 19	Discharge of contaminants to land that may enter water	Permitted	9.1; 11.1	101
Rule 20	Discharge of animal effluent	Controlled	8.1; 9.1; 11.1; 13.1	102
Rule 21	Discharge of animal effluent in sensitive catchments and SMAs	Discretionary	8.1; 9.1; 11.1	103
	Water and Drainage Water			
Rule 22	Discharge of water to water	Permitted	9.1; 10.1; 13.1	103
Rule 23	Discharge of drainage water to water (gravity flow systems)	Permitted	9.1; 10.1; 13.1	104
Rule 24	Discharge of drainage water to water (pumped systems)	Controlled	9.1; 10.1; 13.1	104
	Stormwater			
Rule 25	Small-scale diversion and discharge of stormwater	Permitted	9.1; 10.1; 13.1; 16.1	105
Rule 26	Large-scale diversion and discharge of stormwater	Controlled	9.1; 10.1; 13.1; 16.1	105
	Wastewater			
Rule 27	Existing wastewater systems	Permitted	9.1; 11.1; 16.1	106
Rule 28	New wastewater systems	Permitted	9.1; 11.1; 16.1	107
Rule 29	Existing high discharge volume wastewater systems	Rest. Discretionary	9.1; 11.1; 16.1	110
Rule 30	Discharge of septage	Discretionary	8.1; 9.1; 11.1; 16.1	110
	Landfills, Transfer Stations Waste Oil and Bore Drilling Fluids			
Rule 31	Discharge of bore drilling fluids to land or water	Permitted	9.1; 11.1; 16.1	110
Rule 32	Discharges from closed landfills	Controlled	9.1; 11.1; 16.1	111
Rule 33	Discharges from operating landfills and transfer stations	Discretionary	9.1; 11.1; 16.1	111
Rule 34	Discharge of waste oil	Non-Complying	9.1; 11.1; 16.1	111
27.3	TAKE, DIVERSION, AND TRANSFER OF WATER IN COASTAL MARGIN			112
	Take and Use of Water			
Rule 35	Taking and use of surface water and groundwater not regulated by, or not complying with, other rules	Discretionary	9.1; 10.1; 11.1; 12.1	112
Rule 36	Minor takes and uses of groundwater	Permitted	11.1; 12.1	112
Rule 37	Aquifer testing	Permitted	11.1; 12.1	112
Rule 38	Minor takes and uses of surface water	Permitted	9.1; 10.1	112



Chapter Rule #	RULE TITLE	CLASSIFICATION	RELATED POLICIES ⁸	Pg
	Diversion of Water			
Rule 39	Diversions not regulated by, or not complying with, other rules	Discretionary	13.1	113
Rule 40	Minor diversions of water	Permitted	13.1	113
Rule 41	Lawfully established diversions of water	Permitted	13.1	114
Rule 42	Diversion and discharge of water in artificial watercourses	Permitted	13.1	114
	Transfer of Water Permits			
Rule 43	Transfer of consents to take and use surface water from a lake	Permitted	9.1; 10.1; 13.1	115
Rule 44	Transfer of consents to take and use surface water from a river	Controlled	9.1; 10.1; 13.1	115
Rule 45	Transfer of consents to take and use groundwater	Controlled	11.1; 12.1; 13.1	115
27.4	RIVERS AND LAKE BEDS IN COASTAL MARGIN			116
Rule 46	River & lake bed activities not regulated by, or not complying with, other rules	Discretionary	9.1; 13.1	116
Rule 47	Disturbance of river and lake beds not regulated by other rules	Permitted	9.1; 13.1	116
Rule 48	Use of structures on river or lake bed	Permitted	13.1	117
Rule 49	Maintenance of structures on river or lake bed	Permitted	13.1	117
Rule 50	Installation, replacement & upgrading of network utility structures on river or lake bed	Permitted	13.1	118
Rule 51	Removal and demolition of structures on river or lake bed	Permitted	13.1	119
Rule 52	Erection, construction or placement of dams, weirs and other barrier structures in rivers, lakes and artificial watercourses	Permitted	13.1	120
Rule 53	Erection and placement of other structures, including bridges, culverts and other access structures	Permitted	13.1	122
Rule 54	River control and drainage works and structures	Permitted	13.1	123
Rule 55	Small-scale river bed gravel extraction	Permitted	13.1	124
Rule 56	Planting of plants in rivers/lakes	Permitted	13.1	124
Rule 57	Disturbance of river and lake beds by livestock	Permitted	9.1; 13.1	124
Rule 58	Disturbance of river and lake beds not complying with Rule 57	Discretionary	9.1; 13.1	125
Rule 59	Livestock in upper Ahuriri Estuary Stock Management Area	Prohibited	9.1; 13.1; 17.1	125
Rule 60	Existing damming of water in rivers and lakes	Controlled	10.1; 13.1	125
Rule 61	Large-scale river bed gravel extraction	Rest. Discretionary	9.1; 13.1	125
Rule 62	Activities affecting river control and drainage schemes	Discretionary	13.1	126
27.5	DISCHARGES TO AIR			128
	Discharges to Air - Burning, Combustion and Incineration			
Rule 63	Discharges of contaminants to air that do not comply with other rules	Rest. Discretionary	9.1; 11.1; 14.1; 16.1	128
Rule 64	Discharges of contaminants to air not regulated by other rules (Industrial and Trade premises)	Discretionary	9.1; 11.1; 14.1; 16.1	129
Rule 65	Burning of specified fuels from fixed sources	Permitted	14.1	130
Rule 66	Burning of specified fuels from fixed sources	Controlled	14.1	131
Rule 67	Discharges to air from small-scale solid fuel burners in Hastings Airshed	Permitted	14.1	132
Rule 68	Discharges to air from small-scale solid fuel burners in Napier Airshed	Permitted	14.1	133
Rule 69	Discharges to air from any small-scale solid fuel burner or open fire in a registered Historic Building – Napier & Hastings Airsheds	Permitted	14.1	133
Rule 70	Discharges to air for specified purposes	Permitted	14.1	134
Rule 71	Discharges to air at Port of Napier for biosecurity purposes (including dunnage disposal)	Controlled	14.1	135
Rule 72	Burning of waste not within CMA	Permitted	14.1	136
Rule 73	Burning of vegetative matter, paper, cardboard and untreated wood, and fuel burnt in any frost protection heater	Permitted	14.1	137
Rule 74	Outdoor burning during certain times of year	Non-Complying	14.1	137
Rule 75	Burning of specified waste in the open and in small-scale fuel burners	Prohibited	14.1	137

⁷ This is not intended as an exhaustive listing of all policies relating to any particular rule.

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Chapter	RULE TITLE	CLASSIFICATION	RELATED POLICIES ⁹	Pg
Rule 76	Discharges to air from open fires in Napier/Hastings Airshed	Prohibited	14.1	138
Rule 77	Discharges to air from small-scale solid fuel burners in Napier Airshed	Prohibited	14.1	138
Rule 78	Discharges to air from small-scale solid fuel burners at property ownership transfer in Napier Airshed	Prohibited	14.1	139
	Discharges to Air – Other Activities			
Rule 79	Flaring of hydrocarbons from petroleum exploration or mining in CMA	Controlled	14.1	139
Rule 80	Moveable aggregate crushing and screening plants	Permitted	14.1	139
Rule 81	Minor discharges to air from industrial and trade premises	Permitted	14.1	140
Rule 82	Management of waste and other matter, excluding industrial and trade premises	Permitted	14.1	141
Rule 83	Wet abrasive blasting	Permitted	14.1	141
Rule 84	Dry abrasive blasting – fixed source	Permitted	14.1	142
Rule 85	Dry abrasive blasting – moveable source	Discretionary	14.1	142
Rule 86	Miscellaneous discharges to air from industrial and trade premises	Discretionary	14.1	142
Rule 87	Moveable asphalt plants	Discretionary	14.1	144
Rule 88	Moveable road burners	Non-Complying	14.1	144
27.6	COASTAL HAZARDS			145
	Land Use Activities in Coastal Hazard Zones			
Rule 89	Minor land uses in CHZ1, CHZ2 and CHZ3	Permitted	15.1	145
Rule 90	Land use activities in CHZ1, CHZ2, and CHZ3 not complying with conditions	Rest. Discretionary	15.1	146
Rule 91	Non-reticulated wastewater systems in CHZ3	Permitted	15.1	146
Rule 92	Temporary activities in any CHZ	Permitted	15.1	147
Rule 93	Coastal enhancement projects in CHZ1 or CHZ2	Permitted	15.1	147
Rule 94	Network utility structures in CHZ3	Permitted	15.1	147
Rule 95	Building work in CHZ2	Rest. Discretionary	15.1	147
Rule 96	Small-scale additions and alterations projecting seaward of existing building in CHZ1	Rest. Discretionary	15.1	148
Rule 97	New network utility operation structures in CHZ1 or CHZ2 not within a road reserve	Rest. Discretionary	15.1	149
Rule 98	Maintenance and repair of coastal protection structures	Rest. Discretionary	15.1	150
Rule 99	Upgrading of lawfully established local authority stormwater and coastal water structures in CHZ1 or CHZ2	Controlled	15.1	150
Rule 100	Coastal protection structures	Non-Complying	15.1	151
Rule 101	Replacement of structures in CHZ1 or CHZ2 damaged by action of sea	Non-Complying	15.1	151
Rule 102	Building work in CHZ1	Non-Complying	15.1	152
	Deposition and Removal of Material			
Rule 103	Deposition of sediment for Westshore Beach Renourishment Scheme	Controlled	15.1	152
Rule 104	Deposition of sediment in CHZ1	Rest. Discretionary	15.1	153
Rule 105	Removal of gravel and other earthworks within the Parade Gravel Extraction Area	Controlled	15.1	154
Rule 106	Removal of gravel and other earthworks within the Parade Gravel Extraction Area not complying with Rule 90	Rest. Discretionary	15.1	155
Rule 107	Removal of gravel and other earthworks within the Awatoto Gravel Extraction Area (on or before 31 May 2017)	Controlled	15.1	156
Rule 108	Removal of gravel and other earthworks within the Awatoto Gravel Extraction Area (after 31 May 2017)	Rest. Discretionary	15.1	157
Rule 109	Removal of gravel and other earthworks in CHZ1	Non-Complying	15.1	158
Rule 110	Landfills and dumping of hazardous substances in any CHZ	Prohibited	9.1; 11.1; 15.1; 16.1	158

⁹ This is not intended as an exhaustive listing of all policies relating to any particular rule.



Chapter Rule #	RULE TITLE	CLASSIFICATION	RELATED POLICIES ¹⁰	Pg
27.7	RECLAMATIONS AND DRAINAGE IN COASTAL MARINE AREA			159
Rule 111	Reclamations not regulated by, or not complying with, other rules	Discretionary	19.1	159
Rule 112	Reclamations by network utility operators within specified Significant Conservation Areas	Non-Complying	19.1	159
Rule 113	Reclamations using septage, hazardous wastes, clay, organic materials or other waste	Prohibited	19.1	159
Rule 114	Reclamations in Significant Conservation Areas	Prohibited	19.1	159
Rule 115	Drainage activities not regulated by other rules	Discretionary	19.1	160
Rule 116	Drainage in specified Significant Conservation Areas	Prohibited	19.1	160
27.8	STRUCTURES IN COASTAL MARINE AREA			161
Rule 117	Structures not regulated by, or not complying with, other rules	Discretionary	15.1; 16.1; 18.1	161
Rule 118	Lawfully established structures	Permitted	18.1	161
Rule 119	Whitebait structures and maimai	Permitted	18.1	162
Rule 120	Network utility lines, pipelines and cables suspended above coastal water and the foreshore or seabed	Permitted	18.1	162
Rule 121	Removal and demolition of structures	Permitted	18.1	163
Rule 122	Small-scale structures	Permitted	18.1	163
Rule 123	Navigation aids	Permitted	18.1	164
Rule 124	Structures in Aquaculture Management Area required for an aquaculture activity	Controlled	18.1; 23.1	165
Rule 125	Large-scale coastal protection structures parallel to shore	Non-Complying	15.1; 16.1; 18.1	166
Rule 126	Large-scale coastal protection structures not parallel to shore	Non-Complying	15.1; 16.1; 18.1	166
Rule 127	Whitebait structures and maimai in specified Significant Conservation Areas	Prohibited	18.1	167
Rule 128	Structures containing or impounding specified Significant Conservation Areas	Prohibited	18.1	167
Rule 129	Structures for storage of petroleum products or other contaminants in Significant Conservation Areas	Prohibited	18.1; 24.1	167
27.9	DISTURBANCES, DEPOSITIONS AND EXTRACTIONS IN CMA			168
Rule 130	Disturbances of the foreshore or seabed not regulated by, or not complying with, other rules	Discretionary	15.1; 16.1; 17.1	168
Rule 131	Motor vehicles in specific areas	Prohibited	17.1	168
Rule 132	Motor vehicles in specific areas used for specified purposes	Permitted	17.1	168
Rule 133	River control and drainage works	Permitted	15.1; 17.1	169
Rule 134	Removal of sediment from outfall structures, bridges, sea water intakes and culverts	Permitted	17.1	169
Rule 135	Disturbances from manoeuvring of ships	Permitted	17.1	169
Rule 136	Non-mechanical enhancement of shellfish beds	Permitted	17.1	170
Rule 137	Disturbances to bury dead marine mammals, fish and other dead animals	Permitted	17.1	170
Rule 138	Drilling and seabed explorations	Permitted	16.1; 17.1	170
Rule 139	Maintenance dredging in specified port and harbour areas	Permitted	16.1; 17.1	171
Rule 140	Maintenance dredging in the Port Management Area	Controlled	16.1; 17.1	171
Rule 141	Disturbance of foreshore or seabed affecting historic heritage	Rest. Discretionary	7.1 to 7.3; 17.1	172
Rule 142	Livestock within specified Significant Conservation Areas	Prohibited	17.1	173
Rule 143	Disturbances within specified Significant Conservation Areas	Prohibited	17.1	173
	Removal of Sand, Shell, Gravel and other Natural Material			
Rule 144	Removal of sand, shell, gravel or other natural material not regulated by, or not complying with, other rules	Discretionary	15.1; 16.1; 17.1	173
Rule 145	Small-scale removal of sand or gravel	Permitted	17.1	174
Rule 146	Removal of shell, driftwood or dead seaweed for non-commercial purposes	Permitted	17.1	174
Rule 147	Depositions of 50,000m ³ or less per year not regulated by, or not complying with, other rules	Rest. Discretionary	15.1; 16.1; 17.1	174
Rule 148	Deposition of substances from river control and drainage works	Permitted	15.1; 16.1; 17.1	175
Rule 149	Deposition of substances from outfall structures, bridges, sea water intakes and culverts	Permitted	15.1; 16.1; 17.1	176
Rule 150	Deposition of substances arising from maintenance dredging of specified areas	Controlled	16.1; 17.1	176
Rule 151	Depositions of more than 50,000m ³ per year	Discretionary	15.1; 16.1; 17.1	176



Chapter Rule #	RULE TITLE	CLASSIFICATION	RELATED POLICIES ¹¹	Pg
27.10	INTRODUCTION OF PLANTS IN COASTAL MARINE AREA			177
Rule 152	Introduction or planting of an already present exotic plant species	Discretionary	21.1	177
Rule 153	Introduction or planting of any plant pest	Prohibited	21.1	177
27.11	COASTAL WATER TAKES, USE, DAMMING AND DIVERSION			178
Rule 154	Taking and use of coastal water not complying with other rules	Discretionary	20.1	178
Rule 155	Damming and diversion of water not regulated by other rules	Discretionary	20.1	178
Rule 156	Taking and use of coastal water	Permitted	20.1	178
Rule 157	Damming and diversion of water for river control & drainage works	Permitted	20.1	179
Rule 158	Temporary damming and diversion of water	Permitted	20.1	179
Rule 159	Lawfully established diversions of water	Permitted	20.1	179
27.12	COASTAL DISCHARGES (also refer to Resource Management (Marine Pollution) Regulations – Schedule F of this Plan)			181
Rule 160	Discharges not regulated by, or not complying with, other rules	Discretionary	16.1	181
Rule 161	Discharge of drilling muds, cuttings and fluids	Permitted	16.1	181
Rule 162	Small-scale discharges of agrichemicals	Permitted	16.1	182
Rule 163	Small-scale diversion and discharge of stormwater	Permitted	16.1	182
Rule 164	Large-scale diversion and discharge of stormwater to the CMA	Rest. Discretionary	16.1	183
Rule 165	Discharge of sewage from ships or off-shore installations into specified areas	Prohibited	6.1 to 6.7; 16.1	184
Rule 166	Discharge of litter	Prohibited	16.1	185
Rule 167	Discharge of sewage from land which has not passed through soil or wetland into a Significant Conservation Area or a Historic Heritage Area	Prohibited	6.1 to 6.7; 7.1 to 7.3; 16.1	185
27.13	SURFACE WATER ACTIVITIES IN COASTAL MARINE AREA			186
Rule 168	Use of hovercraft in specified areas	Prohibited	22.1; 25.1	186
Rule 169	Use of powered ships in the Ahuriri Estuary and Maungawhio Lagoon for emergency operations or instructional purposes	Permitted	22.1; 25.1	186
Rule 170	Use of powered ships in the Ahuriri Estuary and Maungawhio Lagoon	Prohibited	22.1; 25.1	186
27.14	HAZARDOUS SUBSTANCES IN COASTAL MARINE AREA			187
Rule 171	Storage of any hazardous substance not regulated by, or not complying with, other rules	Rest. Discretionary	16.1; 18.1; 24.1	187
Rule 172	Storage of any hazardous substance except within a Significant Conservation Area	Permitted	16.1; 18.1; 24.1	187
Rule 173	Dumping of hazardous substances	Prohibited	16.1; 24.1	188
Rule 174	Storage of any hazardous substance within a Significant Conservation Area	Prohibited	16.1; 18.1; 24.1	188
27.15	NOISE IN COASTAL MARINE AREA			189
Rule 175	Noise emissions in CMA not complying with rules	Rest. Discretionary	25.1	189
Rule 176	Noise emissions from coastal marine area	Permitted	25.1	189
Rule 177	Noise emissions within Port Management Area	Permitted	25.1	190
27.16	OCCUPATION OF SPACE IN COASTAL MARINE AREA			192
Rule 178	Occupation of CMA not regulated by, or not complying with, other rules	Discretionary	18.1	192
Rule 179	Temporary occupation of CMA	Permitted	18.1	192
Rule 180	Occupation of CMA associated with authorised activities and structures	Permitted	18.1	192
Rule 181	Occupation of CMA for aquaculture activities within an Aquaculture Management Area	Controlled	18.1; 23.1	192A
Rule 182	Occupation of space in an AMA by non-aquaculture activity	Discretionary	18.1; 23.1	192A
Rule 183	Occupation of space not within an AMA by an aquaculture activity	Prohibited	18.1; 23.1	192A

¹⁰ This is not intended as an exhaustive listing of all policies relating to any particular rule.

¹¹ This is not intended as an exhaustive listing of all policies relating to any particular rule.

2 Rules – Coastal Environment

27.1 Use and Development of Land in Coastal Margin

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
1 Decommissioning of bores	The decommissioning or sealing of bores in the Coastal Margin.	Permitted	<ul style="list-style-type: none"> a) Decommissioned bores shall be backfilled and sealed at the surface to prevent contamination of groundwater. b) Decommissioned holes and 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. c) Backfill materials, where used between permanent seals, shall consist of clay or drill cuttings. The material shall be non-hazardous. d) Decommissioning shall be undertaken by a suitably qualified person. e) The Council shall be advised of any bores that are decommissioned, stating the following in particular: <ul style="list-style-type: none"> i) HBRC bore number reference; and/or ii) Bore location (easting and northing reference). 		
2 Bore drilling and use	The use of land for drilling, construction, alteration, and ongoing maintenance of a bore in the Coastal Margin.	Controlled	<ul style="list-style-type: none"> a) The bore shall be cased and sealed to prevent aquifer cross-connection, and leakage from the ground surface into ground water. 	<ul style="list-style-type: none"> a) Bore identification, location (easting and northing reference), diameter, depth b) Bore screen slot size, length, depth & diameter c) Bore head completion d) Backflow prevention e) Information requirements, including bore logs, water levels and aquifer tests f) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
3 Bore drilling that does not comply with Rule 2	The drilling, construction, alteration and ongoing maintenance of a bore in the Coastal Margin that does not comply with Rule 2.	Restricted Discretionary		<ul style="list-style-type: none"> a) Bore identification location (easting and northing reference), diameter, depth b) Bore screen slot size, length, depth & diameter c) Bore head completion d) Backflow prevention e) Information requirements, including bore logs, water levels and aquifer tests f) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
4 Unwanted or leaking bores	The keeping of any bore in the Coastal Margin that is no longer in use or is leaking water, oil or gas.	Non-complying			Refer to notification requirements in ss95A-95F of RMA
5 Feedlots & feedpads	The use of land for the purposes of operating a feedlot or feedpad in the Coastal Margin. ¹²	Controlled	<ul style="list-style-type: none"> a) The feedlot or feedpad shall be located no less than: <ul style="list-style-type: none"> i) 150 metres from a residential building or any other building being part of a place of assembly on another site ii) 50 metres from a property boundary iii) 20 metres from a public road iv) 50 metres from the coastal marine area and iv) 50 metres from any surface water body. 	<ul style="list-style-type: none"> a) Timing and duration of the activity b) Methods, volumes and rates of discharges and application of contaminants to land and/or water (including seepage of contaminants into groundwater, surface water or coastal water) c) Prevention of catchment runoff 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons

¹² NOTE1: This rule addresses the effects associated with having a high density of animals on one site. Any discharge of contaminants associated with the operation of a feedlot or feedpad, such as the use of stock feed, the disposal of animal wastes and the bedding material or the runoff of manure during heavy rainfall, are addressed under rules in Chapter 27.2. Any discharges to air are covered in Rule 13.

NOTE2: Some district plans may also contain rules restricting the location of feedlots and/or feedpads. This rule does not waive requirements to comply with any rules in district plans.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				entering feedlot or feedpad d) Proximity to, and sensitivity of, the surrounding environment e) Scale and extent of feedlot or feedpad (including number of animals) f) Matters in Chapter 26.2	have provided their written approval.
6 Feedlots & feedpads that do not comply with Rule 5	The use of land for the purposes of operating a feedlot or feedpad in the Coastal Margin, in a manner which does not comply with Rule 5. ¹³	Restricted discretionary		a) Matters addressed by any conditions in Rule 5 which the activity cannot comply with and the related environmental effects of such non-compliance b) Matters in Chapter 26.2	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.

¹³ NOTE: This rule only addresses the use of land for a feedlot or feedpad (and thus, the effects associated with having a high density of animals on one site). Any discharge of contaminants associated with the operation of a feedlot or feedpad, such as the use of stock feed, the disposal of animal wastes and the bedding material or the runoff of manure during heavy rainfall, are addressed under rules in Chapters 27.2. Any discharges to air are covered in Rule 13.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
7 Vegetation clearance and soil disturbance¹⁴	Vegetation clearance or soil disturbance in the Coastal Margin. ¹⁵	Permitted	<p>a) All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into the coastal marine area or any water body¹⁶.</p> <p>b) Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any coastal water or any adjacent water body, after reasonable mixing.</p> <p>c) any vegetation clearance within a Vegetation Clearance Management Area identified in this Plan's maps shall not occur within:</p> <p>i) 5m of any permanently flowing river or:</p> <p>ii) any other river with a bed width in excess of 2m or</p> <p>iii) any other lake or wetland.</p> <p>Except that this condition shall not apply to:</p> <p>1) the clearance of plantation forestry established prior to the date of this Plan becoming operative ^{16b}</p> <p>d) Vegetation clearance shall not occur within 20m of the coastal marine area.</p> <p>e) Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10kg/m².¹⁷</p>		

¹⁴ 1. Rule 7 does not apply to the trimming, felling, or removing of any tree or vegetation or earthworks, in relation to an existing high voltage electricity transmission lines. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

2. Rule 7 does not apply to vegetation clearance and soil disturbance in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

¹⁵ NOTE1: Some district plans may also contain rules restricting the clearance of vegetation and / or earthworks. This rule does not waive requirements to comply with any rules in district plans.

NOTE2: 'Vegetation Clearance Management Areas' on the planning maps relate to land that is not "flat to gently undulating" slopes (ie: 0° to 3° slope) and not urbanised areas.

¹⁶ In considering whether Condition (a) has been met, HBRC shall have regard to recognised industry codes of practice, best practice guidelines & environmental management plans relevant to, and adopted in, carrying out the activity.

^{16b} Rule 7(1) has been deleted to ensure the RCEP aligns with the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, and does not conflict with or duplicate the requirements within those regulations.

¹⁷ NOTE: 10kg/m² of dry soil is equivalent to 5mm depth assuming a specific gravity of 2kg/litre.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			f) Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be: <ul style="list-style-type: none"> i) re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months after completion with species providing equivalent or better land stabilisation or ii) retained in a manner which inhibits soil loss. 		
8 Vegetation clearance and soil disturbance that does not comply with Rule 7 ¹⁸	Vegetation clearance or soil disturbance in the Coastal Margin which does not comply with Rule 7.	Restricted discretionary		a) Matters addressed by any conditions in Rule 7 which the activity cannot comply with and the related environmental effects of such non-compliance b) Matters in Chapter 26.2	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any) unless all affected persons have provided their written approval.

¹⁸ 1. Rule 8 does not apply to the trimming, felling, or removing of any tree or vegetation or earthworks, in relation to an existing high voltage electricity transmission lines. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

2. Rule 8 does not apply vegetation clearance and soil disturbance in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

27.2 Discharges to air / land / water in Coastal Margin

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
9 Discharge of contaminants not regulated by, or complying with, other rules^{18a}	The discharge of contaminants onto or into land, or into water; or water into water in the Coastal Margin that: <ol style="list-style-type: none"> is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity or does not comply with all relevant conditions on a permitted activity rule or does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
10 Burial of dead fish, marine mammals, and other dead animals	The discharge contaminants into land or into water in the Coastal Margin arising from the burial of dead fish or dead marine mammals.	Permitted	a) The activity must be carried out by or on behalf of: <ol style="list-style-type: none"> the Department of Conservation the HBRC a territorial authority or a district health board. 		
11 Small scale application of agrichemicals	The discharge of contaminants into air or onto land in the Coastal Margin arising from the use or disposal of: <ol style="list-style-type: none"> any agrichemicals for domestic purposes or any licensed animal remedies or any agrichemicals used to treat water that is not in a water body or coastal water or any agrichemicals using a hand-held appliance - excluding the use of any agrichemicals approved for aquatic use. 	Permitted	a) The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions. b) There shall be no discharge or drift of any agrichemical beyond the boundary of the subject property. c) The discharge shall not result in any agrichemical entering any coastal waters or any water body. d) Where the agrichemical is used for non-domestic purposes, the discharge shall be undertaken in accordance with all mandatory requirements set out in s2, s5 and s6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004). ¹⁹		

^{18a} Rule 9 does not apply to the discharge of contaminants in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

¹⁹ NOTE: Section 2 of the Code deals with the management of agrichemicals (including risk management, user responsibility and identification of most suitable agrichemicals); s5 deals with use of agrichemicals (including handling, mixing, and drift hazard); and s6 deals with the disposal of agrichemicals and their containers.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
12 Widespread application of agrichemicals	Except as provided for in Rule 11, the discharge of contaminants into air or onto land, or into water, in the Coastal Margin arising from the use or disposal ²⁰ of any agrichemical. ²¹	Permitted	<ul style="list-style-type: none"> a) The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions. b) For the ground based application of agrichemicals the following qualifications shall be held at all times: <ul style="list-style-type: none"> i) every commercial user shall hold a qualification that meets the requirements of Schedule G for commercial user or be under direct supervision of a person holding the qualification ii) every contractor shall be a GROWSAFE® Registered Chemical Applicator iii) every employee of a contractor shall hold or be under training for a valid qualification that meets the requirements of Schedule G for contractor employees. c) Every pilot undertaking the aerial application of agrichemicals shall hold a GROWSAFE® Pilot Agrichemical Rating Certificate. d) The discharge shall not result in any agrichemical being deposited on any roof or other structure used as a catchment for water supply other than in compliance with condition (e). e) Where the discharge is for the purpose of eradicating, modifying or controlling unwanted aquatic plants, or other biosecurity purposes: <ul style="list-style-type: none"> i) only agrichemicals approved for aquatic use by the Environmental Risk Management Authority may be used ii) the applications shall not exceed the quantity and concentration required for that purpose iii) the discharge shall not include disposal to water of any agrichemical and 		

²⁰ This rule does not apply to the disposal of agrichemical containers. Vertebrate toxic agents are covered under the Hazardous Substances and New Organisms Act 1996 and under the Agricultural Compounds and Veterinary Medicines Act 1997.

²¹ NOTE: Restrictions may also apply to agrichemicals under the Hazardous Substances and New Organisms Act 1996. Under these regulations, approval is required from the Medical Officer of Health/Health Protection Officer for the use of a vertebrate toxic agent. Refer to HSNO Act for further details.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> iv) the discharger shall notify: <ul style="list-style-type: none"> 1) every person taking water for domestic supply within 1 km downstream of the proposed discharge; and 2) every holder of a resource consent for the taking of water for public water supply purposes downstream of the proposed discharge - at least 1 week before commencing the discharge. f) Where condition (e) does not apply, then any discharge of agrichemicals not approved for aquatic use shall not enter any water body or coastal water. g) Aerial and ground based discharges shall be notified by the property owner , manager or contractor in accordance with the following requirements²²: <ul style="list-style-type: none"> i) where the application is on private land, occurs on any land within 50m of an adjacent property twice in any 12 month period, and occurs in circumstances where spray drift beyond the property boundary cannot be avoided, a property spray plan shall be prepared at the beginning of each year or spray season, in accordance with Appendix M of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004). The plan shall be given upon request to the owner or occupier of any adjacent property, or to a Council officer. ii) where the application is on private land, signs shall be used to clearly indicate the use of any agrichemicals: <ul style="list-style-type: none"> 1) within 10m of public land where there is a shelter belt giving effective protection between the application and the public land or 		

²² NOTE: For the avoidance of doubt, the notification requirements set out in Condition (i) do not apply to discharges of agrichemicals where there is never any spray drift beyond the property boundary.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			2) within 30m of public land where there is no shelter belt giving effective protection between the application and the public land iii) Where the application is on public land: 1) notification shall be given in local newspapers or by door-to-door advice to land occupiers adjacent to the intended application at the beginning of the spray season, not more than six months prior to the application, and in any case, not less than one month prior to application and 2) signs shall be used to clearly indicate the agrichemical use. iv) where the application may affect bee keeping, prior notification shall be given to the affected parties. h) The discharge shall be undertaken in accordance with all mandatory requirements set out in s2, s5 and s6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004) ²³ .		

²³ **Agrichemical Spray Drift Hazard** – Table G1 from the New Zealand Standard for the Management of Agrichemicals (NZS8409:2004) includes the following guidance chart for assessing agrichemical spray drift hazard. Dischargers should note that adequate notification of those who may be at risk, so that they can take precautionary action, effectively reduces drift hazard.

FACTOR	POTENTIAL DRIFT HAZARD SCALE	
	HIGH	LOW
Wind speed	Zero/very low (<1 m/s) or >6 m/s	Steady (1-3 m/s)
Wind direction	Unpredictable	Predictable, and away from sensitive areas
Humidity	Low (delta T>8°C)	High (delta T<4°C)
Atmospheric stability	Inversion layer present	No inversion layer
Maximum height of release	>1.5 m above the target	<0.5 m above the target
Particle (droplet) size	<50 microns diameter	>250 microns diameter
Volatility	High (vapour pressure >10 mPa)	Low (vapour pressure <0.1 mPa)
Sensitive area	Close (<100 m away)	None, or more than 1 km distant
Buffer zone	None	Yes (>100 m)
Shelter belts	No shelter	Live shelter, >3m high and 1 m thick
Toxicity	Class 6.1A, B, C, D	Class 6.1E

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
13 Stock feed on production land	The discharge of contaminants into air, or onto or into land in the Coastal Margin arising from the storage, transfer, treatment, mixing or use of stock feed, (including silage) on production land.	Permitted	<ul style="list-style-type: none"> a) Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property. b) There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, to the extent that it causes an adverse effect. c) The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property to the extent that it causes an adverse effect. d) There shall be no discharge within 20m of the coastal marine area or any surface water body. e) There shall be no surface ponding in any area used to store stock feed or feed stock. f) There shall be no runoff of contaminants into the coastal marine area or any surface water body. g) There shall be no discharge within 30m of a bore or well. 		
14 Use of fertiliser, compost, biosolids & other soil conditioners	<p>Except as provided for in Rule 20, Rule 21 and Rules 27, 28, 29 and 30, the discharge of contaminants into air, or onto or into land in the Coastal Margin, arising from the, transfer, treatment, mixing or use of fertiliser, compost or biosolids including, but not limited to:</p> <ol style="list-style-type: none"> 1. paunch grass 2. apex meal 3. stockyard scrapings 4. grape marc 5. compost, except as regulated by Rule 86²⁴ and 6. poultry manure except as provided for in Rule 20. 	Permitted	<ul style="list-style-type: none"> a) Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property. b) There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property to the extent that it causes an adverse effect. c) The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property to the extent that it causes an adverse effect. d) There shall be no surface ponding in the area used to store, mix or use the organic material, or any 		

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NOTE: The composting of more than 100m³ of compost and raw material per industrial or trade premises is regulated by Rule 86.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>discharge of contaminants into the coastal marine area or any surface water body.</p> <p>e) The discharge shall not cause any contamination of groundwater.</p> <p>f) The discharge shall be able to infiltrate through at least 600mm of unsaturated soil.</p> <p>g) Where material is discharged onto grazed pasture, the application rate shall not exceed:</p> <p>i) 100 kg/ha of nitrogen in any 12 month period and</p> <p>ii) 8kg/ha in any 28 day period, except that where material is discharged onto land used for a crop, the application rate shall not exceed the rate of nitrogen uptake by the crop.</p> <p>h) Upon request by the HBRC, information shall be provided by the resource user setting out how the conditions above will be met.</p>		
15 Storage of fertiliser, compost, and biosolids	<p>Except as provided for in Rule 20, Rule 21 and Rules 27, 28, 29 and 30, the discharge of contaminants into air, or onto or into land in the Coastal Margin, arising from the storage of fertiliser, compost or biosolids including, but not limited to:</p> <ol style="list-style-type: none"> 1. paunch grass 2. apex meal 3. stockyard scrapings 4. grape marc 5. compost, except as regulated by Rule 86²⁵ and 6. poultry manure except as provided for in Rule 20. 	Permitted	<p>a) Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property.</p> <p>b) There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property to the extent that it causes an adverse effect.</p> <p>c) The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property to the extent that it causes an adverse effect.</p> <p>d) There shall be no surface ponding in the area used to store, organic material, and no discharge of contaminants into the coastal marine area or any surface water body.</p>		

²⁵

NOTE: The composting of more than 100m³ of compost and raw material per industrial or trade premises is regulated by Rule 86.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> e) The discharge shall not cause any contaminant to enter groundwater, surface water body or coastal water. f) There shall be no discharge within 20 metres of the coastal marine area or any surface water body. g) In the case of aboveground storage, storage areas shall be imperviously sealed, bunded, or otherwise contained so that discharge of contaminants shall be totally confined within the site on which the discharge occurs. h) Any discharge shall be able to infiltrate through at least 600mm of unsaturated soil.²⁶ i) Any storage of fertiliser, compost and/or biosolids exceeding a volume of 100m³ in an area where there is potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents any such contamination. j) Upon request by the HBRC, information shall be provided by the resource user setting out how the conditions above will be met. 		
16 Management of solid waste on production land²⁷	<p>The discharge of contaminants into air, or onto or into production land in the Coastal Margin, arising from the storage, transfer, treatment or disposal of solid waste, including, but not limited to:</p> <ol style="list-style-type: none"> 1. the use of farm tips 2. offal holes. 	Permitted	<ul style="list-style-type: none"> a) The waste shall have been generated on the subject property, or on another property under the same ownership as that used for disposal. b) There shall be no disposal of waste oil or any other hazardous substance. c) Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property. d) There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property to the extent that it causes an adverse effect. 		

²⁶ NOTE: Rule 86 applies to discharges to air arising from the storage of compost on industrial and trade premises in volumes greater than 100m³.

²⁷ This rule does not apply to burning of waste. Burning of waste is addressed by rules in Chapter 27.5 of this Plan.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>e) There shall be no discharge of contaminant into, or within 20m of, the coastal marine area or any surface water body.</p> <p>f) There shall be no surface ponding in the area used to store, mix or use solid waste, and no discharge of contaminants into the coastal marine area or any surface water body.</p> <p>g) There shall be no ponding in the area used for waste management.</p> <p>h) There shall be no discharge within 30m of any bore or well.</p> <p>i) The discharge shall not cause any contaminant to enter groundwater.</p> <p>j) Any waste disposal shall be able to infiltrate through at least 600mm of unsaturated soil.</p> <p>k) Any offal holes used shall be securely covered, and shall be constructed in soil with an infiltration rate not exceeding 150 mm/hour.²⁸</p>		
17 Discharge of contaminants to surface water²⁹	Except as provided for in any other rules in this Plan, the discharge of contaminants into surface water in the Coastal Margin.	Permitted	<p>a) The rate of discharge at any particular point shall be no greater than 50m³/d.</p> <p>b) There shall not be any adverse flooding effects on any property owned or occupied by another person as a result of the discharge activity.</p> <p>c) The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.</p> <p>d) The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3 degrees Celsius from normal seasonal</p>		

²⁸ For the purposes of Condition (k), the soil type should not comprise gravels, coarse/medium sands, scoria, fissured rock, or other such materials likely to permit free travel of excreta residues away from the offal hole.

²⁹ 1. Where there is doubt about compliance with the conditions (a) to (m) in this rule, it is the responsibility of the person undertaking the activity to demonstrate to HBRC that the conditions are being complied with or a resource consent shall be required.

2. Rule 17 does not apply to the discharge of contaminants into water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

3. Rule 17 does not apply to the discharge of contaminants into water in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>water temperature fluctuations, after reasonable mixing.</p> <p>e) The discharge shall not cause the pH of any receiving water to change by more than 0.2 units, or to extend outside the range 6.5 to 9.0 units, after reasonable mixing.</p> <p>f) The discharge shall not cause any production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or any emission of objectionable odour, in any receiving water after reasonable mixing.</p> <p>g) The discharge shall not cause any conspicuous change in the colour or visual clarity of any receiving water after reasonable mixing.</p> <p>h) The discharge shall not cause the biochemical oxygen demand to increase by more than 2 g/m³ in any receiving water body after reasonable mixing.</p> <p>i) The discharge shall not cause any increase in the concentration of pathogenic organisms in any receiving water.</p> <p>j) The discharge shall not cause the concentration of dissolved oxygen in any river or lake to drop below 80% after reasonable mixing.</p> <p>k) The discharge shall not cause the concentration of ammoniacal nitrogen (NH₄⁺) in any river or lake to exceed 0.1 mg/l after reasonable mixing.</p> <p>l) The discharge shall not cause the concentration of soluble reactive phosphorus in any river or lake to exceed 0.015 mg/l after reasonable mixing.</p> <p>m) The discharge shall not cause the concentration of any other contaminant (including other nutrients, heavy metals, hazardous substances and indicator bacteria), after reasonable mixing, to:</p> <p>i) increase by more than 5% in any natural or modified receiving water body or 10% in any artificial receiving water body</p> <p>ii) exceed the following standards:</p>		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			1) the contact recreation guidelines contained in 'Microbiological Guidelines for Marine and Freshwater Recreational Areas' (Ministry of Health and Ministry for the Environment, June 2003) 2) the guidelines for the protection of freshwater aquatic ecosystems contained in the 'Guidelines for Fresh and Marine Water Quality 2000' (ANZECC, 2000).		
18 Discharge of solid contaminants (including cleanfill), to land that will not enter water³⁰	Except as provided for by any other rules in this Plan, the discharge of solid contaminants, (including cleanfill), onto or into land in the Coastal Margin in circumstances that will not result in any contaminant entering water.	Permitted	a) The discharge shall not increase land instability or the risk of erosion. b) The discharge shall not cross the boundary of the subject property onto any other property, unless written approval is obtained from the affected property owner. c) The discharge shall not cause any increase in the concentration of any hazardous substances or pathogenic organisms on or in any land. d) The discharge shall not cause any increase in the risk of human or animal disease. e) The discharge shall not have any acid producing potential. f) Upon request by the HBRC, information shall be provided by the resource user setting out how the conditions above will be met. g) There shall be no discharge within 20m of the coastal marine area or any surface water body, except for material extracted from a surface water body in association with the maintenance of lawfully established structures.		

³⁰ 1. NOTE: Section 15(1)(d) of the RMA restricts the discharge of any contaminant from industrial or trade premises onto or into land. By contrast, the discharge of contaminants from other premises onto or into land is allowed, (provided no contaminant enters water) unless specifically regulated by a rule.

2. Rule 18 does not apply to the discharge of contaminants into water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

3. Rule 18 does not apply to the discharge of contaminants into water in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			h) Where the volume of solid contaminants on the subject property is greater than 100m ³ the person responsible for the discharge shall notify the HBRC within 7 days of that volume being reached or exceeded.		
19 Discharge of contaminants to land that may enter water³¹	Except as provided for by any other rules in this Plan, the discharge of contaminants onto or into land in the Coastal Margin, in circumstances which may result in those contaminants (or any other contaminant emanating as a result of natural processes from those contaminants) entering water.	Permitted	<ul style="list-style-type: none"> a) The rate of discharge shall be no greater than 50m³/d. b) The discharge shall not result in a breach of any of the conditions set out in Rule 17. c) The discharge shall not result in a breach of any of the conditions set out in Rule 18. d) The discharge shall be able to infiltrate through at least 600mm of unsaturated soil. e) The discharge shall not cause any surface ponding in the area of discharge, or runoff of any contaminant into a surface water body. f) The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property. g) There shall be no discharge within 20m of the coastal marine area or any surface water body, except for material extracted from a surface water body associated with the maintenance of lawfully established structures. h) There shall be no discharge within 30m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge. i) The discharge shall not cause any degradation of existing ground water quality in confined aquifers in the Heretaunga Plains aquifer systems. 		

³¹ 1. Where there is doubt about compliance with the conditions (a) to (k) in this rule, it is the responsibility of the person undertaking the activity to demonstrate to HBRC that the conditions are being complied with or a resource consent shall be required.

2. Rule 19 does not apply to the discharge of contaminants into water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

3. Rule 19 does not apply to the discharge of contaminants in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>j) For other aquifers, the discharge shall not cause or contribute to a breach of the following guidelines after reasonable mixing:</p> <p>i) the 'Drinking Water Quality Standards for New Zealand 2000' (Ministry of Health, 2000)</p> <p>ii) the guideline for irrigation contained in the 'Guidelines for Fresh and Marine Water Quality 2000' (ANZECC, 2000).</p> <p>k) Where the quality of ground water in any aquifer encompassed by condition (j) breaches the standards specified in that condition prior to the discharge occurring, the discharge shall not cause any further degradation of the quality of ground water in any such aquifer after reasonable mixing.</p>		
20 Animal effluent	<p>Except as provided for in Rule 21, the discharge of contaminants into air, or onto or into production land in the Coastal Margin, arising from the management, storage, transfer, treatment, mixing, spreading, or use of liquid animal effluent, including, but not limited to:</p> <ol style="list-style-type: none"> 1. dairy shed effluent 2. piggery effluent 3. poultry farm effluent and 4. associated sludges.³² 	Controlled	<p>a) There shall be no seepage of contaminants into groundwater from any area used for storing animal effluent.</p> <p>b) The discharge shall not cause any contaminant to enter groundwater.</p> <p>c) Either:</p> <ol style="list-style-type: none"> i) there shall not be offensive or objectionable odour, or noxious or dangerous levels of gases or airborne or airborne liquid contaminants, beyond the boundary of the subject property or ii) for discharges of effluent from piggeries, every point of discharge shall be sited so as to meet the requirements of the 'Code of Practice - Pig Farming' (New Zealand Pork Industry Board, 1997), in respect of buffer zone distances. <p>d) There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner.</p> <p>e) There shall be no discharge of any contaminant into the coastal marine area or any surface water body.</p>	<p>a) Amount of effluent per discharge</p> <p>b) Frequency of discharge;</p> <p>c) Maintenance of vegetative cover</p> <p>d) Buffer zone requirements</p> <p>e) Measures to avoid a breach of the environmental guidelines for surface and groundwater quality set out in Chapters 9 and 11</p> <p>f) Management of cumulative adverse effects</p> <p>g) For discharges of effluent from piggeries, use of the best practicable option for</p>	<p>In relation to a new application, (except where an applicant requests or where special circumstances exist), an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.</p> <p>In relation to an application to renew consent, (except where an applicant</p>

³² This rule covers the discharge of poultry effluent from poultry farms on land associated with the poultry farm, where the discharge is for the purpose of disposal.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>f) There shall be no discharge within 30m of any bore or well.</p> <p>g) Where effluent is discharged onto grazed pasture, the nitrogen loading rate from the effluent application shall not exceed 100 kg/ha/y of nitrogen.</p> <p>h) Where effluent is discharged onto land covered by a crop, or to be used for cropping purposes, the application rate shall not exceed the rate of nitrogen uptake by the crop.</p>	<p>minimising discharges of odour beyond the boundary of the subject property</p> <p>h) Matters in Chapter 26.2</p>	<p>requests or where special circumstances exist), an application will not be served on any person or publicly notified.</p>
21 Discharge of animal effluent in sensitive catchments	<p>The discharge of contaminants into air, or onto or into production land, arising from the management, storage, transfer, treatment, mixing, spreading, or use of liquid animal effluent, including but not limited to, dairy shed effluent, piggery effluent, and poultry farm effluent in:</p> <ol style="list-style-type: none"> 1. a Sensitive Catchment within the Coastal Margin as identified in Schedule Q of this Plan; or 2. a Stock Management Area as identified in Schedule R of this Plan. 	Discretionary			<p>Refer to notification requirements in ss95A-95F of RMA</p>
22 Discharge of water to water³³	<p>Except as provided for in Rule 23, Rule 24, Rule 25 and Rule 26, the discharge of water into water in the Coastal Margin, excluding coastal water.³⁴</p>	Permitted	<ol style="list-style-type: none"> a) There shall not be any adverse flooding effects on any property owned or occupied by another person as a result of the discharge activity. b) The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge.³⁵ c) The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3 degrees Celsius from normal seasonal water temperature fluctuations, after reasonable mixing. 		

³³ Rule 22 does not apply to the discharge of water into water in relation to an existing high voltage electricity transmission activity. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

³⁴ NOTE: The discharge of water onto or into land is not restricted by the RMA.

³⁵ The discharge of sediment to surface water bodies as a result of scouring is covered by Rule 19.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
23 Discharge of drainage water (gravity flow systems)	Except as provided for in Rule 25 and Rule 26, the diversion and discharge of water into water or onto or into land in the Coastal Margin, from a gravity flow drainage system (without pumping).	Permitted	<ul style="list-style-type: none"> a) There shall not be any adverse flooding effects on any property owned or occupied by another person as a result of the discharge activity. b) The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge. c) The discharge shall not adversely affect any wetland. d) The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3 degrees Celsius from normal seasonal water temperature fluctuations, after reasonable mixing. e) Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow. f) Any suspended solids in the discharge shall comply with surface water quality standards set out in Schedule D of this Plan. 		
24 Discharge of drainage water (pumped systems)³⁶	Except as provided for in Rule 25 and Rule 26, the diversion and discharge of water into water or onto or into land in the Coastal Margin, from a pumped drainage system.	Controlled	<ul style="list-style-type: none"> a) There shall not be any adverse flooding effects on any property owned or occupied by another person as a result of the discharge activity. b) The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge. c) The discharge shall not adversely affect any wetland. d) The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3 degrees Celsius from normal seasonal water temperature fluctuations, after reasonable mixing. e) Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow. 	<ul style="list-style-type: none"> a) Location of discharge b) Rate of pumping c) Time of pumping d) Flood mitigation measures e) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

³⁶ NOTE: The discharge of water from a pumped drainage system requires a resource consent due to the potential adverse environmental effects of greater water flow, generated by a pumped system. HBRC may require the ability to control the water flow from time to time, such as through temporary cessation of pumping or other means.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			f) Any suspended solids in the discharge shall comply with surface water quality standards set out in Schedule D of this Plan.		
25 Diversion and discharge of stormwater	The diversion and discharge of stormwater from any constructed open drainage system or piped stormwater drainage system in the Coastal Margin that: <ul style="list-style-type: none"> 1. Does not convey stormwater from any industrial or trade premises; or 2. Conveys stormwater from any industrial or trade premises (excluding premises used for the storage of any hazardous substance) covering an area of less than 2ha. 	Permitted	<ul style="list-style-type: none"> a) The activity shall not cause any permanent: <ul style="list-style-type: none"> i) reduction of the ability of the receiving channel to convey flood flows or ii) bed scouring or bank erosion of the receiving channel. b) The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials in any receiving water after reasonable mixing. 		
26 Diversion and discharge of stormwater	Except as provided for in Rule 25, the diversion and discharge of stormwater in the Coastal Margin.	Controlled	<ul style="list-style-type: none"> a) All reasonable measures shall be taken to ensure that the activity is unlikely to give rise to all or any of the following effects in any receiving water after reasonable mixing: <ul style="list-style-type: none"> i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials ii) any conspicuous change in the colour or visual clarity iii) any emission of objectionable odour iv) the rendering of fresh water unsuitable for consumption by farm animals or v) any significant adverse effects on aquatic life. 	<ul style="list-style-type: none"> a) Location of the point of diversion and discharge including its catchment area b) Volume, rate, timing and duration of the discharge, in relation to a specified design rainfall event c) Effects of the activity on downstream flooding d) Contingency measures in the event of pipe capacity exceedence e) Actual or likely adverse effects on fisheries, wildlife, habitat or amenity values of the 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				coastal marine area or any surface water body f) Actual or likely adverse effects on the potability of any ground water g) Matters in Chapter 26.2	
27 Existing wastewater systems ^{37,38}	The discharge of contaminants onto or into land, and any ancillary discharge of contaminants into air, in the Coastal Margin, from any existing wastewater system.	Permitted	<ul style="list-style-type: none"> a) The rate of discharge shall not exceed 2m³/d, averaged over any 7 day period. b) There shall be no surface ponding as a result of the discharge, or direct discharge into the coastal marine area or any water body. c) There shall be no increase in the concentration of pathogenic organisms or faecal indicator bacteria in the coastal marine area or any surface water body as a result of the discharge. d) Either: <ul style="list-style-type: none"> i) the point of discharge shall be no less than 600mm above the highest seasonal groundwater table or ii) the discharge shall not result in, or contribute to, a breach of the <i>'Drinking Water Quality Standards for New Zealand'</i> (Ministry of Health, 2005 (Revised 2008)) in any groundwater body after reasonable mixing. e) The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property. f) Either: <ul style="list-style-type: none"> i) discharges from pit privies shall be from privy's constructed in soil with a soil texture category of 		

³⁷ Any existing wastewater system modified or replaced after 1 January 2012 is considered to be a 'new' system and must be assessed in accordance with Rule 28.

³⁸ NOTE: Rule 27 means that once the system has been lawfully established, the system's continued operation is permitted under this rule. No ongoing consent is required for the operation of lawfully established discharges provided the conditions of this rule are met.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>2 to 6 as per AS/NZS 1547 that has an infiltration rate not exceeding 150 mm/h; or</p> <p>ii) all other discharges shall be into a land treatment field that complies with the requirements specified in Schedule N.</p> <p>g) Compliance with any conditions of a resource consent held for the activity.</p> <p>h) The wastewater treatment and land application system shall be maintained in accordance with the manufacturers' instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547, or TP58: On-site Wastewater Systems: Design and Management Manual (Auckland Regional Council Technical Publication No. 58), or other alternative recognised on-site wastewater design manuals. A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request.</p> <p>i) The discharge shall not be disposed of by way of spray irrigation.</p>		
28 New wastewater systems	Except as provided for in Rule 27 or Rule 29, the discharge of contaminants (including greywater) onto or into land, and any ancillary discharge of contaminants into air, in the Coastal Margin from any new ³⁹ wastewater system (including greywater).	Permitted	<p>a) The rate of discharge of domestic sewage (including greywater) shall not exceed 2 m³/d, averaged over any 7 day period.</p> <p>b) Where the wastewater receives no more than advanced primary treatment, the discharge shall not be onto or into a property with a land area less than 2500 m².</p> <p>c) Where the wastewater receives more than advanced primary treatment, then:</p> <p>i) the discharge shall be onto or into a property with a land area of no less than 1000 m²; and</p>		

³⁹ 'New' wastewater systems include those systems installed after this rule becomes operative, as well as those lawfully established wastewater systems that have been modified or replaced since 1 January 2012.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> ii) the net site area to discharge volume ratio shall not be less than 1.5 m² per litre per day ⁴⁰. d) The discharge and land treatment field shall not be within: <ul style="list-style-type: none"> i) 20m of any surface water body (including any stormwater open drain or roadside drain) or ii) 20m of any tile drain or iii) 20m of the coastal marine area or iv) 1.5m of any property boundary. e) At the time of installation and commencement, the discharge shall not occur within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge. f) The system shall be designed and installed in accordance with the requirements specified in Schedule N. g) There shall be no surface ponding as a result of the discharge, or direct discharge into the coastal marine area or any water body. h) The discharge shall be distributed evenly over the entire disposal area. i) There shall be no increase in the concentration of pathogenic organisms or faecal indicator bacteria in the coastal marine area or any surface water body as a result of the discharge. j) The point of discharge shall be no less than 600mm above the highest seasonal groundwater table. k) The discharge shall not result in, or contribute to, a breach of the 'Drinking Water Quality Standards for New Zealand' (Ministry of Health, 2005 (revised 2008)) in any groundwater body after reasonable mixing. 		

⁴⁰ The net site area to discharge volume ratio can be calculated by dividing the net site area by the expected daily wastewater volume. If the answer is less than 1.5, the discharge does not comply with this condition. E.g. A 1000m² property with a three bedroom home on it with maximum daily discharge volume of 1200 L (6 people at 200 L/p/d) has a ratio of 0.83 (1000/1200). This discharge would not comply with this condition.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> l) The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property or on any public land. m) For discharges using pit privies: <ul style="list-style-type: none"> i) the privy shall be constructed in soil with an infiltration rate not exceeding 150 mm/h; and ii) the privy shall not be the primary wastewater system for any permanently occupied dwelling. n) The system shall be designed, constructed, operated and maintained in a manner which ensures that there is no clogging of the disposal system or soils. o) The discharge shall not be into a trench or bed disposal system constructed in category 5 or 6⁴¹ soil except where wastewater receives at least secondary treatment. p) Where the wastewater receives secondary treatment or better, the discharge shall not exceed 20 g/m³ of BOD, and 30 g/m³ of suspended solids. q) The wastewater treatment and land application system shall be maintained in accordance with the manufacturers' instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547, or TP58: On-site Wastewater Systems: Design and Management Manual (Auckland Regional Council Technical Publication No. 58), or other alternative recognised on-site wastewater design manuals. A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request. r) The discharge shall not be disposed of by way of spray irrigation. s) The discharge shall not be into a raised bed. 		

⁴¹ A category 5 soil is a light clay, permeability (K_{sat}) can range generally between 0.5 m/d (strongly structured) and <0.06 m/d (weakly structured or massive) and the soil is poorly drained. Clay content of approximately 35-40%. Category 6 soils are medium to heavy clays that are very poorly drained. The permeability of category 6 soils is generally less than 0.06 m/d. Clay content of over 40%.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
29 Existing high discharge volume wastewater systems	The discharge of contaminants onto or into land, and any ancillary discharge of contaminants into air, in the Coastal Margin from any existing wastewater system with a rate of discharge exceeding 2m ³ /day averaged over any 7 day period.	Restricted discretionary	<ul style="list-style-type: none"> a) There shall be no surface ponding as a result of the discharge, or direct discharge into the coastal marine area or any water body. b) There shall be no increase in the concentration of pathogenic organisms or faecal indicator bacteria in the coastal marine area, any groundwater system or any surface water body as a result of the discharge. c) Either: <ul style="list-style-type: none"> i) the point of discharge shall be no less than 600mm above the highest seasonable groundwater table or ii) the discharge shall not result in, or contribute to, a breach of the 'Drinking Water Quality Standards for New Zealand' (Ministry of Health, 2005 (revised 2008)) in any groundwater body after reasonable mixing. d) The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property. 	<ul style="list-style-type: none"> a) Method of treatment b) Method of disposal c) Effluent application rate d) Need for reserve area e) Buffer zone requirements f) Maintenance of system g) Proximity to registered drinking water supplies h) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
30 Discharge of septage	The discharge of septage onto or into land in the Coastal Margin.	Discretionary			Refer to notification requirements in ss95A-95F of RMA
31 Discharge of bore drilling fluids to land or water	The discharge of bore drilling fluids onto or into land, or into surface water ⁴² in the Coastal Margin, for the purpose of bore construction, maintenance or alteration.	Permitted	<ul style="list-style-type: none"> a) There shall be no discharge of contaminants into the coastal marine area or any surface water body. b) There shall be no discharge of contaminants onto any property other than the subject property, without the consent of the property owner. c) The discharge shall not contain more than 15 g/m³ of oil and grease. d) Any discharge to groundwater shall contain no more than 100 g/m³ suspended solids. 		

⁴² For the purpose of this Rule, 'into water' refers to the groundwater into which the bore is being drilled, therefore only relates to groundwater-bearing aquifers.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
32 Discharges from closed landfills	Except as provided for in Rule 16, the use of land (including any discharge of contaminants onto or into land, or into water) for a closed landfill in the Coastal Margin.	Controlled	a) Management of the closed landfill shall be undertaken in accordance with a Landfill Management Plan approved by HBRC.	a) Adequacy of protection of the landfill from saltwater and fresh water intrusion b) The design of the compacted capping layer c) The ability of landfill surfaces to prevent ponding d) The adequacy of the grass cover e) Mitigation measures to meet required water quality standards f) Frequency, location and method of sampling, and the determinants to be measured and method of measurement g) Contents of Management Plan h) Matters in Chapter 26.2	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.
33 Discharges from operating landfills & transfer stations	Except as provided for in Rule 16 and Rule 32, the discharge of contaminants onto or into land, or into water, in the Coastal Margin arising from a landfill or transfer station.	Discretionary			Refer to notification requirements in ss95A-95F of RMA
34 Discharge of waste oil	The discharge of waste oil onto or into land (excluding by way of disposal at a landfill) in the Coastal Margin.	Non-Complying			Refer to notification requirements in ss95A-95F of RMA

27.3 Take, diversion and transfer of water in Coastal Margin

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
35 Taking and use of surface water and groundwater not regulated by, or not complying with, other rules	Except as provided for in Rule 36, Rule 37 or Rule 38, the take and use of surface water or ground water in the Coastal Margin.	Discretionary			Refer to notification requirements in ss95A-95F of RMA
36 Minor takes and uses of ground water	Except as provided for in Rule 37, the take and use of groundwater in the Coastal Margin, excluding the take and use of groundwater from the Groundwater Management Zones identified in Schedule P of this Plan. ⁴³	Permitted	<ul style="list-style-type: none"> a) The total volume of water taken from any property shall not exceed 20 m³/d.⁴⁴ b) The rate of take shall not exceed 10 l/s. c) The take shall not adversely affect any lawfully established efficient ground water take, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected persons. d) The take shall not adversely affect any wetland, lake or surface water body. e) In circumstances where there is the risk of contaminants flowing into a bore used for taking ground water, a backflow prevention device shall be installed. 		
37 Aquifer testing	The take and use of groundwater in the Coastal Margin for purposes of aquifer testing.	Permitted			
38 Minor takes and uses of surface water	Except as provided for in Rule 37, the take and use of surface water in the Coastal Margin. ⁴⁵	Permitted	<ul style="list-style-type: none"> a) Except for takes occurring for a period of less than 4 weeks, the total volume taken shall not exceed 20 m³/d per property;(or per work site where the activity relates to the take and use of water for the maintenance of road reserves) nor shall the total 		

⁴³ NOTE: The take and use of water for reasonable domestic needs, stock drinking purposes and fire fighting, (including from locations within the Groundwater Management Zones identified in Schedule P of this Plan) is not required to be included in this measurement.

⁴⁴ NOTE: When the permitted activity limit of 20m³ per day is exceeded, a resource consent is required for the total take.

⁴⁵ NOTE: The take and use of water for an individual's reasonable domestic needs and stock drinking purposes is not restricted by this rule.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>volume exceed the reasonable needs of the user, whichever is the lesser. ⁴⁶</p> <p>b) For takes occurring for a period of less than 4 weeks within any 90 day period, the total volume taken by any person shall not exceed 200 m3 per 7 day period.</p> <p>c) The rate of take shall not exceed 10% of the instantaneous flow at the point of take.</p> <p>d) The intake velocity shall not exceed 0.3 m/s.</p> <p>e) The take shall not adversely affect any wetland, lake or surface water body.</p> <p>f) The take shall not adversely affect any lawfully established efficient ground water take, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person.</p>		
39 Diversions not regulated by, or not complying with other rules	<p>Any diversion of water in the Coastal Margin that:</p> <ol style="list-style-type: none"> 1. is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity or 2. does not comply with all relevant conditions on a permitted activity rule or 3. does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
40 Minor diversions of water	Except as provided for by other rules in this Plan, the diversion of water in the Coastal Margin.	Permitted	<p>a) Either:</p> <ol style="list-style-type: none"> i) the catchment area above the diversion shall not exceed 50 hectares or ii) the diversion shall remain within the bed of the affected water body or iii) the diversion shall divert no more than 10% of the flow of the affected water body, and the diverted water shall be returned to the affected water body no more than 100m downstream of the point at which the water is diverted. 		

⁴⁶ NOTE: When the permitted activity limit of 20m³ per day is exceeded, a resource consent is required for the total take.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> b) The diversion shall have not adversely affect any wetland. c) The diversion shall not be from one catchment to another. d) The diversion shall not cause any scouring or erosion of any land or any water course beyond the point of discharge. e) The diversion shall not adversely affect any lawfully established take, which existed at the time that the diversion commenced. f) The diversion shall not prevent the passage of fish within the water body. g) There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion activity. 		
41 Lawfully established diversions of water	Any lawfully established diversion of water ⁴⁷ in the Coastal Margin.	Permitted	<ul style="list-style-type: none"> a) The diversion shall not cause any scouring or erosion of any land or any water course beyond the point of discharge. b) The diversion shall not adversely affect any lawfully established take, which existed at the time that the diversion commenced. c) The diversion shall not prevent the passage of fish within the water body unless this was authorised at the time that the diversion was established. d) There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion activity. 		
42 Diversion and discharge of water in an artificial watercourse	The diversion and discharge of water in the Coastal Margin associated with the maintenance and removal or demolition of structures in any artificial water course and associated discharge of sediment.	Permitted	<ul style="list-style-type: none"> a) There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion or discharge activity. b) There shall be no discharge of contaminants, other than sediment, into the river or lake. 		

⁴⁷ NOTE: This rule provides for diversions established in accordance with either s14 of the RMA, or s20A of the RMA which provides for certain existing lawful activities to be allowed.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			c) Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of the water after reasonable mixing.		
43 Transfer of consents to take and use surface water from a lake	The transfer of a resource consent to take and use surface water from a lake in the Coastal Margin to another site.	Permitted	a) The transfer must be to another site within the same lake in the Coastal Margin.		
44 Transfer of consents to take and use surface water from a river	The transfer of a resource consent to take and use surface water from a river in the Coastal Margin to another site.	Controlled	<p>a) The transfer must be to another site within the same stream management zone in the Coastal Margin, where the flow is not significantly less than at the original site of abstraction.</p> <p>b) The transfer shall not result in any reduction in the rate of surface water recharge into ground water.</p> <p>c) The transfer shall not adversely affect any lawfully established surface water abstraction, which existed prior to transfer of the take.</p> <p>d) The transfer shall not result in any increase in adverse effects on aquatic ecosystems or fish passage.</p>	<p>a) Timing of take</p> <p>b) Design of intake</p> <p>c) Volume of water required by, or reasonable needs of, transferee</p> <p>d) Matters in Chapter 26.2</p>	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.
45 Transfer of consents to take and use ground water	The transfer of a resource consent to take and use groundwater in the Coastal Margin to another site.	Controlled	<p>a) The transfer must be to another site within the same aquifer in the Coastal Margin.</p> <p>b) The transfer must be to a location at which the aquifer has the same or greater aquifer transmission and storage characteristics.</p> <p>c) The transfer shall not adversely affect any lawfully established efficient ground water abstraction, which existed prior to transfer of the take.</p> <p>d) The transfer shall not cause any reduction in the flow of any river or spring.</p>	<p>a) Aquifer testing</p> <p>b) Volume of water required by, or reasonable needs of transferee</p> <p>c) Matters in Chapter 26.2</p>	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

27.4 River and lake beds in Coastal Margin

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
46 River & lake bed activities not regulated by, or not complying with, other rules <small>47b</small>	Any activity in, on, or under the bed of any river or lake in the Coastal Margin that: <ol style="list-style-type: none"> Is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity; or Does not comply with all relevant conditions on a permitted activity rule; or Does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
47 Disturbance of river and lake beds not regulated by other rules <small>47b</small>	Except as provided for by any other rules in this Plan, the disturbance of the bed of a river or lake in the Coastal Margin including, but not limited to any disturbance caused by: <ol style="list-style-type: none"> tunnelling or drilling or excavation. 	Permitted	<ol style="list-style-type: none"> The area of disturbance shall be no greater than 5m². The disturbance shall not change the natural course of any river or lake. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. There shall be no discharge of contaminants, other than sediment, into the river or lake. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure. The disturbance shall not cause any increase in the risk of flooding or damage to any property during flood events, including the risk resulting from trapped debris. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days. The activity or structure shall not cause any erosion, scour or deposition beyond the area of disturbance or adversely affect any other lawfully established structure. 		

47b 1. Rule 46 does not apply to river & lake bed activities in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
2. Rule 47 does not apply to the disturbance of river & lake beds in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			i) All excess materials shall be removed from the bed by completion of the activity. j) In areas of fish spawning there shall be no disturbance by the use of mobile machinery of any part of the bed covered by water from 1 May to 30 September (fish spawning season).		
48 Use of structures ⁴⁸	The use ⁴⁹ of any lawfully established structure in, on, under or over the bed of a river, lake or artificial watercourse in the Coastal Margin.	Permitted			
49 Maintenance of structures ⁵⁰	Except as provided for in Rule 54, the maintenance of any lawfully established structure in, on, under or over the bed of a river or lake in the Coastal Margin and <ol style="list-style-type: none"> 1. any associated disturbance of the river or lake bed and 2. any associated discharge of sediment and 3. any associated diversion of water. 	Permitted	a) The activity shall not result in any increase in the area of river or lake bed occupied by the structure. b) There shall be no discharge of contaminants, other than sediment, into the river or lake. c) The disturbance of any river or lake bed, and any associated removal, flushing or deposit of bed material, shall only be to the extent necessary to maintain the functional integrity and operational efficiency of the structure. d) Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. e) All materials removed from the structure and excess construction materials shall be removed from the bed by completion of the activity. f) Materials used shall not be toxic to aquatic ecosystems.		

⁴⁸ 1. Rule 48 does not apply to the use, maintenance and upgrading of existing electricity transmission activity structures. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

2. Rule 48 does not apply to the use of structures in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

⁴⁹ For the purposes of this Rule, 'use' refers to the actual use of the structure and not to matters contained in s14 and s15 of the RMA.

⁵⁰ 1. Rule 49 does not apply to the use, maintenance and upgrading of existing electricity transmission activity structures. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

2. Rule 49 does not apply to the maintenance of structures in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>g) The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</p> <p>h) There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris.</p> <p>i) Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days</p> <p>j) Upon completion of any channel bank works within a river or lake bed, the banks shall be reinstated to a natural contour and revegetated.</p> <p>k) Existing river protection works or any other existing structure must not be damaged.</p> <p>l) In areas of fish spawning there shall be no disturbance by the use of mobile machinery of any part of the bed covered by water from 01 May to 30 September (fish spawning season) other than the necessary maintenance of culverts, drains or bridges and for the clearance of debris from structures.</p>		
50 Installation, replacement and upgrading of network utility structures ⁵¹	Any activity associated with the following: <ol style="list-style-type: none"> the replacement and upgrading of any lawfully established network utility operation structure in airspace over and above the bed of any river or lake in the Coastal Margin the installation of lines or cables attached to an existing structure in the airspace <u>over and above</u> the bed of any river or lake in the Coastal Margin.⁵² 	Permitted	<p>a) There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris.</p> <p>b) There shall be no discharge of contaminants, other than sediment, into the river or lake.</p> <p>c) Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days, and for no more than 12 hours on any one day during those five days.</p> <p>d) Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.</p>		

⁵¹ Rule 50 does not apply to the use, maintenance and upgrading of existing electricity transmission activity structures. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

⁵² HBRC owns or administers many of the beds of rivers and lakes in the region, and thus has landowner rights and responsibilities in relation to this land. No right to undertake works on land owned or administered by the HBRC is given or inferred even if works fully comply with this rule.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>e) Any upgrading of a structure shall not result in an increase or more than 15% of the land area occupied by the structure.</p> <p>f) No work shall be undertaken in the bed of the river or lake during fish spawning season (1 May to 30 September).</p>		
51 Removal and demolition of structures ^{52b}	<p>Except as provided for in Rule 54, the removal or demolition of a structure, or any part of a structure, in, on, under, or over the bed of a river or lake in the Coastal Margin and</p> <ol style="list-style-type: none"> 1. any associated disturbance of the river or lake bed and 2. any associated discharge of sediment and 3. any associated diversion of water.⁵³ 	Permitted	<ol style="list-style-type: none"> a) There shall be no discharge of contaminants, other than sediment, into the river or lake. b) Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. c) All removal and demolition material shall be removed from the bed by completion of the activity. d) Materials used shall not be toxic to aquatic ecosystems. e) The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure. f) There shall be no reduction in the ability of the channel to convey flood flows, or impedance to the passage of floating debris. g) Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days. h) Upon completion of any channel bank works within a river or lake bed, the banks shall be reinstated to a natural contour and revegetated. i) Existing river protection works or any other existing structure must not be damaged. j) Written notice shall be provided to HBRC advising of the removal or demolition of any of the following 		

^{52b} Rule 51 does not apply to removal & demolition of structures in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

⁵³ HBRC owns or administers many of the beds of rivers and lakes in the region, and thus has landowner rights and responsibilities in relation to this land. No right to undertake works on land owned or administered by the HBRC is given or inferred even if works fully comply with this rule.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>structures, at least 15 working days prior to the commencement of the activity:</p> <ul style="list-style-type: none"> i) access structures in or on the bed of a river or lake, including bridges, culverts, and fords, which are located within a catchment greater than 50 hectares ii) structures which occupy more than 5m² of the bed of the river or lake. k) In areas of fish spawning there shall be no disturbance by the use of mobile machinery of any part of the bed covered by water from 1 May to 30 September (fish spawning season). 		
<p>52 Dams, weirs and other barrier structures in rivers, lakes and artificial watercourses <small>53b</small></p>	<p>The erection, construction or placement of any dam, weir or other barrier structure in, on, under, or over the bed of a river, lake and artificial watercourse in the Coastal Margin and</p> <ol style="list-style-type: none"> 1. any associated damming or diversion of water and 2. any associated discharge of sediment and 3. any associated disturbance of the river or lake bed.⁵⁴ 	Permitted	<ol style="list-style-type: none"> a) The catchment area of the structure shall not exceed 50 hectares, except where the structure is located in a land drainage or flood control area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 or the Local Government Act 1974. b) The volume of water to be stored or retained by the structure to spill level shall not exceed 20,000m³. c) The height of the structure (as measured vertically from the downstream bed to the crest) shall be no greater than 4m. d) A spillway shall be constructed to prevent the structure being overtopped during storm events, unless the structure is designed to allow overtopping. e) Conditions (a) to (d) do not apply to structures which are located in a land drainage or flood control area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land 		

^{53b} Rule 52 does not apply to the erection, construction or placement of any dam, weir or other barrier structure in in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

⁵⁴ NOTE: Rule 35, Rule 36, Rules 37 and Rule 38 apply to any associated taking and use of surface water.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>Drainage Act 1908 or the Local Government Act 1974.</p> <p>f) The impounded water shall not encroach onto any property, nor impede any drainage system beyond the subject property unless agreed to in writing by any affected property owners.</p> <p>g) Erection or placement of the structure shall not cause any erosion, scour or deposition beyond the area of erection or placement.</p> <p>h) The impounded water shall not cause any erosion or instability of bordering land.</p> <p>i) Within rivers and lakes, provision shall be made to maintain existing fish passage within the water body and, where the water body is permanently flowing, provision shall be made to maintain a residual flow immediately downstream of the structure of at least 1.2 l/min per hectare of catchment above the structure, except at times where such flow would not have occurred prior to the construction of the structure.</p> <p>j) Written notice shall be provided to HBRC advising the erection, construction or placement of the structure at least 15 working days prior to the commencement of the works where:</p> <ul style="list-style-type: none"> i) the volume of water to be stored or retained by the structure to spill levels exceeds 10,000m³ and ii) the structure is located within the catchment of a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 2002. <p>k) In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season)</p>		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			except in relation to the erection of whitebait stands, maimai and necessary access structures to these.		
53 Erection and placement of other structures, including bridges, culverts & other access structures⁵⁵	Except as provided for by other rules in this Plan, the erection or placement of any structure ⁵⁶ in, on, under, or over the bed of a river or lake in the Coastal Margin and <ol style="list-style-type: none"> 1. any associated disturbance of the river or lake bed and 2. any associated discharge of sediment and 3. any associated damming or diversion of water.⁵⁷ 	Permitted	<ol style="list-style-type: none"> a) The scale of the structure shall comply with the following: <ol style="list-style-type: none"> i) access structures in or on the bed of a river or lake, including bridges, culverts, and fords, shall be located in a catchment that is no greater than 150ha ii) other structures in or on the bed of a river or lake shall occupy an area of bed no greater than 10m². b) The structure shall not change the natural course of any river or lake. c) Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. d) There shall be no discharge of contaminants, other than sediment, into the river or lake. e) Materials used shall not be toxic to aquatic ecosystems. f) The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure. g) The structure shall not cause any increase in the risk of flooding to any property during flood events, including the risk resulting from trapped debris. h) The structure shall not cause any increase in the risk of damage to any property during flood events, including the risk resulting from trapped debris. i) Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than 		

⁵⁵ 1. For the purposes of this Rule, 'access structures' includes temporary crossings used in the harvesting of forests.

2. Rule 52 does not apply to the erection and placement of structures in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

⁵⁶ NOTE: A building consent under the Building Act 2004 may be required for some types of these structures.

⁵⁷ NOTE Rule 35, Rule 36, Rule 37 and Rule 38 apply to any associated taking and use of surface water.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>five consecutive days, and for no more than 12 hours, on any one day during those five days.</p> <p>j) The activity or structure shall not cause any erosion, scour or deposition beyond the area of the activity or structure or adversely affect any other lawfully established structure.</p> <p>k) All excess materials shall be removed from the bed by completion of the activity.</p> <p>l) In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season) except in relation to emergency works, or the erection of whitebait stands, maimai, and necessary access structures to these.</p> <p>m) Any whitebait structure shall be removed within 14 days of the end of any whitebait season.</p>		
<p>54</p> <p>River control and drainage works and structures</p>	<p>Any activity in the Coastal Margin, as described in the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works (2003), that is carried out by, or on behalf of, a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 2002, in relation to flood control and drainage, including, but not limited to:</p> <ol style="list-style-type: none"> 1. edge protection works 2. planting 3. river protection maintenance works 4. irrigation intake maintenance 5. weed and vegetation control (excluding spraying) 6. drain maintenance, and drainage outlet maintenance 7. drain crossings 8. opening a river mouth, lagoon or estuary 9. closing a river mouth, lagoon or estuary 10. river management and drainage for the maintenance of surface water quality 11. channel diversions within a river bed or drain, ancillary to the above activities. 	<p>Permitted</p>	<ol style="list-style-type: none"> a) The activity or structure shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure. b) The appropriate Fish and Game Council, Iwi and Department of Conservation office, shall be notified at least 5 working days before any channel diversion is undertaken. c) There shall be no discharge of contaminants, other than sediment, arising from the use of machinery in the bed of any river or lake. d) The activity shall not adversely affect any wetland. e) All activities shall be undertaken in accordance with the HBRC Environmental Code of Practice for River Control and Drainage Works, 2003. 		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
55 Small scale river bed gravel extraction	The extraction of sand, gravel or other material from the bed of a river using a hand-held, non-mechanical device (eg: a shovel), and any associated disturbance of the bed in the Coastal Margin.	Permitted	<ul style="list-style-type: none"> a) The quantity of bed material extracted by any person on any single day shall not exceed 0.25m³. b) The total quantity of bed material extracted by any person over any 12 month period shall not exceed 1m³. c) The material shall be extracted from an area of river bed that is not covered by water at the time of extraction. d) The area from which material is extracted shall be recontoured so that no mounds or depressions remain. e) There shall be no discharge of any contaminant directly into water. 		
56 Planting of plants in rivers/lakes	Except as provided for in Rule 54 and Rule 62, the introduction or planting of any plant ⁵⁸ or any part of any plant in, on, or under the bed of a river or lake in the Coastal Margin.	Permitted	<ul style="list-style-type: none"> a) The plant shall not be an exotic plant. b) The planting shall not result in any reduction in the ability of the water body to convey flood flows or any impedance to the passage of debris. c) The activity shall not cause any significant erosion, scour or deposition. d) The activity shall be undertaken in a manner that continues to provide for the existing passage of fish. e) In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 01 May to 30 September (fish spawning season). 		
57 Disturbance of river/lake beds by livestock^{58A}	Except as provided for in Rule 59, the disturbance of the bed of any permanently flowing river or any lake arising from the presence of livestock.	Permitted	<ul style="list-style-type: none"> a) The disturbance shall not cause any conspicuous change in the visual clarity of the water after reasonable mixing. b) Supplementary feed shall not be deposited on the bed of the river or lake. c) The disturbance shall not result in faecal coliforms exceeding 200cfu/100ml in any receiving water after reasonable mixing. 		

⁵⁸ NOTE: Pursuant to the Biosecurity Act 1993, it is an offence for anyone to sell, propagate or distribute any plant classified as a plant pest in the Regional Plant Pest Management Strategy.

^{58A} NOTE: Plan users should also refer to the Resource Management (Stock Exclusion) Regulations 2020.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
58 Disturbance of river/lake beds by livestock not complying with Rule 57 58B	Except as provided for in Rule 59, the disturbance of the bed of any permanently flowing river or any lake arising from the presence of livestock that does not comply with Rule 57.	Discretionary			Refer to notification requirements in ss95A-95F of RMA
59 Livestock in upper Ahuriri Estuary Stock Management Area ^{58C}	Livestock entering or crossing the bed or land within the upper Ahuriri Stock Management Area identified in Schedule R of this Plan and including any disturbance of the bed of the waterbody arising from presence of livestock. ⁵⁹	Prohibited			
60 Existing damming of water in rivers and lakes	Except as provided for in Rule 52, any existing damming of water associated with a lawfully established dam, weir, or other barrier structure in, on, under, or over the bed of a river, lake or artificial watercourse in the Coastal Margin. ⁶⁰	Controlled	a) The impounded water shall not encroach onto any property beyond the subject property, unless agreed to in writing by any affected property owners.	a) Stability of the land bordering the dam b) Residual downstream flow c) Flood risk in the event of structure failure d) Maintenance of structure e) Matters in Chapter 26.2	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.
61 Large scale river bed gravel extraction	Except as provided for in Rule 55, the extraction of sand, gravel or other material from the bed of any river or lake in the Coastal Margin and: 1. any associated disturbance of the bed and 2. any associated discharge of sediment and 3. any associated diversion of water.	Restricted discretionary		a) Location of extraction sites & stockpile areas b) Volume of gravel extracted c) Rate of removal of gravel d) Period of extraction e) End use of the gravel f) Dust management	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all

^{58B} NOTE: Plan users should also refer to the Resource Management (Stock Exclusion) Regulations 2020.

^{58C} NOTE: Plan users should also refer to the Resource Management (Stock Exclusion) Regulations 2020.

⁵⁹ This rule does not apply to any activity undertaken by, or on behalf of, a local authority or Department of Conservation for the purpose of restoring, protecting or enhancing the biodiversity of the coastal environment.

⁶⁰ NOTE: This Rule only applies to existing damming of water associated with lawfully established structures – not the structure itself. Rule 49 relates to lawfully established structures in river and lake beds.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				g) Compliance with the HBRC Code of Practice for River Control and Drainage Works h) Matters in Chapter 26.2	affected persons (if any), unless all affected persons have provided their written approval.
62 Activities affecting river control & drainage schemes⁶¹	Any of the following activities in the Coastal Margin, where they are undertaken by persons other than the local authority or persons acting on the local authority's behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, the Local Government Act 1974 or the Local Government Act 2002: ⁶² <ol style="list-style-type: none"> 1. the introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial watercourse, or within 6 metres of the bed 2. the erection of any building, fence or other structure in, on, or under the bed of any river, lake or artificial watercourse, or within 6 metres of the bed 3. the deposition of any rock, gravel, earth, debris or other substance in, on, or under the bed of any river, lake or artificial watercourse, or within 6 metres of the bed 4. the reclamation or drainage of the bed of any river, lake or artificial watercourse 5. the undertaking of any other land disturbance activity which impedes access to the bed of any river, lake or artificial watercourse, or within 6 metres of the bed 	Discretionary			Refer to notification requirements in ss95A-95F of RMA

⁶¹ NOTE 1: HBRC owns much of the land within River Control and Drainage Schemes, and thus has landowner rights and responsibilities in relation to this land. No right to undertake works on land owned or administered by the HBRC is given or inferred even if resource consent is granted under this rule.

NOTE 2: This rule does not apply to maintenance, replacement or upgrading of a structure that fully complies with Rule 49 or Rule 50 whichever is applicable.

⁶² NOTE: The ongoing maintenance and repair of any structure authorised by a resource consent under this rule is a permitted activity under Rule 49.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
	6. the erection of any structure and the undertaking of any land disturbance activity which interferes with the integrity of any defence against water ⁶³ .				

⁶³ 'Defence against water' includes stopbanks and their foundations.

27.5 Discharges to air

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
<p>63 Discharges of contaminants to air not complying with rules ^{63b}</p>	<p>The discharge of contaminants into the air in the Coastal Environment that:</p> <ol style="list-style-type: none"> 1. does not comply with all relevant conditions on a permitted activity rule or 2. does not comply with all relevant standards and terms on a controlled activity rule. 	<p>Restricted discretionary</p>		<p>a) Conditions, standards or terms which the activity cannot comply with, and the related environmental effects b) Matters for control' set out in the relevant rule for activities that would otherwise be controlled activities (if they complied with all standards & terms of the relevant rule) c) Contaminant emission rate d) Measures to ensure maintenance of fuel burning equipment; carrying out of measurements, samples, analysis, surveys, investigations or inspections including monitoring of: contaminant concentrations and emission rates, opacity of discharges; quantity of fuel used; cumulative effects of discharges in combination with discharges from other sources; provision of</p>	<p>Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.</p>

^{63b} Rule 63 does not apply to the discharge of contaminants to air in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				<p>information to consent authority at specified times</p> <p>e) New technologies available to minimise discharges or effects of discharges</p> <p>f) Effects on aircraft navigation and safety and highway safety</p> <p>g) Methods used to disperse contaminants, including chimney height, design, and emission velocity; and direction of exhaust gases. Chimney height will generally be determined in accordance with Schedule 1</p> <p>h) Matters in Chapter 26.2</p>	
64 Discharges of contaminants to air not regulated by other rules⁶⁴ (Industrial and Trade premises)	The discharge of contaminants into the air in the Coastal Environment from any industrial and trade premises that is not specifically classified by any other rule in this Plan as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.	Discretionary			Refer to notification requirements in ss95A-95F of RMA

⁶⁴ 1. All other discharges to air (e.g. from residential properties) which are not specifically regulated by rules in this Plan are regulated by Section 15 of the RMA. NOTE: The Resource Management (National Environmental Standards Relating to Air Quality) Regulations 2004 regulate the installation of woodburners on properties less than 2 hectares in size.

2. Rule 64 does not apply to the discharge of contaminants to air in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
65 Burning of specified fuels from fixed sources ^{65, 66, 67,}	The discharge of any contaminant into air from any source in the Coastal Environment, (including any industrial or trade premises), but excluding any moveable source ⁶⁸ , and any dwelling house arising from the burning of: <ol style="list-style-type: none"> 1. natural or liquefied petroleum gas and/or 2. coal, diesel, kerosene, light fuel oil, heavy fuel oil wood pellet fuel or untreated wood. 	Permitted	<ol style="list-style-type: none"> a) maximum heat output shall not exceed: <ol style="list-style-type: none"> i) 5 MW for natural or liquefied petroleum gas or ii) 100 kW for coal, light fuel oil, heavy fuel oil or untreated wood or iii) 200 kW for wood pellet fuel iv) 2 MW for diesel or kerosene or (external combustion) v) 100 kW for diesel or kerosene (internal combustion) vi) where more than one fuel type is used on the site, the combined heat output shall not exceed the lowest MW threshold of any of the fuel types used. b) The fuel shall be burned using fuel burning equipment, and the discharge shall be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards. c) At any point beyond the boundary of the subject property, or on any public land: <ol style="list-style-type: none"> i) the discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within 5m of ground level and ii) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and iii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases. d) The fuel shall not comprise any of the waste materials specified in Rule 75. 		

⁶⁵ NOTE: Schedule I sets out estimated emission rates of contaminants under this rule.

⁶⁶ NOTE: This rule does not apply to any activity otherwise regulated by the Resource Management (Marine Pollution) Regulations.

⁶⁷ NOTE: For the avoidance of doubt, Rule 65 applies to the discharge of contaminants into air from any small-scale solid fuel burner or open fires on an industrial or trade premises where that burner or open fire is used exclusively for smoking or cooking of food for wholesale or retail sale.

⁶⁸ Discharges of contaminants into air arising from the combustion of fuels in moveable sources (including ships, vessels, motor vehicles and aircraft), are not regulated by this Plan and therefore do not require resource consents (excluding moveable asphalt plants and road burners which are covered by rules elsewhere in Chapter 27.5).

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			e) For external combustion sources the stack shall comply with requirements in Schedule I.		
66 Burning of specified fuels from fixed sources ^{69, 70}	Except as provided for in Rule 65, the discharge of any contaminant into air from any source in the Coastal Environment, (including any industrial or trade premises), but excluding any moveable source and any dwellinghouse, arising from the burning of: <ol style="list-style-type: none"> 1. natural or liquefied petroleum gas or 2. wood pellet fuel or 3. diesel. 	Controlled	<p>a) The maximum heat output shall not exceed:</p> <ol style="list-style-type: none"> i) 50 MW for natural or liquefied petroleum gas; or ii) 600 kW for wood pellet fuel in a modified pellet boiler iii) 1.2 MW for wood pellet fuel in a custom designed pellet boiler iv) 5 MW for diesel (external combustion) or v) where more than one fuel type is used on the site, the combined heat output shall not exceed the lowest MW threshold of any of the fuel types used. <p>b) The fuel shall not comprise any of the waste materials specified in Rule 75.</p> <p>c) The opacity of the discharge when measured at the point of entry to the atmosphere shall not exceed 20%, except that a discharge in excess of this shall be allowed for a period of not more than 2 minutes continuously or for an aggregate of 4 minutes in any 60 minute period.</p> <p>d) At any point beyond the boundary of the subject property, or on public land:</p> <ol style="list-style-type: none"> i) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and ii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases and iii) the discharge shall not result in any smoke that adversely affects traffic safety or reduces visibility within a height of 5m above ground level. 	<p>a) Methods used to disperse contaminants, including chimney height, design, and emission velocity; and direction of exhaust gases. Chimney height, will generally be determined in accordance with Schedule I</p> <p>b) Effects on aircraft navigation and safety and highway safety</p> <p>c) Particulate matter emissions and means to ensure compliance with National Environmental Standards</p> <p>d) Contaminant emission rate</p> <p>e) Measures to ensure maintenance of fuel burning equipment; carrying out of measurements, samples, analysis, surveys, investigations or inspections including monitoring of: contaminant concentrations and emission rates, opacity of discharges; quantity</p>	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

⁶⁹ NOTE: Schedule I sets out estimated emission rates of contaminants under this rule.

⁷⁰ NOTE: This rule does not apply to any activity otherwise regulated by the Resource Management (Marine Pollution) Regulations.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				<p>of fuel used; cumulative effects of discharges in combination with discharges from other sources; provision of information to consent authority at specified times</p> <p>f) New technologies available to minimise discharges or effects of discharges</p> <p>g) Matters in Chapter 26.2</p>	
<p>67 Discharge to air from any small scale solid fuel burner - Hastings Airshed</p>	<p>The discharge of contaminants into air from a small scale solid fuel burner in a building located within the Hastings Airshed.</p>	<p>Permitted</p>	<p>a) Any solid fuel burner located in Airzone 2 of the Hastings Airshed must comply with the requirements in Part B Schedule K, except where the solid fuel burner was installed before 1 November 2014 (being the date this rule became operative).</p> <p>b) At any point beyond the boundary of the subject property, or on any public land:</p> <p>i) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and</p> <p>ii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases.</p> <p>c) Contaminants discharged may only be derived from the combustion of fuel approved by the manufacturer for use in the solid fuel burner.</p>		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
68 Discharges to air from any small scale solid fuel burner in Napier Airshed	The discharge of contaminants to air from a small scale fuel burner in a building located within the Napier Airshed. ⁷¹	Permitted	<ul style="list-style-type: none"> a) Any small scale solid fuel burner located on a property less than 2 hectares in size in Airzone 1 of the Napier Airshed must comply with the requirements in Part B Schedule K or Part C Schedule K, or with the definition of 'wood fired cooker' in this Plan. b) Any solid fuel burner located in Airzone 2 of the Napier Airshed or in Airzone 1 of the Napier Airshed on a property over 2 hectares in size must comply with the requirements in Part B Schedule K, except where the solid fuel burner was installed before 1 November 2014 (being the date this rule became operative). c) At any point beyond the boundary of the subject property, or on any public land: <ul style="list-style-type: none"> i) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and ii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases. d) Contaminants discharged may only be derived from the combustion of fuel authorised or approved for use in the small scale solid fuel burner. 		
69 Discharges to air from any small scale solid fuel burner or open fire in a Registered Historic Building	The discharge of contaminants into air from the burning of fuel in any existing small scale solid fuel burner or an open fire that is located within a registered historic building ⁷² located in the Napier or Hastings Airsheds.	Permitted	<ul style="list-style-type: none"> a) The small scale solid fuel burner or open fire must contribute to the significance of the registered historic place. b) Any wood burner installed after 1 September 2005, or any small scale solid fuel burner installed after 10 December 2008 in a building on a property with an allotment size of less than 2 hectares, must comply with the requirements in Schedule K. c) At any point beyond the boundary of the subject property, or on any public land: 		

⁷¹ If condition (a) of Rule 68 cannot be complied with, then the activity is prohibited under Rule 77. If conditions (b), (c) and (d) of Rule 68 cannot be complied with then the activity is restricted discretionary under Rule 63.

⁷² For the purposes of Rule 69, a registered historic building is a building that is individually registered on the New Zealand Historic Places Register and/or in any relevant district plan or proposed district plan.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
Napier and Hastings Airsheds			<ul style="list-style-type: none"> i) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and ii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases. 		
70 Discharges to air for specified purposes	<p>The discharge of contaminants into air arising from the burning of materials in the Coastal Environment for any of the following purposes:</p> <ol style="list-style-type: none"> 1. training people to put out fires 2. creating special smoke and fire effects for the purposes of producing films 3. fireworks display or other temporary event involving the use of fireworks. 	Permitted	<ul style="list-style-type: none"> a) At any point beyond the boundary of the subject property, or on public land: <ul style="list-style-type: none"> i) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and ii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases and iii) the discharge shall not result in any smoke that adversely affects traffic safety or reduces visibility within a height of 5m above ground level. b) Any discharges for purposes of training people to put out fires must take place under the control of the NZ Fire Service or any other nationally recognised agency authorised to undertake firefighting research or fire fighting activities. c) Any discharge for the purposes of training people to put out fires, or for the creation of special smoke or fire effects for producing films: <ul style="list-style-type: none"> i) Must not occur during the months of May, June, July or August If the property is located within the Hastings or Napier Airsheds⁷³, and ii) Must be notified to the Hawke's Bay Regional Council at least 2 working days prior to the activity commencing. 		

⁷³ If condition (c)(i) of Rule 70 cannot be complied with then the activity is non-complying under Rule 74.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
71 Discharges to air at Port of Napier for biosecurity purposes (including dunnage disposal)	The discharge of contaminants into air arising from: <ol style="list-style-type: none"> 1. the burning of materials (including dunnage) at the Port of Napier for disease control or quarantine control in accordance with the Biosecurity Act 1993 2. a new biosecurity incursion which is likely to pose a significant risk in the opinion of the Hawke's Bay Regional Council. 	Controlled	<ol style="list-style-type: none"> a) Except as stated in condition (b), all material burnt on, or originating from, the Port of Napier shall be burnt using fuel burning equipment, and the discharge shall be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards in accordance with Schedule I. b) Only the following material may be burnt in the open: <ol style="list-style-type: none"> i) relatively dry wood dunnage ii) material ordered by Biosecurity NZ or Ministry of Agriculture and Forestry to be burnt that is too large for fuel burning equipment at the Port of Napier. c) Incineration of waste gases arising from the burning of materials in accordance with Condition (a) shall be undertaken such that waste gases are held at a minimum temperature of 850 degrees Celsius for at least 2 seconds calculated at a standard oxygen content of 6% on a wet gas basis. d) At any point beyond the boundary of the subject property, or on public land: <ol style="list-style-type: none"> i) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and ii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases and iii) the discharge shall not result in any smoke that adversely affects traffic safety or reduces visibility within a height of 5m above ground level. 	<ol style="list-style-type: none"> a) The potential adverse effects of the discharge to air of contaminants and any means to reduce emissions of contaminants b) Proximity to, and sensitivity of, the surrounding environment c) The origin, nature, volume and timing of materials to be burnt, (including meteorological conditions at time of burning) d) Particulate matter emissions and means to ensure compliance with National Environmental Standards e) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
72 Burning of waste not within CMA	Except as provided for in Rule 70 and Rule 71, the discharge of contaminants into air not within the coastal marine area ⁷⁴ arising from the burning of waste. ⁷⁵	Permitted	<ul style="list-style-type: none"> a) The waste shall have been generated on the same property, or on another property under the same ownership, as that used for burning. b) Any material burnt on, or originating from, industrial or trade premises shall be burnt using fuel burning equipment, and the discharge shall be from a chimney or exhaust structure designed so that the emission is effectively dispersed upwards in accordance with Schedule I. c) The material to be burnt shall not contain any animal waste (except animal waste generated on production land), tyres or other rubber, waste oil, any waste products containing hydrocarbons, wood treated with chemicals, painted wood, chip board, plastic, asbestos, medical waste, chemical waste, or any combination of metals and combustible materials or any other waste materials specified in Rule 75. d) At any point beyond the boundary of the subject property: <ul style="list-style-type: none"> i) the discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within a height of 5m above ground or reduces visibility within recognised flight paths in the vicinity of airports and ii) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and iii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases. 		

⁷⁴ NOTE: The burning of waste or other matter in any marine incineration facility in the coastal marine area is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan under Clause 6(10) of the Resource Management (Marine Pollution) Regulations 1998.

⁷⁵ Conditions (a) to (d) shall apply where discharges of contaminants occur as a result of Local Authorities carrying out their functions by burning waste on public land.

Advisory Note:

Territorial Authority Bylaws – it is important to note that rules do not replace territorial authority bylaws controlling burning. Persons burning any waste or other materials should ensure that they comply with any relevant bylaws, including prohibited or restricted fire seasons.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
73 Burning of vegetative matter, paper, cardboard and untreated wood, and fuel burnt in any frost protection heater	Except as provided for by Rule 71 the discharge of contaminants into air arising from the burning in the open of vegetative matter, paper, cardboard and untreated wood, and fuel burnt in any frost protection heater.	Permitted	<ul style="list-style-type: none"> a) Burning shall only consist of fuel for frost protection purposes or vegetative matter, paper, cardboard and untreated wood generated on the same property, or a property under the same ownership. b) At any point beyond the boundary of the subject property, or on any public land: <ul style="list-style-type: none"> i) the discharge shall not result in any objectionable deposition of particulate matter on any land or structure and ii) the discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases. c) Burning shall not consist of any of the specific fuels or waste specified in Rule 75⁷⁶. d) The burning of oil⁷⁷ for frost protection purposes shall only take place in fuel burning equipment that operates with a stack or chimney. 		
74 Outdoor burning during certain times of year	Except as provided for in Rule 70, Rule 71, Rule 72, Rule 73 and Rule 75, the discharge of contaminants into air arising from outdoor burning during the months of May, June, July or August within the Napier Airshed or Hastings Airshed. ⁷⁸	Non-complying			Refer to notification requirements in ss95A-95F of RMA
75 Burning of specified waste⁷⁹ in the open and in small scale fuel burners	Except as provided for in Rule 70 and Rule 71, the discharge of contaminants into air in the Coastal Environment arising from the burning in the open and/or in a small scale fuel burner of: <ul style="list-style-type: none"> 1. any combination of metals and combustible materials; or 2. animal waste (excluding animal waste generated on production land), rubber, wood 	Prohibited			

⁷⁶ NOTE: Condition (c) effectively means that only burning of fuel in frost protection heaters, or the burning of paper, cardboard, wood, vegetation cuttings, untreated plant fibres and the like complies with this condition.

⁷⁷ For the purposes of Rule 73(d) oil is defined as: petroleum in any form other than gas, including crude oil, and refined oil products (e.g. diesel fuel, kerosene, motor gasoline), but excludes waste oil which is prohibited from being burnt in the open under Rule 75.

⁷⁸ NOTE: Rule 74 does not override Clause 10 of the Resource Management (National Environmental Standards Relating to Air Quality) Regulations 2004 which prohibits burning of oil in the open.

⁷⁹ NOTE: The burning of waste or other matter in any marine incineration facility in the coastal marine area is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan under Clause 6(1) of the Resource Management (Marine Pollution) Regulations 1998.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
	<p>treated with chemicals except wood pellets which comply with the definition of 'wood pellets' in this Plan), oiled, painted or stained wood, chip board, asbestos, medical waste, pacemakers, biomechanical devices or chemical waste; or</p> <ol style="list-style-type: none"> 3. synthetic material, including but not limited to, motor vehicle parts, foams, fibreglass, batteries, surface coating materials, tar or any type of plastic; or 4. peat; or 5. sludge from industrial processes⁸⁰. 				
76 Discharges to air from open fires in Hastings or Napier Airsheds	<p>Except as provided for by Rule 69, the discharge of contaminants to air from a building located within the Hastings Airshed or Napier Airshed resulting from the burning of any solid fuel in any open fire from 1 January 2012, unless:</p> <ol style="list-style-type: none"> 1. the open fire was installed before 10 December 2008, and 2. is located on a property over 2 hectares in size or is located in Airzone 2 of the Hastings or Napier Airsheds. 	Prohibited			
77 Discharges to air from small scale solid fuel burners Napier Airshed	<p>Except as provided for in Rule 67, Rule 68 and Rule 69, the discharge of contaminants into air from any small scale solid fuel burner in a building located in Airzone 1 of the Napier Airshed as follows:</p> <ol style="list-style-type: none"> 1. After 1 January 2014 the use of solid fuel burners installed prior to 31 December 1995 2. After 1 January 2016, the use of solid fuel burners installed between 1 January 1996 and 31 August 2005 3. After 1 January 2020, the use of solid fuel burners installed after 1 September 2005 that do not comply with the requirements in Schedule K. 	Prohibited			

⁸⁰ NOTE: Burning of other materials in addition to those identified in this rule may be prohibited by National Environmental Standards.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
78 Discharges to air from a small scale solid fuel burner or open fire at property ownership⁸¹ transfer in Napier Airshed	Except as provided for by Rule 67, Rule 68 and Rule 69, the discharge of contaminants into air from any existing small scale solid fuel burner or open fire, located within Airzone 1 of the Napier Airshed that: <ul style="list-style-type: none"> 1. is occurring at any time after the date from which there is a registered transfer of ownership of the property, after 1 November 2014 (being the date this rule became operative). 	Prohibited			
79 Flaring of hydrocarbons from petroleum exploration or mining in the CMA	The discharge of contaminants to air in the coastal marine area arising from the flaring of hydrocarbons from petroleum exploration or mining.	Controlled	<ul style="list-style-type: none"> a) The discharge must not occur within 2,000m of a Significant Conservation Area. b) Any non-petroleum products must not be combusted or discharged. c) The discharge must not be located in aircraft flight paths identified in the City of Napier District Plan. 	<ul style="list-style-type: none"> a) Effects on air quality and water quality b) Effects on wildlife, including marine mammals and birds c) Performance of combustion equipment d) Separation of natural gas from liquid hydrocarbons and water e) Noise & light emissions f) Duration of flaring g) Notification prior to commencement h) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.
80 Moveable aggregate processing plants	The discharge of contaminants into air in the Coastal Environment from the operation of a moveable aggregate processing plant.	Permitted	<ul style="list-style-type: none"> a) There shall be no visible discharge of water spray or dust beyond the boundary of the subject property, or in the case of public land, beyond 50m from the discharge or beyond the boundary of the public land, whichever is the lesser. b) The dust deposition rate resulting from the discharge shall not raise the ambient dust deposition rate by more than 4g/m² per 30 days at any point beyond the boundary of the subject property. 		

⁸¹ Rule 78 does not apply to a transfer in title in consequence of death of an owner when the title is transferred to the surviving partner, or where the surviving partner continues to occupy the dwelling.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
81 Minor discharges from industrial & trade premises	<p>The discharge of contaminants into air from any industrial or trade premises in the Coastal Environment that is not specifically provided for by any other rule in this Plan, arising from:</p> <ol style="list-style-type: none"> 1. discharges of heat to air 2. discharges of energy to air, including release of energy from sources of electromagnetic radiation, including radio transmitter, television, or cell phones; or release of X-rays from a radioactive source 3. discharges for the purposes of ventilation or vapour displacements 4. discharges arising from the use of fumigants for biosecurity purposes 5. discharges of dust arising from the loading, unloading, transport, and conveyance of goods and materials 6. discharges of dust from the operation of an aggregate processing plant 7. discharges of dust arising from the storage and stockpiling of solid materials, including aggregates but excluding stock feed, waste, fertiliser, compost, and biosolids. 	Permitted	<ol style="list-style-type: none"> a) The discharge shall not result in any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property. b) There shall be no visible discharge of any contaminant beyond the boundary of the subject property or on public land, other than smoke from fuel burning equipment or water vapour. c) Any discharge of water vapour or smoke shall not result in any plume which adversely affects traffic safety, or reduces horizontal visibility within 5m above ground level at any point beyond the boundary of the subject property, or reduces visibility within recognised aircraft flight paths in the vicinity of airports. d) Any discharge of odour shall not be offensive or objectionable beyond the boundary of the subject property. e) The dust deposition rate resulting from the discharge shall not raise the ambient dust deposition rate by more than 4g/m² per 30 days at any point beyond the boundary of the subject property. f) The discharge shall not result in any objectionable deposition of particulate matter on any land or structure beyond the boundary of the subject property. g) The discharge shall not result in any airborne liquid contaminant excluding water vapour being carried beyond the boundary of the subject property. h) The discharge shall be located and designed to avoid cross contamination of air intake used for ventilation purposes. 		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
82 Management of waste & other matter, excluding industrial & trade premises	The discharge of contaminants into air in the Coastal Environment arising from the storage, use, transfer, treatment or disposal of waste and other matter, excluding: <ol style="list-style-type: none"> 1. discharges into air from any industrial or trade premises⁸² and 2. discharges into air addressed by other rules in this Plan⁸³ and 3. discharges into air from moveable sources. 	Permitted	<ol style="list-style-type: none"> a) Any waste which is disposed of shall have been generated on the subject property or on another property under the same ownership as that used for disposal.⁸⁴ b) The discharge shall not result in any offensive or objectionable odour, or any noxious or dangerous levels of gases, beyond the boundary of the subject property. c) The discharge shall not result in any visible discharge of any material, including dust, beyond the boundary of the subject property. d) The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property. e) For any discharge into air arising from material sourced from industrial and trade premises, a Management Plan shall be prepared which sets out how conditions (b), (c) and (d) above will be met. A copy of this Management Plan shall be provided to the Hawke's Bay Regional Council upon request. 		
83 Wet abrasive blasting⁸⁵	The discharge of contaminants into air in the Coastal Environment from abrasive blasting, using wet abrasive blasting techniques. ⁸⁶	Permitted	<ol style="list-style-type: none"> a) There shall be no discharge of water spray, dust or other contaminant beyond the boundary of the subject property or, in the case of public land, beyond 50 metres from the discharge or beyond the boundary of the public land, whichever is the lesser. b) There shall be no discharge of water spray, dust or other contaminant into the coastal marine area. 		

⁸² The discharge of contaminants into air from industrial or trade premises, arising from the management of waste and other matter, is addressed under Rule 82 and Rule 86

⁸³ The discharge of contaminants into air arising from the burning of waste and other matter, is addressed under Rule 72 and Rule 75.

⁸⁴ NOTE: Condition (a) only restricts the source of waste to be disposed of. The source of waste or other matter that is stored, used, transferred or treated is not restricted.

⁸⁵ Rule 84 does not apply to the wet or dry abrasive blasting of a transmission line support structures of existing high voltage electricity transmission lines or the preparation of the structure to receive a protective coating. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

⁸⁶ Where discharges may enter a water body, then the activity must also meet the requirements of Rule 19; or Rule 167 where the discharge enters coastal waters.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
84 Dry abrasive blasting – fixed source ⁸⁷	The discharge of contaminants into air in the Coastal Environment from dry abrasive blasting, other than from the use of a moveable source. ⁸⁸	Permitted	a) The discharge shall not result in any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property. ⁸⁹ b) All items shall be blasted within an abrasive blasting enclosure. ⁹⁰ c) There shall be no visible discharge of dust beyond the abrasive blasting enclosure. d) There shall be no discharge of water spray or dust beyond the boundary of the subject property.		
85 Abrasive blasting – moveable source ⁹¹	Except as provided for in Rule 83, the discharge of contaminants into air in the Coastal Environment arising from abrasive blasting, using a moveable source. ^{92,93}	Discretionary			Refer to notification requirements in ss95A-95F of RMA
86 Miscellaneous discharges to air from industrial & trade premises	The discharge of contaminants into air in the Coastal Environment from any industrial or trade premises caused by any of the following activities, that is not specifically regulated by any other rule within this Plan: 1. waste treatment and/or disposal 2. composting, where more than 100m ³ (in total) of raw material, composting material and compost is held per premise at any one time	Discretionary			Refer to notification requirements in ss95A-95F of RMA

⁸⁷ Rule 85 does not apply to the wet or dry abrasive blasting of a transmission line support structures of existing high voltage electricity transmission lines or the preparation of the structure to receive a protective coating. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

⁸⁸ Where discharges may enter water, then the activity must also meet the requirements of Rule 19; or Rule 167 where the discharge enters coastal waters.

⁸⁹ For the purposes of Condition (a), the surface to be blasted should not contain any significant levels of hazardous substances, including lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, other heavy metals, and antifouling substances. The document 'Guidelines for the Management of Lead-Based Paint' (Occupational Safety and Health Service and Public Health Commission, 1995) provides comprehensive guidance for the removal of lead-based paints.

⁹⁰ For the purposes of this rule, an 'abrasive blasting enclosure' means a temporary or permanent structure with sealed ground/floor coverings and no ability for contaminants to escape from the structure. A negative air pressure device can assist with containment of contaminants.

⁹¹ Rule 86 does not apply to the wet or dry abrasive blasting of a transmission line support structures of existing high voltage electricity transmission lines or the preparation of the structure to receive a protective coating. Refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

⁹² Where discharges may enter a water body, then the activity must also meet the requirements of Rule 19; or Rule 167 where the discharge enters coastal waters.

⁹³ Nothing in Rule 86 precludes a person from applying for a single resource consent to cover multiple locations in the Hawke's Bay region.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
	<ol style="list-style-type: none"> 3. combustion of natural or liquefied petroleum gas with a maximum heat output that exceeds 50 MW 4. combustion of coal, light fuel oil, heavy fuel oil or untreated wood with a maximum heat output that exceeds 100 kW 5. combustion of diesel with a maximum heat output that exceeds 5 MW (external combustion) 6. Combustion of diesel and kerosene with a maximum heat output that exceeds 100 kW (internal combustion) 7. Combustion of kerosene with a maximum heat output that exceeds 2 MW (external combustion) 8. Combustion of wood pellets with a maximum heat output that exceeds 600 kW (modified pellet boilers) 9. Combustion of wood pellets with a maximum heat output that exceeds 1.2 MW (custom designed pellet boilers) 10. materials burnt in fuel burning equipment comprising any of the waste materials specified in Rule 75 11. the manufacture of cement, fibre board, pulp, paper, soaps, detergents, fertiliser, milk powder, other dried milk derived products, aluminium, steel, fibreglass, glass or frit, organic or inorganic chemicals (including pharmaceuticals), or rubber goods 12. the mechanical drying of treated timber 13. rendering, tanning, fellmongering, skin or hide processing, or pet food processing 14. fumigation processes, except for biosecurity purposes 15. crematoria 16. asphalt plants 17. hot dip galvanising 18. manufacture or disposal of radioactive substances 				

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
	19. use of di-isocyanates or organic plasticisers 20. sintering, calcining, or roasting of metal ores 21. smelting of any metal or metal alloy, including scrap metal 22. carbonisation, gasification, refining, purification, or reforming of natural gas, petroleum oil, shale, coal, wood, or other carbonaceous materials 23. smelting or burning of calcium or calcium-magnesium carbonates to produce calcium or magnesium oxides or hydroxides.				
87 Moveable asphalt plants	The discharge of contaminants into air in the Coastal Environment arising from the operation of a moveable asphalt plant. ⁹⁴	Discretionary			Refer to notification requirements in ss95A-95F of RMA
88 Moveable road burners	The discharge of contaminants into air in the Coastal Environment arising from the operation of moveable equipment used to treat road surfaces with heat. ⁹⁵	Non-Complying			Refer to notification requirements in ss95A-95F of RMA

⁹⁴ Nothing in Rule 88 precludes a person from applying for a single resource consent to cover multiple locations in the Hawke's Bay region.

⁹⁵ NOTE: Burning of bitumen on a road is prohibited under the Resource Management (National Environmental Standards Relating to Air Quality) Regulations 2004.

27.6 Land use activities in Coastal Hazard Zones

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
<p>89 Minor land uses in CHZ1, CHZ2 and CHZ3</p>	<p>Except as provided for in Rules 90 to 110, any of the following land uses in CHZ1, CHZ2, or CHZ3:</p> <ol style="list-style-type: none"> 1. Internal building work; 2. The maintenance, repair, construction, replacement, removal or demolition of a minor structure or works on private land; 3. The maintenance, repair, replacement, removal or demolition of an existing lawfully established building or structure, excluding any coastal protection structure; 4. The replacement of a lawfully established local authority owned or operated: <ol style="list-style-type: none"> a) reticulated system for stormwater; or b) structure for the taking or discharge of coastal water; c) where that system or structure is damaged or destroyed by coastal erosion or storm surge inundation. 5. The maintenance, repair, construction, upgrading, replacement, removal or demolition of a network utility operation structure within a road reserve; 6. Construction of decks and other uncovered outdoor entertaining structures no greater than 30m² in floor area; 7. Additions or alterations to an existing lawfully established building or structure where the floor area of additions and alterations are no greater than 20m² in floor area as measured from the floor area existing as at 30 August 2006; 8. The maintenance, repair, construction, upgrading, replacement, removal or demolition of cycleways, pathways, boardwalks, interpretive and directional signs, fencing, pedestrian stiles, gates, bollards, seating, picnic tables, barbeques, play equipment, public toilet and changing facilities, rubbish/recycling bins, and public car parks; 	<p>Permitted</p>	<p>a) In relation to additions and alterations in CHZ1 to an existing lawfully established building or structure, the additions and alterations shall not project further seaward than the existing building or structure.</p>		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
	<p>9. Any other land use activity not regulated by another rule in Chapter 27.6 of this Plan;⁹⁶</p> <p>10. Any earthworks associated with land uses in (1) to (9) above.</p>				
90 Land use activities in CHZ1, CHZ2 and CHZ3 not complying with conditions ⁹⁶	Any activity referred to in Rule 92, Rule 93 or Rule 95 that does not comply with all of the relevant conditions, but which is not expressly classified as a restricted discretionary, discretionary, non-complying or prohibited activity elsewhere in Chapter 27.6.	Restricted Discretionary		<p>a) Intended purpose or use of any structure(s)</p> <p>b) Effects on people's health and safety</p> <p>c) Effects of any structure(s) or use of land on natural coastal processes</p> <p>d) Effects of natural coastal processes on any structure(s) & use of land</p> <p>e) Probability and magnitude of erosion and inundation</p> <p>f) Methods to avoid or mitigate effects of coastal hazard to land use and any structure(s)</p> <p>g) Degree to which any protection works to the property or structure have been carried out</p> <p>h) Matters in Chapter 26.2</p>	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
91 Non-reticulated wastewater systems in CHZ3	A non-reticulated wastewater system in Coastal Hazard Zone 3.	Permitted	<p>a) The system shall be designed and installed to:</p> <p>i) operate in all ground conditions; and</p> <p>ii) ensure contents do not mix with flood waters in an event of inundation by coastal water having a 2% probability of occurring annually.</p>		

⁹⁶ 1. This rule does not override other rules elsewhere in Chapter 27 of this Plan (ie: such rules may also control land use activities, discharges of contaminants, the taking and use of water, structures in river beds etc. within the coastal environment).

2. Rule 89, Rule 90 & Rule 92 do not apply to land use in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
92 Temporary activities in CHZ1, CHZ2 or CHZ3 ⁹⁶	Except as provided for in Rule 89, Rule 94, Rule 98, Rule 100 and Rule 110, a structure for the purposes of a temporary activity in any of the following: <ol style="list-style-type: none"> 1. Coastal Hazard Zone 1 2. Coastal Hazard Zone 2 3. Coastal Hazard Zone 3. 	Permitted	<ol style="list-style-type: none"> a) Any vegetation clearance or soil disturbance must comply with rules elsewhere in this Plan. b) Notwithstanding condition (a), the activity must not remove, damage, or destroy any sand dune or vegetation present in a sand dune system. c) All buildings, structures and materials used for the temporary activity must be removed from the site upon completion of the activity. 		
93 Coastal enhancement projects in CHZ1 or CHZ2	Except as provided for in Rule 89, Rule 98, Rule 99, Rule 100 and Rule 110, any of the following activities in CHZ1 or CHZ2 where those activities are for the purposes of restoring, protecting or enhancing the biodiversity of the coastal environment: <ol style="list-style-type: none"> 1. Planting of indigenous vegetation 2. Removal of non-indigenous vegetation and other unwanted species 3. Erection, construction or extension of sand ladders, fences in conjunction with sand ladders, pedestrian access structures, sand fences, exclusion fences, and associated signage 4. Excavation of, or movement of sand or soil associated with any of the above. 	Permitted	<ol style="list-style-type: none"> a) The work must be carried out by, or on behalf of: <ol style="list-style-type: none"> i) Department of Conservation ii) Hawke's Bay Regional Council iii) An agent implementing an approved Regional Landcare Scheme project. 		
94 Network utility structures in CHZ3	The maintenance, repair, construction, upgrading, replacement, removal or demolition of a structure for purposes of a network utility operation in CHZ3.	Permitted			
95 Building work in CHZ2	Except as provided for in Rule 89, Rule 94, Rule 97, Rule 98, Rule 99 or Rule 100, any of the following activities in CHZ2: <ol style="list-style-type: none"> 1. Additions and alterations to an existing lawfully established building or structure where the floor area of the additions and alterations exceed 20m² (as measured from the floor area existing as at 30 August 2006); 2. Construction of a building or structure (excluding decks) exceeding 20m² in floor area; 	Restricted Discretionary		<ol style="list-style-type: none"> a) Intended purpose or use of building work b) Location of building work in relation to any existing buildings on the property c) Effects on people's health and safety d) Effects of building work on natural coastal processes 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
	<ol style="list-style-type: none"> 3. Construction of decks greater than 30m² in floor area; 4. A new non-reticulated wastewater system or upgrading of an existing non-reticulated wastewater system. 			<ol style="list-style-type: none"> e) Effects of natural coastal processes on building work f) Probability and magnitude of erosion g) Methods to avoid or mitigate effects as far as practicable, of coastal hazard to building work h) Consideration of alternative building locations within property to achieve long-term managed retreat from coastal hazard i) Degree to which any protection works to the property or building have been carried out j) Matters in Chapter 26.2 	<p>any), unless all affected persons have provided their written approval.</p>
<p>96 Small-scale additions and alterations projecting seaward of existing building in CHZ1</p>	<p>Except as provided for in Rule 99, additions and alterations to an existing lawfully established building or structure in CHZ1 where the floor area (as measured from the floor area existing as at 30 August 2006):</p> <ol style="list-style-type: none"> 1. projects further seaward than the existing building or structure; and 2. do not exceed 20m² in floor area. 	<p>Restricted Discretionary</p>		<ol style="list-style-type: none"> a) Intended purpose or use of building work b) Effects on people's health and safety c) Effects of building work on natural coastal processes d) Effects of natural coastal processes on building work e) Probability and magnitude of erosion f) Methods to avoid or mitigate effects as far as practicable, of coastal hazard to building work 	<p>Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.</p>

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				g) Consideration of alternative building locations within property to achieve long-term managed retreat from coastal hazard h) Degree to which any protection works to the property or building have been carried out i) Matters in Chapter 26.2	
97 Network utility structures in CHZ1 and CHZ2 not within a road reserve	Except as provided for in Rule 89, Rule 98, Rule 99 and Rule 100, any of the following activities in CHZ1 or CHZ2 not within a road reserve: <ol style="list-style-type: none"> 1. construction of a new structure and any associated earthworks for purposes of a network utility operation; 2. upgrading of an existing lawfully established structure and any associated earthworks for purposes of a network utility operation.⁹⁷ 	Restricted Discretionary		a) The need for the structure to be located in the Coastal Hazard Zone b) Effects on people's health and safety c) Effects of structure on natural coastal processes d) Effects of natural coastal processes on structure and network utility operation. e) Probability and magnitude of erosion and inundation f) Methods to avoid or mitigate effects of coastal hazard to structure and network utility operation g) Degree to which any protection works to the property or structure have been carried out h) Matters in Chapter 26.2	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

⁹⁷ NOTE: For the avoidance of doubt, Rule 94 applies to structures for purposes of network utility operations in CHZ3.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
98 Maintenance and repair of coastal protection structures ⁹⁸	Except as otherwise provided for in Rule 54, the maintenance or repair of an existing lawfully established coastal protection structure wholly or partly located in any of the following: <ol style="list-style-type: none"> 1. Coastal Hazard Zone 1 2. Coastal Hazard Zone 2. 	Restricted Discretionary	<ol style="list-style-type: none"> a) There must not be any discharge of contaminants, other than sediment, into the coastal marine area. b) Any release of sediment must not cause any conspicuous changes in the colour or visual clarity of water after reasonable mixing. c) Materials used must not be toxic to aquatic ecosystems. d) Any materials removed from the structure and any excess construction materials must be removed from the property and foreshore and seabed upon completion of the activity. 	<ol style="list-style-type: none"> a) Effects on people's health and safety. b) Effects of the activity on natural coastal processes, including increasing the likelihood of erosion or inundation to other properties. c) Effects of natural coastal processes on the activity d) Probability and magnitude of erosion. e) Design and construction of the activity, including size, length, materials, construction methods and likely design life. f) Duration of consent for multiple maintenance or repair works over time. g) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
99 Upgrading of lawfully established local authority stormwater and coastal water structures in CHZ1 or CHZ2	The upgrading (including extension) of the following local authority owned or operated structures in CHZ1 or CHZ2: <ol style="list-style-type: none"> 1. lawfully established reticulated systems for stormwater; 2. lawfully established structures for the taking or discharge of coastal water. 	Controlled		<ol style="list-style-type: none"> a) The need for the structure to be located in a CHZ. b) Effects on people's health and safety. c) Effects of structure on natural coastal processes. d) Effects of natural coastal processes on structure. 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

⁹⁸ For the avoidance of doubt, this rule does apply to coastal protection structures that may span or cross mean high water springs, but does not apply to post wire fences, temporary fences, or fences for impounding stock on production land.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				e) Probability and magnitude of erosion and inundation. f) Methods to avoid or mitigate effects of coastal hazard to structure. g) degree to which any protection works have been carried out. h) Matters in Chapter 26.2	
100 Coastal protection structures ⁹⁹	Except as otherwise provided for in Rule 54, Rule 98, Rule 125 or Rule 126, any of the following activities wholly or partly in CHZ1 or CHZ2: <ol style="list-style-type: none"> the replacement, erection, placement, construction (including extension) demolition or removal of any coastal protection structure; the maintenance or repair of an existing lawfully established coastal protection structure that does not comply with all relevant conditions in Rule 98. 	Non-Complying¹⁰⁰			Refer to notification requirements in ss95A-95F of RMA
101 Replacement of structures in CHZ1 or CHZ2 damaged by action of the sea	Except as provided for in Rule 89, Rule 97, Rule 98, Rule 99 or Rule 100, any replacement of a structure damaged or destroyed by coastal erosion or storm surge inundation in any of the following: <ol style="list-style-type: none"> Coastal Hazard Zone 1 Coastal Hazard Zone 2.¹⁰¹ 	Non-Complying			Refer to notification requirements in ss95A-95F of RMA

⁹⁹ For the avoidance of doubt, this rule does apply to coastal protection structures that may span or cross mean high water springs, but does not apply to post wire fences, temporary fences, or fences for impounding stock on production land.

¹⁰⁰ NOTE: A coastal protection structure in the CMA which exceeds 300m in length approximately parallel to the line of mean high water springs, is a non-complying activity under Rule 125. A coastal protection structure in the CMA which exceeds 100m in length approximately perpendicular or oblique to the line of mean high water springs, is a non-complying activity under Rule 126.

¹⁰¹ NOTE: For the avoidance of doubt, Rule 89(d) applies to the replacement of a lawfully established local authority owned or operated reticulated system for stormwater or structure for the taking or discharge of coastal water where that system or structure is damaged or destroyed by coastal erosion or storm surge inundation

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
102 Building work in CHZ1	Except as provided for in Rule 89, Rule 97, Rule 98, Rule 99 or Rule 100, any of the following activities in CHZ1: <ol style="list-style-type: none"> 1. Additions or alterations to an existing lawfully established building or structure where the floor area of additions and alterations exceeds 20m² (as measured from the floor area existing as at 30 August 2006) 2. Construction of a building or structure (excluding decks) exceeding 20m² in floor area; 3. Construction of decks greater than 30m² in floor area; 4. A new non-reticulated wastewater system or upgrading of an existing non-reticulated wastewater system. 	Non-Complying			Refer to notification requirements in ss95A-95F of RMA
103 Deposition of sediment for Westshore Beach Renourishment Scheme	Deposition of sediment for purposes of the Westshore Beach Renourishment Scheme.	Controlled	<ol style="list-style-type: none"> a) The sediment shall be deposited within the Westshore Renourishment Area identified in this Plan's maps. b) Any material deposited must not include any of the following: <ol style="list-style-type: none"> i) septic tank sludge ii) hazardous wastes iii) organic materials or iv) any other domestic or industrial waste, except cleanfill such as concrete, sand or gravel. c) The quantity of sediment deposited must not exceed 50,000m³ in any 12 month period. 	<ol style="list-style-type: none"> a) Duration of the deposition and possible reinstatement of land contours b) Effects on people's health and safety c) Potential for damage to existing lawfully established structures d) Probability and magnitude of erosion e) Effects of displacing of erosion processes onto nearby land, property, public works and network utilities f) Degree to which any protection works to the land have been carried out g) Sediment particle size h) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

a)

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
104 Deposition of sediment in CHZ1	Except as provided for in Rule 89 or Rule 103, deposition of sediment in volumes greater than 5m ³ per property in any six consecutive month period within Coastal Hazard Zone 1. ¹⁰²	Restricted Discretionary	a) Any material deposited must not include any of the following: i) septic tank sludge ii) hazardous wastes iii) organic materials or iv) any other domestic or industrial waste, except cleanfill such as concrete, sand or gravel.	b) Intended purpose of the filling c) Duration of the filling and possible reinstatement of land contours d) Effects on people's health and safety e) Potential for damage to existing lawfully established structures f) Probability and magnitude of erosion g) Effects of displacing of erosion processes onto nearby land, property, public works and network utilities h) Degree to which any protection works to the land have been carried out i) Matters in Chapter 26.2	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.

¹⁰²

This rule does not apply to:

- a) non-mechanical domestic gardening and landscaping or
- b) gravel imported or stored on industrial or trade premises.
- c) building work in CHZ1 under Rule 102 or
- d) removal of gravel and other earthworks clearing an outfall structure, bridge, water intake structure or culvert in order to maintain the flow through the structure.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
105 Removal of gravel and other earthworks within the Parade Gravel Extraction Area	Removal of in-situ gravel and other earthworks, provided it is: <ol style="list-style-type: none"> 1. within the Parade Gravel Extraction Area; and 2. up to 20,000m³ in any 12 month period; and 3. for Westshore Beach Renourishment Scheme purposes; and 4. for a consent duration up to 10 years.¹⁰³ 	Controlled		<ol style="list-style-type: none"> a) Timing of the excavation and possible reinstatement of land contours b) Effects on people's health and safety c) Potential for damage to existing lawfully established structures d) Probability and magnitude of erosion and inundation, including long term projected trends e) Effects of displacing of erosion processes onto nearby land, property, public works and network utilities f) Monitoring and up to bi-monthly reporting, in particular regular beach profile monitoring (extending from HB10 up to Port of Napier) and reassessment of coastal processes and gravel supply implications, including long term trends g) Matters in Policy 15.1(15) if relevant h) Matters in Chapter 26.2 (excluding matter 26.2(b)(viii)). 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

¹⁰³ This rule does not apply to:

- a) removal of gravel and other earthworks for the purposes of opening river mouths; or clearing outfall structures, bridges, water intake structures, or culverts in order to maintain the flow through the structure or
- b) removal of gravel imported or stored on industrial or trade premises or
- c) building work in CHZ1 under Rule 102.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
106 Removal of gravel and other earthworks within the Parade Gravel Extraction Area not complying with Rule 105	Removal of in-situ gravel and other earthworks not complying with Rule 105, provided it is: <ol style="list-style-type: none"> 1. within the Parade Gravel Extraction Area; and 2. up to a total of 30,000m³ in any 12 month period¹⁰⁴; and 3. for Westshore Beach Renourishment Scheme purposes; and 4. for a consent duration up to 10 years.¹⁰⁵ 	Restricted discretionary		<ol style="list-style-type: none"> a) Volume of gravel removed b) Timing of the excavation and possible reinstatement of land contours c) Effects on people's health and safety d) Potential for damage to existing lawfully established structures e) Probability and magnitude of erosion and inundation, including long term projected trends f) Effects of displacing of erosion processes onto nearby land, property, public works and network utilities g) Monitoring and up to bi-monthly reporting, in particular regular beach profile monitoring (extending from HB10 up to Port of Napier) and reassessment of coastal processes and gravel supply implications, including long term trends h) Matters in Policy 15.1(15) if relevant 	Refer to notification requirements in ss95A-95F of RMA

¹⁰⁴ NOTE: This amount shall include the combined total of all volumes removed from the Parade Gravel Extraction Area.

¹⁰⁵ This rule does not apply to:

- a) removal of gravel and other earthworks for the purposes of opening river mouths; or clearing outfall structures, bridges, water intake structures, or culverts in order to maintain the flow through the structure or
- b) removal of gravel imported or stored on industrial or trade premises or
- c) building work in CHZ1 under Rule 102.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				i) Matters in Chapter 26.2 (excluding matter 26.2(c)(viii)).	
107 Removal of gravel and other earthworks within the Awatoto Gravel Extraction Area (on or before 31 May 2017)	Removal of in-situ gravel, other earthworks and associated disturbance of the foreshore and seabed, provided it is: <ol style="list-style-type: none"> 1. within the Awatoto Gravel Extraction Area; and 2. on or before 31 May 2017; and 3. up to 30,000m³ in any 12 month period; and 4. up to 9,000m³ in any calendar month.¹⁰⁶ 	Controlled	a) Any resource consent granted under this rule shall expire on 31 May 2017, thereafter Rule 108 shall apply.	a) Timing of the excavation and possible reinstatement of land contours b) Effects on people's health and safety c) Potential for damage to existing lawfully established structures d) Probability and magnitude of erosion and inundation, including long term projected trends e) Effects of displacing of erosion processes onto nearby land, property, public works and network utilities f) Monitoring and up to bi-monthly reporting, in particular regular beach profile monitoring (extending from HB5 to HB12) and reassessment of coastal processes and gravel supply implications, including long term trends g) Matters in Policy 15.1(15) if relevant	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

¹⁰⁶ This rule does not apply to:

- a) removal of gravel and other earthworks for the purposes of opening river mouths; or clearing outfall structures, bridges, water intake structures, or culverts in order to maintain the flow through the structure or
- b) removal of gravel imported or stored on industrial or trade premises or
- c) building work in CHZ1 under Rule 102.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				h) Matters in Chapter 26.2 (excluding matter 26.2(b)(viii)).	
108 Removal of gravel and other earthworks within the Awatoto Gravel Extraction Area (after 31 May 2017)	Removal of in-situ gravel, other earthworks and associated disturbance of the foreshore and seabed, provided it is: <ol style="list-style-type: none"> 1. within the Awatoto Gravel Extraction Area; and 2. after 31 May 2017; and 3. up to 30,000m³ in any 12 month period; and 4. up to 9,000m³ in any calendar month; and 5. for a consent duration up to 10 years.¹⁰⁷ 	Restricted discretionary		a) Volume of gravel removed b) Timing of the excavation and possible reinstatement of land contours c) Effects on people's health and safety d) Potential for damage to existing lawfully established structures e) Probability and magnitude of erosion and inundation, including long term projected trends f) Effects of displacing of erosion processes onto nearby land, property, public works and network utilities g) Monitoring and up to bi-monthly reporting, in particular regular beach profile monitoring (extending from HB5 to HB12) and reassessment of coastal processes and gravel supply implications, including long term trends	Refer to notification requirements in ss95A-95F of RMA

¹⁰⁷ This rule does not apply to:

- a) removal of gravel and other earthworks for the purposes of opening river mouths; or clearing outfall structures, bridges, water intake structures, or culverts in order to maintain the flow through the structure or removal of gravel imported or stored on industrial or trade premises or
- c) building work in CHZ1 under Rule 102.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				h) Matters in Policy 15.1(15) if relevant i) Matters in Chapter 26.2 (excluding matter 26.2(c)(viii)).	
109 Removal of sediment and other earthworks in CHZ1	Except as provided for in Rule 89, Rule 105, Rule 106, Rule 107 or Rule 108, removal of in-situ gravel and other earthworks within Coastal Hazard Zone 1 in volumes greater than 5m ³ per property in any six consecutive month period. ¹⁰⁸	Non-Complying			Refer to notification requirements in ss95A-95F of RMA
110 Landfills and dumping of hazardous substances in CHZ1, CHZ2 or CHZ3	Landfills or dumping of hazardous substances in any of the following: 1. Coastal Hazard Zone 1 2. Coastal Hazard Zone 2 3. Coastal Hazard Zone 3.	Prohibited			

¹⁰⁸ This rule does not apply to:

- a) removal of gravel and other earthworks for the purposes of opening river mouths; or clearing outfall structures, bridges, water intake structures, or culverts in order to maintain the flow through the structure or
- b) removal of sand, shell gravel or other natural material under Rule 144, Rule 145, or Rule 146 or
- c) removal of gravel imported or stored on industrial or trade premises or
- d) building work in CHZ1 under Rule 102.

27.7 Reclamations and drainage in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
111 Reclamations not regulated by or not complying with other rules	Any reclamation of the foreshore or seabed that: <ol style="list-style-type: none"> 1. does not comply with all relevant conditions on a discretionary activity rule or 2. is not specifically classified by any other rules in this Plan as a discretionary, non-complying or prohibited activity. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
112 Reclamations within specified Significant Conservation Areas	Except as provided for in Rule 113, any reclamation of the foreshore or seabed within the Waitangi Estuary (SCA11) or Ahuriri Estuary (SCA12) or Nuhaka (SCA21) that is undertaken by or on behalf of: <ol style="list-style-type: none"> 1. a network utility operator or 2. a local authority exercising its statutory powers, functions or duties.¹⁰⁹ 	Non-Complying			Refer to notification requirements in ss95A-95F of RMA
113 Reclamations using septage, hazardous wastes, clay, organic material or other waste	Notwithstanding any other rule in this Plan, any reclamation of the foreshore or seabed that uses or includes any of the following as fill: <ol style="list-style-type: none"> 1. septage 2. hazardous substances 3. clay or clay soils¹¹⁰ 4. organic materials or 5. any other domestic or industrial waste, excluding cleanfill. 	Prohibited			
114 Reclamations in Significant Conservation Areas	Except as provided for in Rule 112, any reclamation of the foreshore or seabed in a Significant Conservation Area.	Prohibited			

¹⁰⁹ NOTE: This enables a resource consent application to be made for reclamations in these areas by network utility operators or local authorities undertaking their statutory duties.

¹¹⁰ NOTE: This rule does not apply to small percentages of clay or clay soils that are incidental to the type of fill chosen for the reclamation. The clay content should not exceed 5% of the total aggregate. The exclusion of clay or clay soils does not apply to landscaping activities on top of the reclamation.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
115 Drainage activities not regulated by other rules	Any drainage of the foreshore or seabed that is not specifically classified by any other rule in this Plan as a prohibited activity.	Discretionary			Refer to notification requirements in ss95A-95F of RMA
116 Drainage in specified Significant Conservation Areas	Except as provided for in Rule 114, drainage of the foreshore or seabed in any of the following Significant Conservation Areas: <ol style="list-style-type: none"> 1. Porangahau Estuary (SCA1) 2. Tukituki River mouth (SCA10) 3. Waitangi Estuary (SCA11) 4. Ahuriri Estuary (SCA12) 5. Wairoa Estuary and Coastal Lagoons (SCA15) or 6. Maungawhio Lagoon (SCA20). 	Prohibited			

27.8 Structures in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
117 Structures not regulated by, or not complying with, other rules	The erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in the coastal marine area that is fixed in, on, under or over the foreshore or seabed, that: <ol style="list-style-type: none"> 1. is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity ¹¹¹; or 2. does not comply with all relevant conditions on a permitted activity rule; or 3. does not comply with all relevant standards and terms on a controlled activity rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
118 Lawfully established structures ¹¹²	Lawfully established structures ¹¹³ and the maintenance or repair of a lawfully established structure in the coastal marine area (including any associated disturbance of the foreshore or seabed; and any associated deposition of substances on the seabed; but not any associated damming or diversion of water).	Permitted	<ol style="list-style-type: none"> a) The activity must not increase the area of the foreshore or seabed occupied by the structure. b) There must not be any discharge of contaminants, other than sediment, into water within the coastal marine area. c) Any release of sediment must not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. d) Materials used must not be toxic to aquatic ecosystems. e) There must not be any reduction in the ability of any channel to convey flood flows or impedance to the passage of floating debris. f) Any materials removed from the structure and any excess construction materials must be removed from the foreshore and seabed upon completion of the activity. 		

¹¹¹ For the purposes of Rule 117.1 and avoidance of doubt, this includes structures in the Port Management Area.

¹¹² Rule 158 applies to any temporary damming and diversion of water associated with this activity.

¹¹³ NOTE1: For the purposes of Rule 118 and avoidance of doubt, 'lawfully established structures' includes those structures listed in Schedule S.

NOTE2: Maintenance and repair of lawfully established coastal protection structures within CHZ1 or CHZ2 is subject to Rule 98.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
119 Whitebait structures and maimai ¹¹⁴	Except as provided for in Rule 127, the erection, placement, alteration, extension or removal of a whitebait structure or a maimai structure in the coastal marine area.	Permitted	<ul style="list-style-type: none"> a) Existing river protection works or any other existing structure must not be damaged. b) The free flow of water must be maintained at all times. c) Any whitebait structure must be established in accordance with the Whitebait Fishing Regulations 1994. d) Any structure must not exceed 5m² in floor area. e) Any maimai structure may only be erected or placed in the coastal marine area during the period commencing one month prior to commencement of the duck shooting season through until the end of the season. f) Any maimai structure must be removed within one week following the end of the duck shooting season. 		
120 Network utility lines, pipelines and cables suspended above foreshore, seabed and coastal water	The erection, reconstruction, placement, alteration, extension, removal or demolition of any line, pipeline or cable owned or managed by a network utility operator <u>suspended above coastal water and</u> ¹¹⁵ the foreshore or seabed. ¹¹⁶	Permitted	<ul style="list-style-type: none"> a) The activity must not cause any: <ul style="list-style-type: none"> i) obstruction to aircraft flight paths; ii) obstruction to existing ship navigation channels. b) Except within the Port Management Area and Harbour Management Area, the erection, placement or extension of a line, pipeline or cable:¹¹⁷ <ul style="list-style-type: none"> i) must be attached to an existing lawfully established support structure. ii) must not be fixed to the foreshore or seabed. iii) must not extend below the underside of the existing lawfully established support structure to which the line, pipeline or cable is to be attached. 		

¹¹⁴ NOTE: This rule does not give unauthorised structures or illegally established structures a permitted activity status. Also, this rule does not waive any requirements to obtain from the HBRC a 'licence to occupy' space within a river or stream.

¹¹⁵ NOTE: As this activity relates to network utility structures suspended above coastal water and the foreshore or seabed, no additional resource consent is required by s12 of the RMA. 'Over' the foreshore or seabed in this context refers to the airspace above the foreshore, seabed and coastal water. It does not include structures under, in, or on the foreshore or seabed; or floating or submerged in coastal water.

¹¹⁶ Rule 158 applies to any temporary damming and diversion of water associated with this activity.

¹¹⁷ NOTE: For the avoidance of doubt, condition (b) does not apply to lines, pipelines and cables suspended over coastal water and the foreshore or seabed within the Port Management Area or Harbour Management Area.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> c) There must not be any reduction in the ability of any channel to convey flood flows or impedance to the passage of floating debris. d) There must not be any discharge of contaminants, other than sediment, into water within the coastal marine area. e) Any release of sediment must not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. 		
121 Removal and demolition of structures ^{118, 119}	<p>The removal or demolition of a structure or any part of a structure in the coastal marine area in, on, under or over the foreshore or seabed and</p> <ol style="list-style-type: none"> 1. any associated disturbance of the foreshore and seabed and 2. any associated deposition of substances on the seabed. 	Permitted	<ul style="list-style-type: none"> a) The structure wholly or partly to be removed or demolished must not exceed 50m². b) There must not be any discharge of contaminants, other than sediment, into water within the coastal marine area. c) Any release of sediment must not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. d) All removal and demolition material must be removed from the foreshore and seabed upon completion of the activity. e) There must not be any reduction in the ability of any channel to convey flood flows or impedance to the passage of floating debris. f) Explosives must not be used. 		
122 Small scale structures	<p>Except as provided for by a rule elsewhere in this Plan, the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure (including an environmental monitoring device) in the coastal marine area, and any associated disturbance of the foreshore or seabed.¹²⁰</p>	Permitted	<ul style="list-style-type: none"> a) The structure must not exceed 5m² in floor area. b) The activity or structure must not occupy an area exceeding 5m² of the coastal marine area. c) The duration of the activity shall be less than 28 days (whether consecutive days or total number of days) 		

¹¹⁸ NOTE: Any destruction, damage, or modification of a structure pre-dating 1900 may require an archaeological authority under the Historic Places Act 1993.

¹¹⁹ 1. Rule 158 applies to any temporary damming and diversion of water associated with this activity.

2. Rule 121 does not apply to the removal and demolition of structures in relation to Plantation Forestry activities. Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

¹²⁰ NOTE: Any destruction, damage, or modification of a structure or other historic heritage feature pre-dating 1900 may require an archaeological authority under the Historic Places Act 1993. This rule does not override any requirements of the Navigation and Safety Bylaws or any other navigational safety requirements.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>in any 12 month period. This condition shall not apply to environmental monitoring devices, for which there is no time limit.</p> <p>d) The erection, reconstruction, placement, alteration, extension, removal or demolition activity shall not:</p> <ul style="list-style-type: none"> i) cause any obstruction to: <ul style="list-style-type: none"> 1) aircraft flight paths 2) existing ship navigation channels ii) be located within a Significant Conservation Area iii) be used for use of mooring a vessel (except within the Harbour Management Area of Port Management Area; or any temporary anchoring of a vessel in the CMA). <p>e) Any anchoring-type device must not exceed 50kg total clump weight.</p> <p>f) There must not be any reduction in the ability of any channel to convey flood flows or impedance to the passage of floating debris.</p> <p>g) There must not be any discharge of contaminants, other than sediment, into water within the coastal marine area.</p> <p>h) Any release of sediment must not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.</p>		
123 Navigation aids	The erection, reconstruction, placement, alteration, extension, removal or demolition of a navigational aid structure in the coastal marine area, and any associated disturbance of the foreshore or seabed. ¹²¹	Permitted	<p>a) The activity must be undertaken by, or on behalf of:</p> <ul style="list-style-type: none"> i) a local authority in respect of anywhere within the coastal marine area; or ii) a local authority or port operator in respect of anywhere within the Pilotage Limit; or iii) the Department of Conservation in respect of marine reserves. <p>b) The structure must not exceed 5m² in floor area.</p> <p>c) The activity or structure must not occupy an area exceeding 5m² of the coastal marine area.</p> <p>d) The activity or structure must not:</p>		

¹²¹ NOTE: Any destruction, damage, or modification of a structure or other historic heritage feature pre-dating 1900 may require an archaeological authority under the Historic Places Act 1993.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> i) cause any obstruction to: <ul style="list-style-type: none"> 1) aircraft flight paths 2) existing ship navigation channels ii) be located within a Significant Conservation Area iii) be used for use of mooring a vessel (except any temporary anchoring of a vessel). e) Any anchoring-type device must not exceed 8000kg total clump weight. f) There must not be any reduction in the ability of any channel to convey flood flows or impedance to the passage of floating debris. g) There must not be any discharge of contaminants, other than sediment, into water within the coastal marine area. h) Any release of sediment must not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing. 		
124 Structures in an Aquaculture Management Area required for an aquaculture activity ¹²²	The erection, reconstruction, placement, alteration, or extension of a structure required for an aquaculture activity in an Aquaculture Management Area; and any associated disturbance of the foreshore or seabed.	Controlled	a) The aquaculture activity must not exceed the area of space within the coastal marine area for which it is authorised to occupy.	<ul style="list-style-type: none"> a) The condition and maintenance of any structure b)Necessity of structure(s) for types of species authorised to be farmed c) Effects arising from any disturbance of the foreshore or seabed d) Effects arising from any deposition of material in the coastal marine area e) Any discharge of contaminants f) Effects on navigation and safety, including 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.

¹²² NOTE: This rule only addresses issues arising from the effects of structures in the CMA required for an aquaculture activity. Effects arising from occupation of space, discharges of, and deposition of, contaminants arising from an aquaculture activity in an AMA are addressed by rules elsewhere in this Plan.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				provision for warning devices, signs & lighting g) Effects on the natural character of the coast h) Effects on marine ecosystems present in the surrounding area i) Removal of any structure at the expiration of the resource consent j) Timing and/or staging of structures' development k) Matters in Chapter 26.2	
125 Large-scale coastal protection structures parallel to shore ¹²³	Except within the Port Management Area ¹²⁴ , any activity involving the erection of a coastal protection structure in the coastal marine area which: <ol style="list-style-type: none"> 1. Is solid (or presents a significant barrier to water or sediment movement) and 2. When established on the foreshore or seabed would extend 300m or more in length more or less parallel to the line of mean high water springs (including separate structures which total 300m or more contiguous). 	Non-Complying			Refer to notification requirements in ss95A-95F of RMA
126 Large-scale coastal protection structures not	Except within the Port Management Area ¹²⁶ , any activity involving the erection of a coastal protection structure in the coastal marine area which: <ol style="list-style-type: none"> 1. Is solid (or presents a significant barrier to water or sediment movement) and 2. Sited obliquely or perpendicular in horizontal projection to the line of mean high water springs and 	Non-Complying			Refer to notification requirements in ss95A-95F of RMA

¹²³ For the avoidance of doubt, this rule does apply to coastal protection structures that may span or cross mean high water springs, but does not apply to post wire fences, temporary fences, or fences for impounding stock on production land.

¹²⁴ NOTE: Any such structures within the Port Management Area are subject to Rule 117.

¹²⁶ NOTE: Any such structures within the Port Management Area are subject to Rule 117.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
parallel to shore ¹²⁵	3. In horizontal projection extends 100m or more in length.				
127 Whitebait structures and maimai in specified SCAs	The erection, reconstruction, or placement of a whitebait structure or a maimai structure in the coastal marine area of the following Significant Conservation Areas: <ol style="list-style-type: none"> 1. Porangahau Estuary (SCA1) 2. Waitangi Estuary (SCA11) 3. Ahuriri Estuary (SCA12) or 4. Maungawhio Lagoon (SCA20). 	Prohibited			
128 Structures containing or impounding specified SCAs	The erection, placement, alteration or extension of a structure (excluding a structure for the purposes of enhancing biodiversity) in the coastal marine area that would impound or effectively contain the coastal marine area in any of the following Significant Conservation Areas: <ol style="list-style-type: none"> 1. Porangahau Estuary (SCA1) 2. Tukituki River mouth (SCA10) 3. Waitangi Estuary (SCA11) 4. Ahuriri Estuary (SCA12) or 5. Maungawhio Lagoon (SCA20). 	Prohibited			
129 Structures for storage of petroleum products or other contaminants within a SCA	Any activity involving the erection or placement of a structure in the coastal marine area for the storage or containment of any petroleum products or contaminants in, on, under or over the foreshore or seabed within a Significant Conservation Area.	Prohibited			

¹²⁵ For the avoidance of doubt, this rule does apply to coastal protection structures that may span or cross mean high water springs, but does not apply to post wire fences, temporary fences, or fences for impounding stock on production land.

27.9 Disturbances, depositions and extractions in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
130 Disturbances of the foreshore or seabed not regulated by, or not complying with, other rules	The excavation, dredging, drilling or tunnelling, the use of explosives or any other disturbance in, on, or under the foreshore or seabed, that: <ol style="list-style-type: none"> 1. is not specifically classified by any other rule in this Plan as a non-complying or prohibited activity; or 2. does not comply with all relevant conditions on a permitted activity rule; or 3. does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
131 Motor vehicles in specific areas	Except as provided for in Rule 132 and Rule 133, the disturbance of the foreshore or seabed by driving a motor vehicle: <ol style="list-style-type: none"> 1. onto or along the intertidal rock platforms between Auroa Point and Taiporutu River mouth 2. onto or along the intertidal rock platforms between Kairakau Beach and Blackhead Point 3. in or through the Maungawhio Lagoon (SCA20). 	Prohibited			
132 Motor vehicles in specific areas used for specified purposes	Disturbance of the foreshore or seabed by a motor vehicle: <ol style="list-style-type: none"> 1. on or along the intertidal rock platform from Auroa Point to Taiporutu River mouth 2. on or along the intertidal rock platform from Kairakau Beach to Blackhead Point 3. in or through the Maungawhio Lagoon (SCA20). 	Permitted	a) Use of the motor vehicle must be for one or more of the following purposes: <ol style="list-style-type: none"> i) marine mammal rescue or disposal ii) burial of dead animals washed up on the foreshore iii) emergency situations, including fire fighting, oil spill response, and rescue operations iv) eradication, control, surveillance and monitoring of unwanted organisms or pests under the Biosecurity Act 1993 or Fisheries Act 1996 v) monitoring, surveillance and enforcement of law. 		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
133 River control and drainage works	Disturbance of the foreshore or seabed for the purposes of an activity described in the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works (2003) ¹²⁷ including, but not limited to: <ol style="list-style-type: none"> 1. edge protection works 2. planting 3. river protection maintenance works 4. irrigation intake maintenance 5. weed and vegetation control (excluding spraying) 6. drain maintenance, and drainage outlet maintenance 7. drain crossings 8. opening a river mouth, lagoon or estuary 9. closing a river mouth, lagoon or estuary to implement spill containment management practices 10. river management and drainage for the maintenance of surface water quality 11. channel diversions within a river bed or drain, ancillary to the above activities. 	Permitted	<p>a) The activity must be undertaken by or on behalf of a local authority exercising its statutory powers, functions or duties under any of the following:</p> <ol style="list-style-type: none"> i) the Soil Conservation and Rivers Control Act 1941 ii) the Land Drainage Act 1908 iii) the Local Government Act 1974 iv) the Local Government Act 2002. <p>b) The activity must not impede fish passage.</p> <p>c) There must not be any discharge of contaminants, other than sediment, into water within the coastal marine area.</p> <p>d) Any release of sediment must not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.</p> <p>e) The activity must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E.</p>		
134 Removal of sediment from outfall structures, bridges, sea water intakes and culverts	Disturbance of the foreshore or seabed for the purpose of removing sediment from an outfall structure, bridge, sea water intake structure or culvert in order to maintain the flow through the structure. ¹²⁸	Permitted	<p>a) The activity must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E.</p>		
135 Disturbances arising from manoeuvring of ships	Disturbance of the foreshore and seabed arising from passage and manoeuvring of ships.	Permitted			

¹²⁷ NOTE: Refer to Rule 157 addressing the damming and diversion of water associated with river control and drainage works, and Rule 148 that addresses deposition of excavated or dredged sediment in the coastal marine area.

¹²⁸ NOTE: Refer to Rule 149 which addresses the deposition of the accumulated sediment in the coastal marine area.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
136 Non-mechanical enhancement of shellfish beds	Except as provided for in Rule 141 and Rule 143, disturbance of the foreshore and seabed arising from non-mechanical enhancement of shellfish beds (excluding aquaculture activities), and associated occupation of space.	Permitted	<ul style="list-style-type: none"> a) enhancement may only occur in the same location as existing shellfish beds. b) any shellfish spat used shall be from the same species and naturally occurring at, or adjacent to, the location of the enhancement activity. c) there must not be any discharge of contaminants, other than sediment into water in the coastal marine area. d) the activity must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E. 		
137 Disturbances to bury dead fish, marine mammals, and other dead animals	Disturbance of the foreshore or seabed for the purposes of burying dead fish, dead marine mammals or dead animals. ¹²⁹	Permitted	<ul style="list-style-type: none"> a) The activity must be carried out by or on behalf of: <ul style="list-style-type: none"> i) the Department of Conservation ii) the HBRC iii) a territorial authority or iv) a district health board. b) The activity shall not involve the burying of any fish, marine mammals or animals that did not die within the coastal marine area. 		
138 Drilling and seabed explorations	Disturbance of the foreshore or seabed (including deposition of materials) arising from the following activities: <ul style="list-style-type: none"> 1. drilling, construction or alteration of a bore for seabed explorations and any water, gas, oil or land resources 2. drilling or boring for purposes of geotechnical investigation.¹³⁰ 	Permitted	<ul style="list-style-type: none"> a) The bore or drilling must be for the purposes of investigating water, oil, gas or seabed resources (including geotechnical investigations). b) The disturbance shall not occur: <ul style="list-style-type: none"> i) in or within 2000m of mean high water springs, except this conditions does not apply within the Port Management Area or the Harbour Management Area ii) in or within 500m of any Significant Conservation Area iii) in or within 500m of any Historic Heritage Area iv) in or within 500m of any Aquaculture Management Area 		

¹²⁹ NOTE: The Department of Conservation has statutory responsibilities under the Marine Mammal Protection Act 1978 to dispose of dead marine mammals. DOC and other statutory agencies should involve the relevant hapu in burial of dead marine mammals.

¹³⁰ NOTE: Separate rules in Chapter 27.8 of this Plan may apply to any structures that may be used as part of the exploration activity. Refer to Rule 161 which addresses discharges of drilling muds, fluids and other contaminants arising from drilling and bores in the coastal marine area.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> v) in or within 500m of any area of coastal water class CR(HB) vi) in or within 500m of Te Angiangi marine Reserve. c) The diameter of any bore or drilling apparatus must not exceed 200mm. d) there shall not be any discharge of: <ul style="list-style-type: none"> i) ground water to coastal water and ii) coastal water to ground water. e) Any drilling must not involve the use of explosives. f) The activity must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E. 		
139 Maintenance dredging in specified port and harbour areas	Disturbance of the foreshore or seabed arising from dredging including any removal of sand, shell, gravel, or other natural material in any of the following areas: <ol style="list-style-type: none"> 1. the Fairway, Swinging Basin and Berths in the Port Management Area identified in this Plan's maps 2. the Harbour Management Area 3. Waikokopu Harbour as identified in this Plan's maps 4. Whangawehi Harbour as identified in this Plan's maps.¹³¹ 	Permitted	<ol style="list-style-type: none"> a) The dredging must be for maintenance dredging purposes. b) There must not be any discharge of contaminants, other than sediment into water in the coastal marine area. c) The activity must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E. 		
140 Maintenance dredging in the Port Management Area	Except as provided for in Rule 139, disturbance of the foreshore or seabed arising from dredging within the Port Management Area, including any removal of sand, shell, gravel or other natural material.	Controlled	<ol style="list-style-type: none"> a) The dredging must be for maintenance dredging purposes and must be necessary for the safe navigation and manoeuvring of ships using the Port of Napier. b) In any 12 month period: <ol style="list-style-type: none"> i) the quantity of dredged material must not exceed 300,000m³; and ii) the dredged material must not be extracted from an area exceeding 10 hectares; and iii) the area being dredged must not extend greater than 10,000m over the foreshore or seabed 	<ol style="list-style-type: none"> a) Extent and location of disturbance of seabed b) Coastal water quality c) Method of dredging d) Timing and duration of work e) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be served on any person or publicly notified.

¹³¹ NOTE: Refer to Rule 150 which addresses the deposition of the dredged sediment from the Port Management Area and the Harbour Management Area. The deposition of dredged sediment from Waikokopu Harbour and Whangawehi Harbour is addressed in Rule 147 to Rule 151 of this Plan.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>defined as the Port Management Area in this Plan's maps.</p> <p>c) The dredging of the area must be surveyed before and immediately after the dredging operation and the volume of material removed computed.</p> <p>d) Any permanent Port facilities or structures must not be damaged as a result of the dredging activity.</p> <p>e) Where appropriate, dredged material must be made available for beach renourishment purposes.</p> <p>f) The activity must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E.</p>		
<p>141 Disturbance of foreshore or seabed affecting historic heritage</p>	<p>Disturbance of the foreshore or seabed in a manner that will destroy, damage or modify an historic heritage feature identified in Schedule M.¹³²</p>	<p>Restricted Discretionary</p>		<p>a) Location of the historic heritage feature within the general area of disturbance</p> <p>b) The type, heritage value and significance of the historic heritage feature</p> <p>c) The condition of the historic heritage feature</p> <p>d) Method of disturbance</p> <p>e) Any proposed mitigation and conservation measures</p> <p>f) The nature of, and reasons for disturbance of the foreshore or seabed</p> <p>g) Consideration of alternative locations that may avoid historic heritage features</p>	<p>Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.</p>

¹³² NOTE: Any destruction, damage, or modification of a historic heritage feature (eg: pre-dating 1900) may require an archaeological authority under the Historic Places Act 1993.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				h) Effects on historic heritage i) Matters in Chapter 26.2	
142 Livestock within specified Significant Conservation Areas	Disturbance of the foreshore or seabed arising from the presence of livestock within any of the following Significant Conservation Areas: <ol style="list-style-type: none"> 1. Porangahau Estuary (SCA1) 2. Aramoana-Blackhead Beach (SCA3) 3. Tukituki River mouth (SCA10) 4. Waitangi Estuary (SCA11) 5. Ahuriri Estuary (SCA12) 6. Wairoa Estuary and Coastal Wetlands (SCA15) or 7. Maungawhio Lagoon (SCA20). 	Prohibited			
143 Disturbances within specified Significant Conservation Areas¹³³	Except for scientific research purposes ¹³⁴ , the disturbance or removal of: <ol style="list-style-type: none"> 1. the Pourerere Miocene Microfauna fossil horizon from Ouepoto-Paoanui Point (SCA4) or 2. spherical concretionary (Cray Bay) boulders from Waimarama (SCA8) or 3. sand, rock or gravel from Te Angiangi (SCA3), Hinemahanga Rocks (SCA7), or 4. within 700m of Red Island/Karamea, or Pania Reef (SCA13). 	Prohibited			
144 Removal of sand, shell, gravel or other natural material not regulated by other, or not complying with, rules	Except as provided for in Rule 105, Rule 106, Rule 107, Rule 108 and Rule 109, the removal of sand, shell, gravel or other natural material from the foreshore or seabed, that- <ol style="list-style-type: none"> 1. Is not specifically classified by any other rule in this Plan as a non-complying or prohibited activity; or 2. Does not comply with all relevant conditions on a permitted activity rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA

¹³³ NOTE: Removal of sand, shell, gravel or other material from a marine reserve (eg: Te Angi Angi Marine Reserve in SCA3), unless appropriately authorised for research purposes, is prohibited under the Marine Reserves Act 1971.

¹³⁴ Disturbance or removal of these materials for scientific research purposes is a discretionary activity in accordance with Rule 135 or Rule 149, whichever is appropriate.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
145 Small-scale removal of sand or gravel	Except as provided for in Rule 105, Rule 106, Rule 107, Rule 108 and Rule 109, the removal of sand or gravel for non-commercial purposes from the foreshore.	Permitted	<ul style="list-style-type: none"> a) Sand or gravel may only be removed using a hand-held, non-mechanical device (for example, a shovel). b) The sand or gravel must not be removed from the foreshore of an estuary or lagoon. c) The sand or gravel must not be removed from, or areas within 20m of, coastal protection works or natural barriers (including sand dunes). d) The quantity of sand or gravel removed by any person must not exceed: <ul style="list-style-type: none"> i) 0.25m³ on any single day ii) 1m³ over any 12 month period. 		
146 Removal of shell, driftwood or dead seaweed for non-commercial purposes	Except as provided for in Rule 105, Rule 106, Rule 107, Rule 108 and Rule 109, the removal of shell, driftwood or dead seaweed from the foreshore for non-commercial purposes. ¹³⁵	Permitted			
147 Depositions of 50,000m³ or less per year not regulated by, or not complying with, other rules	<p>Except as provided for in Rule 151, the deposition of any substance on the foreshore or seabed which involves quantities less than or equal to 50,000m³ at a site in the coastal marine area in any 12 month period, that:</p> <ol style="list-style-type: none"> 1. is not specifically classified by any other rules in this Plan as a discretionary, non-complying or prohibited activity or 2. does not comply with all relevant conditions on a permitted activity rule or 3. does not comply with all relevant standards and terms on a controlled activity rule. 	Restricted Discretionary		<ul style="list-style-type: none"> a) The material characteristics, toxicity, contaminant levels, quantity, area, location & timing of deposition b) Coastal water quality c) Effects on other uses, and navigation d) Effects on marine life (including benthic communities and feral shellfish collection beds) e) effects on wave action and sediment supply f) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.

¹³⁵ NOTE: Removal of sand, shell, gravel or other material from a marine reserve (eg: Te Angiangi Marine Reserve in SCA3) unless appropriately authorised for research purposes, is prohibited under the Marine Reserves Act 1971.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
148 Deposition of substances from river control and drainage works	The deposition of any substance onto the foreshore or seabed which was excavated or dredged from the foreshore or seabed for the purposes of an activity described in the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works (2003). ¹³⁶	Permitted	<ul style="list-style-type: none"> a) The activity must be undertaken by or on behalf of a local authority exercising its statutory powers, functions or duties under any of the following: <ul style="list-style-type: none"> i) the Soil Conservation and Rivers Control Act 1941 ii) the Land Drainage Act 1908 iii) the Local Government Act 1974 iv) the Local Government Act 2002. b) The quantity of substance deposited must not exceed 50,000m³ in any 12 month period. c) The substance must not be deposited on or within 50m of any of the following: <ul style="list-style-type: none"> i) shell fish gathering areas or ii) bird nesting areas. 		
149 Deposition of substances from outfall structures, bridges, sea water intakes and culverts	The deposition of any substance onto the foreshore or seabed cleared from an outfall structure, bridge, sea water intake structure or culvert.	Permitted	<ul style="list-style-type: none"> a) The substance must be deposited on sediment which is of the same or similar in size. b) The substance must be deposited within a distance of 50m from where it was cleared. c) The substance must not be deposited on any of the following: <ul style="list-style-type: none"> i) shell fish gathering areas or ii) bird nesting areas. d) The substance must not be deposited within 100m of the Harbour Management Area. e) The substance must not be deposited at a rate exceeding 0.5m³ per square metre. 		

¹³⁶ NOTE: Refer to Rule 133 which addresses disturbance of the foreshore or seabed for river control and drainage works.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
150 Deposition of substances arising from maintenance dredging of specified areas ¹³⁷	The deposition of any substance onto the foreshore or seabed arising from maintenance dredging of: <ol style="list-style-type: none"> 1. the Fairway, Swinging Basin and Berths in the Port Management Area. 2. the Harbour Management Area. 	Controlled ¹³⁸	<ol style="list-style-type: none"> a) The quantity of substance deposited must not exceed 50,000m³ in any 12 month period. b) Any substance from maintenance dredging of the Fairway, or Swinging Basin and Berth areas in the Port Management Area must be deposited into: <ol style="list-style-type: none"> i) Dredge Disposal Area 1 and/or ii) Dredge Disposal Area 2 identified in this Plan's maps. c) Any substance from maintenance dredging of the Harbour Management Area must be deposited into Dredge Disposal Area 2 identified in this Plan's maps. 	<ol style="list-style-type: none"> a) The material characteristics, toxicity, contaminant levels, quantity, location and timing of the deposition b) Effects on water quality c) Effects on feral shellfish beds d) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
151 Depositions of more than 50,000m³ per year	Any activity involving the deposition of any material on the foreshore or seabed in quantities greater than 50,000m ³ in any 12 month period in the coastal marine area.	Discretionary			Refer to notification requirements in ss95A-95F of RMA

¹³⁷ NOTE: Refer also to Rule 139 which addresses the maintenance dredging of these areas.

¹³⁸ NOTE: The Resource Management (Marine Pollution) Regulations 1998 have 'deemed' deposition of dredge material from any ship, aircraft, or offshore installation to be a discretionary activity in all regional coastal plans. Deposition of dredge material in the CMA for all other instances is subject to Rule 150.

27.10 Introduction of plants in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
<p>152 Introduction or planting of exotic plant species</p>	<p>The introduction or planting of an exotic plant species within the coastal marine area that:</p> <ol style="list-style-type: none"> 1. is already present in an area; or 2. is not already present in an area. 	<p>Discretionary</p>			<p>Refer to notification requirements in ss95A-95F of RMA</p>
<p>153 Introduction or planting of plant pests</p>	<p>Notwithstanding Rule 152, the introduction to, or planting within, the coastal marine area of any plant pest within the meaning of the Biosecurity Act 1993.</p>	<p>Prohibited</p>			

27.11 Taking, use, damming and diversion of coastal water

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
154 Taking and use of coastal water not complying with other Rules	The taking and/or use of coastal water that does not comply with Rule 156.	Discretionary			Refer to notification requirements in ss95A-95F of RMA
155 Damming and diversion of water not regulated by other rules ^{139, 140}	Except as provided for in Rule 157, Rule 158 and Rule 159, the damming and diversion of water in the coastal marine area.	Discretionary			Refer to notification requirements in ss95A-95F of RMA
156 Taking and use of coastal water	The taking and/or use of coastal water. ¹⁴¹	Permitted	<p>a) The water shall not be taken from any of the following Significant Conservation Areas:</p> <ul style="list-style-type: none"> i) Porangahau Estuary (SCA1) ii) Tukituki River mouth (SCA10) iii) Waitangi Estuary (SCA11) iv) Ahuriri Estuary (SCA12) v) Wairoa Estuary and Coastal Wetlands (SCA15) or vi) Maungawhio Lagoon (SCA20). <p>b) The rate of take of any water shall not exceed 20m³ per day. This condition does not apply to the taking and use of open coastal water.</p>		

¹³⁹ NOTE: The Freshwater Fisheries Regulations 1983 may apply and a permit from the Director General of Conservation may be required if fish passage is to be restricted.

¹⁴⁰ In the case of coastal water, this rule does not apply to damming or diversion of water if the water is required for:

a) fire-fighting purposes or

b) an individual's reasonable domestic needs or recreational needs and the damming or diversion does not, or is not likely to, have an adverse effects on the environment. (Refer to s14(3)(d) of the RMA).

¹⁴¹ NOTE: Other coastal permits may be required in order to carry out these activities in accordance with the rules in this Plan. This is particularly relevant to taking of water that involves the erection or placement of a structure in the coastal marine area.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
157 Damming and diversion of water for river control and drainage works	Damming and diversion of water in the coastal marine area for the purposes of any activity described in the Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works (2003).	Permitted	<p>a) The activity must be undertaken by or on behalf of a local authority exercising its statutory powers, functions or duties under any of the following:</p> <ul style="list-style-type: none"> i) the Soil Conservation and Rivers Control Act 1941 ii) the Land Drainage Act 1908 iii) the Local Government Act 1974 iv) the Local Government Act 2002. <p>b) The activity must not impede fish passage.¹⁴²</p>		
158 Temporary damming and diversion of water	<p>Damming and diversion of water in the coastal marine area for any of the following purposes:</p> <ol style="list-style-type: none"> 1. the maintenance or repair of a lawfully established structure in accordance with Rule 118 or 2. the erection, reconstruction, placement, alteration, extension, removal or demolition of any line, pipeline or cable owned or managed by a network utility operator in accordance with Rule 120 or 3. the removal or demolition of a structure or any part of a structure in accordance with Rule 121. 	Permitted	<p>a) The damming and diversion of water must:</p> <ul style="list-style-type: none"> i) not divert more than 10% of the flow of coastal water (where coastal water flows); ii) return any diverted water back to the affected water body within 100m downstream of the point at which the water is diverted. <p>b) The damming and diversion of water must not exceed a period of 5 consecutive days.</p> <p>c) The damming and diversion of water must not exceed a period of 12 hours on any single day during the period in (b) above.</p> <p>d) The activity must not impede fish passage.¹⁴³</p>		
159 Lawfully established diversions of water¹⁴⁴	Any lawfully established diversion of water in the coastal marine area.	Permitted	<p>a) The diversion must not cause any scouring or erosion of and land or water course beyond the point of the discharge.</p> <p>b) The diversion must not adversely affect any lawfully established water take, which existed at the time the diversion commenced.</p> <p>c) The diversion must not prevent the passage of fish within the water body, unless this was authorised at the time that diversion was established.</p> <p>d) The diversion shall not cause or contribute to the flooding of any property, unless written approval was</p>		

¹⁴² NOTE: The Freshwater Fisheries Regulations 1983 may apply and a permit from the Director General of Conservation may be required if fish passage is to be restricted.

¹⁴³ NOTE: The Freshwater Fisheries Regulations 1983 may apply and a permit from the Director General of Conservation may be required if fish passage is to be restricted.

¹⁴⁴ NOTE: This rule provides for diversions established in accordance with either s14 of the RMA, or s20A of the RMA which provides for certain existing lawful activities to be allowed.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>obtained from the affected property owner at the time that the diversion was established.</p> <p>e) For diversions lawfully established by way of resource consent, the diversion shall continue to comply with all conditions of the consent.¹⁴⁵</p>		

¹⁴⁵ NOTE: This rule means that once diversions have been lawfully established, their continued operation is permitted under this rule. No ongoing consent is required for the operation of existing diversions provided the conditions of this rule are met.

27.12 Coastal discharges

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
160 Discharges not regulated by, or not complying with, other rules ¹⁴⁶	The discharge of a contaminant or water into water in the coastal marine area, or the discharge of a contaminant into or onto land in the coastal marine area in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water in the coastal marine area that: <ol style="list-style-type: none"> 1. is not specifically classified by any other rule in this Plan as a non-complying or prohibited activity¹⁴⁷; or 2. does not comply with all relevant conditions on a permitted activity rule or 3. does not comply with all relevant standards and terms on a controlled activity rule or a restricted discretionary rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
161 Discharge of drilling muds, cuttings & fluids	The discharge of drilling muds, cuttings or fluids into the coastal marine area. ¹⁴⁸	Permitted	<ol style="list-style-type: none"> a) The drilling must be for the purposes of investigating water, oil, gas or seabed resources. b) The discharge shall not occur: <ol style="list-style-type: none"> i) within 2000m of mean high water springs, except this condition shall not apply within the Port Management Area. ii) in or within 500m of any Significant Conservation Area iii) in or within 500m of any Historic Heritage Area iv) in or within 500m of any Aquaculture Management Area v) in or within 500m of any area of coastal water class CR(HB) vi) in or within 500m of the Te Angiangi Marine Reserve. 		

¹⁴⁶ NOTE: This rule does not apply to discharges from ships or offshore installations or discharges of contaminants associated with maintenance dredging activities complying with Rule 139. Refer to Schedule F of this Plan.

¹⁴⁷ For the purposes of Rule 160.1 and the avoidance of doubt, this rule is applicable to:

- a) the discharge of human sewage (except as provided for in Rule 165 and Rule 167) which has not passed through soil or wetland, to the coastal marine area; and
- b) the discharge of any contaminant to the coastal marine area in respect of which the applicant may desire to rely on section 107(2)(a) of the RMA.

¹⁴⁸ Refer to Rule 138 which addresses disturbance of the foreshore and seabed arising from drilling and bores in the coastal marine area.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> c) There shall be no discharge to groundwater or surface water. d) The discharge shall not contain more than 15 g/m³ of oil and grease. 		
162 Small-scale discharge of agrichemicals	The discharge of contaminants in the coastal marine area arising from the use of agrichemicals	Permitted	<ul style="list-style-type: none"> a) The activity must be carried out by or on behalf of: <ul style="list-style-type: none"> i) the Department of Conservation ii) the HBRC iii) a territorial authority iv) a district health board v) Biosecurity New Zealand. b) The discharge must be for purposes of eradicating, modifying or controlling unwanted aquatic plants, or other biosecurity purposes. c) Only hand held appliances may be used to discharge the agrichemicals. d) The discharge must not include any agrichemicals not approved for aquatic use by the Environmental Risk Management Authority. e) The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agrichemical manufacturer's instructions. f) The discharge shall be undertaken in accordance with all mandatory requirements set out in s2, s5 and s6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004). g) The discharge shall not include disposal to water of any agrichemical. 		
163 Diversion and discharge of stormwater	The diversion and discharge of stormwater from any constructed open drainage system or piped stormwater drainage system that: <ul style="list-style-type: none"> 1. does not drain any industrial or trade premises; or 2. drains any industrial or trade premises (excluding premises used for the storage of any hazardous substance). 	Permitted	<ul style="list-style-type: none"> a) The activity must not cause any permanent: <ul style="list-style-type: none"> i) reduction in the ability of the receiving environment to convey flood flows; ii) bed scouring or bank erosion of the receiving environment. b) The discharge must not cause the production of conspicuous oil or grease films, scums or foams, or 		

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>floatable or suspended materials in any receiving water after reasonable mixing.</p> <p>c) The discharge must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E.</p> <p>d) The stormwater shall not be diverted or discharged from an area greater than 2 hectares.</p>		
<p>164 Diversion and discharge of stormwater to the CMA¹⁴⁹</p>	<p>Except as provided for in Rule 169, the diversion and discharge of stormwater to the coastal marine area.</p>	<p>Controlled</p>	<p>a) The discharge must not cause deterioration of receiving water quality beyond the water quality standards set out in Schedule E.</p>	<p>a) Location of the point of diversion and discharge including its catchment area</p> <p>b) Volume, rate, timing and duration of the discharge, in relation to a specified rainfall event, including any measures to attenuate flood flow, rates and peaks for a range of rainfall durations and intensities.</p> <p>c) Effects of the activity on any downstream flooding</p> <p>d) Contingency measures in the event of pipe capacity exceedence or contaminants entering stormwater.</p> <p>e) Actual or likely adverse effects on fisheries, wildlife, habitats, ecosystems, aquatic life or amenity values and the relationship of tangata whenua with</p>	<p>Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.</p>

¹⁴⁹ NOTE: Authorised discharges into stormwater systems do not require a resource consent. However, in accordance with these rules, the owner of any particular stormwater system may be required to obtain a resource consent to cover the situation where the stormwater discharges into coastal water.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
				<p>the receiving environment</p> <p>f) Coastal water quality, including but not limited to matters in RMA s107, coastal water quality standards set out in Schedule E, and cumulative effects of contaminants accumulating in the receiving environment.</p> <p>g) quality of stormwater discharged, including but not limited to, concentration of hazardous substances in the stormwater to be discharged, and methods to reduce contaminant and sediment loadings before discharge (such as stormwater treatment and low impact design).</p> <p>h) Matters in Chapter 26.2</p>	
<p>165</p> <p>Discharge of sewage from ships or off-shore installations into specified areas</p>	<p>The discharge of sewage from a ship or off-shore installation¹⁵⁰:</p> <ol style="list-style-type: none"> 1. within the Porangahau Estuary (SCA1) or 2. inside, or within 500m of the seaward extent of the banks of, the Wairoa River, Whangawehi Harbour, or Waikokopu Harbour or 3. in or within 500m of an Aquaculture Management Area. 4. in or within 500m of the Port Management Area or 	<p>Prohibited</p>			

¹⁵⁰ The Resource Management (Marine Pollution) Regulations 1998 may apply. Refer to Schedule F of this Plan.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
	5. in or within 500m of the Harbour Management Area or 6. in or within 500m of Pania Reef (SCA13) or 7. in or within 500m of Te Angiangi Marine Reserve.				
166 Discharge of litter ¹⁵¹	The discharge or dumping of litter in the coastal marine area.	Prohibited			
167 Discharge of sewage from land which has not passed through soil or wetland into a SCA or Historic Heritage Area	The discharge of sewage from land which has not passed through soil or wetland, into: <ol style="list-style-type: none"> 1. a Significant Conservation Area, excluding the Wairoa River (SCA15) or 2. a Historic Heritage Area identified in this Plan's maps. 	Prohibited			

¹⁵¹ NOTE: This rule does not include garbage cast from ships or offshore installations. The Resource Management (Marine Pollution) Regulations 1998 may apply to the discharge and dumping of litter or garbage from ships and offshore installations. Refer to Schedule F of this Plan.

27.13 Surface water activities in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
168 Use of hovercraft in specified areas	The use of hovercraft: <ol style="list-style-type: none"> within 600m of Black Reef as identified in this Plan's maps; or within a 600m radius of an area immediately south of Cape Kidnappers as identified in this Plan's maps. 	Prohibited			
169 Use of powered ships in Ahuriri Estuary and Maungawhio Lagoon for emergency operations or instructional purposes	The use of powered ships in: <ol style="list-style-type: none"> the Ahuriri Estuary and Pandora Pond (SCA12) the Maungawhio Lagoon (SCA20). 	Permitted	a) Except as provided for in conditions (b) and (c), the use of powered ships shall only be for emergency purposes. b) The use of powered ships may be for one or more of the following purposes: <ol style="list-style-type: none"> environmental monitoring scientific research, provided that it is undertaken by or on behalf of: <ol style="list-style-type: none"> Department of Conservation or the HBRC or a territorial authority or a district health board or NIWA or other Crown Research Institute. c) Within SCA12, the use of powered ships in Pandora Pond shall only be for the purposes specified in condition (b) above or instructional purposes. d) Any ship used for the purposes specified in conditions (b) or (c) must not be powered by a motor exceeding 10 horsepower. ¹⁵²		
170 Use of powered ships in the Ahuriri Estuary and Maungawhio Lagoon	Except as provided for in Rule 169, the use of powered ships in: <ol style="list-style-type: none"> the Ahuriri Estuary and Pandora Pond (SCA12) the Maungawhio Lagoon (SCA20). 	Prohibited			

¹⁵² NOTE: Notwithstanding this engine power limitation, speed restrictions also apply within SCA12.

27.14 Hazardous substances in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
171 Storage of hazardous substances not regulated by, or not complying with, other rules	Except as provided for in Rule 174, the storage ¹⁵³ of any hazardous substance in, on, under or over the foreshore or seabed that:- <ol style="list-style-type: none"> 1. Is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity; or 2. Does not comply with all of the relevant conditions on a permitted activity rule. 	Restricted Discretionary		a) The potential adverse effects of a spillage or discharge of hazardous substances and any means to avoid or reduce potential for spillage or discharge b) Proximity to, and sensitivity of, the surrounding environment c) The nature and volume of stored substances d) Matters in Chapter 26.2.	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
172 Storage of hazardous substances	Except as provided for in Rule 174, the storage ¹⁵⁴ of any hazardous substance in, on, under or over the foreshore or seabed.	Permitted	a) At least one of the following shall apply: <ol style="list-style-type: none"> i) the storage is on a wharf within the Harbour Management Area or the Port Management Area or ii) the hazardous substance is being carried as cargo in or on a vehicle, ship or aircraft or iii) the storage is in or on a vehicle, ship or aircraft and is for the purposes of refuelling that vehicle, ship or aircraft or iv) the storage is directly associated with the conveyance of a hazardous substance in or on a conveyor, or in a line, pipeline, hose or cable. b) The quantity of hazardous substance stored (whether in a container, building or any other structure) must comply with the Hazardous Substances and New Organisms Act 1996 and any Regulations made under that Act.		

¹⁵³ Storage for the purposes of this Rule does not include the conveyance of hazardous substances in a line, pipeline, hose or cable.

¹⁵⁴ Storage for the purposes of this Rule does not include the conveyance of hazardous substances in a line, pipeline, hose or cable.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
173 Dumping of hazardous substances	The dumping ¹⁵⁵ of any hazardous substance in the coastal marine area.	Prohibited			
174 Storage of hazardous substances within a SCA	The storage ¹⁵⁶ or containment of any hazardous substance in, on, under or over the foreshore or seabed within a Significant Conservation Area.	Prohibited			

¹⁵⁵ NOTE: Any dumping or discharging from ships, aircraft or offshore installations in the CMA may be subject to the provisions of Sections 15A, 15B and 15C or the RMA and to any regulations made under those sections.

¹⁵⁶ Storage for the purposes of this rule does not include the conveyance of hazardous substances in a line, pipeline, hose or cable.

27.15 Noise in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
175 Noise emissions in CMA not complying with other rules	The emission of noise that does not comply with Rule 176 or Rule 177 of this Plan.	Restricted Discretionary		<ul style="list-style-type: none"> a) The sound levels likely to be generated b) The nature and frequency of the noise including any special audible characteristics c) The compatibility with the surrounding environment d) The effects on amenity values and people's health and safety e) The effects on marine mammals f) The length of time for which specified noise levels is exceeded, especially at night g) The mitigation measures to reduce noise generation h) Matters in Chapter 26.2 	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
176 Noise emissions from coastal marine area ¹⁵⁷	Except as provided for in Rule 177, the emission of noise from within the coastal marine area.	Permitted	<ul style="list-style-type: none"> a) Sound levels (other than construction noise) must not exceed: <ul style="list-style-type: none"> i) 65dBA Leq(15min) between 0700 hours and 2200 hours measured and assessed at any point on land not within the coastal marine area ii) 55dBA Leq(15min) between 2200 hours and 0700 hours the following day measured and assessed at any point on land not within the coastal marine area 		

¹⁵⁷

This rule does not apply where the activity generating the noise involves:

- a) the normal operation of navigational aids, safety signals, warning devices, including ship sirens and pressure relief valves.
- b) the undertaking of emergency works.
- c) vehicles travelling on roads or trains travelling on a railway.
- d) noise emissions from activities on wharves and ships at berth at the Port of Napier (refer to Rule 177).

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<ul style="list-style-type: none"> iii) 85dBA Lmax measured and assessed at any point on land not within the coastal marine area. b) Noise (other than construction noise) must be measured in accordance with provisions of New Zealand Standard NZS6801:1999 'Acoustics: Measurement of Environmental Sound'. c) Noise (other than construction noise) must be assessed in accordance with provisions of New Zealand Standard NZS6802:1999 'Acoustics: Assessment of Environmental Sound'. d) Construction noise must not exceed the limits recommended in, and measured and assessed in accordance with, New Zealand Standard NZS6803:1999 'Acoustics: Construction Noise'. 		
177 Noise emissions in Port Management Area ¹⁵⁸	Emission of noise in the Port Management Area.	Permitted	<ul style="list-style-type: none"> a) Sound levels (other than construction noise) must not exceed: <ul style="list-style-type: none"> i) 65dBA Ldn over any consecutive five day period at any point beyond the Port Inner Noise Boundary as identified in the Napier District Plan. ii) 68dBA Ldn on any day at any point beyond the Port Inner Noise Boundary as identified in the Napier District Plan. iii) 60dBA Leq (9 hour) between 2200 hours and 0700 hours the following day at any point beyond the Port Inner Noise Boundary as identified in the Napier District Plan. iv) 65dBA Leq (15min) between 2200 hours and 0700 hours the following day at any point beyond the Port Inner Noise Boundary as identified in the Napier District Plan. v) 85dBA Lmax on any night between 2200 hours and 0700 hours the following day at any point 		

¹⁵⁸

This rule does not apply where the activity generating the noise involves:

- a) the normal operation of navigational aids, safety signals, warning devices, including ship sirens and pressure relief valves.
- b) the undertaking of emergency works.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
			<p>beyond the Port Inner Noise Boundary as identified in the Napier District Plan.</p> <p>b) Noise (other than construction noise) must be measured in accordance with provisions of New Zealand Standard NZS6801:1999 'Acoustics: Measurement of Environmental Sound' and New Zealand Standard NZS6809:1999 'Acoustics: Port Noise Management and Land Use Planning'.¹⁵⁹</p> <p>c) Construction noise must not exceed the limits recommended in, and measured and assessed in accordance with, New Zealand Standard NZS6803:1999 'Acoustics: Construction Noise'.</p>		

¹⁵⁹ NOTE: This NZS requires that noise generated within the coastal marine area from activities on wharves and ships at berth is combined with noise of port activities on adjacent land. Thus the requirements of Condition (a) apply to sound measured in the receiving environment from both areas.

27.16 Occupation of space in Coastal Marine Area

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
178 Occupation of CMA not regulated by, or not complying with, other rules	Occupation of the coastal marine area that – <ol style="list-style-type: none"> 1. is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity¹⁶⁰ ; or 2. does not comply with all relevant conditions on a permitted activity rule or 3. does not comply with all relevant standards and terms on a controlled activity or a restricted discretionary rule. 	Discretionary			Refer to notification requirements in ss95A-95F of RMA
179 Temporary occupation of CMA	Temporary occupation of the coastal marine area for the purposes of a special event or other surface water activity.	Permitted	NOTE: There are no conditions/standards/terms for this activity. Nothing in this Plan waives any requirements to comply with the HBRC Navigation and Safety Bylaws 2002.		
180 Occupation of CMA associated with authorised activities and structures	Except as provided for by Rule 179, Rule 181, Rule 182, Rule 183 and Rule 184, the occupation of the coastal marine area by, and which occurs concurrently with, and is directly associated with: <ol style="list-style-type: none"> 1. a lawfully established structure or any erection, reconstruction, placement, alteration, extension, removal, maintenance, repair or demolition of a lawfully established structure¹⁶¹ or 2. any activity involving reclamation, drainage, or disturbance of the foreshore or seabed or 3. any activity involving deposition or removal of material from the foreshore or seabed or 4. any activity involving the take, use damming or diversion of water from within the coastal marine area or 5. any activity involving the discharge of a contaminant to the coastal marine area. 	Permitted	a) The structure or activity must be authorised either: <ol style="list-style-type: none"> i) as a permitted activity in rules elsewhere in this Plan or ii) by a controlled activity resource consent for the structure or activity. b) Written notice must be provided to the HBRC of the nature and location of the activity or structure at least 10 working days prior to the commencement of any occupation of the coastal marine area.		

¹⁶⁰ For the purposes of Rule 178.1 and avoidance of doubt, this does apply to any activity involving exclusive occupation of the coastal marine area.

¹⁶¹ NOTE: For the purposes of Rule 180 and avoidance of doubt, 'lawfully established structures' includes those structures listed in Schedule S.

Rule	Activity	Classification	Conditions / Standards / Terms	Matters for control / discretion	Notification requirements
181 Occupation of space in an AMA by aquaculture activities ¹⁶²	Occupation of coastal marine area within an Aquaculture Management Area by an aquaculture activity.	Controlled	a) The occupation must only be for the purpose of farming species authorised by a current resource consent. b) The occupation must not occur in space that is already the subject of a current resource consent for the occupation of that space by another person.	a) Effects on navigation and safety, including provision for warning devices, signs and lights b) Effects on marine ecological systems c) Extent of occupation, including degree of exclusivity and spatial area d) Timing and/or staging of occupation e) Mooring requirements f) Matters in Chapter 26.2.	Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.
182 Occupation of space in an AMA by non-aquaculture activities ¹⁶³	Except as provided for in Rule 190, the occupation of coastal marine area within an Aquaculture Management Area by an activity, other than an aquaculture activity. ¹⁶⁴	Discretionary			Refer to notification requirements in ss95A-95F of RMA
183 Occupation of space not within an AMA by an aquaculture activity	Except as provided for in Rule 181 and Rule 182, occupation of the coastal marine area by an aquaculture activity.	Prohibited			

¹⁶² NOTE: This rule only addresses issues arising from the effects of occupation of space. Effects arising from structures, discharges of, and deposition of, contaminants arising from an aquaculture activity in an AMA are addressed by rules elsewhere in this Plan.

¹⁶³ NOTE: Section 12A(3) of the RMA provides that “an activity that is not an aquaculture activity may not be undertaken in an Aquaculture Management Area, except to the extent that the activity is compatible with aquaculture activities.”

¹⁶⁴ NOTE: This rule only addresses issues arising from the effects of occupation of space. Effects arising from structures, discharges of, and deposition of, contaminants arising from non-aquaculture activities in an AMA are addressed by rules elsewhere in this Plan.