DRAFT FOR CONSULTATION

Natural and Built Environment (Transitional National Planning Framework) Regulations

Governor-General

Order in Council

At Wellington this day of 2023

Present:
in Council

This draft has been prepared for the purpose of engagement under Schedule 5 of the Natural and Built Environment Act 2023.

It is a work in progress and has not been through PCO's standard quality assurance processes.

These regulations are made under section 103 of the Natural and Built Environment Act 2023—

(a) acting on the advice and with the consent of the Executive Council; and

(b) on the recommendations of the Minister for the Environment and the Minister of Conservation in accordance with sections 103 and 163 of that Act.

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Regulations

1 Title

These regulations are the Natural and Built Environment (National Planning Framework) Regulations 2023.

2 Commencement

These regulations come into force on [to come].

Part 1
Overarching matters

Subpart 1.1—Preliminary provisions

Interpretation

1.1.1 Overall approach to interpreting national planning framework

(1) This national planning framework is intended to be read as an integrated whole and its provisions must be construed in a way that achieves consistency, wherever possible.

(2) If there is conflict in the application of provisions of this national planning framework—

(a) the provisions of Part 3 prevail over the provisions of Parts 6, 7, 8, and 9 (*see* regulations 6.1.8(1), 7.1.3, 8.1.3, and 9.1.2); and

(b) the provisions of Part 2 prevail over the provisions of Part 6 (other than subparts 2.6 and 2.7) (*see* regulation 6.1.8(2)); and

(c) the provisions of subpart 12.7 prevail over the provisions of regulations 13.4.37 to 13.4.39 (*see* regulation 12.7.3).

(3) Where specific provisions in this national planning framework conflict with general provisions in it, the specific provisions prevail.

1.1.2 Definitions for whole national planning framework

In this national planning framework—

accessory building means a detached building, the use of which is ancillary to the use of any building or activity that is or could be lawfully established on the same site

Act means the Natural and Built Environment Act 2023

ancillary activity, when used in relation to an activity, means an activity that supports and is subsidiary to that activity

aquifer means a permeable geological formation, group of formations, or part of a formation, beneath the ground, capable of receiving, storing, transmitting and yielding water

archaeological site has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

bore means—

(a) any hole drilled or constructed in the ground that is used to—

(i) investigate or monitor conditions below the ground surface; or

(ii) abstract gaseous or liquid substances from the ground; or

(iii) discharge gaseous or liquid substances into the ground; but

(b) does not include any test pit, trench, soak hole, or soakage pit

boundary adjustment means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments

building means—

(a) a temporary or permanent movable or immovable physical construction that is—

(i) partially or fully roofed; and

(ii) fixed or located on or in land; but

(b) does not include any motorised vehicle or other mode of transport that could be moved under its own power

cleanfill area means an area used exclusively for the disposal of cleanfill material

cleanfill material means virgin excavated natural materials, including clay, gravel, sand, soil, and rock, that are free of any of the following:

(a) combustible, putrescible, degradable, or leachable components:

(b) hazardous substances and materials:

(c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices:

(d) medical and veterinary wastes, asbestos, and radioactive substances:

(e) contaminated soil and other contaminated materials:

(f) liquid wastes

commercial activity means trading in goods, equipment, or services,; and includes any ancillary activities (such as administrative and head office functions)

cultivation means the alteration or disturbance of land (or any matter constituting the land, such as soil, clay, sand, and rock) for the purpose of sowing, growing or harvesting of pasture or crops

dairy cattle—

(a) means cattle farmed for producing milk; and

(b) includes—

(i) any bull on the farm whose purpose is mating with those cattle; and

(ii) unweaned calves of those cattle; but

(c) does not include dairy support cattle

dairy support cattle means cattle that—

(a) are farmed for producing milk, but are not being milked (for example, because they are heifers, or have been dried off); and

(b) are grazed on land that is not grazed by dairy cattle

decision maker means any person exercising powers or functions under the Act or the Spatial Planning Act 2023

distribution network means lines and associated equipment that—

(a) are used for conveying electricity and operated by a business engaged in the distribution of electricity; but

(b) does not include lines and associated equipment that are part of the national grid

district plan means a district plan prepared under the Resource Management Act 1991

drain means—

(a) any artificial watercourse designed, constructed, or used for the drainage of surface or subsurface water; but

(b) does not include artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes

drinking water means water intended to be used for human consumption, including water intended to be used for food preparation, utensil washing, and oral or other personal hygiene

dust means any non-combusted solid particulate matter that is suspended in the air, or has settled after being airborne, and includes dust derived from materials such as rock, sand, cement, fertiliser, coal, soil, paint, animal products, or wood

earthworks means—

(a) the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling, or excavation of earth (or any matter constituting the land, such as soil, clay, sand, and rock); but

(b) does not include gardening, cultivation, and disturbance of land for the installation of fence posts

exotic pasture species means exotic pasture species as identified in Appendix 1 of the National List of Exotic Pasture Species using the *Pasture Exclusion Assessment Methodology 2022*, Wellington, Ministry for the Environment

fertiliser means—

(a) a substance or biological compound or mix of substances or biological compounds in solid or liquid form, that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity or quality of soils, plants or, indirectly, animals through the application to plants or soil of any of the following:

(i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients:

(ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients:

(iii) fertiliser additives to facilitate the uptake and use of nutrients:

(iv) non-nutrient attributes of the materials used in fertiliser; but

(b) does not include livestock effluent, human effluent, substances containing pathogens, or substances that are plant growth regulators that modify the physiological functions of plants

functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

greywater means—

(a) liquid waste from domestic sources, including sinks, basins, baths, showers, and similar fixtures; but

(b) does not include sewage, or industrial and trade waste

ground level means—

(a) either—

(i) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created); or

(ii) if the ground level cannot be identified under subparagraph (i), the existing surface level of the ground; and

(b) in either case, if a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary

groundwater means water occupying openings, cavities, or spaces in soils or rocks beneath the surface of the ground

habitable room means any room used as a living room, dining room, sitting room, bedroom, office, or for the purposes of teaching, or any other similarly occupied room

height, in relation to a feature, structure or building, means—

(a) if a reference point is specified, the vertical distance between that point and the highest part of that feature, structure or building; or

(b) if a reference point is not specified, the vertical distance between the highest and lowest part of that feature, structure, or building

industrial activity means the manufacture, fabrication, processing, packaging, distribution, repair, store, or disposal of materials (including raw, processed, or partly processed materials) or goods; and includes ancillary activities

industrial and trade waste means—

(a) liquid waste (with or without matter in suspension) from the receipt, manufacture, or processing of materials as part of a commercial, industrial, or trade process; but

(b) does not include sewage and greywater

irrigation means the activity of applying water to land by means of a constructed system for the purpose of assisting production of vegetation or stock on that land

land disturbance means the alteration or disturbance of land (or any matter constituting the land, such as soil, clay, sand, and rock) that does not permanently alter the profile, contour or height of the land

landfill, as a place, means an area that—

(a) is or was used for the disposal of solid waste; but

(b) is not a cleanfill area

landholding means 1 or more parcels of land (whether or not they are contiguous) that are managed as a single operation

lifeline utility has the meaning given in section 4 of the Civil Defence Emergency Management Act 2002

national grid means the network used or owned by Transpower for the purpose of conveying electricity, and includes—

(a) the electricity substations that are connected to the network; and

(a) transmission lines; and

(b) the other infrastructure that connect the network with the distribution network

natural inland wetland means a wetland (as defined in the Act) that is not—

(a) in the coastal marine area; or

(b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or

(c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or

(d) a geothermal wetland; or

(e) a wetland that is within an area of pasture used for grazing—

(i) that has vegetation cover comprising more than 50% exotic pasture species as assessed using the methodology in the *Pasture Exclusion Assessment Methodology* 2022, Wellington, Ministry for the Environment; but

(ii) is not the location of a habitat of a threatened species identified under regulation 2.2.9(4)

NBEA date, in relation to a region, means the date that the decisions version of the first plan for the region is treated as operative *(see* clause 1 of Schedule 1 of the Act)

HVBA means a highly vulnerable biodiversity area, and has the meaning given in section 415 of the Act

KiwiRail has the meaning given in section 5 of the Land Transport Management Act 2003

naturally occurring process means an attribute state that occurs, or would occur, in the absence of human activity

nature-based solution means a solution involving actions to protect, conserve, restore, or sustainably use and manage natural or modified terrestrial, freshwater, coastal, and marine ecosystems to address social, economic, and environmental challenges

New Zealand's emissions reduction targets means New Zealand's greenhouse gas emissions reduction targets set under the Climate Change Response Act 2002

NOF, or **National Objectives Framework**, means the framework for the overall management of freshwater as described in subpart 2.2, and **NOF process** means the process as described in regulation 2.2.8

operational need means the need for a proposal or activity to traverse, locate, or operate in a particular environment because of technical, logistical, or operational characteristics or constraints

plantation forest, plantation forestry, and plantation forestry activities have the meanings given by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

pest has the meaning given by section 2(1) of the Biosecurity Act 1993

primary production means—

(a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying, or forestry activities, and includes—

(i) the initial processing (as an ancillary activity) of commodities that result from those activities; and

(ii) any land and buildings used for the production of those commodities; but

(b) does not include the further processing of those commodities into a different product

publish, in relation to an obligation on a regional planning committee or local authority to publish material, means to make the material freely available to the public on the local authority's Internet site or another web-based platform

quarry means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand), including the area of aggregate resource and surrounding land associated with the operation of a quarry and used for quarrying activities

quarrying activities means any or all of the following:

(a) the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand):

(b) the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry:

(c) the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry

receiving environment, in relation to water, includes but is not limited to, any water body (such as a river, lake, wetland, or aquifer) and the coastal marine area (including estuaries)

reclamation means the man-made formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river, or the coastal marine area, and—

(a) includes the construction of any causeway; but

(b) does not include the construction of natural hazard protection structures such as seawalls, breakwaters, or groynes, except where the purpose of those structures is to form dry land

regional plan means a regional plan prepared under the Resource Management Act 1991

regional policy statement means a regional policy statement prepared under the Resource Management Act 1991

residential activity means the use of land and buildings for people's living accommodation

sewage means human excrement and urine

species means a group of living organisms consisting of similar individuals capable of freely exchanging genes or interbreeding, including subspecies, varieties and organisms that are indeterminate

specified attribute means an attribute for which an environmental limit is specified in a schedule of this national planning framework

specified critical infrastructure means any of the following:

(a) infrastructure that has the primary purpose of supplying or distributing drinking water to the inhabitants of a city, district, or other place:

(b) infrastructure that provides a wastewater or sewerage network or that treats and disposes of sewage or storm water:

(c) infrastructure that—

(i) generates or stores electricity for transmission or distribution through a network; or

(ii) is a network that transmits or distributes electricity:

(d) infrastructure that provides a telecommunications network:

(e) infrastructure that provides a transport network (including state highways and rapid transit networks):

(f) infrastructure that provides a rail network or service:

(g) international or regional airports:

(h) international or regional ports:

(i) infrastructure that produces, supplies, or distributes gas:

(j) infrastructure that produces, processes, or distributes to retail outlets and bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery:

(k) infrastructure that provides for radiocommunications (as defined in section 2(1) of the Radiocommunications Act 1989):

(l) any public flood control, flood protection, or drainage works carried out—

(i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or

(ii) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908:

(m) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990.

shelter belt means a row or rows of trees or hedges planted to partially block wind flow

stormwater means—

(a) run-off that has been intercepted, channelled, diverted, intensified, or accelerated by human modification of a land surface; and

(b) run-off from the surface of any structure as a result of precipitation; and

(c) includes any contaminants contained in the run-of

Te Mana o te Wai has the meaning set out in regulation 2.1.1

tier 1 local authority means each regional council and territorial authority listed in column 2 of Table 1 in Schedule UD1

tier 2 local authority means each regional council and territorial authority listed in column 2 of Table 2 in Schedule UD1

tier 3 local authority means any regional council or territorial authority that has all or part of an urban environment within its region or district, but is not a tier 1 or tier 2 local authority

tier 1 urban environment means an urban environment listed in column 1 of in Table 1 in Schedule UD1

tier 2 urban environment means an urban environment listed in column 1 of in Table 2 in Schedule UD1

tier 3 urban environment means an urban environment that is not listed in Table 1 or Table 2 in Schedule UD1

Transpower means Transpower New Zealand Limited

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that—

(a) is, or is intended to be, predominantly urban in character; and

(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people

wastewater means any combination of sewage, greywater, and industrial and trade waste

well-functioning urban environment has the meaning given in regulation 11.1.3.

1.1.3 Index of defined terms in Schedule 1

Schedule 1 contains an index of all the terms used in this national planning framework that are defined in definitions regulations (but not terms that are defined only for the purpose of 1 regulation), and identifies the regulations in which the terms are defined.

Other preliminary matters

1.1.4 Making documents, etc, publicly available

If a regional planning committee or local authority is required by this national planning framework to make a document or other information publicly available, it must take reasonable steps to—

(a) ensure the document or information, or a copy of it, is accessible to the general public in a manner appropriate to the purpose of the document or information, including (if practicable) on an appropriate Internet site; and

(b) publicise, in a manner appropriate to the purpose of the document or information, both the fact that the document or information is available and how it may be accessed.

Compare: 2002 No 84 s 5(3)

1.1.5 References to preparing regional spatial strategies

A reference in this national planning framework to a regional planning committee preparing a regional spatial strategy refers both to a regional planning committee preparing its first regional spatial strategy and to any subsequent amending or replacing of the regional spatial strategy.

1.1.6 Relationship with Spatial Planning Act 2023

(1) A statement in this national planning framework that a regional spatial strategy may include a matter does not authorise a regional planning committee to include anything in its regional spatial strategy that would not otherwise be permitted under the Spatial Planning Act 2023.

(2) A statement in this national planning framework that a plan may include a matter does not limit any power the regional planning committee has to provide for that matter in its regional spatial strategy.

1.1.7 Relationship with iwi and hapū participation legislation

To avoid doubt, nothing in this national planning framework permits or requires a regional planning committee or local authority to act in a manner that is, or to make decisions that are, inconsistent with any relevant iwi and hapū participation legislation or any directions or visions under that legislation.

Subpart 1.2—Directions

General directions

1.2.1 Giving effect to framework outcomes and framework policies

Regional planning committees must give effect in their plans to framework outcomes and framework policies, as set out in this national planning framework.

1.2.2 Integrated management

The obligation under the Act to provide for the integrated management of the environment requires that, in carrying out functions relating to regional spatial strategies and plans, regional planning committees and local authorities do the following, at a minimum,—

(a) recognise the interconnectedness of the whole environment, and the interactions between and among the terrestrial environment, air, freshwater, the coastal environment, the coastal marine area, people, and the built environment:

(b) ensure the co-ordinated management of the natural and built environment across physical boundaries (such as regional and district boundaries, and mean high-water springs):

(c) encourage collaborative working with other bodies and agencies with responsibilities and functions relevant to resource management and spatial planning:

(d) take a long-term, strategic approach to protecting and restoring the environment.

1.2.3 Long-term planning

(1) When developing the scenarios required by clause 2 of Schedule 4 of the Spatial Planning Act 2023, a regional planning committee must consider the following key long-term issues:

(a) how the region, or parts of a region, will enable development capacity for housing and business land (*see* Part 11):

(b) how the region, or parts of a region, will reduce the risks of, and adapt and increase resilience to, the long-term effects of natural hazards and climate change (*see* subpart 3.2 and Part 9):

(c) how the region, or parts of a region, will develop and change in a way that is consistent with :

(i) the sustained reduction in greenhouse gas emissions that is required to achieve New Zealand's 2050 emissions reduction target, as set out in the Climate Change Response Act 2002 (*see* Part 10); and

(ii) the removal of greenhouse gases:

(d) how the region, or parts of a region, will develop and change in a way that is consistent with the protection or restoration of the ecological integrity of the natural environment (*see* Parts 1, 2, 3, 4, and 6).

(2) The regional planning committee must use the scenarios to consider—

(a) the compatibility of the strategic directions set in its regional spatial strategy with—

(i) changes in assumed conditions affecting the region within the 30-year term of the regional spatial strategy; and

(ii) the desired environmental outcomes beyond the 30-year term of the regional spatial strategy; and

(b) the impact of—

(i) a range of rates of population growth, using the best available information about population trends, including the potential for the region to accommodate higher than projected population growth over at least 50 years; and

(ii) a range of potential effects of climate change on the environment, using the best available information about those effects over at least 100 years, including higher than expected sea-level rise and more frequent and severe extreme weather events; and

(iii) any other key drivers of changes in the state and trends of the ecological integrity of the environment in the region that may result in accelerated rates of environmental deterioration over a 30-year period.

(3) If the regional spatial strategy is proposing objectives that can only be met if certain actions are implemented, and there are significant uncertainties about the feasibility or affordability of those actions, the regional planning committee must consider scenarios that reflect both the full and the partial implementation of those actions.

1.2.4 Nature-based solutions

When preparing a regional spatial strategy, a regional planning committee must consider strategic opportunities to support nature-based solutions that are effective and adaptive, while at the same time providing human well-being, ecosystem service, resilience, and biodiversity benefits.

Approaches to resolving conflicts

1.2.5 Priorities when resolving conflicts

Regional planning committees must ensure that any approach developed for resolving or reducing conflicts about environmental matters, including conflicts between and among outcomes, in regional spatial strategies and plans is consistent with—

(a) achieving environmental limits and mandatory targets; and

(b) protecting places of national importance and highly vulnerable biodiversity areas.

1.2.6 Other approaches to resolving and reducing conflicts

(1) This regulation sets out approaches (additional to those required under section 7(2) of the Act and regulation 1.2.5) that regional planning committees must take in order to resolve and reduce conflicts about environmental matters, including conflicts between and among outcomes.

(2) When preparing or changing a regional spatial strategy or plan, a regional planning committee must—

(a) prefer proposals for use and development that also achieve, where appropriate, system outcomes relating to—

(i) environmental protection and restoration; and

(ii) the reduction and removal of greenhouse gases; and

(iii) reducing the risks from, and increasing the adaptation and resilience of the environment to natural hazards and the effects of climate change; and

(iv) well-functioning urban and rural areas; and

(b) ensure that national and inter-regional interests in environmental protection, use, and development are recognised and provided for, alongside those interests at regional and local levels; and

(c) identify which outcomes are to have priority in different locations, on the basis of—

(i) the extent to which the location is critical, or can contribute, to achieving the outcome; and

(ii) the national, regional, or local benefits of pursuing the outcome in that location; and

(d) apply any other requirements in this national planning framework that provide for, or require, certain considerations to take priority over others.

(3) When preparing its regional spatial strategy, a regional planning committee—

(a) must identify key actions that help resolve or reduce conflicts; and

(b) may identify further work needed to resolve or reduce conflicts through development of requirements in its plan that permit, prohibit, encourage, or control activities.

(4) When preparing or changing its plan in order to achieve system outcomes, including when system outcomes are in tension with one another, a regional planning committee must—

(a) ensure that the adverse environmental effects of activities are managed in ways that contribute to achieving multiple system outcomes; and

(b) where appropriate, consider requiring offsetting or compensation for adverse effects on the environment; and

(c) to the extent that the requirements for environmental contributions and other economic instruments allow, use them in a way that can achieve multiple system outcomes; and

(d) set conditions and requirements that activities must meet in order to assist in achieving system outcomes.

Engagement with iwi, hapū, and other Māori groups

1.2.7 Procedural requirements for engagement with iwi, hapū, and other Māori groups

(1) In order to identify relevant Māori groups for engagement in regional spatial strategies and plan processes, regional planning committees must use the records required by section 755 of the Act.

(2) Every regional planning committee must, when preparing regional spatial strategies and plans, actively involve iwi, hapū, and other Māori groups and, as far as practicable, ensure engagement is in accordance with tikanga Māori.

(3) Regional planning committees must take all practicable steps to ensure that engagement with iwi, hapū, and other Māori groups on regional spatial strategies and plans is carried out in a way that is timely, efficient, consistent, cost-effective, and proportionate to the significance of the issue (*see* section 9(1)(a) of the Act and section 30(1)(d) of the Spatial Planning Act 2023).

(4) The following are also relevant to this regulation:

(a) sections 5, 6(12) and (13), 8(2) and (3), 754 to 756, subpart 6 of Part 3, and Schedules 2 and 6 of the Act:

(b) sections 5 to 7, 31, 34 to 38, and Schedules 2 and 4 of the Spatial Planning Act 2023.

Monitoring

1.2.8 Monitoring implementation and effectiveness

(1) The chief executive of the Ministry for the Environment must monitor—

(a) the effectiveness of this national planning framework in achieving system outcomes; and

(b) the achievement of environmental limits and mandatory targets; and

(c) the implementation of this national planning framework through regional spatial strategy and plan processes, including Māori participation in those processes.

(2) The results of the monitoring must be completed and made publicly available at least every 6 years, and in time to inform the system evaluation report required by section 773(2) of the Act.

Limits and targets framework

1.2.9 Vision and objectives relating to ecological integrity and human health

(1) The vision and objectives that a regional planning committee is required by section 16 of the Spatial Planning Act 2023 to include in its regional spatial strategy must reflect the long-term (ie, at least 30 year) aspirations of the community for—

(a) the protection and restoration of ecological integrity in the region; and

(b) the protection of human health in the region.

(2) When developing and implementing the objectives referred to in subclause (1), a regional planning committee must (without limiting section 23 of the Spatial Planning Act 2023) take into account—

(a) the past and present state of the region's natural environment; and

(b) short and long-term risks to ecological integrity and the spatial variation of those risks; and

(c) short and long-term risks to human health as affected by environmental factors and the spatial variation of those risks; and

(d) opportunities and priority actions to improve ecological integrity and human health, including any areas that may require protection, restoration, or enhancement; and

(e) any visions, aspirations, or objectives expressed in instruments to which it must have regard under section 23(5) of the Spatial Planning Act 2023.

1.2.10 Setting environmental limits for ecological integrity

(1) A regional planning committee must set, and identify in its plan, the environmental limit for each specified attribute in each management unit in the region.

(2) When setting environmental limits, the regional planning committee must—

(a) address all the relevant specified attributes that apply in each management unit in the region; and

(b) consider te ao Māori and mātauranga Māori when establishing environmental limits for the specified attributes; and

(c) ensure environmental limits are set in a manner consistent with iwi and hapū legislation; and

(d) follow a transparent process.

(3) This regulation does not apply to attributes relating to freshwater (*see* Part 2) or air (*see* Part 4).

1.2.11 Setting management units

(1) A regional planning committee must set, and identify in its plan, management units for its region, ensuring that every specified attribute is located within at least 1 management unit.

(2) Management units must be set using a process of transparent decision-making that must include, at a minimum,—

(a) providing for any relevant Treaty settlement arrangements; and

(b) engaging with affected iwi and hapū; and

(c) providing for cultural values.

(3) The regional planning committee must record the following, and make the record publicly available:

(a) how the matters in section 125 of the Act were addressed; and

(b) what processes were used to ensure transparent decision-making.

(4) This regulation does not apply to management units for freshwater (*see* subpart 2.2) or air (*see* Part 4).

1.2.12 Setting targets

(1) A regional planning committee must set, and identify in its plan, the mandatory targets for each specified attribute.

(2) When setting mandatory targets, the regional planning committee must be satisfied that—

(a) the mandatory targets and their time frames set a realistic pathway towards improving ecological integrity and reducing risks to human health; and

(b) the relevant system outcomes, framework outcomes, and plan outcomes are achievable within the mandatory targets.

(3) When an evaluation report containing targets is publicly notified under clause 26 of Schedule 6 of the Act, the regional planning committee must also publish a summary of the key evidence, information, and assumptions underpinning how both mandatory and discretionary targets were determined.

(4) This regulation does not apply to freshwater targets (*see* subpart 2.2).

1.2.13 Monitoring specified attributes

(1) Local authorities must establish methods for monitoring specified attributes in order to assess the extent to which they are meeting or achieving relevant environmental limits and targets.

(2) Monitoring must—

(a) be spatially representative of the relevant management unit; and

(b) comply with the monitoring requirements included in the schedule relating to the specified attribute; and

(c) adopt best practice (*see* subclause (6)) for any monitoring that is not provided for in the relevant schedule.

(3) As soon as practicable after this Part comes into force, local authorities must assess—

(a) whether they have the information needed to enable regional planning committees to identify management units; and

(b) whether current monitoring activities are adequate to enable regional planning committees to determine environmental limits for all relevant specified attributes.

(4) Where current information or monitoring activities are not adequate for the purposes of subclause (3), local authorities must—

(a) develop a monitoring and investigation plan for the additional investigation or monitoring activity required; and

(b) begin implementing that plan within 2 years after the commencement of this Part.

(5) Any such plan—

(a) must be prepared in collaboration with other local authorities, and involve iwi authorities and groups representing hapū in the region; and

(b) must provide for groups representing iwi and hapū to carry out monitoring work, where agreed with them.

(6) In this regulation, a **best-practice** monitoring method is a method that is—

(a) generally supported, in scientific literature, as appropriate for the given application and context for New Zealand; and

(b) used by other agencies, organisations, or individuals involved in similar monitoring activities.

(7) This regulation does not apply to the monitoring of attributes relating to freshwater (*see* subpart 2.2).

1.2.14 Taking naturally occurring processes into account

(1) When designing monitoring methods, local authorities must take into account the natural variability of specified attributes.

(2) Local authorities must review their monitoring methods at appropriate intervals, including to ensure the methods adapt to the effects of climate change.

(3) If a breach of an environmental limit is identified by a local authority, the local authority must determine whether the breach is a result of naturally occurring processes or a naturally occurring event.

(4) This regulation does not apply to attributes relating to freshwater (*see* subpart 2.2).

1.2.15 Reporting on results of monitoring

(1) Regional planning committees must report on the results of monitoring specified attributes and include that report in the report required by section 777(7) of the Act.

(2) The monitoring report must include—

(a) an analysis of long-term trends; and

(b) an assessment of compliance with environmental limits; and

(c) the extent to which the results of monitoring show progress towards achieving—

(i) the region's targets; and

(ii) the objectives of the regional spatial strategy; and

(iii) any plan outcomes relating to ecological integrity and human health.

(3) This regulation does not apply to reporting on the monitoring of attributes relating to freshwater (*see* subpart 2.2).

1.2.16 Process for requesting exemption under section 115 of Act

(1) This regulation applies if a regional planning committee, a Crown agency, or a requiring authority (a **requester**) wishes to apply to the Minister for an exemption under section 115 of the Act from—

(a) an environmental limit relating to ecological integrity; or

(b) a minimum acceptable limit that has been achieved.

(2) The requester must apply in writing to the Minister, using a form prescribed by the Chief executive and accompanied by all required supporting information.

(3) The form prescribed by the chief executive must require the requester to provide the following information, at a minimum:

(a) name and contact details of requester:

(b) whether the requester is a regional planning committee, Crown agency, or requiring authority:

(c) if the requester is a Crown agency or requiring authority—

(i) an overview of the consultation with the regional planning committee; and

(ii) the name and contact details of the person the requester dealt with at the regional planning committee:

(d) details of the relevant regional spatial strategy or plan being prepared or revised:

(e) a description of the activity for which the exemption is sought:

(f) a time-line of the activity, with phases:

(g) details of any resource consent applications relating to the activity, including whether a consent application has been declined, and why:

(h) a description of the impact of the activity on the relevant management unit:

(i) a description of the environmental limit or minimum acceptable limit breached, and how it occurred:

(j) a demonstration, with evidence, of how options for complying with the relevant environmental limit have been considered, and why these are impractical:

(k) analysis of the public benefit that will be delivered, including social, cultural, environmental impacts, and how this justifies the loss of ecological integrity:

(l) analysis of any impacts on the principles of te Tiriti o Waitangi and any relevant Treaty settlements:

(m) an outline of steps that will be taken to minimise the net loss of ecological integrity if the exemption is granted:

(n) an outline of steps that will be taken, if the exemption is granted, to restore ecological integrity to at least the level of the limit:

(o) evidence showing that the current state of ecological integrity in the area where the exemption would apply is not unacceptably degraded.

(4) If the responsible Minister grants an exemption under section 115 of the Act, the exemption must be identified in Schedule E1.

Part 2
Freshwater

Subpart 2.1—Preliminary provisions

Fundamental concept

2.1.1 Te Mana o te Wai

(1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

(2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this subpart.

(3) There is a hierarchy of obligations in Te Mana o te Wai that prioritises—

(a) first, the health and well-being of water bodies and freshwater ecosystems:

(b) second, the health needs of people (such as drinking water):

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

(4) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and those principles inform this Part and its implementation.

(5) The 6 principles are as follows:

(a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater:

(b) *Kaitiakitanga*: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations:

(c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others:

(d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future:

(e) *Stewardship*: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations:

(f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Compare: National Policy Statement for Freshwater Management 2020 cl 1.3

Framework outcomes and framework policies

2.1.2 Freshwater framework outcome

The **freshwater framework outcome** is that water bodies, freshwater ecosystems, and activities that affect freshwater and receiving environments are managed in a way that prioritises—

(a) first, the health and well-being of water bodies and freshwater ecosystems:

(b) second, the health needs of people (such as drinking water):

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Compare: National Policy Statement for Freshwater Management 2020 cl 2.1

2.1.3 Freshwater framework policies

The **freshwater framework policies** are as follows:

(a) Policy 1: freshwater is managed in a way that gives effect to Te Mana o te Wai:

(b) Policy 2: tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for:

(c) Policy 3: freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments:

(d) Policy 4: freshwater is managed as part of New Zealand's integrated response to climate change:

(e) Policy 5: freshwater is managed (including through a National Objectives Framework (**NOF**)) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems are improved, and the health and well-being of all other water bodies and freshwater ecosystems are maintained and (if communities choose) improved:

(f) Policy 6: there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted:

(g) Policy 7: the loss of river extent and values is avoided to the extent possible:

(h) Policy 8: the values of outstanding water bodies are protected:

(i) Policy 9: the habitats of indigenous freshwater species are protected:

(j) Policy 10: the habitat of trout and salmon is protected, insofar as this is consistent with Policy 9:

(k) Policy 11: the passage of fish is maintained or improved, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species:

(l) Policy 12: freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided:

(m) Policy 13: the national target (as set out in Schedule FW3) for water quality improvement is achieved:

(n) Policy 14: communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this Part:

(o) Policy 15: the condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends:

(p) Policy 16: information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

Compare: National Policy Statement for Freshwater Management 2020 cl 2.2

Interpretation

2.1.4 Definitions for Part 2

In this Part—

compulsory value means the 4 freshwater values described in Part 1 of Schedule FW1 (which are ecosystem health, human contact, mahinga kai, and threatened species)

freshwater value means any value described in either Part of Schedule FW1, or identified by a regional planning committee for an FMU or part of an FMU

Māori freshwater values means the compulsory freshwater value of mahinga kai and any other freshwater value (whether or not identified in Schedule FW1) identified for a particular FMU or part of an FMU through collaboration between tangata whenua and a regional planning committee

threatened species means any indigenous species of flora or fauna that—

(a) relies on water bodies for at least part of its life cycle; and

(b) meets the criteria for Nationally Critical, Nationally Endangered, or Nationally Vulnerable species under the New Zealand Threat Classification System.

Other preliminary matters

2.1.5 Using best available information

(1) Regional planning committees and local authorities must use the best available information (as defined in section 10 of the Act) when giving effect to this subpart, and for that purpose the **best available information** includes using complete and scientifically robust data.

(2) In the absence of complete and scientifically robust data, the **best available information** may include information obtained from modelling, as well as partial data, local knowledge, and information obtained from other sources, but in this case regional planning committees and local authorities must—

(a) prefer sources of information that provide the greatest level of certainty; and

(b) take all practicable steps to reduce uncertainty (such as through improvements to monitoring or the validation of models used).

Compare: National Policy Statement for Freshwater Management 2020 cl 1.6

2.1.6 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this Part.

2.1.7 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this Part.

Stringency: framework rule

2.1.8 Stringency

(1) A plan rule or resource consent may be more stringent than any framework rule in this Part.

(2) However, a plan rule or resource consent may be more lenient than a framework rule in regulations 2.4.7 to 2.4.11 (about fish passage, and culverts, weirs, and passive flap gates) if the rule is made, or the resource consent is granted, for the purpose of preventing the passage of fish in order to protect particular fish species, their life stages, or their habitats.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.1(2); LI 2020/174 r 6(1)

Subpart 2.2—Freshwater generally

Application

2.2.1 Application of subpart 2.2

This subpart applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

Compare: National Policy Statement for Freshwater Management 2020 cl 1.5

Interpretation

2.2.2 Definitions for subpart 2.2

In this subpart,—

attribute means a measurable characteristic (numeric, narrative, or both) that can be used to assess the extent to which a particular freshwater value is provided for

best state, in relation to an attribute, has the meaning given in regulation 2.2.13

control on rate of water take means a control on the rate at which water can be taken from an FMU or part of an FMU, as set under regulation 2.2.21

control on resource use means the maximum amount of resource use that is permissible while still achieving a relevant target attribute state (*see* regulations 2.2.17 and 2.2.19)

degraded, in relation to an FMU or part of an FMU, means that as a result of something other than a naturally occurring process—

(a) a site or sites in the FMU or part of the FMU to which a target attribute state applies—

(i) is below the relevant natural environmental limit; or

(ii) is not achieving or is not likely to achieve a target attribute state; or

(b) the FMU or part of the FMU is not achieving or is not likely to achieve an environmental flow and level set for it; or

(c) the FMU or part of the FMU is less able (when compared to 7 September 2017) to provide for a freshwater value identified for it under the NOF

degrading, in relation to an FMU or part of an FMU, means that any site or sites to which a target attribute state applies is experiencing, or is likely to experience, a deteriorating trend (as assessed under regulation 2.2.27)

freshwater management unit or FMU means a management unit identified under regulation 2.2.9, and **part of an FMU** means any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body

freshwater value outcome means, in relation to a freshwater value that applies to an FMU or part of an FMU, a desired outcome that a regional planning committee identifies under regulation 2.2.11 and then includes as an outcome in its plan

long-term vision means a long-term vision for freshwater that is developed under regulation 2.2.4 and included as an outcome in a plan

national bottom line means an attribute state identified as a national bottom line in Parts 1 or 2 of Schedule FW2

outstanding water body means a water body, or part of a water body, identified in a regional spatial strategy, plan, or water conservation order as having 1 or more outstanding values

over-allocation, in relation to both the quantity and quality of freshwater, is the situation where—

(a) resource use exceeds a control on resource use or control on rate of water take; or

(b) if controls on resource use or controls on rate of water take have not been set, an FMU or part of an FMU is degraded or degrading; or

(c) an FMU or part of an FMU is not achieving an environmental flow or level set for it under regulation 2.2.20

primary contact site means a site identified, in a regional spatial strategy or plan, by a regional planning committee that it considers is regularly used, or

would be regularly used but for existing freshwater quality, for recreational activities such as swimming, paddling, boating, or water-sports, and particularly for activities where there is a high likelihood of water or water vapour being ingested or inhaled.

Compare: National Policy Statement for Freshwater Management 2020 cl 1.4

General directions

2.2.3 Giving effect to Te Mana o te Wai

(1) Every regional planning committee and regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.

(2) Every regional planning committee and regional council must give effect to Te Mana o te Wai, and in doing so must—

- (a) actively involve tangata whenua in freshwater management (including decision-making processes), as required by regulation 2.2.5; and
- (b) engage with communities and tangata whenua to identify long-term visions, freshwater value outcomes, and other elements of the NOF; and
- (c) apply the hierarchy of obligations, as set out in regulation 2.1.1(3),—
  - (i) when developing long-term visions under regulation 2.2.4; and
  - (ii) when implementing the NOF; and
  - (iii) when developing plan outcomes, policies, rules, methods, and criteria for any purpose relating to natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation; and
- (d) enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and
- (e) manage freshwater in an integrated way, ki uta ki tai (*see* regulation 2.2.6).

(3) Every regional planning committee must include a Te Mana o te Wai outcome in its plan that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.

(4) In preparing its Te Mana o te Wai outcome, a regional planning committee must have regard to any objectives relating to Te Mana o te Wai in any relevant operative or notified regional policy statement or regional plan prepared under the Resource Management Act 1991.

(5) Regional planning committees and regional councils must, in addition complying with to subclauses (1) and (3), ensure that Te Mana o te Wai (as described in regulation 2.1.1) informs the interpretation of—

- (a) this Part of the national planning framework; and

(b) any provisions required by this Part to be included in regional spatial strategies and plans.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.2

2.2.4 Long-term visions for freshwater

(1) Every regional planning committee must—

(a) develop long-term visions for freshwater in its region and include them as outcomes in its plan; and

(b) consider the long-term visions when developing its regional spatial strategy.

(2) Long-term visions—

(a) may be set at FMU, part of an FMU, or catchment level; and

(b) must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and

(c) must identify a time frame to achieve those goals that is both ambitious and reasonable (for example, 30 years after commencement date).

(3) Every long-term vision must—

(a) be developed through engagement with communities and tangata whenua about their long-term wishes for water bodies and freshwater ecosystems in the region; and

(b) be informed by an understanding of the history of, and environmental pressures on, the FMU, part the FMU, or catchment; and

(c) express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.

(4) Each regional planning committee must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.3

2.2.5 Tangata whenua involvement

(1) Every regional planning committee and regional council must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:

(a) identifying the local approach to giving effect to Te Mana o te Wai:

(b) preparing or changing regional spatial strategies and plans, so far as they relate to freshwater management:

(c) implementing the NOF (*see* subclause (2)):

(d) developing and implementing mātauranga Māori and other monitoring.

(2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional planning committee and regional council must work collaboratively with, and enable, tangata whenua to—

(a) identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and

(b) be actively involved (to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.

(3) Every regional planning committee and regional council must work with tangata whenua to investigate the use of mechanisms available under the Act to involve tangata whenua in freshwater management, such as—

(a) transfers or delegations of power under sections 57 and 60 of the Act:

(b) joint management agreements under section 63 of the Act:

(c) mana whakahono a rohe (iwi and hapū participation arrangements) under subpart 6 of Part 3 of the Act.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.4

2.2.6 Integrated management

(1) The integrated management of freshwater (ki uta ki tai), as required by Te Mana o te Wai, requires that regional planning committees and local authorities do the following, in addition to the things in regulation 1.2.1:

(a) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, minimise, or remedy adverse effects on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and

(b) encourage the co-ordination and sequencing of regional or urban growth.

(2) Every regional planning committee must ensure its plan provides for the integrated management of the effects of—

(a) the use and development of land on freshwater; and

(b) the use and development of land and freshwater on receiving environments.

(3) Every plan must include provisions to promote positive effects, and avoid, minimise, or remedy adverse effects, of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.5

2.2.7 Transparent decision-making

(1) This regulation applies to all decisions made by regional planning committees and local authorities made under this subpart that relate to freshwater manage-

ment, including but not limited to decisions relating to regulations 2.2.5 and 2.2.21.

(2) Every regional planning committee and local authority must—

(a) record matters considered and all decisions reached; and

(b) specify the reasons for each decision reached; and

(c) publish the matters considered, the decisions reached, and the reasons for each decision as soon as practicable after the decision is reached, unless publication would be contrary to any other legal obligation.

(3) In this regulation, **decision** includes a decision not to decide on, or to postpone deciding, any substantive issue and, in relation to decisions about mechanisms to involve tangata whenua in freshwater management, includes a decision to use or not use a mechanism.

(4) The obligation in this regulation is in addition to any other requirement under the Act and the Spatial Planning Act 2023 relating to processes for preparing or changing regional spatial strategies and plans, but where the requirements of this regulation are already met by complying with the requirements under those Acts (for example, by publishing a report), no additional action is required by this regulation.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.6

NOF process: directions

2.2.8 Outline of NOF process

(1) At each step of the NOF process, a regional planning committee must—

(a) engage with communities and tangata whenua; and

(b) apply the hierarchy of obligations set out in regulation 2.1.1(3), as required by regulation 2.2.3(2)(c).

(2) By way of summary, the NOF process requires regional planning committees to undertake the following steps and include the results of each step in its plan:

(a) identify FMUs and special sites and features in the region (*see* regulation 2.2.9):

(b) identify freshwater values for each FMU (regulation 2.2.10):

(c) identify freshwater value outcomes for each freshwater value (*see* regulation 2.2.11):

(d) identify attributes for each freshwater value (*see* regulation 2.2.12):

(e) identify environmental limits and best states for attributes (*see* regulation 2.2.13):

(f) set target attribute states for all attributes (*see* regulation 2.2.14), as well as environmental flows and levels *see* (regulation 2.2.20), and other criteria to support the achievement of freshwater value outcomes:

(g) set controls on resource use and controls on rates of water take as rules (*see* regulations 2.2.19 and 2.2.21), and prepare action plans (as appropriate) to achieve the freshwater value outcomes (*see* regulation 2.2.23).

(3) The NOF also requires that regional councils—

(a) monitor water bodies and freshwater ecosystems (*see* regulation 2.2.25); and

(b) take action if degradation is detected (*see* regulation 2.2.28).

Compare: National Policy Statement for Freshwater Management 2020 cl 3.7

2.2.9 Identifying FMUs and special sites and features

(1) Every regional planning committee must identify in its plan FMUs for its region that—

(a) are appropriate as management units for freshwater management and accounting purposes; and

(b) comprise all or any part of a water body or water bodies, and their related catchments.

(2) Every water body in a region must be located within at least 1 FMU.

(3) In relation to environmental limits and targets, an FMU is a management unit.

(4) Every plan must identify the following (if present) within each FMU:

(a) the location of habitats of threatened species:

(b) outstanding water bodies:

(c) natural inland wetlands:

(d) primary contact sites.

(5) Every plan must identify, for each primary contact site in its region, a time period (a **bathing season**) during the year when it considers that the site is regularly used, or would be regularly used but for existing freshwater quality, for recreational activities.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.8

2.2.10 Identifying freshwater values for FMUs or part of FMUs

(1) The compulsory freshwater values in Part 1 of Schedule FW1 apply to every FMU, and the requirements of this subpart relating to freshwater values apply to each of the 5 biophysical components of the value ecosystem health.

(2) A regional planning committee may identify other freshwater values applying to an FMU or part of an FMU, and must in every case consider whether the freshwater values listed in Part 2 of Schedule FW1 apply.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.9(1), (2)

2.2.11 Identifying freshwater value outcomes

(1) Every regional planning committee must identify the desired outcomes sought in relation to each freshwater value that applies to an FMU or part of an FMU, and include those outcomes as freshwater value outcomes in its plan.

(2) Freshwater value outcomes must—

(a) describe the freshwater value outcome sought for the freshwater value in a way that enables an assessment of the effectiveness of the plan in achieving the freshwater value outcome; and

(b) when achieved, fulfil the relevant long-term visions developed under regulation 2.2.4.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.9(3)–(5)

2.2.12 Identifying attributes for freshwater values

(1) For each of the compulsory freshwater values, a regional planning committee—

(a) must use at least all the relevant attributes in Parts 1 and 2 of Schedule FW2 (except where specifically provided otherwise); and

(b) may identify additional attributes or, if subclause (3) applies, alternative criteria.

(2) For all non-compulsory freshwater values, a regional planning committee must, if practicable, identify attributes.

(3) If attributes cannot be identified for a freshwater value, or if attributes are insufficient to assess a freshwater value, the regional planning committee must identify alternative criteria to assess whether the freshwater value outcome for the freshwater value is being achieved.

(4) Any attribute identified under this regulation must be specific and, where practicable, be able to be assessed in numeric terms.

(5) Attribute states may be expressed in a way that accounts for natural variability and sampling error.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.10(1), (2), (4)

2.2.13 Identifying environmental limits and best states for freshwater values

(1) Every regional planning committee must identify in its plan—

(a) the state, as at the commencement of Part 4 of the Act, of each attribute for the freshwater value ecosystem health, (which is an environmental limit); and

(b) the best state of every attribute identified under regulation 2.2.12.

(2) The best state of an attribute is the best of the following:

(a) the state on the date it was first identified by a regional council under a freshwater plan notified under the Resource Management Act 1991:

(b) the state on the date on which a regional council set a freshwater objective for the attribute under the National Policy Statement for Freshwater Management 2014 (as amended 2017):

(c) the state on 7 September 2017:

(d) the environmental limit (as identified under subclause (1)(a)).

(3) Environmental limits and best states may be expressed in a way that accounts for natural variability and sampling error.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.10(3), (4)

2.2.14 Setting target attribute states

(1) In order to achieve freshwater value outcomes, every regional planning committee must—

(a) set, and identify in its plan, targets (known as **target attribute states** in the freshwater context) for all attributes identified under regulation 2.2.12; and

(b) identify the site or sites to which the target attribute state applies.

(2) The target attribute state for all attributes (other than for human contact—*see* subclause (3)) must be set as equal to or better than the best state for that attribute, as identified under regulation 2.2.13.

(3) The target attribute state for every attribute identified for human contact must be set as better than the best state for that attribute, unless the best state is already within the A band of Table 9 or 10 in Part 1 of Schedule FW2, as applicable.

(4) Despite subclauses (2) and (3), if the best state for an attribute is below any national bottom line for that attribute, the target attribute state must be set at or above the national bottom line in accordance with section 119(3)(a) of the Act (but see regulation 2.2.16 for exceptions to this).

(5) Every target attribute state must—

(a) specify a time frame for achieving the target attribute state or, if the target attribute state has already been achieved, state that it will be maintained as from a specified date; and

(b) for attributes identified in Schedule FW2, be set in the terms specified in that schedule; and

(c) for any other attribute, be set in any way appropriate to the attribute.

(6) Time frames for achieving target attribute states may be of any length or period but, if time frames are long term,—

(a) they must include interim target attribute states (set for intervals of not more than 10 years) to be used to assess progress towards achieving the target attribute state in the long term; and

(b) if interim target attribute states are set, references in this Part to achieving a target attribute state can be taken as referring to achieving the next interim target attribute state.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.11(1)–(6)

2.2.15 Matters to consider when setting target attribute states

(1) Every regional planning committee must ensure that target attribute states are set in such a way that they will achieve the freshwater value outcomes for the relevant freshwater values, and the relevant long-term vision.

(2) When setting target attribute states, a regional planning committee must—

(a) have regard to the following:

(i) the freshwater value outcomes and target attribute states of any receiving environments:

(ii) the connections between water bodies:

(iii) the connection of water bodies to receiving environments; and

(b) take into account results or information from freshwater accounting systems (*see* regulation 2.2.30).

Compare: National Policy Statement for Freshwater Management 2020 cl 3.11(7), (8)

2.2.16 Exceptions to regulation 2.2.14

Exception for naturally occurring processes

(1) If all or part of a water body is affected by naturally occurring processes that mean that the best state is below a national bottom line, and a target attribute state that is equal to or better than that national bottom line cannot be achieved, the regional planning committee—

(a) may set a target attribute state that is below the relevant national bottom line; but

(b) must set the target attribute state to achieve an improved attribute state, to the extent practicable given the naturally occurring processes.

(2) In any dispute about whether the exception in subclause (1) applies, the onus is on the regional planning committee to demonstrate that it is naturally occurring processes that prevent the minimum level target being achieved.

Exception for large hydro-electric generation schemes and specified vegetable growing areas

(3) Schedule FW4 sets out further exceptions to the requirements of regulation 2.2.14 that a regional planning committee may apply in relation to large hydro-electric generation schemes and specified vegetable growing areas.

Compare: National Policy Statement for Freshwater Management 2020 cls 3.31–3.33

2.2.17 Achieving target attribute states and freshwater value outcomes

(1) In order to achieve the target attribute states for the attributes in Part 1 of Schedule FW2 and the nutrient results needed to achieve target attribute states, every regional planning committee—

(a) must identify controls on resource use that will achieve—

(i) the target attribute states; and

(ii) any nutrient results needed to achieve target attribute states; and

(b) must include those controls as plan rules; and

(c) may prepare an action plan (*see* regulation 2.2.23).

(2) In order to achieve the target attribute states for the attributes in Part 2 of Schedule FW2, a regional planning committee—

(a) must prepare an action plan for achieving the target attribute state within a specified time frame; and

(b) may identify controls on resource use and include them as plan rules.

(3) In order to achieve any other target attribute state or otherwise support the achievement of freshwater value outcomes, a regional planning committee must do either or both of the following:

(a) identify controls on resource use and include them as plan rules:

(b) prepare an action plan.

(4) A regional council may impose conditions on resource consents to achieve any target attribute state or the nutrient results needed to achieve a target attribute state.

(5) Where the same attribute provides for more than one freshwater value, it is the most stringent target attribute state applying to those freshwater values that must be achieved.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.12

2.2.18 Special provisions for attributes affected by nutrients

(1) To achieve a target attribute state for any nutrient attribute, and any attribute affected by nutrients, every regional planning committee must, at a minimum, set appropriate instream concentrations and exceedance criteria, or instream loads, for nitrogen and phosphorus.

(2) Where there are nutrient-sensitive downstream receiving environments, the instream concentrations and exceedance criteria, or the instream loads, for nitrogen and phosphorus for the upstream contributing water bodies must be set so as to achieve the environmental outcomes sought for the nutrient-sensitive downstream receiving environments.

(3) In setting instream concentrations and exceedance criteria, or instream loads, for nitrogen and phosphorus under this regulation, the regional planning com-

mittee must determine the most appropriate forms of nitrogen and phosphorus to be managed for the receiving environment.

(4) Every regional planning committee must adopt the instream concentrations and exceedance criteria, or instream loads, set under subclauses (1) and (2) as nutrient results needed to achieve target attribute states.

(5) Examples of attributes affected by nutrients include periphyton, dissolved oxygen, submerged plants (invasive species), fish (rivers), macroinvertebrates, and ecosystem metabolism.

(6) In this regulation and regulation 2.2.17, **nutrient results needed to achieve target attribute states** means the instream concentrations and exceedance criteria, or instream loads, for nitrogen and phosphorus that are adopted under regulation 2.2.18(4).

Compare: National Policy Statement for Freshwater Management 2020 cl 3.13

2.2.19 Controls on resource use

(1) Controls on resource use may—

(a) apply to any activity or land use; and

(b) apply at any scale (such as to all or any part of an FMU, or to a specific water body or individual property); and

(c) be expressed as any of the following:

(i) a land use control (such as a control on the extent of an activity):

(ii) an input control (such as an amount of fertiliser that may be applied):

(iii) an output control (such as a volume or rate of discharge); and

(d) describe the circumstances in which the control applies.

(2) In setting controls on resource use, a regional planning committee must—

(a) have regard to—

(i) the relevant long-term vision set under regulation 2.2.4; and

(ii) the foreseeable effects of climate change; and

(b) take into account the results or information from freshwater accounting systems.

(3) Controls on resource use must ensure that the instream concentrations and instream nitrogen and phosphorus exceedance criteria determined under regulation 2.2.18 are achieved.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.14

2.2.20 Setting environmental flows and levels

(1) Every regional planning committee must include rules in its plan that set environmental flows and levels for each FMU, and may set different flows and levels for different parts of an FMU.

(2) Environmental flows and levels—

(a) must be set to achieve the freshwater value outcomes for the freshwater values relating to the FMU or relevant part of the FMU and all relevant long-term visions; but

(b) may be set and adapted over time to take a phased approach to achieving those freshwater value outcomes and long-term visions.

(3) Environmental flows and levels must be expressed in terms of the water level and flow rate, and may include variability of flow (as appropriate to the water body) at which,—

(a) for flows and levels in rivers, any taking, damming, or diversion of water meets the freshwater value outcomes for the river, any connected water body, and receiving environments; and

(b) for levels of lakes, any taking, damming, or diversion of water meets the freshwater value outcomes for the lake, any connected water body, and receiving environments; and

(c) for levels of groundwater, any taking, damming, or diversion of water meets the freshwater value outcomes for the groundwater, any connected water body, and receiving environments.

(4) When setting environmental flows and levels, every regional planning committee must—

(a) have regard to the foreseeable impacts of climate change; and

(b) take into account results or information from freshwater accounting systems.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.16

2.2.21 Identifying controls on rates of water take

(1) In order to meet environmental flows and levels,—

(a) regional planning committees must—

(i) identify controls on rates of water take for each FMU; and

(ii) include the controls on rates of water take as rules in its plan; and

(iii) state in the plan whether (and if so, when and which) existing water permits will be reviewed to comply with environmental flows and levels; and

(b) regional councils may impose conditions on resource consents.

(2) Controls on rates of water take must be expressed as a total volume, a total rate, or both a total volume and a total rate, at which water may be—

(a) taken or diverted from an FMU or part of an FMU; or

(b) dammed in an FMU or part of an FMU.

(3) Where a plan or resource consent allows the taking, damming, diversion, or discharge of water, the plan or resource consent must identify the flows and levels at which—

(a) the allowed taking, damming, or diversion will be restricted or no longer allowed; or

(b) a discharge of water will be required.

(4) Controls on rates of water take must be identified that—

(a) provide for the flow or level variability that meets the needs of the relevant water body and connected water bodies, and their associated ecosystems; and

(b) safeguard ecosystem health from the effects of the control of rate of water take on the frequency and duration of lowered flows or levels; and

(c) provide for the life-cycle needs of aquatic life; and

(d) take into account the freshwater value outcomes applying to relevant water bodies and any connected water bodies (such as aquifers and downstream surface water bodies), whether in the same or another region.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.17

2.2.22 Water allocation

(1) Every regional planning committee must ensure its plan includes criteria for—

(a) deciding applications to approve transfers of water take permits; and

(b) deciding how to improve and maximise the efficient allocation of water (which includes economic, technical, and dynamic efficiency).

(2) Every regional planning committee must include methods in its plan to encourage the efficient use of water.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.28

2.2.23 Preparing action plans

(1) An action plan may describe both regulatory measures (such as proposals to amend plans and actions taken under the Biosecurity Act 1993 or other legislation) and non-regulatory measures (such as work plans and partnership arrangements with tangata whenua and community groups).

(2) Action plans prepared for the purpose of this subpart may—

(a) be prepared for whole FMUs, parts of FMUs, or multiple FMUs; and

(b) set out a phased approach to achieving freshwater value outcomes.

(3) An action plan prepared for the purpose of achieving a specific target attribute state, or otherwise supporting the achievement of freshwater value outcomes, must—

(a) identify the freshwater value outcome that the target attribute state is aimed at achieving; and

(b) set out how the regional planning committee will (or intends to) achieve the target attribute state.

(4) Regional planning committees and regional councils must—

(a) work together when preparing action plans; and

(b) consult with communities and tangata whenua before preparing or amending an action plan (except when amending an action plan in a minor way).

(5) An action plan may be treated as being prepared if it adds to, amends, or replaces an existing action plan.

(6) Action plans—

(a) must be published as soon as practicable; and

(b) may be published either by appending them to a plan or by publishing them separately.

(7) Every action plan, or part of an action plan, must be reviewed within 5 years after the action plan or part of the action plan is published.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.15

Monitoring and responding: directions

2.2.24 Identifying monitoring sites

(1) Every regional council must, for every FMU, identify monitoring sites to be used for monitoring progress towards achieving target attribute states and freshwater value outcomes.

(2) Monitoring sites for an FMU must be located at sites that are either or both of the following:

(a) representative of the FMU or relevant part of the FMU:

(b) representative of 1 or more primary contact sites in the FMU.

(3) Monitoring sites relating to Māori freshwater values—

(a) need not comply with subclause (2), but may instead reflect 1 or more Māori freshwater values; and

(b) must be determined in collaboration with tangata whenua.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.8(1), (4), (5)

2.2.25 Monitoring progress on NOF

(1) Every regional council must establish methods for monitoring progress towards achieving target attribute states and freshwater value outcomes.

(2) The methods must include—

(a) mātauranga Māori; and

(b) measures of the health of indigenous flora and fauna.

(3) Monitoring methods must recognise the importance of long-term trends, and the relationship between results and their contribution to evaluating progress towards achieving long-term visions and freshwater value outcomes for FMUs and parts of FMUs.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.18

2.2.26 Monitoring and responding to changes at primary contact sites

(1) Every regional council must monitor primary contact sites for—

(a) their risk to human health; and

(b) their suitability for the activities that take place in them (for example, by monitoring whether there is slippery or unpleasant weed growth, and the visual clarity of the water).

(2) For every primary contact site in an FMU (as identified under regulation 2.2.9(4)), a regional council must identify 1 or more monitoring sites representative of the primary contact site or a number of primary contact sites.

(3) During the bathing season for primary contact sites, every regional council must undertake weekly sampling for *E. coli* at each relevant monitoring site.

(4) However, if a single sample taken during the bathing season from a monitoring site is greater than 260 *E. coli* per 100 mL, the regional council must (unless the council is satisfied that the elevated result is temporary or the cause is being addressed)—

(a) increase sampling frequency to daily, where practicable; and

(b) take all practicable steps to identify potential causes of microbial contamination.

(5) If a single sample from a monitoring site is greater than 540 *E. coli* per 100 mL, the regional council must, as soon as practicable, take all practicable steps to notify the public and keep the public informed that the site is unsuitable as a primary contact site, until further sampling shows a result of 540 *E. coli* per 100 mL or less.

(6) A regional council may comply with subclause (5) by, for example, erecting signs and publicising the situation, or liaising with an environmental health officer or other relevant body or person to co-ordinate how to inform the public about the situation.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.27

2.2.27 Assessing trends for purposes of NOF

(1) In order to assess trends in attribute states (that is, whether improving or deteriorating), every regional council must—

(a) determine the appropriate period for assessment (which must be the period specified in the relevant attribute table in Schedule FW2, if given); and

(b) determine the minimum sampling frequency and distribution of sampling dates (which must be the frequency and distribution specified in the relevant attribute table in Schedule FW2, if given); and

(c) specify the likelihood of any trend.

(2) If a deteriorating trend is more likely than not, the regional council must—

(a) investigate the cause of the trend; and

(b) consider the likelihood of the deteriorating trend, the magnitude of the trend, and the risk of adverse effects on the environment.

(3) If a deteriorating trend is detected, and it is the result of something other than a naturally occurring process, any part of the FMU to which the attribute applies must be treated as degrading, and regulation 2.2.28 applies accordingly.

(4) If a trend assessment cannot identify a trend because of insufficient monitoring, the regional council must make any practicable changes to the monitoring regime that will or are likely to help detect trends in that attribute state.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.19

2.2.28 Responding to degradation

(1) If a regional council detects that an FMU or part of an FMU is degraded or degrading, it must, as soon as practicable, recommend action to the regional planning committee to halt or reverse the degradation (for example, by making changes to a plan, or preparing an action plan).

(2) The regional planning committee must respond to any recommendations of the regional council for halting or reversing the degradation.

(3) Any action taken in response to a deteriorating trend must be proportionate to the likelihood and magnitude of the trend, the risk of adverse effects on the environment, and the risk of not achieving target attribute states.

(4) Any action plan prepared for the purpose of this regulation must include actions to identify the causes of the deterioration, methods to address those causes, and an evaluation of the effectiveness of the methods.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.20

2.2.29 Assessing and reporting on freshwater

(1) Every regional council must publish the following annually:

(a) actual data, or a link to those data, about each component of the value ecosystem health and the value human contact, as obtained from monitoring sites for the relevant attributes; and if no data has been collected in relation to an attribute, this must be identified:

(b) actual data, or a link to those data, from any other monitoring done for the purpose of freshwater management:

(c) a description of any uncertainties associated with the data.

(2) As part of each review required by section 777 of the Act (which is required at least every 6 years), every regional planning committee must prepare and publish the following:

(a) an assessment of the extent to which, in the region,—

(i) the long-term visions are being achieved; and

(ii) this Part of the national planning framework is being given effect to:

(b) a comparison of the current state of attributes as compared with the target attribute states:

(c) an assessment of whether the target attribute states and freshwater value outcomes for each FMU or part of an FMU in the region are being achieved and, if not, whether and when they are likely to be:

(d) if monitoring shows that an FMU or part of an FMU is degraded or degrading, information on the known or likely causes:

(e) a description of the environmental pressures on each FMU (such as water takes, sources of contaminants, or water body modification) as indicated by information from the freshwater accounting systems:

(f) an assessment of the cumulative effect of changes across multiple sites within an FMU and multiple attributes during the period covered by the assessment:

(g) predictions of changes, including the foreseeable effects of climate change, that are likely to affect water bodies and freshwater ecosystems in the region:

(h) an assessment of the actions taken over the past 6 years in the region, whether regulatory or non-regulatory and whether by local authorities or others, that contribute to the implementation of this Part of the national planning framework.

(3) At the same time that a regional planning committee publishes the review required by section 777 of the Act, the regional planning committee must publish an ecosystem health scorecard that—

(a) reports on and gives a score for the state of each component of the value ecosystem health (as described in Part 1 of Schedule FW1) in each FMU in the region; and

(b) identifies where any data or information is missing; and

(c) provides a single overall score for ecosystem health for each FMU in the region.

(4) The ecosystem health scorecard must—

(a) be written and presented in a way that members of the public are likely to understand easily; and

(b) include specific data, or a link to where those data may be viewed.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.30

2.2.30 Freshwater accounting systems

(1) Every regional council must operate and maintain, for every FMU,—

(a) a freshwater quality accounting system; and

(b) a freshwater quantity accounting system.

(2) The purpose of the accounting systems is to provide the baseline information required—

(a) for setting target attribute states, environmental flows and levels, controls on resource use, and controls on rates of water take; and

(b) to assess whether an FMU is, or is expected to be, over-allocated; and

(c) to track over time the cumulative effects of activities (such as increases in discharges or specified discharges, and changes in land use).

(3) The accounting systems must be maintained at a level of detail commensurate with the significance of the water quality or quantity issues applicable to each FMU or part of an FMU.

(4) Every regional council must publish information from those systems regularly and in a suitable form.

(5) The freshwater quality accounting system must (where practicable) record, aggregate, and regularly update, for each FMU, information on measured, modelled, or estimated—

(a) loads and concentrations of relevant contaminants; and

(b) proportion of the contaminant load that has been allocated, where a desired contaminant load has been set as part of a control on resource use, or identified as necessary to achieve a target attribute state; and

(c) sources of relevant contaminants; and

(d) amount of each contaminant attributable to each source.

(6) The freshwater quantity accounting system must record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated—

(a) amount of freshwater take; and

(b) the proportion of freshwater taken by each major category of use; and

(c) the proportion of the control of rate of water take that has been allocated, where a control on rate of water take has been set.

(7) In this regulation, **freshwater take** refers to all takes and forms of water consumption, whether metered or not, whether subject to a consent or not, and whether authorised or not.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.29

Subpart 2.3—Rivers

Interpretation

2.3.1 Definitions for subpart 2.3

In this subpart,—

aquatic compensation means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied

aquatic offset means a measurable conservation outcome resulting from actions that are intended to—

(a) redress any more than minor residual adverse effects on a river after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and

(b) achieve no net loss, and preferably a net gain, in the extent and values of the river, where—

(i) **no net loss** means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the river; and

(ii) **net gain** means that the measurable positive effects of actions exceed the point of no net loss

rivers effects management framework means an approach to managing the adverse effects of an activity on the extent or values of a river (including cumulative effects and loss of potential value) that requires that—

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then

(e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then

(f) if aquatic compensation is not appropriate, the activity itself is avoided

values, in relation to a river, means any of the following existing or potential values:

(a) any value identified for it under the NOF process (*see* subpart 2.2):

(b) any of the following values, whether or not they are identified under the NOF process:

(i) ecosystem health:

(ii) indigenous biodiversity:

(iii) hydrological functioning:

(iv) Māori freshwater values:

(v) amenity values.

Directions

2.3.2 Rivers policy in plans

(1) Every plan must include the following policy (or words to the same effect):

"The loss of river extent and values is avoided, unless the regional planning committee is satisfied—

(a) that there is a functional need for the activity; and

(b) the effects of the activity are managed by applying the rivers effects management framework."

(2) Subclause (3) applies to an application for a consent for an activity that—

(a) falls within the exception to the policy described in subclause (1); and

(b) would result (directly or indirectly) in the loss of extent or values of a river.

(3) Plans must ensure that an application for a resource consent for an activity referred to in subclause (2) is not granted unless—

(a) the consent authority is satisfied that—

(i) the applicant has demonstrated how each step of the rivers effects management framework will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity value (as those terms are defined or used in subpart 2.2); and

(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Schedules FW5 and FW6, and has had regard to the remaining principles in those Schedules, as appropriate; and

(iii) there are methods or measures that will ensure that the aquatic offsetting or aquatic compensation will be maintained and managed over time to achieve their conservation outcomes; and

(b) any consent granted is subject to conditions that apply the rivers effects management framework; and

(c) conditions on any consent granted specify how the requirements in paragraph (a)(iii) will be achieved.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.24 (1)–(3)

2.3.3 Monitoring rivers

Every regional council must—

(a) develop and undertake a monitoring plan—

(i) to monitor the conditions of its rivers; and

(ii) that contains sufficient information to enable the regional planning committee to assess whether its policies, rules, and methods are ensuring no loss of extent or values of the rivers; and

(b) have methods to respond if loss of extent or values is detected.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.24(4)

2.3.4 Deposited sediment in rivers

(1) If a site to which a target attribute state for deposited fine sediment applies (*see* Table 16 in Part 2 of Schedule FW2) is soft-bottomed, the regional council must determine whether the site is naturally soft-bottomed or is naturally hard-bottomed.

(2) If the regional council determines that a site that is currently soft-bottomed is naturally hard-bottomed, the council must—

(a) monitor deposited sediment at the site, using the SAM2 method, at least once a year (instead of at the frequency required by Table 16 in Schedule FW2); and

(b) monitor freshwater habitat in a manner suitable to the current soft-bottomed state of the site; and

(c) determine whether, having regard to the relevant long-term vision it is appropriate to return the site to a hard-bottomed state; and

(d) if it is appropriate to return the site to a hard-bottomed state, prepare an action plan (*see* regulation 2.2.23) for how to do that.

(3) In this regulation,—

hard-bottomed, in relation to the bed of a site, means the bed is not soft-bottomed

naturally, in relation to a site, means its state before the arrival of humans in New Zealand

soft-bottomed, in relation to the bed of a site, means the bed has a greater than 50% coverage of deposited fine sediment (grain size less than 2 mm in diameter), as determined using the SAM2 method.

SAM2 method means the Sediment Assessment Method 2 as defined in p 17–20 of Clapcott JE, Young RG, Harding JS., Matthaei CD, Quinn JM. and Death RG. 2011 *Sediment Assessment Methods: Protocols and guidelines for assessing the effects of deposited fine sediment on in-stream values* 2011; Cawthron Institute, Nelson, New Zealand.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.25

River reclamation: framework rule

2.3.5 Reclamation of river bed: discretionary activity

(1) Reclamation of the bed of any river is a discretionary activity.

Resource consents

(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that there is a functional need for the reclamation of the river bed in that location; and

(b) applied the rivers effects management framework.

Compare: LI 2020/174 r 57

Subpart 2.4—Fish passage

Application

2.4.1 Application of subpart 2.4

This subpart does not apply to any of the following structures in, on, over, or under the bed of any river or connected area:

(a) an existing structure, meaning a structure that was in the river or connected area at the close of 2 September 2020, and including any later alterations or extensions of that structure:

(b) a customary weir, meaning a weir that is used for the purpose of practising tikanga Māori, including customary fishing practices.

Compare: LI 2020/174 r 60

Interpretation

2.4.2 Definitions for subpart 2.4

In this subpart,—

apron means a hard (generally concrete) surface layer constructed at the entrance or outlet of a structure to protect the structure from erosion

bed substrate means the material that makes up the bed of any river or connected area (for example, sand, silt, gravel, cobbles, boulders, or bedrock)

culvert means a pipe, box structure, or covered or arched channel that has an inlet and outlet that is in, and that connects the water or bed of, the same river or connected area

dam means a structure—

(a) whose purpose is to impound water behind a wall across the full width of any river or connected area; and

(b) that is not a weir

flap gate means a hinged gate that controls fluctuations in tidal or flood water, such as a tide gate or flood gate

ford means a structure that—

(a) is artificial, shallow, and designed for crossing any river or connected area; and

(b) is in contact with most of the width of the bed of the river or connected area

non-passive flap gate means a flap gate whose opening and closing is controlled by an automated and powered system (for example, electric or hydraulic) when the water reaches certain levels

passive flap gate means a flap gate whose opening or closing—

(a) is caused by a positive head differential on the upstream or downstream side, respectively; and

(b) is not controlled by an automated and powered system (for example, electric or hydraulic) when the water reaches certain levels

river or connected area means—

(a) a river; or

(b) any part of the coastal marine area that is upstream from the mouth of a river

wetted margin, for a structure in any river or connected area, means an area that—

(a) has shallow water that flows at low velocity; and

(b) is at the edges of the water flow; and

(c) is continuous over the length of the structure; and

(d) is suitable for the passage of climbing species of fish.

Compare: LI 2020/174 r 3

2.4.3 When multiple provisions of subpart 2.4 apply

If an overall instream structure is made up of 2 or more structures to which different provisions of this subpart apply (for example, a culvert with a flap gate), those provisions apply to the respective parts of the overall structure.

Compare: LI 2020/174 r 59

Directions

2.4.4 Fish passage plan outcome

(1) Every plan must include the following outcome (or words to the same effect):

"The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats."

(2) Every plan must include policies that—

(a) identify the desired fish species, and their relevant life stages, for which instream structures must provide passage; and

(b) identify undesirable fish species whose passage can or should be prevented; and

(c) identify rivers and receiving environments where desired fish species have been identified; and

(d) identify rivers and receiving environments where fish passage for undesirable fish species is to be impeded in order to manage their adverse effects on fish populations upstream or downstream of any barrier.

(3) When developing the policies required by subclause (2), a regional planning committee must—

(a) take into account any Freshwater Fisheries Management Plans and Sports Fish and Game Management Plans approved by the Minister of Conservation under the Conservation Act 1987; and

(b) seek advice from the Department of Conservation and statutory fisheries managers regarding fish habitat and population management.

(4) Every plan must require that, when considering an application for a resource consent relating to an instream structure, the decision-maker must have regard to following:

(a) the extent to which the structure provides, and will continue to provide for the foreseeable life of the structure, for the fish passage plan outcome in subclause (1):

(b) the extent to which the structure does not cause a greater impediment to fish movements than occurs in adjoining river reaches and receiving environments:

(c) the extent to which the structure provides efficient and safe passage for fish, other than undesirable fish species, at all their life stages:

(d) the extent to which the structure provides the physical and hydraulic conditions necessary for the passage of fish:

(e) any proposed monitoring and maintenance plan for ensuring that the structure will meet the fish passage plan outcome in subclause (1) for fish now and in the future.

(5) Every plan must include provisions to promote the remediation of existing structures and the provision of fish passage (other than for undesirable fish species) where practicable.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.26 (1)–(5)

2.4.5 Action plan for fish passage

(1) Every regional planning committee and regional council must work together (as required by regulation 2.2.23) to prepare an action plan to support the achievement of the fish passage plan outcome in regulation 2.4.4(1), and the action plan must, at a minimum,—

(a) set out a work programme to improve the extent to which existing instream structures achieve the fish passage plan outcome; and

(b) set goals for the remediation of existing instream structures; and

(c) achieve any freshwater value outcomes and target attribute states relating to the abundance and diversity of fish.

(2) The work programme in an action plan must, at a minimum,—

(a) identify instream structures in the region by recording, for each structure,—

(i) all the information in Part 1 of Schedule FW7; and

(ii) any other information about the structure, such as the information in Part 2 of Schedule FW7; and

(b) evaluate the risks that instream structures present as an undesirable barrier to fish passage; and

(c) prioritise structures for remediation, applying the ecological criteria described in table 5.1 of the New Zealand Fish Passage Guidelines; and

(d) document the structures or locations that have been prioritised, the remediation that is required to achieve the desired outcome, and how and when this will be achieved; and

(e) identify the structures that have been remediated since 20 September 2020; and

(f) specify how the ongoing performance of remediated structures will be monitored and evaluated, including the effects of the structure on the abundance and diversity of desired fish species.

(3) An action plan for fish passage may be part of, or separate from, an action plan prepared for any purpose under this subpart, but regulation 2.2.23 applies in either case.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.26(6)–(8)

Information requirements: framework rules

2.4.6 Information to be provided to regional councils

(1) This regulation applies to any activity that is the placement, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area:

(a) a culvert:

(b) a weir:

(c) a flap gate (whether passive or not):

(d) a dam:

(e) a ford.

(2) If the activity is a permitted activity, the information required by this regulation must be collected and provided to the relevant regional council, together with the time and date of its collection, within 20 working days after the activity is finished.

(3) If a resource consent is required for the activity (whether under this subpart or otherwise), then unless the activity is use, the resource consent must include a condition requiring the information required by this regulation—

(a) to be collected; and

(b) to be provided to the relevant regional council, together with the time and date of its collection, within 20 working days after the activity is finished.

(4) The information required is as follows:

(a) for culverts, the information in clauses 1 and 2 of Schedule FW7:

(b) for weirs, the information in clauses 1 and 3 of Schedule FW7:

(c) for flap gates, the information in clauses 1 and 4 of Schedule FW7:

(d) for dams, the information in clauses 1 and 5 of Schedule FW7:

(e) for fords, the information in clauses 1 and 6 of Schedule FW7:

(f) for any associated aprons or ramps, the information in clause 7 of Schedule FW7.

Compare: LI 2020/174 rr 62–67

2.4.7 Resource consent conditions about monitoring and maintenance

(1) This regulation applies to a resource consent for any activity (whether granted under this subpart or otherwise) that is the placement, use, alteration, exten-

sion, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area:

(a) a culvert:

(b) a weir:

(c) a flap gate (whether passive or non-passive):

(d) a dam:

(e) a ford.

(2) A resource consent granted for the activity must impose conditions that—

(a) require monitoring and maintenance of the structure that are sufficient to ensure that its provision for the passage of fish does not reduce over its lifetime; and

(b) require a plan for that monitoring and maintenance that includes—

(i) how the monitoring and maintenance will be done; and

(ii) the steps to be taken to avoid any adverse effects on the passage of fish; and

(iii) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and

(iv) how often, as specified by the consent authority, the information must be provided under paragraph (c)(i) (for the purposes of reassessing the structure's effect on the passage of fish); and

(v) a process for providing that information; and

(c) require an updated version of the information relating to the structure that was required for the original resource consent to be provided to the consent authority at the following times:

(i) at the intervals required by the plan; and

(ii) each time a significant natural hazard affects the structure.

Compare: LI 2020/174 r 69

Culverts: framework rules

2.4.8 Culverts: permitted activities

(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the requirements.

Requirements

(2) The requirements are that—

(a) the culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and

(b) the culvert must be laid parallel to the slope of the bed of the river or connected area; and

(c) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and

(d) the culvert's width where it intersects with the bed of the river or connected area (**s**) and the width of the bed at that location (**w**), both measured in metres, must compare as follows:

(i) where $w \leq 3$, $s \geq 1.3 \times w$:

(ii) where $w > 3$, $s \geq (1.2 \times w) + 0.6$; and

(e) the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and

(f) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and

(g) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).

(3) *See* regulation 2.4.6 for information requirements that apply to the permitted activity (unless the activity is use).

Compare: LI 2020/174 r 70

2.4.9 Culverts: discretionary activities

(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the requirements in regulation 2.4.8.

Resource consents

(2) A resource consent for the discretionary activity must impose the conditions described in regulation 2.4.7(2).

Compare: LI 2020/174 r 71

Weirs: framework rules

2.4.10 Weirs: permitted activities

(1) The placement, use, alteration, extension, or reconstruction of a weir in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the requirements.

Requirements

(2) The requirements are that—

(a) the weir must provide for the same passage of fish upstream and downstream as would exist without the weir, except as required to carry out the works to place, alter, extend, or reconstruct the weir; and

(b) the fall height of the weir must be no more than 0.5 m; and

(c) the slope of the weir must be no steeper than 1:30; and

(d) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200 mm diameter and irregularly spaced no more than 90 mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins); and

(e) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°.

(3) *See* regulation 2.4.6 for information requirements that apply to the permitted activity.

Compare: LI 2020/174 r 72

2.4.11 Weirs: discretionary activities

(1) The placement, use, alteration, extension, or reconstruction of a weir in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the requirements in regulation 2.4.10.

Resource consents

(2) A resource consent for the discretionary activity must impose the conditions described in regulation 2.4.7(2).

Compare: LI 2020/174 r 73

Passive flap gates: framework rules

2.4.12 Passive flap gates: discretionary activities

(1) The placement, use, alteration, extension, or reconstruction of a passive flap gate in, on, over, or under the bed of any river or connected area is a discretionary activity.

Resource consents

(2) *See* regulations 2.4.6(3) and 2.4.7 for conditions on resource consents for the discretionary activity (unless the activity is use).

Compare: LI 2020/174 r 74

Subpart 2.5—Natural inland wetlands

Application

2.5.1 Application of subpart 2.5

This subpart does not apply to the customary harvest of food or resources undertaken in accordance with tikanga Māori.

Compare: LI 2020/174 r 37

Interpretation

2.5.2 Definitions for subpart 2.5

In this subpart—

aquatic compensation means a conservation outcome (*see* Schedule FW6) resulting from actions that are intended to compensate for any more than minor residual adverse effects on a natural inland wetland after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied

aquatic offset means a measurable conservation outcome (see Schedule FW5) resulting from actions that are intended to—

(a) redress any more than minor residual adverse effects on a natural inland wetland after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and

(b) achieve no net loss, and preferably a net gain, in the extent and values of the wetland, where—

(i) **no net loss** means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland; and

(ii) **net gain** means that the measurable positive effects of actions exceed the point of no net loss

biosecurity activities, in relation to a natural inland wetland, means activities to eliminate or manage pests and unwanted organisms (as those terms are defined in the Biosecurity Act 1993)

ecosystem health has the meaning given in clause 1 of Schedule FW1

established infrastructure means infrastructure, other than specified (NIW) infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020

general requirements for natural inland wetland activities means the requirements set out in regulations 2.5.64 to 2.5.71

harvest operator, in relation to a harvest of sphagnum moss, means the person who is responsible for the organisation and operation of the harvest

hydro-electricity infrastructure means infrastructure for generating hydro-electricity that is to be transmitted through the national grid or a distribution network

hydrological regime means the characteristic changes in hydrological variables over time, including changes to water levels, water flows, and discharges of water

natural hazard response works means works for the purpose of removing material, such as trees, debris, and sediment, that—

(a) is deposited as the result of a natural hazard; and

(b) is causing, or is likely to cause, an immediate hazard to people or property

restoration, in relation to a natural inland wetland, means active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning

sediment control measures means measures or structures that do 1 or more of the following:

(a) stop sediment from being washed away from its source:

(b) slow or stop water with sediment in it so that the sediment drops out of suspension before the water reaches a water body:

(c) divert the flow of water so that it is does not become contaminated with sediment

setback, in relation to an activity in the vicinity of a natural inland wetland, means the distance measured horizontally from the boundary of the natural inland wetland

ski area infrastructure means infrastructure necessary for the operation of a ski area and includes: transport mechanisms (such as aerial and surface lifts, roads, and tracks); facilities for the loading or unloading of passengers or goods; facilities or systems for water, sewerage, electricity, and gas; communications networks; and snowmaking and snow safety systems

specified (NIW) infrastructure means any of the following:

(a) specified critical infrastructure:

(b) regionally or nationally significant infrastructure identified as such in a regional spatial strategy or plan:

(c) water storage infrastructure:

(d) ski infrastructure

unwanted organism has the meaning given by section 2(1) of the Biosecurity Act 1993

values, in relation to a natural inland wetland, means any of the following existing or potential values:

(a) any value identified for it under the NOF process:

(b) any of the following values, whether or not they are identified under the NOF process:

(i) ecosystem health:

(ii) indigenous biodiversity:

(iii) hydrological functioning:

(iv) Māori freshwater values:

(v) amenity values

vegetation clearance, in relation to a natural inland wetland, means the disturbance, damage, destruction, or removal of vegetation by any means (for example, by cutting, crushing, application of chemicals, or burning) and—

(a) includes activities that result in the disturbance, damage, destruction, or removal of vegetation (for example, over-planting, applying the seed of exotic pasture species, mob-stocking, or draining away water); but

(b) does not include—

(i) the removal of sphagnum moss for the purpose of a harvest in accordance with regulation 2.5.55 or 2.5.56; or

(ii) the crushing of other vegetation for the purpose of maintaining the dominance of sphagnum moss, if the crushing is carried out during a harvest of sphagnum moss or to rehabilitate the moss after it is harvested; or

(iii) an activity described in subparagraph (i) or (ii) that is for the maintenance or construction of fencing for the purpose of excluding stock or marking property boundaries; or

(iv) an activity described in subparagraph (i) or (ii) that is for the maintenance of shelter belts.

Wetland delineation protocols means the protocols set out in the Wetland delineation protocols (2022) published by the Ministry for the Environment

wetland maintenance means activities (such as weed control) that prevent the deterioration, or preserve the existing state, of a wetland's ecosystem health, indigenous biodiversity, or hydrological functioning

wetland restoration, maintenance, or biosecurity means, in relation to a natural inland wetland, any restoration, wetland maintenance, or biosecurity activities

wetland utility structure—

(a) means a structure placed in or adjacent to a wetland whose purpose, in relation to the wetland, is recreation, education, conservation, restoration, or monitoring; and

(b) for example, includes the following structures that are placed in or adjacent to a wetland for a purpose described in paragraph (a):

(i) jetties:

(ii) boardwalks and bridges connecting them:

(iii) walking tracks and bridges connecting them:

(iv) signs:

(v) bird-watching hides:

(vi) monitoring devices:

(vii) maimai

wetlands effects management framework means an approach to managing the adverse effects of an activity on the extent or values of a natural inland wetland (including cumulative effects and loss of potential value) that requires that—

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then

(e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then

(f) if aquatic compensation is not appropriate, the activity itself is avoided.

Other preliminary matters

2.5.3 Charging for monitoring

(1) A local authority may charge for monitoring activities that are permitted activities under this subpart if the authority is responsible for monitoring those activities.

(2) However, a local authority must not charge to receive or review notifications of intended permitted activity work (including restoration plans, where required) for wetland restoration, maintenance, or biosecurity.

Compare: LI 2020/174 r 75

Directions

2.5.4 Mapping and monitoring natural inland wetlands

(1) Every regional council must identify and map every natural inland wetland in its region that is—

(a) 0.05 ha or greater in extent; or

(b) of a type that is naturally less than 0.05 ha in extent (such as an ephemeral wetland) and known to contain threatened species.

(2) However, a regional council need not identify and map natural inland wetlands located in public conservation lands or waters (as that term is defined in the Conservation General Policy 2005 issued under the Conservation Act 1987).

(3) In case of uncertainty or dispute about the existence or extent of a natural inland wetland, a regional council must have regard to the Wetland delineation protocols.

(4) The mapping of natural inland wetlands must be complete by 3 September 2030 (which is 10 years after the commencement of the National Policy Statement for Freshwater Management 2020), and regional councils must prioritise their mapping, for example, by,—

(a) first, mapping any wetland at risk of loss of extent or values; then

(b) mapping any wetland identified in a farm environment plan, or that may be affected by an application for, or review of, a resource consent; then

(c) mapping all other natural inland wetlands.

(5) Every regional council must establish and maintain an inventory of all natural inland wetlands mapped under this regulation, and the inventory—

(a) must include, at a minimum, the following information about each wetland:

(i) identifier and location:

(ii) area and GIS polygon:

(iii) classification of wetland type:

(iv) any existing monitoring information; and

(b) may include any other information (such as an assessment of the values applying to the wetland and any new information obtained from monitoring).

(6) Every regional council must—

(a) develop and undertake a monitoring plan that—

(i) monitors the condition of its natural inland wetlands (including, if the council chooses, wetlands referred to in subclause (2)); and

(ii) contains sufficient information to enable the regional planning committee to assess whether its policies, rules, and methods are ensuring no loss of extent or values of those wetland; and

(b) have methods to respond if loss of extent or values is detected.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.23

2.5.5 Natural inland wetland policy in plans

(1) Every plan must include the following policy (or words to the same effect):

"The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where—

(a) the loss of extent or values arises from any of the following:

(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori:

(ii) wetland maintenance, restoration, or biosecurity:

(iii) scientific research:

(iv) the sustainable harvest of sphagnum moss:

(v) the construction or maintenance of wetland utility structures:

(vi) the maintenance or operation of specified (NIW) infrastructure or established infrastructure:

(vii) natural hazard response works; or

(b) the consent authority is satisfied that—

(i) the activity is necessary for the construction or upgrade of specified (NIW) infrastructure; and

(ii) the specified (NIW) infrastructure will provide significant national or regional benefits; and

(iii) there is a functional need for the specified (NIW) infrastructure in that location; and

(iv) the effects of the activity are managed through applying the wetlands effects management framework; or

(c) the consent authority is satisfied that—

(i) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment; and

(ii) the urban development will provide significant national, regional, or district benefits; and

(iii) the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and

(iv) the activity does not occur on land that is zoned to predominantly provide for primary production or rural lifestyle use; and

(v) either there is no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(vi) the effects of the activity will be managed through applying the wetlands effects management framework; or

(d) the consent authority is satisfied that—

(i) the activity is necessary for the purpose of quarrying activities; and

(ii) the extraction of the aggregate will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the wetlands effects management framework; or

(e) the consent authority is satisfied that—

(i) the activity is necessary for the purpose of—

(A) the extraction of minerals (other than coal) and ancillary activities; or

(B) the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and

(ii) the extraction of the mineral will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the wetlands effects management framework; or

(f) the consent authority is satisfied that—

(i) the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area; and

(ii) the landfill or cleanfill area—

(A) will provide significant national or regional benefits; or

(B) is required to support urban development as referred to in paragraph (c); or

(C) is required to support the extraction of aggregates as referred to in paragraph (d); or

(D) is required to support the extraction of minerals as referred to in paragraph (e); and

(iii) either there is no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and

(iv) the effects of the activity will be managed through applying the wetlands effects management framework."

(2) Every regional planning committee must ensure that its plan ensures that an application for an activity referred to in subclause (1) (other than the customary harvest of food or resources undertaken in accordance with tikanga Māori) is not granted unless—

(a) the consent authority is satisfied that—

(i) the applicant has demonstrated how each step of the wetlands effects management framework will be applied to any loss of extent or values of the wetland (including cumulative effects and

loss of potential value), particularly (without limitation) in relation to the values referred to in paragraph (b) of the definition of values in regulation 2.5.2; and

(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Schedules FW5 and FW6, and has had regard to the remaining principles in those schedules, as appropriate; and

(iii) there are methods or measures that will ensure that the aquatic offsetting or aquatic compensation will be maintained and managed over time to achieve their conservation outcomes; and

(b) any consent is granted subject to—

(i) conditions that apply the wetlands effects management framework; and

(ii) a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland; and

(iii) conditions that specify how the requirements in paragraph (a)(iii) will be achieved.

(3) Every plan must include provisions that provide for and promote the restoration of natural inland wetlands in the region, with a particular focus on restoring the values referred to in paragraph (b) of the definition of values in regulation 2.5.2.

Compare: National Policy Statement for Freshwater Management 2020 cl 3.22

2.5.6 Plan policy variation for urban development in Bay of Plenty

When including the policy described in regulation 2.5.5(1) (about natural inland wetlands) in its plan, the Bay of Plenty Regional Planning Committee must include the following instead of the content of paragraph (c) of that regulation:

"(c) the consent authority is satisfied that—

(i) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment; and

(ii) the urban development will provide significant national, regional, or district benefits; and

(iii) either—

(A) the activity occurs on land identified for urban development in operative provisions of a plan, and the activity does not occur on land that is zoned to predominantly provide for primary production or rural lifestyle use; or

(B) for 5 years from 8 December 2022, the activity is necessary for the purpose of urban development in areas specifically

identified as planned urban growth areas in the Bay of Plenty's SmartGrowth Urban Form and Transport Initiative Connected Centres Programme; and

(iv) either there is no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(v) the effects of the activity will be managed through applying the wetlands effects management framework."

Compare: National Policy Statement for Freshwater Management 2020 cl 3.34

Wetland restoration, maintenance, and biosecurity: framework rules

2.5.7 Vegetation clearance: permitted activity

(1) Vegetation clearance for the purpose of natural inland wetland restoration, maintenance, or biosecurity is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the relevant general requirements for natural inland wetland activities; and

(b) the activity must not occur over more than 500 m^2 or 10% of the area of the natural inland wetland, whichever is smaller.

(3) However, the requirement in subclause (2)(b) does not apply if the activity is for—

(a) clearance of exotic vegetation for biosecurity activity purposes; or

(b) clearance of indigenous vegetation that is demonstrably necessary for biosecurity activity purposes; or

(c) clearance of exotic vegetation, using hand-held tools, for restoration or wetland maintenance; or

(d) clearance of exotic vegetation (other than clearance to which paragraph (c) applies) for restoration or wetland maintenance that is undertaken in accordance with—

(i) a restoration plan; or

(ii) a certified freshwater farm plan.

(4) The restoration plan referred to in subclause (3)(d)(i) must—

(a) assess any restoration or wetland maintenance activities against the relevant general requirements for natural inland wetland activities; and

(b) include the information required by Schedule FW8 that is relevant to the activity proposed; and

(c) be provided to the council at least 10 working days before the clearance begins.

(5) The certified freshwater farm plan referred to in subclause (3)(d)(ii) must—

(a) assess any restoration or wetland maintenance activities against the relevant general requirements for natural inland wetland activities; and

(b) address the matters in Schedule FW8 that are relevant to the activity proposed.

(6) Where a certified freshwater farm plan is used under this regulation, the activity is exempt from needing to comply with regulation 2.5.65.

Compare: LI 2020/174 r 38(1)

2.5.8 Earthworks or land disturbance: permitted activity

(1) Earthworks or land disturbance for the purpose of natural inland wetland restoration, maintenance, or biosecurity is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities; and

(b) the activity must not occur over more than 500 m^2 or 10% of the area of the natural inland wetland, whichever is smaller.

(3) However, the requirement in subclause (2)(b) does not apply if the activity is for—

(a) planting for restoration or wetland maintenance purposes; or

(b) clearance of exotic vegetation for biosecurity purposes; or

(c) clearance of indigenous vegetation that is demonstrably necessary for biosecurity purposes; or

(d) clearance of exotic vegetation, using hand-held tools, for restoration or wetland maintenance; or

(e) clearance of exotic vegetation (other than clearance to which paragraph (d) applies) for restoration or wetland maintenance that is undertaken in accordance with—

(i) a restoration plan; or

(ii) a certified freshwater farm plan.

(4) Regulation 2.5.7(4), (5), and (6) applies to restoration plans and freshwater farm plans referred to in subclause (3)(e).

Compare: LI 2020/174 r 38(2)

2.5.9 Take, use, dam, divert or discharge: permitted activity

(1) The taking, use, damming, diversion, or discharge of water for the purpose of natural inland wetland restoration, maintenance, or biosecurity is a permitted activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and

(c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity complies with the requirement.

Requirement

(2) The requirement is that the activity must comply with the general requirements for natural inland wetland activities.

Compare: LI 2020/174 r 38(3)

2.5.10 Vegetation clearance: anticipated activity

(1) Vegetation clearance for the purpose of natural inland wetland restoration, maintenance, or biosecurity is a anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; but

(b) does not comply with regulation 2.5.7.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) An application for a resource consent for the anticipated activity must include a restoration plan that includes the information set out in Schedule FW8.

(4) A resource consent granted for the anticipated activity must impose a condition that requires compliance with the restoration plan.

(5) A resource consent for an anticipated activity under this regulation must not be granted unless the consent authority has first applied the wetlands effects management framework.

Compare: LI 2020/174 r 39(1)

2.5.11 Earthworks or land disturbance: anticipated activity

(1) Earthworks or land disturbance for the purpose of natural inland wetland restoration, maintenance, or biosecurity is an anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; but

(b) does not comply with regulation 2.5.8.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) Regulation 2.5.10(3) to (5) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 39(2)

2.5.12 Take, use, dam, divert, or discharge: anticipated activity

(1) The taking, use, damming, or diversion of water for the purpose of natural inland wetland restoration, maintenance, or biosecurity is an anticipated activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; but

(d) the activity does not comply with regulation 2.5.9.

(2) The discharge of water for the purpose of wetland restoration, maintenance, or biosecurity is an anticipated activity if—

(a) the discharge is into water within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland; but

(e) the discharge does not comply with the requirement in regulation 2.5.9.

Matters over which control reserved

(3) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(4) Regulation 2.5.10(3) to (5) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 39(3), (3A)

Scientific research: framework rules

2.5.13 Vegetation clearance: permitted activity

(1) Vegetation clearance for the purpose of scientific research is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities; and

(b) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(c) the activity must not—

(i) occur over a single area within the natural inland wetland that is more than 10 m^2; or

(ii) occur over a total area within the natural inland wetland that is more than 100 m^2.

Compare: LI 2020/174 r 40(1)

2.5.14 Earthworks or land disturbance: permitted activity

(1) Earthworks or land disturbance for the purpose of scientific research is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities; and

(b) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(c) the activity must not—

(i) occur over a single area within the natural inland wetland that is more than 10 m^2; or

(ii) occur over a total area within the natural inland wetland that is more than 100 m^2.

(3) However, the requirements in subclause (2)(c) do not apply if the earthworks or land disturbance is for planting.

Compare: LI 2020/174 r 40(2)

2.5.15 Take, use, dam, divert, or discharge: permitted activity

(1) The taking, use, damming, diversion, or discharge of water for the purpose of scientific research is a permitted activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and

(c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities; and

(b) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(c) if the activity is a discharge of water, it must not be an anticipated activity as described in regulation 2.5.18.

Compare: LI 2020/174 r 40(3)

2.5.16 Vegetation clearance: anticipated activity

(1) Vegetation clearance for the purpose of scientific research is an anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; but

(b) does not comply with any of the requirements in regulation 2.5.13.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) A resource consent for an anticipated activity under this regulation must not be granted unless the consent authority has first applied the wetlands effects management framework.

Compare: LI 2020/174 r 41(1)

2.5.17 Earthworks or land disturbance: anticipated activity

(1) Earthworks or land disturbance for the purpose of scientific research is an anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; but

(b) does not comply with any of the requirements in regulation 2.5.14.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) Regulation 2.5.16(3) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 41(2)

2.5.18 Take, use, dam, divert, or discharge: anticipated activity

(1) The taking, use, damming, or diversion of water for the purpose of scientific research is an anticipated activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; but

(d) the activity does not comply with the requirements in regulation 2.5.15, but does comply with the requirements in this regulation.

(2) The discharge of water into water for the purpose of scientific research is an anticipated activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland; but

(e) it does not comply with the requirements in regulation 2.5.15, but does comply with the requirements in this regulation.

Requirements

(3) The requirements are that—

(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and

(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and

(c) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 30 days after the start of the activity.

(4) However, the requirement in subclause (3)(c) does not apply to any part of the bed that is in direct contact with scientific research equipment.

Matters over which control is reserved

(5) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(6) Regulation 2.5.16(3) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 41(3), (3A)

Constructing wetland utility structures: framework rules

2.5.19 Vegetation clearance: anticipated activity

(1) Vegetation clearance for the purpose of constructing a wetland utility structure is an anticipated activity if it is within, or within a 10 m setback from, a natural inland wetland.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) A resource consent for an anticipated activity under this regulation must not be granted unless the consent authority has first applied the wetlands effects management framework.

Compare: LI 2020/174 r 42(1)

2.5.20 Earthworks or land disturbance: anticipated activity

(1) Earthworks or land disturbance for the purpose of constructing a wetland utility structure is an anticipated activity if it is within, or within a 10 m setback from, a natural inland wetland.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) Regulation 2.5.19(3) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 42(2)

2.5.21 Take, use, dam, divert, or discharge: anticipated activity

(1) The taking, use, damming, or diversion of water for the purpose of constructing a wetland utility structure is an anticipated activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity complies with the requirements.

(2) The discharge of water into water for the purpose of constructing a wetland utility structure is an anticipated activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(e) it complies with the requirements.

Requirements

(3) The requirements are that—

(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and

(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and

(c) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 30 days after the start of the activity.

(4) However, the requirement in subclause (3)(c) does not apply to any part of the bed that is in direct contact with the wetland utility structure.

Matters over which control reserved

(5) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(6) Regulation 2.5.19(3) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 42(3), (3A)

Maintaining wetland utility structures: framework rules

2.5.22 Vegetation clearance: permitted activity

(1) Vegetation clearance for the purpose of maintaining a wetland utility structure is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities; and

(b) the activity must not be for the purpose of increasing the size of the wetland utility structure; and

(c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(d) the activity must not—

(i) occur over more than 2 m^2 around the base of each pile or post of the wetland utility structure, or 10% of the area of the natural inland wetland, whichever is a smaller area in total; or

(ii) occur more than 1 m away from the structure.

Compare: LI 2020/174 r 43(1)

2.5.23 Earthworks or land disturbance: permitted activity

(1) Earthworks or land disturbance for the purpose of maintaining a wetland utility structure is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities; and

(b) the activity must not be for the purpose of increasing the size of the wetland utility structure; and

(c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(d) the activity must not occur over more than 2 m^2 around the base of each pile or post of the wetland utility structure, or 10% of the area of the natural inland wetland, whichever is a smaller area in total.

(3) However, the requirement in subclause (2)(d) does not apply if the earthworks or land disturbance is for planting.

Compare: LI 2020/174 r 43(2)

2.5.24 Take, use, dam, divert, or discharge: permitted activity

(1) The taking, use, damming, diversion, or discharge of water for the purpose of maintaining a wetland utility structure is a permitted activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and

(c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities; and

(b) the activity must not be for the purpose of increasing the size of the wetland utility structure; and

(c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(d) the activity is a discharge of water, it must not be an anticipated activity as described in regulation 2.5.27.

Compare: LI 2020/174 r 43(3)

2.5.25 Vegetation clearance: anticipated activity

(1) Vegetation clearance for the purpose of maintaining a wetland utility structure is an anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) does not comply with the requirements in regulation 2.5.22.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) A resource consent for an anticipated activity under this regulation must not be granted unless the consent authority has first applied the wetlands effects management framework.

Compare: LI 2020/174 r 44(1)

2.5.26 Earthworks or land disturbance: anticipated activity

(1) Earthworks or land disturbance for the purpose of maintaining a wetland utility structure is an anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) does not comply with the requirements in regulation 2.5.23.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(3) Regulation 2.5.25(3) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 44(2)

2.5.27 Take, use, dam, divert, or discharge: anticipated activity

(1) The taking, use, damming, or diversion of water for the purpose of maintaining a wetland utility structure is an anticipated activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity does not comply with the requirements in regulation 2.5.24, but does comply with the requirements in subclause (3) of this regulation.

(2) The discharge of water into water for the purpose of maintaining a wetland utility structure is an anticipated activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(e) it does not comply with the requirements in regulation 2.5.24, but does comply with the requirements in this regulation.

Requirements

(3) The requirements are that—

(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and

(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and

(c) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 30 days after the start of the activity.

(4) However, the requirement in subclause (3)(c) does not apply to any part of the bed that is in direct contact with a part of the wetland utility structure that was constructed for maintenance purposes.

Matters over which control reserved

(5) The matters over which control is reserved are as set out in regulation 2.5.72.

Resource consents

(6) Regulation 2.5.25(3) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 44(3), (3A)

Constructing specified (NIW) infrastructure: framework rules

2.5.28 Vegetation clearance: discretionary activity

(1) Vegetation clearance for the purpose of constructing specified (NIW) infrastructure is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

Resource consents

(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that the specified (NIW) infrastructure will provide significant national or regional benefits; and

(b) satisfied itself that there is a functional need for the specified (NIW) infrastructure in that location; and

(c) applied the wetlands effects management framework.

Compare: LI 2020/174 r 45(1)

2.5.29 Earthworks or land disturbance: discretionary activity

(1) Earthworks or land disturbance for the purpose of constructing specified (NIW) infrastructure is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

(2) Earthworks or land disturbance for the purpose of constructing specified (NIW) infrastructure is a discretionary activity if it—

(a) is outside a 10 m, but within a 100 m, setback from a natural inland wetland; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland.

Resource consents

(3) Regulation 2.5.28(2) applies to discretionary activities under this regulation.

Compare: LI 2020/174 r 45(2), (3)

2.5.30 Take, use, dam, divert, or discharge: discretionary activity

(1) The taking, use, damming, or diversion of water for the purpose of constructing or upgrading specified (NIW) infrastructure is a discretionary activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(2) The discharge of water into water for the purpose of constructing or upgrading specified (NIW) infrastructure is a discretionary activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

Resource consents

(3) Regulation 2.5.28(2) applies to discretionary activities under this regulation.

Compare: LI 2020/174 r 45(4), (5)

Quarrying activities: framework rules

2.5.31 Vegetation clearance: discretionary activity

(1) Vegetation clearance for the purpose of quarrying activities is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

Resource consents

(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that the quarrying activity will provide significant national or regional benefits; and

(b) satisfied itself that there is a functional need for the quarrying activity in that location; and

(c) applied the wetlands effects management framework.

Compare: LI 2020/174 r 45A(1)

2.5.32 Earthworks or land disturbance: discretionary activity

(1) Earthworks or land disturbance for the purpose of quarrying activities is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

(2) Earthworks or land disturbance for the purpose of quarrying activities is a discretionary activity if it—

(a) is outside a 10 m, but within a 100 m, setback from a natural inland wetland; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.

Resource consents

(3) Regulation 2.5.31(2) applies to discretionary activities under this regulation.

Compare: LI 2020/174 r 45A(2), (3)

2.5.33 Take, use, dam, divert, or discharge: discretionary activity

(1) The taking, use, damming, or diversion of water for the purpose of quarrying activities is a discretionary activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(2) The discharge of water into water for the purpose of quarrying activities is a discretionary activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

Resource consents

(3) Regulation 2.5.31(2) applies to discretionary activities under this regulation.

Compare: LI 2020/174 r 45A(4), (5)

Landfills and cleanfill areas: framework rules

2.5.34 Vegetation clearance: discretionary activity

(1) Vegetation clearance for the purpose of constructing or operating a landfill or a cleanfill area is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

Resource consents

(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that the landfill or cleanfill area—

(i) will provide significant national or regional benefits; or

(ii) is required to support the quarrying activities regulated under regulations 2.5.31 to 2.5.33; or

(iii) is required to support urban development regulated under regulations 2.5.37 to 2.5.40; or

(iv) is required to support the extraction of minerals regulated under regulations 2.5.41 to 2.5.43; and

(b) satisfied itself that—

(i) there is no practicable alternative location for the landfill or cleanfill area in the region; or

(ii) every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and

(c) applied the wetlands effects management framework.

Compare: LI 2020/174 r 45B(1)

2.5.35 Earthworks or land disturbance: discretionary activity

(1) Earthworks or land disturbance for the purpose of constructing or operating a landfill or a cleanfill area is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

(2) Earthworks or land disturbance for the purpose of constructing or operating a landfill or a cleanfill area is a discretionary activity if it—

(a) is outside a 10 m, but within a 100 m, setback from a natural inland wetland; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.

Resource consents

(3) Regulation 2.5.34(2) applies to discretionary activities under this regulation.

Compare: LI 2020/174 r 45B(2), (3)

2.5.36 Take, use, dam, divert, or discharge: discretionary activity

(1) The taking, use, damming, or diversion of water for the purpose of constructing or operating a landfill or a cleanfill area is a discretionary activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(2) The discharge of water into water for the purpose of constructing or operating a landfill or a cleanfill area is a discretionary activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

Resource consents

(3) Regulation 2.5.34(2) applies to discretionary activities under this regulation.

Compare: LI 2020/174 r 45B(4), (5)

Constructing urban development: framework rules

2.5.37 Vegetation clearance: anticipated activity

(1) Vegetation clearance for the purpose of constructing urban development is an anticipated activity if it is within, or within a 10 m setback from, a natural inland wetland.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 2.5.72 and the extent to which—

(a) the urban development will be of significant national, regional, or district benefit; and

(b) the activity contributes to a well-functioning urban environment; and

(c) there is another practicable alternative location in the area of development for the activity, and the extent to which other practicable alternative locations within the area of development would have equal or greater adverse effects on a natural inland wetland; and

(d) an alternative configuration or design is practicable that would avoid, minimise, or remedy adverse effects on the natural inland wetland extent and values; and

(e) the effects of the activity will be managed through applying the wetlands effects management framework.

Resource consents

(3) A resource consent for an anticipated activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that the urban development—

(i) will contribute to a well-functioning urban environment; and

(ii) will provide significant national, regional, or district benefits; and

(b) satisfied itself that—

(i) there is no practicable alternative location for the activity within the area of the development; or

(ii) every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(c) applied the wetlands effects management framework.

(4) A resource consent for an anticipated activity under this regulation must not be granted if the activity—

(a) occurs on land other than land that is identified for urban development in a plan; or

(b) occurs on land that is zoned to predominantly provide for primary production or rural lifestyle use.

Compare: LI 2020/174 r 45C(1)

2.5.38 Earthworks or land disturbance: anticipated activity

(1) Earthworks or land disturbance for the purpose of constructing urban development is an anticipated activity if it is within, or within a 10 m setback from, a natural inland wetland.

(2) Earthworks or land disturbance for the purpose of constructing urban development is an anticipated activity if it—

(a) is outside a 10 m, but within a 100 m, setback from a natural inland wetland; and

(b) results in, or is likely to result in, the complete or partial drainage of all or part of the wetland.

Matters over which control reserved

(3) The matters over which control is reserved are set as out in regulation 2.5.72 and the extent to which—

(a) the urban development will be of significant national, regional, or district benefit; and

(b) the activity contributes to a well-functioning urban environment; and

(c) there is another practicable alternative location in the area of development for the activity, and the extent to which other practicable alternative locations within the area of development would have equal or greater adverse effects on a natural inland wetland; and

(d) an alternative configuration or design is practicable that would avoid, minimise, or remedy adverse effects on the natural inland wetland extent and values; and

(e) the effects of the activity will be managed through applying the wetlands effects management framework.

Resource consents

(4) Regulation 2.5.37(3) and (4) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 45C(2), (3)

2.5.39 Take, use, dam, divert, or discharge: anticipated activity

(1) The taking, use, damming, or diversion of water for the purpose of constructing urban development is an anticipated activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(2) The discharge of water into water for the purpose of constructing urban development is an anticipated activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

Matters over which control reserved

(3) The matters over which control is reserved are as set out in regulation 2.5.72 and the extent to which—

(a) the urban development will be of significant national, regional, or district benefit; and

(b) the activity contributes to a well-functioning urban environment; and

(c) there is another practicable alternative location in the area of development for the activity, and the extent to which other practicable alternative locations within the area of development would have equal or greater adverse effects on a natural inland wetland; and

(d) an alternative configuration or design is practicable that would avoid, minimise, or remedy adverse effects on the natural inland wetland extent and values; and

(e) the effects of the activity will be managed through applying the wetlands effects management framework.

Resource consents

(4) Regulation 2.5.37(3) and (4) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 45C(4), (5)

2.5.40 Temporary exception applying to Bay of Plenty region

(1) The limitations in regulations 2.5.37 and 2.5.39 on granting resource consent (where the purpose of the activity is construction of urban development) do not apply if—

(a) the urban development is in the Bay of Plenty region; and

(b) the activity is necessary for the purpose of urban development in areas specifically identified as planned urban growth areas in the Bay of Plenty's SmartGrowth Urban Form and Transport Initiative Connected Centres Programme.

(2) This regulation is revoked on 8 December 2027.

Compare: LI 2020/174 r 45C(8), (9), (10)

Extraction of minerals and ancillary activities: framework rules

2.5.41 Vegetation clearance: discretionary activity

(1) Vegetation clearance for the purpose of the extraction of minerals and ancillary activities is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

Resource consents

(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

(a) satisfied itself that the extraction of the minerals will provide significant national or regional benefits; and

(b) satisfied itself that there is a functional need for the extraction of minerals and ancillary activities in that location; and

(c) applied the wetlands effects management framework.

(3) In relation to the extraction of coal and ancillary activities, no person may apply for a consent to carry out an activity to which this regulation or regulations 2.5.42 and 2.5.43 apply unless the activity is for the purpose of the extraction of coal or ancillary activities as part of operating or extending a coal mine that was lawfully established before 5 January 2023.

(4) At the close of 31 December 2030, the extraction of coal (other than coking coal) is excluded from the purposes for which consent may be obtained under this regulation.

Compare: LI 2020/174 r 45D(1)

2.5.42 Earthworks or land disturbance: discretionary activity

(1) Earthworks or land disturbance for the purpose of the extraction of minerals and ancillary activities is a discretionary activity if it is within, or within a 10 m setback from, a natural inland wetland.

(2) Earthworks or land disturbance for the purpose of the extraction of minerals and ancillary activities is a discretionary activity if it—

(a) is outside a 10 m, but within a 100 m, setback from a natural inland wetland; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.

Resource consents

(3) Regulation 2.5.41(2), (3), and (4) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 45D(2), (3)

2.5.43 Take, use, dam, divert, or discharge: discretionary activity

(1) The taking, use, damming, or diversion of water for the purpose of the extraction of minerals and ancillary activities is a discretionary activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(2) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

(a) the discharge is for the purpose of the extraction of minerals and ancillary activities; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

Resource consents

(3) Regulation 2.5.41(2), (3), and (4) applies to anticipated activities under this regulation.

Compare: LI 2020/174 r 45D(4), (5)

Maintaining or operating specified (NIW) infrastructure or established infrastructure: framework rules

2.5.44 Vegetation clearance: permitted activities

(1) Vegetation clearance for the purpose of maintaining or operating specified (NIW) infrastructure or established infrastructure is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities, but regulations 2.5.65 and 2.5.66(1)(b) to (d) and (3)

do not apply if the activity is for the purpose of maintaining or operating—

(i) hydro-electricity infrastructure; or

(ii) any public flood control, flood protection, or drainage works that are specified (NIW) infrastructure; and

(b) the activity must not be for the purpose of increasing the size, or replacing part, of the specified (NIW) infrastructure or established infrastructure unless the increase or replacement is to provide for the passage of fish in accordance with this national planning framework; and

(c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(d) the activity must not occur over more than 500 m^2 or 10% of the area of the natural inland wetland, whichever is smaller.

Compare: LI 2020/174 r 46(1)

2.5.45 Earthworks or land disturbance: permitted activity

(1) Earthworks or land disturbance for the purpose of maintaining or operating specified (NIW) infrastructure or established infrastructure is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities, but regulations 2.5.65 and 2.5.66(1)(b) to (d) and (3) do not apply if the activity is for the purpose of maintaining or operating—

(i) hydro-electricity infrastructure; or

(ii) any public flood control, flood protection, or drainage works that are specified (NIW) infrastructure; and

(b) the activity must not be for the purpose of increasing the size, or replacing part, of the specified (NIW) infrastructure or established infrastructure unless the increase or replacement is to provide for the passage of fish in accordance with this national planning framework; and

(c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(d) the activity must not occur over more than 500 m^2 or 10% of the area of the natural inland wetland, whichever is smaller; and

(e) trenches dug (for example, to maintain pipes) must be backfilled and compacted no later than 48 hours after being dug; and

(f) the activity must not result in drains being deeper, relative to the natural inland wetland's water level, than they were before the activity.

Compare: LI 2020/174 r 46(2)

2.5.46 Take, use, dam, divert, or discharge: permitted activity

(1) The taking, use, damming, diversion, or discharge of water for the purpose of maintaining or operating specified (NIW) infrastructure or established infrastructure is a permitted activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and

(c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must comply with the general requirements for natural inland wetland activities, but regulations 2.5.65 and 2.5.66(1)(b) to (d) and (3) do not apply if the activity is for the purpose of maintaining or operating—

(i) hydro-electricity infrastructure; or

(ii) any public flood control, flood protection, or drainage works that are specified (NIW) infrastructure; and

(b) the activity must not be for the purpose of increasing the size, or replacing part, of the specified (NIW) infrastructure or established infrastructure unless the increase or replacement is to provide for the passage of fish in accordance with these regulations; and

(c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(d) the activity must not be an anticipated activity as described in regulation 2.5.49.

Compare: LI 2020/174 r 46(3)

2.5.47 Vegetation clearance: anticipated activity

(1) Vegetation clearance for the purpose of maintaining or operating specified (NIW) infrastructure or established infrastructure is an anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) does not comply with the requirements in regulation 2.5.44.

Requirements

(2) The requirements are that—

(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and

(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and

(c) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 30 days after the start of the activity.

(3) However, the requirement in subclause (2)(c) does not apply to any part of the bed that is in direct contact with a part of the infrastructure that was constructed for maintenance purposes.

Matters over which control reserved

(4) The matters over which control is reserved are as set out in regulation 2.5.72.

Compare: LI 2020/174 r 47(1)

2.5.48 Earthworks or land disturbance: anticipated activity

(1) Earthworks or land disturbance for the purpose of maintaining or operating specified (NIW) infrastructure or established infrastructure is an anticipated activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) does not comply with the requirements in regulation 2.5.44.

(2) The matters over which control is reserved are as set out in regulation 2.5.72.

Compare: LI 2020/174 r 47(2)

2.5.49 Take, use, dam, divert, or discharge: anticipated activity

(1) The taking, use, damming, or diversion of water for the purpose of maintaining or operating specified (NIW) infrastructure or established infrastructure is an anticipated activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity does not comply with the requirements in regulation 2.5.46, but does comply with the requirements in this regulation.

(2) The discharge of water into water for the purpose of maintaining or operating specified (NIW) infrastructure or established infrastructure is an anticipated activity if—

(a) the discharge is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(e) it does not comply with the requirements in regulation 2.5.46, but does comply with the requirements in this regulation.

(3) However, the requirements in subclause (2) of this regulation do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure.

Requirements

(4) The requirements are that—

(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and

(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and

(c) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 30 days after the start of the activity.

(5) However,—

(a) the requirement in subclause (3)(c) does not apply to any part of the bed that is in direct contact with a part of the infrastructure that was constructed for maintenance purposes; and

(b) the 30-day limit in the requirement in subclause (3)(c) does not apply if the maintenance and operation of the infrastructure necessitates the ongoing taking, use, damming, diversion, or discharge of water.

(6) The matters over which control is reserved are as set out in regulation 2.5.72.

Compare: LI 2020/174 r 47(3), (3A)

Arable and horticultural land use: framework rules

2.5.50 Vegetation clearance: permitted activity

Vegetation clearance for the purpose of arable land use or horticultural land use in an area that was used for either of those uses at any time between the start of 1 January 2010 and the close of 2 September 2020 is a permitted activity if the vegetation clearance—

(a) is outside, but within a 10 m setback from, a natural inland wetland; and

(b) complies with the general requirements for natural inland wetland activities, except that regulation 2.5.65 does not apply.

Compare: LI 2020/174 r 50(1)

2.5.51 Earthworks or land disturbance: permitted activity

Earthworks or land disturbance for the purpose of arable land use or horticultural land use in an area that was used for either of those uses at any time between the start of 1 January 2010 and the close of 2 September 2020 is a permitted activity if the earthworks or land disturbance—

(a) is outside, but within a 10 m setback from, a natural inland wetland; and

(b) complies with the general requirements for natural inland wetland activities, except that regulation 2.5.65 does not apply.

Compare: LI 2020/174 r 50(2)

Natural hazard response works: framework rules

2.5.52 Vegetation clearance: permitted activity

(1) Vegetation clearance for the purpose of natural hazard response works is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements.

Requirements

(2) The requirements are that—

(a) the activity must not—

(i) result in land becoming unstable; or

(ii) result in, or involve, debris or other materials being deposited in the natural inland wetland; and

(b) the activity must be undertaken only to the extent necessary to achieve the purpose of the natural hazard response works; and

(c) if the activity changes the profile of the bed of the natural inland wetland, the profile must be restored so that it does not inhibit the passage of fish; and

(d) as soon as practicable (but no later than 3 months) after the activity ends,—

(i) debris, materials, and equipment relating to the activity must be removed from the site; and

(ii) the site must be free from litter.

Compare: LI 2020/174 r 51

2.5.53 Earthworks or land disturbance: permitted activity

(1) Earthworks or land disturbance for the purpose of natural hazard response works is a permitted activity if it—

(a) is within, or within a 10 m setback from, a natural inland wetland; and

(b) complies with the requirements in subclause (2).

Requirements

(2) The requirements are that—

(a) the activity complies with regulation 2.5.52(2); and

(b) during and after the earthworks erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on the natural inland wetland; and

(c) erosion and sediment control measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends.

Compare: LI 2020/174 r 51(3)

2.5.54 Take, use, dam, divert, or discharge: permitted activity

The taking, use, damming, diversion, or discharge of water for the purpose of natural hazard response works is a permitted activity if—

(a) the activity is within, or within a 100 m setback from, a natural inland wetland; and

(b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and

(c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and

(d) the activity complies with the requirements in regulation 2.5.52(2).

Compare: LI 2020/174 r 51(4)

Sphagnum moss harvesting: framework rules

2.5.55 Existing sphagnum moss harvests: permitted activity

(1) The harvest of sphagnum moss within a natural inland wetland is a permitted activity if—

(a) sphagnum moss was harvested, or actively managed for harvest, in the area being harvested at any time between the start of 1 January 2010 and the close of 2 September 2020; and

(b) the harvest complies with the requirements.

Requirements

(2) The requirements are that—

(a) the harvest is carried out in accordance with a sphagnum moss harvesting plan that has been—

(i) provided to the relevant regional council at least 20 working days before the harvest is due to start; and

(ii) accepted by the relevant regional council on the basis that it has been prepared by a suitably qualified and experienced harvest operator and includes the information required by Schedule FW9; and

(b) the harvest operator—

(i) monitors the harvesting operation throughout the harvest; and

(ii) no later than 20 working days after the harvest ends, assesses the natural inland wetland by completing the form set out in Schedule FW10 and provides the form to the relevant regional council.

Compare: LI 2020/174 r 48

2.5.56 New sphagnum moss harvests: discretionary activity

(1) The harvest of sphagnum moss within a natural inland wetland is a discretionary activity if sphagnum moss was not harvested, or actively managed for harvest, in the area being harvested at any time between the start of 1 January 2010 and the close of 2 September 2020.

Resource consent

(2) An application for a resource consent for the harvest must include a sphagnum moss harvesting plan that—

(a) has been prepared by a suitably qualified and experienced harvest operator; and

(b) includes the information required by Schedule FW9.

(3) A resource consent granted for the harvest must require—

(a) the harvest to comply with the sphagnum moss harvesting plan; and

(b) the harvest operator to monitor the harvest operation throughout the harvest; and

(c) the harvest operator to assess the natural inland wetland after the harvest by completing the form set out in Schedule FW10 and to provide the

form to the consent authority no later than 20 working days after the harvest ends.

(4) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first applied the wetlands effects management framework.

Compare: LI 2020/174 r 49

Other activities within natural inland wetlands: framework rules

2.5.57 Earthworks resulting in drainage: prohibited activities

Earthworks within a natural inland wetland are a prohibited activity if they—

(a) do not have another status under this subpart; and

(b) result, or are likely to result, in the complete or partial drainage of all or part of a natural inland wetland.

Compare: LI 2020/174 r 53(1)

2.5.58 Take, use, damming, or diversion resulting in drainage: prohibited activity

The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if the activity—

(a) does not have another status under this subpart; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland.

Compare: LI 2020/174 r 53(2)

Other activities within natural inland wetland or setback: framework rules

2.5.59 Vegetation clearance: discretionary activities

Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it does not have another status under this subpart.

Compare: LI 2020/174 r 54

2.5.60 Earthworks: discretionary activity

Earthworks within, or within a 10 m setback from, a natural inland wetland are a discretionary activity if they do not have another status under this subpart.

Compare: LI 2020/174 r 54

2.5.61 Take, use, dam, divert, or discharge: discretionary activity

(1) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

(a) the activity does not have another status under this subpart; and

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and

(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.

(2) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

(a) the discharge does not have another status under this subpart; and

(b) there is a hydrological connection between the discharge and the wetland; and

(c) the discharge will enter the wetland; and

(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

Compare: LI 2020/174 r 54

Other activities outside natural inland wetland but within setback: framework rules

2.5.62 Earthworks: discretionary activities

Earthworks outside, but within a 100 m setback from, a natural inland wetland are a discretionary activity if they—

(a) do not have another status under this subpart; and

(b) result, or are likely to result, in the complete or partial drainage of all or part of a natural inland wetland.

Compare: LI 2020/174 r 52(1)

2.5.63 Take, use, dam, or divert: discretionary activity

The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a discretionary activity if the activity—

(a) does not have another status under this subpart; and

(b) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland.

Compare: LI 2020/174 r 52(2)

General requirements for natural inland wetland activities: framework rules

2.5.64 Requirements about miscellaneous matters

The general requirements about miscellaneous matters for activities relating to natural inland wetlands are as follows:

(a) the activity must be undertaken only to the extent necessary to achieve its purpose; and

(b) the activity must not involve the use of fire or explosives; and

(c) if there is existing public access to a natural inland wetland, the activity must not prevent the public from continuing to access the natural inland wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and

(d) no later than 5 days after the activity ends,—

(i) debris, materials, and equipment relating to the activity must be removed from the site; and

(ii) the site must be free from litter.

Compare: LI 2020/174 r 55(13)

2.5.65 Requirement about prior notice of activity

The general requirement about prior notice is that, in relation to a permitted activity relating to natural inland wetlands, at least 10 working days before starting the activity, the person or persons responsible for undertaking the activity must provide the relevant regional council with the following information in writing:

(a) a description of the activity to be undertaken; and

(b) a description of, and map showing, where the activity will be undertaken; and

(c) a statement of when the activity will start and when it is expected to end; and

(d) a description of the extent of the activity; and

(e) their contact details.

Compare: LI 2020/174 r 55(2)

2.5.66 Requirements about water quality and movement

(1) The general requirements about water quality and movement for activities relating to natural inland wetlands are as follows:

(a) the activity must not result in the discharge of a contaminant if the receiving environment includes any natural inland wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects:

(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

(ii) a conspicuous change in colour or visual clarity:

(iii) an emission of objectionable odour:

(iv) the contamination of freshwater to the extent that it is not suitable for farm animals to drink:

(v) adverse effects on aquatic life that are more than minor; and

(b) the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but *see* subclause (3)); and

(c) the activity must not alter the natural movement of water into, within, or from any natural inland wetland (but *see* subclause (4)); and

(d) the activity must not involve taking or discharging water to or from any natural inland wetland (but *see* subclause (4)); and

(e) debris and sediment must not be placed—

(i) within a setback of 10 m from any natural inland wetland; or

(ii) in a position where it may enter any natural inland wetland.

(2) Subclause (1)(b) does not apply if the person undertaking the activity—

(a) owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or

(b) has—

(i) obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and

(ii) satisfied the relevant regional council that they have complied with subparagraph (i).

(3) Despite subclause (1)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following requirements are complied with:

(a) the activity must be undertaken during a period when there is a low risk of flooding; and

(b) the activity must be undertaken only for as long as necessary to achieve its purpose; and

(c) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and

(d) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 14 days after the start of the activity; and

(e) if the activity is damming, the dam must be no higher than 600 mm; and

(f) if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake.

(4) In subclauses (1) and (2), **1% AEP floodplain** means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year.

Compare: LI 2020/174 r 55(3)–(6)

2.5.67 Requirement about earth stability and drainage

The general requirement about earth stability and drainage for activities relating to natural inland wetlands is that the activity must not create or contribute to—

(a) the instability or subsidence of a slope or another land surface; or

(b) the erosion of the bed or bank of any natural inland wetland; or

(c) a change in the points at which water flows into or out of any natural inland wetland; or

(d) a constriction on the flow of water within, into, or out of any natural inland wetland; or

(e) the flooding or overland flow of water within, or flowing into or out of, any natural inland wetland.

Compare: LI 2020/174 r 55(7)

2.5.68 Requirements about earthworks, land disturbance, and vegetation clearance

The general requirements about earthworks, land disturbance, and vegetation clearance are that,—

(a) during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural inland wetlands; and

(b) the erosion and sediment control measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and

(c) the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and

(d) if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months.

Compare: LI 2020/174 r 55(8)

2.5.69 Requirement about vegetation and bird and fish habitats

The general requirements about vegetation and bird and fish habitats for activities relating to natural inland wetlands are as follows:

(a) only indigenous species that are appropriate to a natural inland wetland (given the location and type of the natural inland wetland) may be planted in it; and

(b) the activity must not result in the smothering of indigenous vegetation by debris and sediment; and

(c) the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and

(d) the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for fish that are threatened species; and

(e) the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.

Compare: LI 2020/174 r 55(9)

2.5.70 Requirements about cultural heritage

(1) The general requirement about cultural heritage for activities relating to natural inland wetlands is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site's cultural heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.

(2) In subclause (1), **enactment** includes any kind of instrument made under an enactment.

Compare: LI 2020/174 r 55(10), (11)

2.5.71 Requirements about use of machinery, vehicles, equipment, and materials

The general requirements about the use of machinery, vehicles, equipment, and materials for activities relating to natural inland wetlands are as follows:

(a) machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural inland wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and

(b) machinery that is used for the activity must sit outside a natural inland wetland, unless it is necessary for the machinery to enter the natural inland wetland to achieve the purpose of the activity; and

(c) if machinery or vehicles enter any natural inland wetland, they must be modified or supported to prevent them from damaging the natural inland wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and

(d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural inland wetland.

Compare: LI 2020/174 r 55(12)

Matters over which control reserved

2.5.72 Matters over which control reserved for anticipated activities

Where this regulation applies, the matters over which a consent authority's control is reserved are as follows:

(a) the extent to which the nature, scale, timing, intensity, and location of the activity may have adverse effects on—

(i) the existing and potential values of the natural inland wetland, its catchment, and the coastal environment; and

(ii) the extent of the natural inland wetland; and

(iii) the seasonal and annual hydrological regime of the natural inland wetland; and

(iv) the passage of fish in the natural inland wetland or another water body:

(b) whether there are practicable alternatives to undertaking the activity that would avoid those adverse effects:

(c) the extent to which those adverse effects will be managed to avoid the loss of the extent of the natural inland wetland and its values:

(d) other measures to minimise or remedy those adverse effects:

(e) how any of those adverse effects that are more than minor may be offset or compensated for if they cannot be avoided, minimised, or remedied:

(f) the extent to which the effects of the activity will be managed through applying the wetlands effects management framework:

(g) the risk of flooding upstream or downstream of the natural inland wetland, and the measures to avoid, minimise, or remedy that risk:

(h) the social, economic, environmental, and cultural benefits (if any) that are likely to result from the proposed activity (including the extent to which the activity may protect, maintain, or enhance ecosystems).

Compare: LI 2020/174 r 56

Subpart 2.6—Farming activities

Application

2.6.1 Application of subpart 2.6

This subpart applies only to farms on which—

(a) 20 ha or more is in arable land use; or

(b) 5 ha or more is in horticultural land use; or

(c) 20 ha or more is in pastoral land use; or

(d) 20 ha or more is in a combination of any 2 or more of the land uses described in paragraphs (a) to (c).

Interpretation

2.6.2 Definitions for subpart 2.6

In this subpart,—

annual forage crop means a crop that is grazed in the place where it is grown, but does not include—

(a) pasture; or

(b) a crop that is grown for arable land use or horticultural land use

critical source area means a landscape feature such as a gully, swale, or depression that—

(a) accumulates runoff from adjacent land; and

(b) delivers, or has the potential to deliver, 1 or more contaminants to 1 or more rivers, lakes, wetlands, or drains, or their beds (regardless of whether there is any water in them at the time)

dairy farm land means land on a farm that is used for grazing dairy cattle

farm has the meaning given in section 386 of the Act

feedlot means a stockholding area where cattle—

(a) are kept for at least 80 days in any 6-month period; and

(b) are fed exclusively by hand or machine

intensive winter grazing—

(a) means the grazing of livestock on an annual forage crop at any time in the period that begins on 1 May and ends with the close of 30 September of the same year; and

(b) for the purpose of determining whether and how section 34(3) of the Act applies to any requirement to obtain a resource consent under subpart 2.3, includes activities on a farm that support intensive winter grazing and may occur year-round, such as the preparation and sowing of land for grazing and the cultivation of annual forage crops

pugging means the penetration of soil to a depth of 5 cm or more by the hooves of grazing livestock

reference period means the period that started on 1 July 2014 and ended with the close of 30 June 2019

sacrifice paddock means an area on which—

(a) cattle are repeatedly, but temporarily, contained (typically during extended periods of wet weather); and

(b) the resulting damage caused to the soil by pugging is so severe as to require resowing with pasture species

small cattle means cattle that—

(a) are no more than 4 months old; or

(b) weigh no more than 120 kg

specified discharge means a discharge of a contaminant in circumstances where—

(a) the discharge is associated with the use of land on a farm—

(i) for holding cattle in a feedlot or other stockholding area; or

(ii) as land on a farm that is used for grazing dairy support cattle; or

(iii) for intensive winter grazing; and

(b) the discharge is into or onto land, including in circumstances that may result in the contaminant, or any other contaminant emanating as a result of natural processes from the contaminant, entering water

stockholding area—

(a) means an area for holding cattle at a density that means pasture or other vegetative ground cover cannot be maintained (for example, feed pads, winter pads, standoff pads, and loafing pads); but

(b) does not include an area used for pastoral purposes that is in the nature of a stockyard, milking shed, wintering barn, or sacrifice paddock.

Compare: LI 2020/174 r 3

Feedlots: framework rules

2.6.3 Feedlots: permitted activities

(1) The use of land on a farm for holding cattle in a feedlot is a permitted activity if at least 90% of the cattle are small cattle.

(2) A specified discharge associated with holding cattle in a feedlot is a permitted activity if at least 90% of the cattle are small cattle.

Compare: LI 2020/174 r 9

2.6.4 Feedlots: discretionary activities

(1) The use of land on a farm for holding cattle in a feedlot, and a specified discharge associated with holding cattle in a feedlot, are discretionary activities if—

(a) fewer than 90% of the cattle are small cattle; but

(b) the use complies with the requirements in subclauses (2) to (4) and any conditions imposed under by any resource consent.

Requirements

(2) Either—

(a) the base area of the feedlot must be sealed so that water cannot permeate at a rate greater than 10^{-9} m/s; or

(b) the applicant for consent must demonstrate that additional design provisions will achieve equivalent or better control of discharge to land.

(3) Effluent expelled in the feedlot must be collected, stored, and disposed of in accordance with a rule in a plan or a resource consent.

(4) Either—

(a) the feedlot must be at least 50 m away from any water body, any water abstraction bore, any drain, and the coastal marine area; or

(b) the applicant for consent must demonstrate that additional steps are in place to limit accidental discharge from the feedlot.

Compare: LI 2020/174 r 10

Other stockholding areas: framework rules

2.6.5 Stockholding areas for small cattle: permitted activities

(1) The use of land on a farm for holding cattle in a stockholding area (other than a feedlot) is a permitted activity if at least 90% of the cattle are small cattle.

(2) A specified discharge associated with holding cattle in a stockholding area (other than a feedlot) is a permitted activity if at least 90% of the cattle are small cattle.

Compare: LI 2020/174 r 12

2.6.6 Stockholding areas for cattle other than small cattle: permitted activities

(1) The use of land on a farm for holding cattle in a stockholding area (other than a feedlot) is a permitted activity if—

(a) fewer than 90% of the cattle are small cattle; but

(b) the use complies with the requirements in subclause (3) or (4).

(2) A specified discharge associated with holding cattle in a stockholding area (other than a feedlot) is a permitted activity if—

(a) fewer than 90% of the cattle are small cattle; but

(b) the discharge complies with the requirements in subclause (3) or (4).

Requirements

(3) If a farm has a certified freshwater farm plan that applies to the holding of cattle in a stockholding area,—

(a) the holding of cattle in the stockholding area must be undertaken in accordance with the farm's certified freshwater farm plan; and

(b) a certifier must have certified that the adverse effects (if any) allowed for by the plan in relation to the holding of cattle in the stockholding area

are no greater than those allowed for by the requirements in subclause (4).

(4) In any other case,—

(a) the base area of the stockholding area must be sealed so that water cannot permeate at a rate greater than 10^{-9} m/s; and

(b) effluent expelled in the stockholding area must be collected, stored, and disposed of in accordance with a rule in a regional or district plan, or a resource consent; and

(c) the stockholding area must be at least 50 m away from any water body, any water abstraction bore, any drain, and the coastal marine area.

(5) A person undertaking a permitted activity under this regulation must provide any information reasonably required by a regional council enforcement officer for the purpose of monitoring compliance with the requirements in subclause (3) or (4).

Compare: LI 2020/174 r 13

2.6.7 Stockholding areas for cattle other than small cattle: discretionary activities

(1) The use of land on a farm for holding cattle in a stockholding area (other than a feedlot) is a discretionary activity if—

(a) fewer than 90% of the cattle are small cattle; and

(b) the use does not comply with the requirements in regulation 2.6.6(3) or (4).

(2) A specified discharge associated with holding cattle in a stockholding area (other than a feedlot) is a discretionary activity if—

(a) fewer than 90% of the cattle are small cattle; and

(b) the discharge does not comply with the requirements in regulation 2.6.6(3) or (4).

Compare: LI 2020/174 r 14

Intensive winter grazing: framework rules

2.6.8 Intensive winter grazing: permitted activities

(1) The use of land on a farm for intensive winter grazing is a permitted activity if—

(a) the requirement in subclause (3) is met; and

(b) the requirement in subclause (4) or (5) are met; and

(c) the requirements in subclauses (7) to (9) are met.

(2) A specified discharge associated with intensive winter grazing is a permitted activity if—

(a) the requirements in subclauses (3) and (4) are met; and

(b) the requirements in subclause (5) or (6) are met; and

(c) the requirements in subclauses (7) to (9) are met.

Requirements

(3) Land on the farm must have been used for intensive winter grazing in the reference period.

(4) At all times the area of the farm used for intensive winter grazing must be no greater than the maximum area of the farm that was used for intensive winter grazing in the reference period (even if the maximum area used in the reference period was less than the applicable area referred to in subclause (6)(a)).

(5) If a farm has a certified freshwater plan that applies to intensive winter grazing,—

(a) the intensive winter grazing must be undertaken in accordance with the farm's certified freshwater farm plan; and

(b) a certifier must have certified that the adverse effects (if any) allowed for by the plan in relation to the intensive winter grazing are no greater than those allowed for by the requirements in subclause (6).

(6) In any other case,—

(a) at all times, the area of the farm that is used for intensive winter grazing must be no greater than 50 ha or 10% of the area of the farm, whichever is greater; and

(b) the slope of any land under an annual forage crop that is used for intensive winter grazing must be 10 degrees or less, determined by measuring the slope over any 20 m distance of the land; and

(c) livestock must be kept at least 5 m away from the bed of any river, lake, wetland, or drain (other than a subsurface drain), regardless of whether there is any water in it at the time; and

(d) on and from 1 May to 30 September of any year, in relation to any critical source area that is within, or adjacent to, any area of land that is used for intensive winter grazing on a farm,—

(i) the critical source area must not be grazed; and

(ii) vegetation must be maintained as ground cover over all of the critical source area; and

(iii) maintaining that vegetation must not include any cultivation or harvesting of annual forage crops.

(7) The person using the land for intensive winter grazing must take all reasonably practicable steps to minimise adverse effects on freshwater of any pugging that occurs on that land.

(8) The person using the land for intensive winter grazing must ensure that vegetation is established as ground cover over the whole area of that land as soon as practicable after livestock have finished grazing the land.

(9) The person using the land for intensive winter grazing must provide any information reasonably required by a regional council enforcement officer for the purpose of monitoring compliance with the requirements in this regulation.

Compare: LI 2020/174 rr 26, 26A, 26B, 29(3)

2.6.9 Intensive winter grazing: anticipated activities

(1) The use of land on a farm for intensive winter grazing is an anticipated activity if the requirements in regulation 2.6.8 are not complied with.

(2) A specified discharge associated with intensive winter grazing is an anticipated activity if the requirements in regulation 2.6.8 are not complied with.

Matters over which control reserved

(3) The matters over which control is reserved are as follows:

(a) the adverse effects of the activity on ecosystems, freshwater, and water bodies:

(b) the adverse effects of the activity on the water that affect the ability of people to come into contact with the water safely:

(c) the adverse effects of the activity on Māori cultural values:

(d) the susceptibility of the land to erosion, and the extent to which the activity may exacerbate or accelerate losses of sediment and other contaminants to water:

(e) the timing and appropriateness of the methods (if any) proposed to avoid, remedy, or mitigate the loss of contaminants to water.

Compare: LI 2020/174 r 27

Synthetic nitrogen fertiliser: framework rules

2.6.10 Definitions for regulations 2.6.11 to 2.6.13

In regulations 2.6.11 to 2.6.13,—

baseline rate means the rate at which nitrogen may enter water if—

(a) nitrogen, as a component of the synthetic nitrogen fertiliser, were applied to the land in pastoral land use in a contiguous landholding at the highest rate that does not exceed the nitrogen cap; and

(b) the synthetic nitrogen fertiliser were applied to the land in pastoral land use in the contiguous landholding using the good practices set out in the practitioner's report

contiguous landholding means each area of 1 or more contiguous parcels of land within a farm

Example

A farm is managed as a single operation on 50 ha of land, comprising 2 parts: 20 ha of contiguous parcels and a separate 30 ha of contiguous parcels. Each of those parts is a contiguous landholding.

nitrogen cap, for the land in pastoral land use in a contiguous landholding, means the application of nitrogen at a rate of no more than 190 kg/ha per year—

(a) to all of that land, as averaged over that land; and

(b) to each hectare of that land that is not used to grow annual forage crops

pastoral land use does not include the use of land for the grazing of livestock on the stubble of a crop that has been harvested after arable land use

specified nitrogen discharge means a discharge of synthetic nitrogen fertiliser that—

(a) is for the purpose of applying nitrogen to land in pastoral land use; and

(b) is into the air, or into or onto land, including in circumstances that may result in the synthetic nitrogen fertiliser (or any other contaminant emanating as a result of natural processes from the fertiliser) entering water

synthetic nitrogen fertiliser—

(a) means any substance (whether solid or liquid) that—

(i) is more than 5% nitrogen by weight; and

(ii) is applied to any plant or soil as a source of nitrogen nutrition for plants; and

(b) includes any manufactured urea, diammonium phosphate, or sulphate of ammonia to which paragraph (a) applies; but

(c) does not include a compost, soil treatment, or fertiliser that—

(i) is wholly derived from plant or animal waste or residue; and

(ii) is minimally processed (for example, by being composted, mixed, dried, or pelleted).

Compare: LI 2020/174 rr 32, 34(5)

2.6.11 Specified nitrogen discharge: permitted activity

(1) A specified nitrogen discharge is a permitted activity if it complies with the requirement in subclause (3).

(2) To avoid doubt, a discharge to which this regulation applies must comply with any applicable plan rules that relate to the discharge of nitrogen or its compounds (including synthetic nitrogen fertiliser) for agricultural purposes.

Requirement

(3) The requirement is that the application of nitrogen, as a component of the synthetic nitrogen fertiliser, to the land in pastoral land use in a contiguous landholding must not exceed the nitrogen cap.

Compare: LI 2020/174 rr 33, 35

2.6.12 Specified nitrogen discharge: discretionary activity

(1) A specified nitrogen discharge is a discretionary activity if it does not comply with the requirement in regulation 2.6.11(3).

(2) To avoid doubt, a discharge to which this regulation applies must comply with any applicable plan rules that relate to the discharge of nitrogen or its compounds (including synthetic nitrogen fertiliser) for agricultural purposes.

Resource consents

(3) A resource consent may be granted for the discretionary activity only if—

(a) the applicant provides the consent authority with a report by a suitably qualified and experienced practitioner that—

(i) sets out good practices for applying synthetic nitrogen fertiliser to the land in pastoral land use in each relevant contiguous landholding; and

(ii) states that granting the consent would not result in the rate at which nitrogen may enter water exceeding the baseline rate for each contiguous landholding; and

(b) the consent authority is satisfied as to the matters in the practitioner's report.

(4) A resource consent granted for a discretionary activity under this regulation must impose conditions requiring its holder to—

(a) ensure that the rate at which nitrogen may enter water as a result of their application of synthetic nitrogen fertiliser to the land in pastoral land use in a contiguous landholding does not exceed the baseline rate for that contiguous landholding; and

(b) report their use of synthetic nitrogen fertiliser to the consent authority each year.

(5) A resource consent granted for a discretionary activity under this regulation must be for a term of no more than 5 years.

Compare: LI 2020/174 rr 34, 35

2.6.13 Reporting on use of synthetic nitrogen fertiliser

A person who is responsible for operating a contiguous landholding that includes any dairy farm land must provide to the relevant regional council, no later than 31 July of each year, the following information relating to the previous 12-month period ending on 30 June of that year:

(a) the area of land in pastoral land use in the contiguous landholding and, within that land, the areas of the following (all in hectares):

(i) the land used to grow annual forage crops:

(ii) the other land:

(b) the area of land in other uses in the contiguous landholding (in hectares):

(c) the receipts for the synthetic nitrogen fertiliser purchased for the contiguous landholding:

(d) the types of synthetic nitrogen fertiliser applied to the contiguous landholding and, for each type, the percentage of the nitrogen component by weight:

(e) the rate at which each type of synthetic nitrogen fertiliser was applied (in kg/ha per year)—

(i) to the land in pastoral land use in the contiguous landholding and, within that land, to—

(A) the land used to grow annual forage crops:

(B) the other land:

(ii) to the land in other uses in the contiguous landholding:

(f) the dates on which the synthetic nitrogen fertiliser was applied.

Compare: LI 2020/174 r 36

Subpart 2.7—Stock exclusion

Interpretation

2.7.1 Definitions for subpart 2.7

In this subpart,—

annual forage crop means a crop, other than pasture, that is grazed in the place where it is grown

beef cattle means cattle that are reared for producing meat

break feeding means the feeding of stock within an area of pasture or crop—

(a) within a paddock in which the fence is moved regularly to allow the stock to graze another area of pasture or crop within the paddock; or

(b) within a paddock—

(i) that is subdivided into cells or grids using temporary fencing; and

(ii) where the stock are moved regularly

dairy cattle means cattle that are farmed for producing milk, and—

(a) includes—

(i) any bull on the farm whose purpose is mating with those cattle; and

(ii) unweaned calves of those cattle; but

(b) does not include dairy support cattle

dairy support cattle means cattle that—

(a) are farmed for producing milk but are not being milked (for example, because they are heifers or have been dried off); and

(b) are grazed on land that is not grazed by dairy cattle

dedicated bridge or culvert means a bridge or culvert—

(a) on which stock can safely cross a lake or river; and

(b) that is designed so that any runoff is channelled away from the lake or river

intensively grazing means—

(a) break feeding; and

(b) grazing on annual forage crops; and

(c) grazing on pasture that has been irrigated with water in the previous 12 months

low slope land means land identified as low slope land in https://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/stock-exclusion

permanent fence means—

(a) a post and batten fence with driven or dug fence posts; or

(b) an electric fence with at least 2 electrified wires and driven or dug fence posts; or

(c) a deer fence

stock means beef cattle, dairy cattle, dairy support cattle, deer, or pigs (but, to avoid doubt, does not include any feral animal)

wide river means a river (as defined in the Act) with a bed that is wider than 1 m anywhere in a land parcel.

Compare: LI 2020/175 r 4, Schedule 1 cl 1

Other preliminary matters

2.7.2 Person responsible for complying with this subpart

The person who owns or controls stock is responsible for ensuring compliance with this subpart.

Compare: LI 2020/175 r 6

Excluding stock from certain water bodies

2.7.3 Certain stock crossing lakes and wide rivers

(1) This regulation applies only to the following stock:

(a) dairy cattle:

(b) dairy support cattle:

(c) pigs:

(d) beef cattle that are intensively grazing:

(e) beef cattle on low slope land.

(2) Stock must be excluded from lakes and wide rivers, except when crossing.

(3) If stock cross a lake or wide river they must use a dedicated bridge or culvert, unless—

(a) the stock—

(i) are supervised and actively driven across the lake or wide river; and

(ii) do not cross the same lake or wide river more than twice in any month; or

(b) in relation to a wide river,—

(i) it is too difficult to install a dedicated bridge or culvert because the river has a highly mobile bed; and

(ii) the person owning or controlling the stock ensures they are supervised and actively driven across the river.

(4) Stock must not be allowed closer than 3 m from the edge of the bed of a lake or wide river (the **3-metre setback rule**) unless—

(a) there is a permanent fence or riparian vegetation that effectively excludes stock from the bed of the lake or wide river, or that part of the lake or wide river; or

(b) the stock need to access the area in order to enter or exit a dedicated bridge or culvert; or

(c) the stock—

(i) are supervised and actively driven across the lake or wide river; and

(ii) do not cross the same lake or wide river more than twice in any month.

Compare: LI 2020/175 rr 7–12, 14, Schedule 1

2.7.4 Excluding deer from lakes and wide rivers

Deer on low-slope land, and deer that are intensively grazing on any terrain, must be excluded from lakes and wide rivers, except when crossing.

Compare: LI 2020/175 rr 13, 15

2.7.5 Excluding stock from natural wetlands

(1) All stock must be excluded from any natural wetland that—

(a) is identified in a regional policy statement, regional plan, or district plan that was operative on 3 September 2020; or

(b) is on low slope land and is 0.05 ha or more; or

(c) supports a population of threatened species.

(2) In this regulation, **natural wetland** means a natural inland wetland as defined in regulation 1.1.2, except that paragraph (a) of the definition does not apply (meaning that a natural wetland may be in the coastal marine area).

Compare: LI 2020/175 rr 16–18

Subpart 2.8—Water takes

Application

2.8.1 Application of subpart 2.8

(1) This subpart applies only to a water permit that allows fresh water to be taken at a rate of 5 litres per second or more.

(2) However, this subpart does not apply to a water permit if the taking of water under the permit is non-consumptive in that—

(a) the same amount of water is returned to the same water body at or near the location from which it was taken; and

(b) there is no significant delay between the taking and returning of the water.

(3) Note that this subpart is made pursuant to section 151(d) and (e) of the Act.

Compare: SR 2010/267 r 4

Interpretation

2.8.2 Definitions for subpart 2.8

In this subpart,—

full pipe means a closed pipe or conduit that is full of water when it is conveying water

permit holder, for a water permit, means the person who holds the permit

water year, for a water permit, means a period during the term of the permit—

(a) starting on 1 July or, for the permit's first water year, starting on the first day on which these regulations apply to the permit; and

(b) ending on the next 30 June or, for the permit's last water year, ending on the last day on which these regulations apply to the permit.

Compare: SR 2010/267 r 3

2.8.3 Determining rate in l per second for purposes of subpart

(1) The rate at which fresh water may be taken under a water permit, for the purposes of regulation 2.8.2, must be determined under this regulation.

(2) If the permit specifies only 1 rate at which water may be taken in litres per second, then that is the applicable rate, even if the permit specifies any other rate.

(3) If the permit specifies 2 or more rates at which water may be taken in litres per second, then the applicable rate is the greatest of those rates, even if the permit specifies any other rate.

(4) Otherwise, the applicable rate is the greatest rate at which water may be taken under the permit, after applying the following rules:

(a) each rate specified in the permit must be converted into the average rate at which water may be taken in litres per second during the period to which the rate applies:

(b) any conversion of a period of time must ignore daylight saving time and leap years:

(c) if the permit specifies the amount of water that may be taken, but not the period of time during which the water may be taken, the permit is to be treated as if it allowed that amount of water to be taken each year:

(d) if the permit does not specify any rate at which water may be taken or any amount of water that may be taken, or specifies only a rate that is not a fixed number (for example, a rate that depends on the flow rate of a water body), then the permit is to be treated as if it specified a rate of 20 litres per second:

(e) a reference in the permit to a head or sluice head is to be treated as a reference to water taken at a rate of 28.3 litres per second.

Compare: SR 2010/267 r 5

Other preliminary matters

2.8.4 Requirement for records is additional to other requirements

The requirement to provide records that cover each day or each water year by the deadline under regulation 2.8.11 or 2.8.12 is additional to any requirement of a plan rule, or a condition of a water permit, to provide records that cover a different period or periods.

Compare: SR 2010/267 r 12(3)

Regional council powers

2.8.5 Permit holder providing evidence to regional council

(1) The regional council that granted a water permit may request evidence from the permit holder that the device or system that kept the records under regulation 2.8.10 has been verified as accurate in accordance with regulation 2.8.7.

(2) The permit holder must provide the regional council with the evidence as soon as practicable after receiving the request.

(3) The evidence must be provided—

(a) electronically; or

(b) in writing, if requested by the regional council.

Compare: SR 2010/267 r 8A

2.8.6 Approval to measure water taken each week

(1) The regional council that granted a water permit may, at its discretion, grant approval to the permit holder to keep records of measurements of the volume of water taken under the permit each week.

(2) The council must grant approval by providing a written notice to the permit holder that specifies the period of approval.

Compare: SR 2010/267 r 9

2.8.7 Approval to use device or system

(1) The regional council that granted a water permit may, at its discretion, grant approval to the permit holder to keep records using a device or system that is installed as near as practicable to the location from which water is taken under the permit (instead of at that location).

(2) The council must grant approval by providing a written notice to the permit holder that specifies—

(a) the location at which the device or system may be installed, which must be a location that, in the council's opinion, is as near as practicable to the location from which the water is taken; and

(b) the period of approval.

Compare: SR 2010/267 r 10

2.8.8 Approval may be revoked

(1) The regional council that granted an approval under regulation 2.8.6 or 2.8.7 may revoke the approval at any time if, in the council's opinion, the approval was granted on the basis of incorrect information provided by the permit holder.

(2) The council must revoke approval by providing a written notice to the permit holder that specifies when the approval is revoked.

Compare: SR 2010/267 r 11

2.8.9 Verification of device or system

(1) This regulation specifies how a device or system that keeps records for a water permit must be verified as accurate (**verified**) for the purposes of regulation 2.8.10(6)(f).

(2) For records kept under regulation 2.8.10 for the permit's first water year, the device or system must be verified before the end of that water year.

(3) For records kept under regulation 2.8.10 for any later water year, the device or system must be verified at any time in the 5-year period ending when that water year ends.

(4) Verification must be performed by a person who, in the opinion of the regional council that granted the water permit, is suitably qualified.

Compare: SR 2010/267 r 7

Permit holder obligations

2.8.10 Permit holder to keep records of water taken

(1) A permit holder must keep records that provide a continuous measurement of the water taken under a water permit, including water taken in excess of what the permit allows.

Form of records

(2) The records must comprise measurements (in cubic metres) of the volume of water taken—

(a) in each 15-minute period; or

(b) in each week, but only if the permit holder has approval under regulation 2.8.6.

(3) The records must be able to be combined to produce further records that cover each water year of the permit.

(4) If no water is taken, the records must specify the volume of water taken as zero cubic metres.

(5) The records must be kept in a format that, in the opinion of the regional council that granted the permit, is suitable for auditing.

Manner in which records kept

(6) The records must be kept using a device or system that—

(a) measures the volume of water taken—

(i) to within ±5% of the actual volume taken, for water taken by a full pipe; or

(ii) to within ±10% of the actual volume taken, for water taken by another method (including by an open channel or a partially full pipe); and

(b) is able to provide data in a form suitable for electronic storage; and

(c) is suited to the qualities of the water it is measuring (such as temperature, algae content, and sediment content); and

(d) is sealed and is as tamper-proof as practicable; and

(e) is installed—

(i) at the location from which the water is taken; or

(ii) at the location specified by any approval granted under regulation 2.8.7 that is held by the permit holder; and

(f) has been verified as accurate in accordance with regulation 2.8.9.

Compare: SR 2010/267 r 6

2.8.11 Permit holder measuring 15-minute periods to provide daily records to regional council

(1) A permit holder who must keep records under regulation 2.8.10(2)(a) must provide records that cover each day of the permit to the regional council that granted the permit.

(2) The records for a day must be provided—

(a) no later than the end of the next day; or

(b) if the records are for a day that falls within a relevant water year with a later deadline granted under subclauses (5) and (6), by that later deadline.

(3) The records must comply with regulation 2.8.10.

(4) The records must be provided electronically.

Later deadline for records for water year

(5) The regional council may approve a later deadline for providing the records for a water permit under subclause (2)(b) if—

(a) the permit holder applies for a later deadline no earlier than 12 months, and no later than 6 months, before the start of a water year (the **relevant water year**); and

(b) the regional council is satisfied that it is impracticable for the permit holder to comply with subclause (2)(a) because of any limitation in telecommunications where the recorded measurements are made.

(6) The regional council must specify any later deadline that it approves by notice to the permit holder.

(7) A later deadline applies only to the records for days that fall in the relevant water year, but the permit holder may apply for (and the regional council may approve) a later deadline each year in accordance with subclauses (5) and (6).

Compare: SR 2010/267 r 7A

2.8.12 Permit holder providing annual records to regional council

(1) A permit holder must provide records that cover each water year of the permit to the regional council that granted the permit.

(2) The records for a water year must be provided no later than 1 month after the end of the water year.

(3) The records must comply with regulation 2.8.10.

(4) The records must be provided—

(a) electronically; or

(b) in writing, if requested by the regional council.

(5) To avoid doubt, this regulation applies even if the permit holder must also provide records under regulation 2.8.11.

Compare: SR 2010/267 r 8

Part 3
Coastal environment

Subpart 3.1—Preliminary provisions

Framework outcomes and framework policies

3.1.1 Coastal environment framework outcomes

The **coastal environment framework outcomes** are as follows:

(a) Outcome 1: the integrity, form, functioning, and resilience of the coastal environment is safeguarded and its ecosystems sustained and restored:

(b) Outcome 2: the traditional and continuing cultural relationship of tangata whenua with areas of the coastal environment is recognised and provided for:

(c) Outcome 3: the natural character of the coastal environment is preserved and, if degraded, is restored, and its natural features and natural landscapes are protected:

(d) Outcome 4: the public open space and recreational opportunities of the coastal environment are maintained and enhanced:

(e) Outcome 5: coastal water quality is maintained and, where it has deteriorated from its natural state due to human activity, is enhanced:

(f) Outcome 6: people and communities are enabled to provide for their well-being in appropriate places and forms in the coastal environment and within appropriate limits:

(g) Outcome 7: coastal hazards are identified and appropriately managed, and natural defences to coastal hazards are protected or enhanced to the extent practicable:

(h) Outcome 8: the diversity of New Zealand's indigenous coastal flora and fauna is maintained, and representative or significant natural ecosystems and sites of biological importance in the coastal environment are protected and restored:

(i) Outcome 9: New Zealand's international obligations are recognised and provided for in the management of the coastal environment.

Compare: New Zealand Coastal Policy Statement 2010, Objectives 1–7, Policies 2(a) and 26

3.1.2 Coastal environment framework policies

The **coastal environment framework policies** are as follows:

(a) Policy 1: the principles of te Tiriti o Waitangi are given effect to, including by recognising the role of tangata whenua as kaitiaki and providing for tangata whenua involvement in managing the coastal environment:

(b) Policy 2: to preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use, and development,—

(i) adverse effects of activities are avoided in areas with outstanding natural character; and

(ii) in all other areas of the coastal environment, significant adverse effects of activities are avoided, and all other adverse effects of activities are avoided, remedied, or mitigated; and

(iii) restoration or rehabilitation is promoted:

(c) Policy 3: to protect natural features and natural landscapes in the coastal environment from inappropriate subdivision, use, and development,—

(i) adverse effects of activities on outstanding natural features and outstanding natural landscapes are avoided; and

(ii) in relation to all other natural features and natural landscapes, significant adverse effects of activities are avoided, and all other adverse effects of activities are avoided, remedied, or mitigated:

(d) Policy 4: the need for public open space within and adjacent to the coastal marine area is recognised, and public open space is provided:

(e) Policy 5: public walking access to and along the coast is maintained and enhanced, unless restrictions are necessary for exceptional circumstances:

(f) Policy 6: the use of vehicles on beaches, the foreshore and seabed, and adjacent public land is controlled:

(g) Policy 7: surf breaks of national significance are protected:

(h) Policy 8: where the quality of water in the coastal environment has deteriorated to the extent that it is having a significant adverse effect on ecosystems, natural habitats, cultural sites or values, or water-based recreational or other activities, priority is given to restoring water quality to a state that can at least support such ecosystems, habitats, sites or values, and activities:

(i) Policy 9: the discharge of water and contaminants to land or water in the coastal environment is managed to achieve the required water quality in receiving environments:

(j) Policy 10: harmful aquatic organisms are prevented, as far as practicable, from being released or spread in or near the coastal marine area:

(k) Policy 11: sedimentation in the coastal marine area and other coastal water is managed:

(l) Policy 12: use and development in the coastal environment (including for housing, infrastructure, business, and production purposes) is managed in a way that is responsive to the diverse and changing needs of people and communities:

(m) Policy 13: cultural heritage in the coastal environment is identified and protected from inappropriate subdivision, use, or development:

(n) Policy 14: the role of ports as part of a sustainable national transport system is recognised and provided for:

(o) Policy 15: the existing and potential role of aquaculture in providing for the social, economic, and cultural well-being of people and communities is recognised and provided for:

(p) Policy 16: reclamation of land in the coastal marine area is avoided, except in specified circumstances:

(q) Policy 17: areas subject to existing and potential coastal hazards are identified, assessed, and managed so that—

(i) any increased risk of social, environmental, and economic harm from coastal hazards is avoided; and

(ii) redevelopment or changes in activities that would increase risks from coastal hazards are avoided; and

(iii) redevelopment or land use changes that would reduce risks from coastal hazards are enabled; and

(iv) hard protection structures are discouraged:

(r) Policy 18: the protection, restoration, or enhancement of natural defences against coastal hazards is enabled where appropriate:

(s) Policy 19: in relation to indigenous biodiversity, adverse effects on the following are avoided:

(i) indigenous taxa in the coastal environment that are listed as Threatened or At Risk in the New Zealand Threat Classification System:

(ii) taxa in the coastal environment that are listed by the International Union for Conservation of Nature as threatened:

(iii) indigenous ecosystems and vegetation types that are threatened or naturally rare in the coastal environment:

(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare in the coastal environment:

(v) areas in the coastal environment that contain nationally significant examples of indigenous community types:

(vi) areas in the coastal environment set aside for full or partial protection of indigenous biodiversity under other legislation:

(t) Policy 20: in relation to indigenous biodiversity, significant adverse effects on the following are avoided, and all other adverse effects are avoided, remedied, or mitigated:

(i) areas of predominantly indigenous vegetation in the coastal environment:

(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species:

(iii) indigenous ecosystems and habitats that are—

(A) only found in the coastal environment; and

(B) particularly vulnerable to modification (such as estuaries, lagoons, coastal wetlands, dunelands, intertidal areas, rocky reef systems, seagrass and salt marsh):

(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional, or cultural purposes:

(v) habitats in the coastal environment, including areas and routes, important to migratory species:

(vi) ecological corridors and areas important in the coastal environment for linking or maintaining the biological values referred to in this Policy or Policy 19:

(u) Policy 21: activities that have a functional need to be in the coastal marine area are enabled, and those that do not are generally required to be located elsewhere:

(v) Policy 22: decision makers adopt a precautionary approach when making decisions about activities that may adversely affect the coastal environment:

(w) Policy 23: the coastal environment is managed in an integrated way.

Compare: New Zealand Coastal Policy Statement 2010, Objective 1, Policies 2–4, 6, 8–10, 11(1) and (2), 12, 13, 15–17, 19–27

Interpretation

3.1.3 Definitions for Part 3

In this Part,—

coastal environment includes—

(a) the coastal marine area; and

(b) islands within the coastal marine area; and

(c) interrelated coastal marine and terrestrial systems, including—

(i) the intertidal zone; and

(ii) other areas where coastal processes, coastal influences, or coastal characteristics are significant (for example, coastal lakes, lagoons, tidal estuaries, salt marshes, coastal wetlands, and the margins of each of these); and

(d) areas at risk from coastal hazards; and

(e) coastal vegetation and the habitat of indigenous coastal species, including migratory birds; and

(f) elements, features, and other characteristics that contribute to—

(i) the coastal environment's natural character, landscape, visual qualities, or values; or

(ii) people's appreciation of its pleasantness, aesthetic coherence, or cultural and recreational attributes; and

(g) items of cultural heritage in the coastal marine area or on the coast; and

(h) physical resources and built facilities, including infrastructure, that have modified the coastal environment

hard protection structure includes—

(a) a seawall, rock revetment, groyne, breakwater, stop bank, retaining wall, and any other comparable structure; and

(b) any modification to the seabed, foreshore, or land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion

harmful aquatic organism means an aquatic organism that, if introduced into coastal water, may—

(a) adversely affect the environment or biological diversity; or

(b) pose a threat to human health; or

(c) interfere with legitimate use or protection of natural and physical resources in the coastal environment

intertidal area means the area—

(a) of which the seaward boundary is the line of extreme low water of spring tides (being the average of the 2 lowest tides at the period of the year when the range of the tides is greatest); and

(b) of which the landward boundary is the line of extreme high-water of spring tides (being the average of the 2 highest tides at the period of the year when the range of the tides is greatest)

marine facility includes—

(a) ports, dry docks, slipways, moorings, marinas, moorings, boat servicing grids, wharves, jetties, ramps, and any associated structures or activities; and

(b) offshore platforms and any associated structures or activities; and

(c) navigational aids and any associated structures or activities

mixing zone means the area within receiving waters where—

(a) reasonable mixing of contaminants from discharges occurs; and

(b) the usual water quality standards for the receiving waters do not apply

natural defences, in relation to the coastal environment, means a natural aspect of the coastal environment that provides protection against coastal hazards (such as a beach, estuary, wetland, intertidal area, coastal vegetation, dunes, and barrier islands)

naturally rare, in relation to an ecosystem, vegetation type, or species, means rare before the arrival of humans

substrate means the material that forms the surface of the foreshore and the seabed

taxa means a named biological classification unit assigned to individuals or sets of species (for example, species, subspecies, genus, order, and variety).

Compare: New Zealand Coastal Policy Statement 2010, Glossary

Limits and targets

3.1.4 Setting environmental limits and targets

(1) Every regional planning committee must set, in its plan, environmental limits and mandatory targets for ecological integrity for each of the following specified attributes:

(a) salt marsh extent:

(b) seagrass extent:

(c) sediment mud content:

(d) sediment accretion rate:

(e) nuisance macroalgae.

(2) The environmental limits must be set in the manner specified in the relevant tables in Schedule CE1.

(3) Each of the attributes must be set within the context of a management unit set under regulation 1.2.9.

(4) The mandatory targets must be identified as required by regulation 1.2.9A.

Monitoring

3.1.5 Monitoring and reviewing the effectiveness of this Part

(1) The Minister of Conservation and the Minister for the Environment must monitor and review the effectiveness of this Part in achieving the purpose of the Act in relation to the coastal marine environment.

(2) For that purpose, the Minister of Conservation must—

(a) collect data, in collaboration with local authorities, into a nationally consistent monitoring and reporting programme for incorporating, so far as reasonably practicable, district and regional monitoring information; and

(b) undertake other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues, and outcomes.

Compare: New Zealand Coastal Policy Statement 2010, Policy 28

Subpart 3.2—Coastal environment generally

General directions

3.2.1 Tangata whenua involvement

(1) In giving effect to the principles of te Tiriti o Waitangi in relation to the coastal environment, decision makers must—

(a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations; and

(b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of plans and regional spatial strategies by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori; and

(c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in plans and regional spatial strategies, and in the consideration of applications for resource consents, notices of requirement for designation, and private plan changes; and

(d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example, when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available; and

(e) have regard to any relevant iwi resource management plan and any other relevant planning document recognised by an iwi authority or a group that represents hapū and lodged with the regional planning committee, to the extent that its content has a bearing on resource management issues in the region or district, and—

(i) where appropriate, incorporate references to, or material from, iwi resource management plans in plans; and

(ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans; and

(f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as—

(i) bringing cultural understanding to monitoring of natural resources; and

(ii) providing appropriate methods for the management, maintenance, and protection of the taonga of tangata whenua; and

(iii) having regard to any secondary legislation, notices, rules, or bylaws relating to ensuring the sustainability of fisheries resources such as taiāpure, mahinga mātaitai, or other non-commercial Māori customary fishing; and

(g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural, or spiritual significance or special value,—

(i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape, and cultural impact assessments; and

(ii) provide for the identification, assessment, protection, and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.

(2) This subpart gives effect to the principles of te Tiriti o Waitangi by recognising the role of tangata whenua as kaitiaki and providing for tangata whenua involvement in management of te taiao in the coastal environment in the following ways:

(a) recognising the ongoing and enduring relationship of tangata whenua with their lands, rohe, and resources; and

(b) promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; and

(c) incorporating mātauranga Māori into sustainable management practices; and

(d) recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Compare: New Zealand Coastal Policy Statement 2010, Policy 2

3.2.2 Integrated management

(1) The integrated management of the coastal environment requires that regional planning committees do the following, in addition to the things in regulation 1.2.1:

(a) recognise the dynamic, complex, and interdependent nature of the coastal environment:

(b) recognise that the protection of habitats of living marine resources contributes to the social, economic, and cultural well-being of people and communities:

(c) ensure that activities on land in the coastal environment do not compromise the potential to protect, use, and develop natural and physical resources in the coastal marine area.

(2) Integrated management of the coastal environment also requires that decision makers give particular consideration to the following:

(a) subdivision, use, or development in the coastal environment, and its effects, whether above or below the line of mean high-water springs, that will require, or is likely to result in, associated use or development that crosses that line; and

(b) public use and enjoyment of public space in the coastal environment affected, or likely to be affected, by an activity; and

(c) development or land management practices that may be affected by physical changes to the coastal environment, or are potentially vulnerable to inundation from coastal hazards, including as a result of climate change; and

(d) land use activities affecting, or likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; and

(e) activities where significant adverse cumulative effects are occurring, or can be anticipated.

Compare: New Zealand Coastal Policy Statement 2010, Policy 4

3.2.3 General matters for decision makers to consider

When giving effect to this subpart, decision makers must recognise that—

(a) the extent and characteristics of the coastal environment vary from region to region and locality to locality; and

(b) issues arising in relation to the coastal environment may have different effects in different localities; and

(c) the protection of the values of the coastal environment does not preclude use and development in the coastal environment; and

(d) some uses and developments depend on the use of natural and physical resources in the coastal environment and are important to the social, economic, and cultural well-being of people and communities; and

(e) the coastal environment contains renewable energy resources of significant value that can contribute to meeting the energy needs of future generations; and

(f) the protection of habitats of living marine resources contributes to the social, economic, and cultural well-being of people and communities; and

(g) the proportion of the coastal marine area under any formal protection is small, and therefore management of it under the Act is an important means by which the natural resources of the coastal marine area can be protected.

Compare: New Zealand Coastal Policy Statement 2010, Objective 6, Policy 1(1)

3.2.4 Precautionary approach

(1) Decision makers must adopt a precautionary approach towards proposed activities where the effects on the coastal environment are uncertain, unknown, or little understood, but the effects could be significantly adverse.

(2) Without limiting subclause (1), decision makers must adopt a precautionary approach to the use and management of coastal resources potentially vulnerable to effects from climate change so that—

(a) there is no avoidable social and economic loss and harm to communities; and

(b) natural adjustments in relation to coastal processes, natural defences, ecosystems, habitats, and species are allowed to occur; and

(c) the natural character, public access, amenity, and other values of the coastal environment meet the needs of future generations.

Compare: New Zealand Coastal Policy Statement 2010, Policy 3

3.2.5 Land or waters managed or held under other enactments

(1) This regulation applies to land or waters in the coastal environment that are held or managed under the Conservation Act 1987 or any enactment listed in Schedule 1 of that Act, or under any other enactment for conservation or protection purposes.

(2) When considering effects on land or waters to which this regulation applies, decision makers must have regard to the purposes for which the land or waters are held and—

(a) avoid adverse effects of activities that are significant in relation to those purposes; and

(b) otherwise avoid, remedy, or mitigate adverse effects of activities in relation to those purposes.

(3) Decision makers must have regard to any publicly notified proposals for new statutory protection of land or waters in the coastal environment and must not make decisions that would frustrate the intent of the proposal.

Compare: New Zealand Coastal Policy Statement 2010, Policy 5

3.2.6 Maps of inland extent of coastal environment

(1) Regional spatial strategies must include maps showing the inland extent of the coastal environment in the region, at a level of detail commensurate with the needs of the regional spatial strategy, consistent with the requirements of section 22 of the Spatial Planning Act 2023.

(2) Plans must include maps with sufficient detail to confirm the inland extent of the coastal environment in the region.

Natural character: directions

3.2.7 Assessing natural character

(1) Regional planning committees must assess, at both a regional and district level, the natural character of the coastal environment in the region.

(2) Plans must, and regional spatial strategies may, identify (by maps or otherwise)—

(a) areas of high natural character; and

(b) areas of outstanding natural character.

(3) Decision makers must recognise that natural character is not the same as natural features and natural landscapes and may include matters such as the following:

(a) natural elements, processes, and patterns:

(b) biophysical, ecological, geological, and geomorphological aspects:

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, and surf breaks:

(d) the natural movement of water and sediment:

(e) the natural darkness of the night sky:

(f) places or areas that are wild or scenic:

(g) a range of natural character from pristine to modified:

(h) experiential attributes, including the sounds and smell of the sea, and their context or setting.

Compare: New Zealand Coastal Policy Statement 2010, Policy 13

3.2.8 Providing for natural character in regional spatial strategies and plans

(1) When preparing a regional spatial strategy, a regional planning committee must consider the ways available to support the protection and, where appropriate, the restoration of areas of natural character in the coastal environment that are identified as being outstanding—

(a) in this national planning framework; or

(b) in a plan; or

(c) before the region's NBEA date, in an operative or proposed regional policy statement, regional plan, or district plan.

(2) When considering the matters in subclause (1), regional planning committees must consider the location, extent, and values, and attributes of areas of outstanding natural character in the coastal environment in its region.

(3) A regional planning committee may identify in its regional spatial strategy areas of natural character in the coastal environment that, though not identified as areas of outstanding natural character, are areas that must be considered or taken into account in the preparation of its plan.

(4) When preparing a regional spatial strategy, a regional planning committee—

(a) must consider whether and, if so, what further work is needed to support the development of the content of the relevant plan concerning natural character in the coastal environment in the region; and

(b) may, but need not, describe that further work in the regional spatial strategy.

(5) Plans must provide for the protection of areas where the natural character values and attributes of the coastal environment require protection, whether or not the areas are of outstanding natural character.

3.2.9 Restoring natural character

(1) Plans must, and regional spatial strategies may,—

(a) identify areas and opportunities for the restoration or rehabilitation of the natural character of the coastal environment; and

(b) include provisions to promote the restoration or rehabilitation of the natural character of the coastal environment.

(2) Where practicable, decision makers must impose or review restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities.

(3) Where the natural character of the coastal environment is degraded, possible approaches to restoration and rehabilitation include the following:

(a) restoring indigenous habitats and ecosystems, using local genetic stock where practicable:

(b) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management:

(c) creating or enhancing habitat for indigenous species:

(d) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal salt marsh:

(e) restoring and protecting riparian and intertidal areas:

(f) reducing or eliminating discharges of contaminants:

(g) removing redundant structures and materials that have been assessed to have minimal cultural heritage or amenity values, when the removal is authorised by required permits (such as an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014):

(h) restoring cultural landscape features:

(i) redesigning structures that interfere with ecosystem processes:

(j) decommissioning or restoring historic landfill and other contaminated sites that are leaching, or have the potential to leach, material into the coastal marine area.

Compare: New Zealand Coastal Policy Statement 2010, Policy 14

Natural features and natural landscapes: directions

3.2.10 Assessing and protecting natural features and natural landscapes

(1) Regional planning committees must assess, at both a regional and district level, the natural features and natural landscapes of the coastal environment in the region.

(2) Plans must, and regional spatial strategies may, identify (by maps or otherwise)—

(a) natural features; and

(b) natural landscapes.

(3) The assessment must include, at a minimum, land typing, soil characterisation, and land characterisation, and have regard to all the following:

(a) natural science factors, including geological, topographical, ecological and dynamic components:

(b) the presence of water, including in seas, lakes, rivers, and streams:

(c) how obviously the feature or landscape demonstrates its formative processes (legibility or expressiveness):

(d) aesthetic values, including memorability and naturalness:

(e) vegetation (both native and exotic):

(f) transient values, including presence of wildlife or other values at certain times of the day or year:

(g) whether any values are shared and recognised:

(h) cultural and spiritual values for tangata whenua (identified by working, as far as practicable, in accordance with tikanga Māori) including their expression as cultural landscapes and features:

(i) cultural heritage associations:

(j) wild or scenic values.

(4) Plans must include provisions to ensure the protection of natural features and natural landscapes in the coastal environment.

Compare: New Zealand Coastal Policy Statement 2010, Policy 15

Open space and access: directions

3.2.11 Public open space

(1) Plans must include provisions that provide or protect public open space within and adjacent to the coastal marine area, including by—

(a) ensuring that the location and treatment of public open space is compatible with the natural character of the coastal environment and those characteristics that contribute to people's appreciation of it; and

(b) taking account of future needs for public open space within and adjacent to the coastal marine area, including in and close to cities, towns, and other settlements; and

(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment; and

(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and

(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

(2) When making decisions affecting the coastal environment, decision makers must—

(a) recognise that the coastal marine area is an extensive area of public space for the public to use and enjoy, including by means of active and passive recreation; and

(b) recognise the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment.

Compare: New Zealand Coastal Policy Statement 2010, Policy 18

3.2.12 Public walking access

(1) Plans must include provisions to ensure that—

(a) any loss of public walking access resulting from subdivision, use, or development in the coastal environment is avoided, minimised, or remedied; and

(b) public access is maintained even if the coastal marine area advances inland due to sea level rise or coastal processes.

(2) When making decisions affecting the coastal environment, decision makers must—

(a) recognise the public expectation of, and need for, walking access to and along the coast that is practical, free of charge, and safe for pedestrian use; and

(b) identify how information on where the public have walking access will be made publicly available; and

(c) identify opportunities to enhance or restore public walking access, such as where—

(i) connections between existing public areas can be provided; or

(ii) improving access would promote outdoor recreation; or

(iii) physical access for people with disabilities is desirable; or

(iv) the long-term availability of public access is threatened by erosion or sea level rise; or

(v) access to areas or sites of cultural heritage is important; or

(vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so; and

(d) impose restrictions on public walking access to, along, or adjacent to the coastal marine area only if the restrictions are necessary—

(i) to protect indigenous species that are listed as Threatened in the New Zealand Threat Classification System; or

(ii) to protect dunes, estuaries, and other sensitive natural areas or habitats; or

(iii) to protect cultural heritage; or

(iv) to protect public health or safety; or

(v) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or

(vi) for temporary activities or special events; or

(vii) for defence purposes in accordance with the Defence Act 1990; or

(viii) to ensure a level of security consistent with the purpose of a resource consent; or

(ix) in any other exceptional circumstance sufficient to justify the restriction.

(3) Before imposing any restriction under subclause (2)(d), decision makers must consider, and where practicable provide for, alternative linking access routes that are available to the public free of charge at all times.

Compare: New Zealand Coastal Policy Statement 2010, Policy 19

3.2.13 Vehicle access

(1) Decision makers must control the use of vehicles (other than emergency vehicles) on beaches, the foreshore and seabed, and adjacent public land where any of the following may result from vehicle use:

(a) damage to dune or other geological systems and processes:

(b) harm to ecological systems or to indigenous flora and fauna (for example, marine mammal and bird habitats or breeding areas, or shellfish beds):

(c) danger to other beach users:

(d) disturbance of the peaceful enjoyment of the beach environment:

(e) damage to cultural heritage:

(f) damage to the habitats of fisheries resources of significance to customary, commercial, or recreational users:

(g) damage to sites of significance to tangata whenua.

(2) Plans must—

(a) identify any areas where, and times when, recreational vehicular use on beaches, the foreshore, or seabed, may be permitted, with or without restrictions as to type of vehicle, without a likelihood of any of the consequences described in subclause (1) occurring; and

(b) identify the locations where vehicular access—

(i) is required for boat launching; or

(ii) is the only practicable means of access to private property or public facilities; or

(iii) is required for the operation of existing commercial activities; and

(c) provide for vehicular access to the locations described in paragraphs (a) and (b).

Compare: New Zealand Coastal Policy Statement 2010, Policy 20

3.2.14 Surf breaks of national significance

(1) Plans must include provisions that ensure that—

(a) activities in the coastal environment do not adversely affect surf breaks of national significance; and

(b) activities that may adversely affect access to, and use and enjoyment of, surf breaks of national significance are avoided.

(2) In this regulation,—

surf break means—

(a) the natural feature that through the hydrodynamic character of the ocean (swell, currents, and water levels) combines with seabed morphology and winds to give rise to a surfable wave; and

(b) the swell corridor creating the surfable wave

surf breaks of national significance means the surf breaks specified in subclause (3)

surfable wave means a wave—

(a) that can be caught and ridden by a surfer; and

(b) that has a breaking point that peels along the unbroken wave crest so that the surfer is propelled laterally along the wave crest

swell corridor means the ocean through which a swell travels, and the morphology of the seabed of that corridor, through to the point where waves created by the swell dissipate and become non-surfable.

(3) The **surf breaks of national significance** are the following:

Northland

(a) Peaks (Shipwreck Bay):

(b) Peaks (Super tubes, Mukie 2, Mukie 1):

Waikato

(c) Manu Bay (Raglan):

(d) Whale Bay (Raglan):

(e) Indicators (Raglan):

Taranaki

(f) Waiwhakaiho:

(g) Stent Road (Backdoor Stent, Farmhouse Stent):

Gisborne

(h) Makorori Point (Centres):

(i) Wainui (Stock Route, Pines, Whales):

(j) The Island:

Coromandel

(k) Whangamata Bar:

Kaikōura

(l) Mangamaunu:

(m) Meatworks:

Otago

(n) The Spit:

(o) Karitane:

(p) Whareakeake:

(q) Papatowai.

Compare: New Zealand Coastal Policy Statement 2010, Policy 16

Coastal water quality: directions

3.2.15 Enhancing water quality

(1) Plans must—

(a) map or otherwise identify areas of coastal water and water bodies in the coastal environment where the quality of water has deteriorated to the extent that it is having a significant adverse effect on ecosystems, natural habitats, cultural sites or values, or water-based recreational or other activities; and

(b) include provisions to improve water quality in the areas and water bodies identified; and

(c) include provisions to restore, where practicable, the water quality in those areas and water bodies to at least a state that can support the adversely affected ecosystems, habitats, sites or values, or activities.

(2) Plans must identify the time frame within which stock must be excluded from—

(a) the coastal marine area and adjoining intertidal zones; and

(b) other water bodies in the coastal environment and their riparian margins.

(3) Regional planning committees must engage with tangata whenua to identify areas of coastal waters in which they have particular interest (for example, in cultural sites, wāhi tapu, other taonga, and values such as mauri), and remedying or, where remediation is not practicable, mitigating adverse effects on those areas and values.

Compare: New Zealand Coastal Policy Statement 2010, Policy 21

3.2.16 Discharging contaminants

(1) In managing discharges to water in the coastal environment, decision makers must have particular regard to—

(a) the sensitivity of the receiving environment; and

(b) the nature of the contaminants to be discharged; and

(c) the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and

(d) the capacity of the receiving environment to assimilate the contaminants.

(2) Plans must include provisions—

(a) that prevent the discharge of sewage directly to water in the coastal environment without treatment; and

(b) that prevent the discharge of treated sewage to water in the coastal environment, unless—

(i) decision makers are informed by an understanding of tangata whenua values and the effects on them of such a discharge; and

(ii) there has been adequate consideration of alternative methods, sites, and routes for undertaking the discharge; and

(c) to avoid, where practicable, cross-contamination of sewage with stormwater discharged into the coastal environment or otherwise remedy any such cross-contamination; and

(d) to avoid significant adverse effects on ecosystems and habitats after reasonable mixing and—

(i) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and

(ii) minimise adverse effects on the life-supporting capacity of water within a mixing zone; and

(e) aimed at reducing contaminant and sediment loadings in stormwater at source, by imposing controls on land use activities and requiring contaminant treatment; and

(f) that promote—

(i) integrated management of catchments and stormwater networks; and

(ii) design options that reduce flows to stormwater reticulation systems at source; and

(g) that require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems, and habitats that is more than minor; and

(h) that require operators of ports, marinas, and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and

(i) that require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or

storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems, and habitats.

(3) Decision makers must consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.

(4) Any provisions in plans that provide for the avoidance of the discharge of treated sewage into water in the coastal environment must have been subject to early and meaningful consultation with tangata whenua.

Compare: New Zealand Coastal Policy Statement 2010, Policy 23

3.2.17 Sedimentation

(1) Regional councils must assess and monitor sedimentation levels and impacts on the coastal environment.

(2) When making decisions involving or relating to run-off or stormwater discharges, decision makers must ensure that sediment discharges are minimised at source.

(3) Plans must include provisions that—

(a) ensure that subdivision, use, and development does not result in a significant increase in sedimentation in the coastal marine area or other coastal water; and

(b) control the impacts that vegetation removal (including the harvest of plantation forestry) has on sedimentation; and

(c) control land use activities to reduce sediment loadings in run-off and stormwater systems; and

(d) require decision makers, when making decisions about stormwater discharge, to seek to reduce sediment loadings at source.

Compare: New Zealand Coastal Policy Statement 2010, Policy 22

3.2.18 Harmful aquatic organisms

(1) Plans must include provisions to ensure that, as far as practicable, harmful aquatic organisms that could have adverse effects on the coastal environment are not released or spread.

(2) Resource consents for any activity that could cause harmful aquatic organisms to be released or spread must include conditions to manage the risk of that release or spread.

(3) Activities that could cause harmful aquatic organisms to be released or spread include, for example,—

(a) introducing structures into the coastal environment that are likely to be contaminated with harmful aquatic organisms:

(b) discharging or disposing of organic material from dredging or from vessels and structures, whether during maintenance, cleaning or otherwise, and whether in the coastal marine area or on land:

(c) establishing and maintaining moorings, marina berths, jetties, and wharves:

(d) establishing and relocating equipment and stock required for or associated with aquaculture.

Compare: New Zealand Coastal Policy Statement 2010, Policy 12

Strategic planning: directions

3.2.19 Planning relating to development in coastal environment

(1) When preparing plans and regional spatial strategies, regional planning committees must—

(a) recognise that the provision of infrastructure, the supply and transport of energy (including the generation and transmission of electricity), and the extraction of minerals in the coastal environment are activities important to the social, economic and cultural well being of people and communities; and

(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment; and

(c) take into account the potential of renewable and other resources in the coastal environment, such as energy from wind, waves, currents, and tides, to meet the reasonably foreseeable needs of future generations.

(2) Plans must, and regional spatial strategies may, include provisions that—

(a) identify areas of the coastal environment where particular forms of activities, or forms of subdivision, use, and development,—

(i) are inappropriate or should be discouraged; or

(ii) must be considered by way of an application for a resource consent, notice of requirement for designation, or a change to a plan; and

(b) encourage the consolidation of existing coastal settlements and urban areas, where consolidation will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth; and

(c) identify coastal processes, resources, or values that are under threat or at significant risk from adverse cumulative effects, and include provisions to manage those effects; and

(d) where practicable, identify thresholds, or the amount of change, beyond which activities causing adverse cumulative effects are to be avoided.

(3) Plans must include provisions that—

(a) provide for tangata whenua needs for papakāinga, marae, and associated developments; and

(b) protect identified areas from inappropriate subdivision, use, and development; and

(c) provide controls to ensure that built development on land in the coastal environment does not compromise activities of national or regional importance that have a functional need to be located in the coastal marine area; and

(d) identify where development that maintains the character of the existing built environment in the coastal environment should be encouraged, and where it would be acceptable; and

(e) provide that the visual impacts of development on sensitive areas (such as headlands and prominent ridgelines) are avoided as far as practicable, or otherwise minimised; and

(f) require that, where practicable and reasonable, development is set back from the coastal marine area and other water bodies; and

(g) provide for buffers around significant natural areas and sites of cultural heritage value; and

(h) manage coastal processes, resources, or values that are under threat or at significant risk from adverse cumulative effects.

(4) Decisions makers must—

(a) provide for the maintenance and enhancement of the public open space and recreational qualities and values of the coastal marine area; and

(b) enable activities that have a functional need to be located in the coastal marine area to be located in appropriate places; and

(c) provide that activities that do not have a functional need to be located in the coastal marine area are generally not able to be located there; and

(d) promote the efficient use of occupied space in the coastal environment, including by requiring that—

(i) structures in the coastal marine area are made available for public or multiple use where reasonable and practicable; and

(ii) any abandoned or redundant structures that have no heritage, amenity, or reuse value are removed, where appropriate; and

(e) when considering a resource consent application, consider whether consent conditions should require that space occupied for an activity is used for that purpose effectively and without undue delay.

Compare: New Zealand Coastal Policy Statement 2010, Policies 6, 7

Built environment: directions

3.2.20 Cultural heritage

(1) Regional planning committees and local authorities must—

(a) ensure that cultural heritage in the coastal environment, including archaeological sites, is identified, assessed, recorded, and protected; and

(b) consider providing ways to enhance owners' opportunities for conserving listed heritage structures in the coastal environment (such as by relief grants or rates relief).

(2) Plans must, and regional spatial strategies may, include provisions relating to cultural heritage in the coastal environment that enable—

(a) the integrated management of identified cultural heritage through collaboration with relevant local authorities, heritage agencies, iwi authorities, and kaitiaki; and

(b) the assessment and management of cultural heritage in the context of cultural landscapes; and

(c) the conservation of cultural heritage that is to be protected; and

(d) the facilitation of integrated management of cultural heritage that spans the line of mean high-water springs.

(3) When considering resource consent applications and designations affecting cultural heritage in the coastal environment, decision makers must require—

(a) the imposition or review of conditions, including for the continuation of activities; and

(b) where practicable and appropriate, conservation conditions.

(4) When considering subdivision, use, and development in the coastal environment, decision makers must recognise that cultural heritage in the coastal environment is extensive but not fully known, and is vulnerable to loss or damage from inappropriate subdivision, use, or development.

Compare: New Zealand Coastal Policy Statement 2010, Objective 6, Policy 17

3.2.21 Ports

(1) Plans must, and regional spatial strategies may, include provisions that enable—

(a) the safe and efficient operation of ports in the region; and

(b) the development of the capacity of ports for shipping in the region; and

(c) the connection of ports with other transport modes.

(2) When developing provisions about ports, regional planning committees must—

(a) recognise that a sustainable national transport system requires an efficient national network of safe ports that—

(i) are capable of servicing national and international shipping; and

(ii) have efficient connections with other transport modes; and

(b) ensure that development in the coastal environment does not adversely affect the efficient and safe operation of ports, their connections with

other transport modes, and the development of their capacity for shipping.

Compare: New Zealand Coastal Policy Statement 2010, Policy 9

3.2.22 Aquaculture

(1) Plans must, and regional spatial strategies may, provide for aquaculture activities in appropriate places in the coastal environment.

(2) When identifying appropriate places for aquaculture activities, regional planning committees must—

(a) recognise the need for high water quality for aquaculture activities; and

(b) consider the need for associated land-based facilities; and

(c) take into account the benefits of aquaculture, including any national and regional benefits.

(3) When providing for aquaculture activities, regional planning committees must ensure that other use and development in the coastal environment does not make water quality unfit for aquaculture activities in places identified as appropriate for aquaculture activities.

Compare: New Zealand Coastal Policy Statement 2010, Policy 8

3.2.23 Reclamation and de-reclamation

(1) Decision makers must ensure that the reclamation of land in the coastal marine area is avoided unless—

(a) land outside the coastal marine area is not available for the proposed activity; and

(b) the activity that requires reclamation can only occur in or adjacent to the coastal marine area; and

(c) there are no practicable alternative methods of providing the activity; and

(d) the reclamation will provide significant regional or national benefit.

(2) In considering proposed reclamations, decision makers must have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of—

(a) infrastructure (including ports, airports, coastal roads, pipelines, electricity transmission, railways, and ferry terminals); and

(b) marinas; and

(c) electricity generation.

(3) Where a reclamation is considered to be a suitable use of the coastal marine area, in considering its form and design, decision makers must have particular regard to—

(a) the potential effects of climate change, including sea level rise, over no less than 100 years; and

(b) the shape of the reclamation, and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast; and

(c) the use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems, and indigenous biodiversity in the coastal marine area; and

(d) providing public access, including providing access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is appropriate (as provided for in regulation 3.2.12(2)(d)); and

(e) the ability to remedy or minimise adverse effects on the coastal environment; and

(f) whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and

(g) the ability to avoid consequential erosion and accretion, and other natural hazards.

(4) Decision makers must encourage the de-reclamation of redundant reclaimed land where it would—

(a) restore the natural character and resources of the coastal marine area; and

(b) provide for more public open space.

Compare: New Zealand Coastal Policy Statement 2010, Policy 10

Coastal hazards: directions

3.2.24 Identifying coastal hazards

(1) Regional planning committees must identify areas in the coastal environment in their region or district that are affected, or are potentially affected, by coastal hazards (including tsunami and hazards due to climate change).

(2) When making decisions relating to the coastal environment, decision makers must identify any relevant areas that are affected, or potentially affected, by coastal hazards.

(3) The risk of hazards referred to in subclauses (1) and (2) must be assessed—

(a) over at least a 100-year period; and

(b) having regard to the matters in subclause (4); and

(c) taking into account national guidance and the best available information on the likely effects of climate change on the region or district.

(4) The matters referred to in subclause (3)(b) are—

(a) physical drivers and processes that cause coastal change including sea level rise; and

(b) short-term and long-term natural dynamic fluctuations of erosion and accretion; and

(c) geomorphological character; and

(d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways, and overland extent; and

(e) cumulative effects of sea level rise, storm surge, and wave height under storm conditions; and

(f) influences that humans have had or are having on the coast; and

(g) the extent and permanence of built development; and

(h) the effects of climate change on—

(i) the matters in paragraphs (a) to (g); and

(ii) storm frequency, intensity, and surges; and

(iii) coastal sediment dynamics.

Compare: New Zealand Coastal Policy Statement 2010, Policy 24

3.2.25 Managing coastal hazards

(1) Plans and regional spatial strategies must—

(a) ensure that new development is located away from areas prone to coastal hazard risk; and

(b) encourage redevelopment, or change in land use, where that would reduce risks from coastal hazards; and

(c) encourage the location of infrastructure away from areas of hazard risk where practicable; and

(d) identify the potential effects of tsunami, and how to avoid or mitigate those effects.

(2) In relation to areas of significant existing development that are likely to be affected by coastal hazards, plans must require decision makers to—

(a) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time frame, including in relation to the expected effects of climate change; and

(b) prioritise areas identified as being at high risk; and

(c) identify and promote long-term, sustainable risk-reduction approaches, including—

(i) managed retreat by relocation; and

(ii) relocating or removing existing structures or, in extreme circumstances, abandoning existing structures; and

(iii) designing for relocatability or recoverability from hazard events; and

(d) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions; and

(e) identify and plan for transition mechanisms and time frames for moving to more sustainable approaches.

(3) In meeting the requirements of subclause (2), decision makers must—

(a) identify the consequences of potential strategic options relative to the option of "do-nothing"; and

(b) recognise that hard protection structures may be the only practical means of protecting existing infrastructure of national or regional importance in order to retain its potential to meet the reasonably foreseeable needs of future generations; and

(c) recognise and consider the environmental and social costs of permitting hard protection structures to protect private property; and

(d) evaluate the likely costs and benefits of any proposed coastal hazard risk-reduction options.

(4) Plans must include provisions that—

(a) discourage hard protection structures, but—

(i) if hard protection structures are necessary, require that their form and location are designed to minimise adverse effects on the coastal environment; and

(ii) if hard protection structures are necessary to protect private assets, require that they are not located on public land if there is no significant public or environmental benefit in doing so; and

(b) promote the use of alternatives to hard protection structures, such as natural defences; and

(c) provide for the protection, restoration, or enhancement of natural defences that protect coastal land uses and sites of significant biodiversity, cultural heritage, or geological value from coastal hazards.

Compare: New Zealand Coastal Policy Statement 2010, Policies 25–27

Indigenous biodiversity

3.2.26 Indigenous biodiversity in regional spatial strategies

(1) When preparing a regional spatial strategy, a regional planning committee must consider the ways available to support the protection, maintenance and, where

appropriate, restoration of the values or attributes of indigenous biodiversity in areas of the coastal environment that—

(a) are—

(i) HVBAs or significant biodiversity areas; or

(ii) areas that are, or that contain a habitat or indigenous ecosystem or corridor, described in coastal environment framework policies 19 or 20; and

(b) are identified—

(i) in this national planning framework, a regional spatial strategy, or a plan; or

(ii) before a region's NBEA date, in a proposed or operative regional planning statement, regional plan, or district plan; or

(iii) by way of a determination of a consent authority as meeting the criteria for being an area described in paragraph (a), unless that determination is subject to an appeal about whether the area meets the criteria in paragraph (a).

(2) In considering the matters in subclause (1), regional planning committees must consider the location, extent, and attributes of the identified indigenous biodiversity areas in its region.

(3) When preparing a regional spatial strategy, a regional planning committee—

(a) must consider whether and, if so, what further work is needed to support the development of the content of the relevant plan concerning the identified indigenous biodiversity in the region; and

(b) may, but need not describe that further work in the regional spatial strategy.

(4) A regional planning committee may identify in its regional spatial strategy areas that, though not described in subclause (1), must be considered or taken into account in preparing its plan.

3.2.27 Indigenous biodiversity in plans

Plans must include provisions that—

(a) identify the areas described in regulation 3.2.26(1)(a); and

(b) provide protections for those areas.

Subpart 3.3—Management of existing aquaculture activities

Framework outcome

3.3.1 Aquaculture reconsenting framework outcome

The **aquaculture reconsenting framework outcome** is that replacement coastal permits for existing marine farms authorised to occupy the coastal mar-

ine area are evaluated through an efficient process, while ensuring that environmental effects are addressed.

Application

3.3.2 Application of subpart 3.3

This subpart applies only when replacement coastal permits are applied for that authorise existing marine farms to continue aquaculture activities in the coastal marine area.

Compare: LI 2020/170 r 11(2)

Interpretation

3.3.3 Definitions for subpart 3.3

In this subpart—

benthic environment means all biological, physical, and chemical aspects of the foreshore and seabed

consented species means a species listed on a current coastal permit that authorises aquaculture activities

current coastal permit means a coastal permit that has not expired or been revoked

identified, for the purpose of the definitions of **inappropriate area** and **outstanding area**, means—

(a) mapped or otherwise identified by geographic co-ordinates; or

(b) clearly named, and identified by a description of its physical boundaries; or

(c) named, if it is a physical feature with clear boundaries (such as a harbour)

inappropriate area means any part of the coastal marine area identified—

(a) in a plan as an area in which it is inappropriate for existing aquaculture activities to continue; and

(b) by a plan rule as being an area in which existing aquaculture activities are a discretionary or prohibited activity

large whale means a sperm whale (*Physeter macrocephalus*) and any baleen whale (suborder Mysticeti) except a pygmy right whale (*Caperea marginata*)

marine farm means a space used for, or an operation that engages in, aquaculture activities under 1 or more coastal permits that authorise the use of the coastal marine area for aquaculture activities; and **existing marine farm** means a marine farm authorised by 1 or more current coastal permits

new area, in the context of a replacement coastal permit, means an area of the coastal marine area in which aquaculture activities were not previously authorised under the current coastal permit

offshore marine farm means—

(a) any of the 5 marine farms subject to coastal permits granted before 1 December 2020 and whose locations are described in Schedule CE2; and

(b) any marine farm subject to a coastal permit granted after 1 December 2020 and located—

(i) more than 500 m beyond mean high-water springs; or

(ii) outside the harbours and other areas described in Schedule CE3

outstanding area means an area of the coastal marine area identified in a plan as—

(a) any of the following:

(iii) an area of outstanding natural character:

(i) an outstanding natural feature:

(ii) an outstanding natural landscape; and

(b) includes an area of natural character, a natural feature, or a natural landscape, identified in a plan where that feature, landscape, or area is described by a term that includes the word "outstanding"

realignment means the partial relocation of an existing marine farm

replacement coastal permit, in relation to an existing marine farm, means a coastal permit that replaces an existing coastal permit to occupy part of the coastal marine area, along with all associated current coastal permits relevant to the aquaculture activities of the marine farm

significant marine ecological area means an ecosystem, a vegetation type, or the habitat of an indigenous species that has been identified as significant in—

(a) the parts of a plan that give effect to coastal environment framework policies 19 and 20; or

(b) a published scientific report—

(i) prepared by subject matter experts using significance criteria outlined in a relevant plan; and

(ii) endorsed by the regional planning committee or regional council

spat means any stage in the life cycle of the following molluscs:

(a) dredge oysters less than 40 mm in length:

(b) scallops less than 20 mm in length:

(c) cockles less than 20 mm in length:

(d) green-lipped mussels (greenshell mussels) less than 40 mm in length:

(e) blue mussels less than 30 mm in length:

(f) Pacific oysters less than 37 mm in length

spat catching means obtaining or retaining spat and harvesting spat from marine farm structures

therapeutants means additives used in a marine farm for the purpose of improving farmed stock health.

Compare: LI 2020/170 rr 3, 5, 6

3.3.4 Existing marine farms within outstanding area

For the purpose of this subpart, an existing marine farm is within an outstanding area if more than 1% of the authorised area of the marine farm is within 1 or more outstanding areas.

Compare: LI 2020/170 r 5

3.3.5 Effects on reefs, biogenic habitat, and regionally significant benthic species

(1) For the purpose of considering the effects of an activity on reefs, biogenic habitat, and regionally significant benthic species within a relevant area, the following definitions apply:

biogenic habitat—

(a) means the natural habitat created by the physical structure of living or dead organisms or by the interaction of those organisms with the substrate, including either a hard (reef) or soft (sediment) substrate; but

(b) does not include—

(i) non-indigenous living organisms; or

(ii) organisms attached to, or detached from, the man-made structures in a marine farm; or

(iii) holes, mounds, or similar seabed irregularities created by burrowing organisms in soft sediments

dead shell includes dead shell, broken or whole, equal to or greater than 2 mm across, but excludes shell from a marine farm

reef means the exposed hard substrate in the coastal marine area formed by geological processes, and—

(a) includes—

(i) cobbles equal to, or greater than, 64 mm across, boulders, and bedrock; and

(ii) marine species associated with the reef; but

(b) does not include sand or gravel

regionally significant benthic species means benthic species that are—

(a) protected under the Wildlife Act 1953; or

(b) listed as Threatened or At Risk in the New Zealand Threat Classification System; or

(c) listed as threatened by the International Union for Conservation of Nature; or

(d) identified as regionally significant in—

(i) the parts of a plan that give effect to the coastal environment framework policies 19 or 20; or

(ii) a published scientific report—

(A) prepared by subject matter experts using significance criteria outlined in a relevant plan; and

(B) endorsed by the relevant regional planning committee or regional council

relevant area means the footprint of the surface structures of a marine farm, and in addition—

(a) 20 m around the footprint of the surface structures of an intertidal marine farm (that is, a marine farm in which the species and the structures on which they grow are not covered by water at all stages of the tidal cycle); or

(b) 20 m from the boundary of the consented area of a sub-tidal marine farm (that is, a marine farm, other than one that involves fed aquaculture, that grows species on lines or structures that, apart from navigation aids, surface floats, and associated temporary structures, are submerged at all stages of the tidal cycle, except as required for operational purposes); or

(c) an area of effects around the footprint of a marine farm involving fed aquaculture that is defined in a scientific report—

(i) prepared by subject matter experts, using best-practice criteria for ecologically significant effect; and

(ii) endorsed by the regional council

(2) However, the definitions of biogenic habitat and reef in subclause (1) apply only if, following a representative survey within the relevant area using best-practice methodology—

(a) for reefs, a reef is detected within the relevant area; and

(b) for biogenic habitat, 1 or more of the criteria and triggers set out in subclause (3) are met.

(3) The criteria and triggers for identifying biogenic habitat are as follows:

(a) one rhodolith specimen detected within the relevant area:

(b) areas of dead shell identified by a regional council as regionally important within the relevant area:

(c) any biogenic species or colony within the relevant area that is prominently raised above the surrounding seabed and equal to or greater than 0.5 m across:

(d) any biogenic habitat when 1 or more of the following trigger levels are estimated to be met at any sampling location:

(i) the percentage cover is equal to or greater than 10% for the following biogenic habitats (singly or in combination):

(A) colony-forming animals (for example, sponges, bryozoans, and tube worm mounds):

(B) macroalgae and seagrass:

(C) tube worm fields, brachiopod beds, and natural shellfish beds:

(ii) the percentage cover of dead shell is equal to or greater than 40%:

(iii) the mean density of large biogenic habitat-forming species (for example, horse mussels, hydroid trees; but excluding individual tube worms) is equal to or greater than 1 individual per m^2.

Compare: LI 2020/170 rr 3, 7–9, Schedule 4

Other preliminary matters

3.3.6 Restricted application of regulations relating to changes to species

(1) This regulation applies to any application for a replacement coastal permit described in regulations 3.3.12. 3.3.13, 3.3.15, 3.3.16, or 3.3.17 (**relevant regulations**) (which are about applications seeking changes to species).

(2) The relevant regulations apply only if the application for a replacement coastal permit is for an existing marine farm that first obtained its coastal permit to occupy the coastal marine area before 1 December 2020.

(3) However, the relevant regulations do not apply if any of the following changes are sought in an application for a replacement coastal permit for an existing marine farm:

(a) a complete change in consented species, to paua or species that do not involve fed aquaculture, that will require a complete change of all structures:

(b) a complete change in consented species, to finfish, from a species that does not involve fed aquaculture:

(c) a complete change in consented species to scampi, rock lobster, or crabs, or the addition of any of those species:

(d) a change to a marine farm consented solely for the purpose of spat catching:

(e) the addition of spat catching to a marine farm.

Compare: LI 2020/170 r 25

3.3.7 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this subpart.

3.3.8 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this subpart.

Replacement coastal permits within inappropriate area: framework rules

3.3.9 Existing marine farms continuing within inappropriate area: discretionary activity

An application for a replacement coastal permit for an existing marine farm to continue aquaculture activities within an inappropriate area is a discretionary activity, unless a plan provides that it is a prohibited activity.

Compare: LI 2020/170 rr 12, 13

Replacement coastal permits outside inappropriate area: framework rules

3.3.10 No change to species, structure, or alignment: anticipated activity

(1) An application for a replacement coastal permit for an existing marine farm that is currently located outside an inappropriate area is an application for an anticipated activity if—

(a) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit; and

(b) the application is for a coastal permit for a marine farm on the same site as that authorised by a current coastal permit; and

(c) the species to be farmed are only those authorised by the current coastal permit; and

(d) the structures and anchoring systems are to be the same as, or similar to, those authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour).

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 3.3.14.

(3) If the application relates to aquaculture activities that involve fed aquaculture, control is also reserved over the following:

(a) the degree of exclusive occupation, if sought:

(b) management of the effects of the activity on water quality and the benthic environment:

(c) the use of antibiotics and therapeutants in the marine farm:

(d) the use of antifouling agents on the marine farm structures:

(e) underwater lighting and lighting of structures:

(f) management practices to minimise the adverse effects of discharges of odour on amenity values:

(g) management of the visual appearance of surface structures in relation to their location, density, materials used, colour, and reflectivity:

(h) management practices to minimise shark interactions with the marine farm.

Notification

(4) Applications under this regulation must not be publicly notified.

(5) Limited notification of applications under this regulation is precluded unless—

(a) the applicant has not undertaken the process outlined in Schedule CE4 within the previous 12 months; or

(b) the application does not include the report required by clause 5 of that schedule.

Compare: LI 2020/170 rr 14, 18, 19, 24

3.3.11 Realignment, no change to species: anticipated activity

(1) An application for a replacement coastal permit for an existing marine farm is an application for an anticipated activity if—

(a) no part of the marine farm has been realigned in the previous 10 years; and

(b) the application is for the realignment of the marine farm, and all the following apply:

(i) the new area is not located within an inappropriate area or a significant marine ecological area:

(ii) the new area is not located within an area where aquaculture activities are identified in a plan as prohibited activities:

(iii) if the authorised area of the marine farm is not currently within an outstanding area, the new area is not located within an outstanding area:

(iv) the new area is not more than one-third of the authorised area of the marine farm:

(v) the new area is contiguous to the authorised area of the marine farm; and

(c) the area authorised by the current coastal permit for occupation by the marine farm does not exceed 10 ha; and

(d) the total area to be occupied is the same as, or less than, the area authorised by the current coastal permit; and

(e) the species to be farmed are only those authorised by the current coastal permit; and

(f) the aquaculture activities do not involve fed aquaculture; and

(g) the structures and anchoring systems are to be the same as, or similar to, those authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour), while allowing for any modification in location that is required by the realignment.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 3.3.14 and also the following:

(a) the effects of the activity on cultural heritage:

(b) a requirement to surrender the coastal permit for any space no longer occupied as a result of realignment:

(c) in relation to the new area to be occupied, conditions relating to adverse effects of the activity on marine mammals and seabirds:

(d) if the relevant marine farm is located within an outstanding area, the effects of the realignment on the values and characteristics that make the area, feature, or landscape outstanding:

(e) the positive effects of the realignment of the marine farm.

Compare: LI 2020/170 rr 16, 18, 22

3.3.12 Change to species, no realignment: anticipated activity

(1) An application for a replacement coastal permit for an existing marine farm that is currently located outside an inappropriate area is an application for an anticipated activity if—

(a) the application is for either, but not both, of the following:

(i) a complete change of the consented species to be farmed:

(ii) the addition of 1 or more new species to the existing consented species; and

(b) the application is for a coastal permit for a marine farm on the same site as that authorised by the current coastal permit; and

(c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit; and

(d) the location, method, and form of all structures, including anchoring systems, buoys, surface and subsurface structures, and navigational lighting, remain the same as, or similar to, those authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour); and

(e) the change of species will not require physical changes to the structures of the marine farm (other than with the modifications provided for by paragraph (d)); and

(f) the new species are to be grown on the existing structures (other than with the modifications provided for by paragraph (d)); and

(g) the application does not relate to the farming of finfish.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 3.3.14, and also the following:

(a) the genetic effects on wild populations of farmed species escaping:

(b) the biosecurity effects arising from the farming of the new species.

Notification

(3) Applications under this regulation must not be publicly notified.

(4) Limited notification of applications under this regulation is precluded unless—

(a) the applicant has not undertaken the process outlined in Schedule CE4 within the previous 12 months; or

(b) the application does not include the report required by clause 5 of that schedule.

Compare: LI 2020/170 rr 26–28

3.3.13 Change to species and subsurface structures, no realignment: anticipated activity

(1) An application for a replacement coastal permit for an existing marine farm that is currently located outside an inappropriate area is an application for an anticipated activity if—

(a) the application is for either—

(i) a complete change in the consented species to be farmed; or

(ii) the addition of 1 or more new species to the existing consented species; and

(b) the application is for a coastal permit for a marine farm on the same site as that authorised by the current coastal permit; and

(c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit; and

(b) a change to the form of the subsurface structures (but without changing the surface structures, anchors, or any other structures on the seabed) is required; and

(d) the location and method of the anchoring systems, buoys, surface structures, and navigational lighting remain the same as, or similar to, those

authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour); and

(e) the application does not relate to the farming of finfish.

Matters over which control reserved

(2) The matters over which control is reserved are as set out in regulation 3.3.14, and also the following:

(a) the genetic effects on wild populations of farmed species escaping:

(b) the biosecurity effects arising from the farming of the new species:

(c) hydrodynamic effects.

Notification

(3) Applications under this regulation must not be publicly notified.

(4) Limited notification of applications under this regulation is precluded unless—

(a) the applicant has not undertaken the process outlined in Schedule CE4 within the previous 12 months; or

(b) the application does not include the report required by clause 5 of that schedule.

Compare: LI 2020/170 rr 29–31

3.3.14 Matters over which control reserved for anticipated activities in regulations 3.3.10 to 3.3.13

(1) The following are matters over which control is reserved in applications under regulations 3.3.10 to 3.3.13, in addition to any other matters referred to in those regulations:

(a) the duration and lapsing of the coastal permit:

(b) review conditions:

(c) when occupation is authorised in relation to seasonal activities such as spat catching:

(d) the layout, colour, positioning, density, lighting, and marking of marine farm structures within a marine farm, for the purpose of ensuring—

(i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and

(ii) navigational safety, including the provision of navigation warning devices and signs; and

(iii) with respect to colour, the visibility and coherent appearance of marine farm structures:

(e) the integrity and security of the structures, including the anchoring systems:

(f) the effects of the activity on matters identified in the report required by clause 5 of Schedule CE4 or, if subclause (2) applies, the effects of the activity on tangata whenua values:

(g) the effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the relevant area (*see* regulation 3.3.5):

(h) management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality:

(i) the management of biosecurity risks:

(j) the management of the effects on the environment of noise, rubbish, and debris:

(k) except in relation to existing marine farms that involve fed aquaculture, if a plan includes an adaptive management approach, conditions to give effect to that approach:

(l) information, monitoring, and reporting requirements:

(m) administrative charges, coastal occupation charges, financial contributions:

(n) bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment:

(o) if the marine farm is an offshore marine farm, the adverse effects of the entanglement of large whales:

(p) if the marine farm is located within an outstanding area, the effects of the activity on the values and characteristics that make the area, feature, or landscape outstanding.

(2) The alternate words in subclause (1)(f) apply if—

(a) the applicant for a replacement coastal permit has not undertaken the process outlined in Schedule CE4 within the previous 12 months; or

(b) the application for a replacement coastal permit does not include the report required by clause 5 of that schedule.

Compare: LI 2020/170 rr 14–18, 20, 21, 26, 28, 29, 31

3.3.15 Change to species and structures, no realignment: anticipated activity

(1) An application for a replacement coastal permit for an existing marine farm that is currently located outside an inappropriate area is an application for an anticipated activity if—

(a) the application is for either—

(i) a complete change in the consented species to be farmed; or

(ii) a change in the consented species to be farmed by the addition of—

(A) 1 or more species not involving fed aquaculture; or

(B) paua; and

(b) the application is for a coastal permit for a marine farm on the same site as that authorised by the current coastal permit; and

(c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit; and

(e) a change to any of the marine farm structures is required; and

(f) the application does not relate to the farming of finfish.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the duration and lapsing of the coastal permit:

(b) review conditions:

(c) when occupation is authorised in relation to seasonal activities such as spat catching:

(d) the layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring—

(i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and

(ii) navigational safety, including the provision of navigation warning devices and signs:

(e) the integrity and security of the structures, including the anchoring systems:

(f) the effects of the activity on matters identified in the report required by clause 5 of Schedule CE4 or, if subclause (3) applies, the effects of the activity on tangata whenua values:

(g) the effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the relevant area (*see* regulation 3.3.5):

(h) the biosecurity effects arising from the farming of the new species:

(i) the management of biosecurity risks:

(j) management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality:

(k) the effects on the genetics of wild populations if farmed species escape:

(l) the management of the effects on the environment of noise, rubbish, and debris:

(m) measures to avoid, remedy, or mitigate adverse effects on water quality by nutrient enrichment:

(n) the effects of seabed disturbance:

(o) if the plan includes an adaptive management approach, conditions that give effect to that approach:

(p) information, monitoring, and reporting requirements:

(q) hydrodynamic effects:

(r) if a change to surface structures is proposed, conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity:

(s) administrative charges, coastal occupation charges, financial contributions:

(t) bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment:

(u) if the marine farm is an offshore marine farm, the adverse effects of the entanglement of large whales:

(v) if the marine farm is located within an outstanding area, the effects of the activity on the values and characteristics that make the area, feature, or landscape outstanding.

(3) The alternate words in subclause (2)(f) apply if—

(a) the applicant for a replacement coastal permit has not undertaken the process outlined in Schedule CE4 within the previous 12 months; or

(b) the application for a replacement coastal permit does not include the report required by clause 5 of that schedule.

Compare: LI 2020/170 rr 32–34, 41, 42

3.3.16 Change to species and structures, plus realignment: anticipated activity

(1) An application for a replacement coastal permit for an existing marine farm is an application for an anticipated activity if—

(a) the application seeks either—

(i) a complete change in the consented species to be farmed; or

(ii) a change in the consented species to be farmed by the addition of—

(A) 1 or more species not involving fed aquaculture; or

(B) paua; and

(b) the application does not relate to the farming of finfish; and

(c) a change to the marine farm structures is required; and

(d) the area authorised by the existing coastal marine permit for occupation by the marine farm does not exceed 10 ha; and

(e) no part of the authorised area of the marine farm has been realigned in the previous 10 years; and

(f) the application is for the realignment of the marine farm, and—

(i) the new area will not be located within an inappropriate area or significant marine ecological area; and

(ii) the new area will not be located within an area where aquaculture activities are identified in a plan as a prohibited activity; and

(iii) if the authorised area of the marine farm is not within an outstanding area, the new area is not located within an outstanding area; and

(iv) the new area is not located within a significant marine ecological area; and

(v) the new area is not more than one-third of the authorised area of the marine farm; and

(vi) the new area is contiguous with the authorised area of the marine farm; and

(vii) the total area to be occupied is the same as, or less than, the area authorised by the current coastal permit.

Matters over which control reserved

(2) The matters over which control is reserved are the same as in regulation 3.3.15(2), (except paragraph (2)(v)) and also the following:

(a) in relation to the new area to be occupied, conditions relating to adverse effects of the activity on marine mammals and seabirds:

(b) the effects of the activity on cultural heritage:

(c) requirements to surrender the coastal permit for any space no longer occupied as a result of realignment:

(d) if the relevant marine farm is located in an outstanding area, the effects of the realignment on the values and characteristics that make the area, feature, or landscape outstanding:

(e) the positive effects of the realignment of the marine farm.

Compare: LI 2020/170 rr 35–37, 42

3.3.17 Changes to finfish species: anticipated activity

(1) An application for a replacement coastal permit for an existing marine farm that is currently located outside an inappropriate area is an application for an anticipated activity if—

(a) the application seeks a change to another finfish species or to add 1 or more species to a finfish farm, whether the change in species—

(i) takes place within the existing net pen structures; or

(ii) requires additional growing structures (other than fed aquaculture net pens) to the existing structure; and

(b) the application is for a coastal permit for a marine farm on the same site as that authorised by the current coastal permit; and

(c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the duration and lapsing of the coastal permit:

(b) review conditions:

(c) when occupation is authorised in relation to seasonal activities:

(d) the layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring—

(i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and

(ii) navigational safety, including the provision of navigation warning devices and signs:

(e) the integrity and security of the structures, including the anchoring systems:

(f) the effects of the activity on matters identified in the report required by clause 5 of Schedule CE4 or, if subclause (3) applies, the effects of the activity on tangata whenua values:

(g) the biosecurity effects arising from the farming of the new species:

(h) the management of biosecurity risks:

(i) the genetic effects on wild populations of farmed species escaping:

(j) management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality:

(k) the management of the effects on the environment of noise, rubbish, and debris:

(l) management practices to minimise shark interactions with the marine farm:

(m) effects on the benthic environment:

(n) measures to avoid, remedy, or mitigate adverse effects on water quality by nutrient enrichment:

(o) the effects of seabed disturbance:

(p) the use of antibiotics and therapeutants in the marine farm:

(q) the use of antifouling agents on the marine farm structures:

(r) underwater lighting and lighting structures:

(s) management practices to minimise the adverse effects of discharges of odour on amenity values:

(t) if a change to the surface structures is proposed, the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity:

(u) if no change to the surface structures is proposed, management of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity:

(v) information, monitoring, and reporting requirements:

(w) hydrodynamic effects:

(x) administrative charges, coastal occupation charges, financial contributions:

(y) bonds, or any alternative mechanisms to recover the cost of the repair or removal of abandoned or derelict structures and reinstatement of the environment:

(z) if the marine farm is an offshore marine farm, the adverse effects of the entanglement of large whales:

(za) if the marine farm is located within an outstanding area, the effects of the activity on the values and characteristics that make the area, feature, or landscape outstanding.

(3) The alternate words in subclause (2)(f) apply if—

(a) the applicant for a replacement coastal permit has not undertaken the process outlined in Schedule CE4 within the previous 12 months; or

(b) the application for a replacement coastal permit does not include the report required by clause 5 of that schedule.

Compare: LI 2020/170 rr 38–42

Part 4
Land and soil

Subpart 4.1—Preliminary provisions

Framework outcome

4.1.1 Soil framework outcome

The **soil framework outcome** is that the ecological integrity, mana, and mauri of soils are protected or, if degraded, restored.

Limits and targets

4.1.2 Setting environmental limits and targets

(1) Every regional planning committee must set, in its plan, environmental limits and mandatory targets for ecological integrity for the specified attribute erodible soil stabilisation.

(2) The limits must be set in the manner specified in the table in Schedule LS1.

(3) The specified attribute must be set within the context of a management unit set under regulation 1.2.9.

(4) The mandatory targets must be identified as required by regulation 1.2.9A.

Subpart 4.2—Highly productive land

Framework outcome and framework policies

4.2.1 Highly productive land framework outcome

The **highly productive land framework outcome** is that highly productive land is protected for use in land-based primary production, both now and for future generations.

Compare: National Policy Statement for Highly Productive Land 2022 cl 2.1

4.2.2 Highly productive land framework policies

The **highly productive land framework policies** are as follows:

(a) Policy 1: highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production:

(b) Policy 2: the identification and management of highly productive land are undertaken in an integrated way that considers the interactions with freshwater management and urban development:

(c) Policy 3: highly productive land is mapped and included in plans and, optionally, in regional spatial strategies:

(d) Policy 4: the use of highly productive land for land-based primary production is prioritised and supported:

(e) Policy 5: the urban rezoning of highly productive land is avoided, except as provided in this subpart:

(f) Policy 6: the rezoning and development of highly productive land for rural lifestyle use are avoided, except as provided in this subpart:

(g) Policy 7: the subdivision of highly productive land is avoided, except as provided in this subpart:

(h) Policy 8: highly productive land is protected from inappropriate use and development:

(i) Policy 9: reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

Compare: National Policy Statement for Highly Productive Land 2022 cl 2.2

Interpretation

4.2.3 Definitions for subpart 4.2

In this subpart,—

highly productive land means land that has been mapped as highly productive land in a plan as required by regulation 4.2.6 or 4.2.7

identified for future urban development means identified in a published regional spatial strategy as land suitable for commencing urban development over the next 10 years

land-based primary production means production from agricultural, pastoral, horticultural, or forestry activities that is reliant on the soil resources of the land

LUC 1, 2, or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability Classification

productive capacity, in relation to land, means the ability of the land to support land-based primary production over the long term, based on an assessment of—

(a) physical characteristics (such as soil type, properties, and versatility); and

(b) legal constraints (such as consent notices, local authority covenants, and easements); and

(c) the size and shape of existing and proposed land parcels

specified (HPL) infrastructure means—

(a) specified critical infrastructure; and

(b) any regionally or nationally significant infrastructure identified as such in a regional spatial strategy or plan

supporting activities, in relation to highly productive land, means those activities reasonably necessary to support land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing)

urban rezoning means a change from zoning that predominantly provides for primary production to zoning that predominantly provides for urban uses

urban uses means any of the following uses:

(a) low-density residential, general residential, medium-density residential, large-lot residential, or high-density residential uses:

(b) settlement, neighbourhood centre, local centre, town centre, metropolitan centre, or city centre uses:

(c) commercial, large-format retail, or mixed uses:

(d) light industrial, heavy industrial, or general industrial uses:

(e) special-purpose uses (such as for ports, airports, stadiums, tertiary education institutions, corrections purposes), other than for Māori special purposes:

(f) sport and active recreation uses:

(g) other recreational uses (but not including uses of natural open space).

General directions

4.2.4 Integrated management

The integrated management of highly productive land requires that regional planning committees and local authorities, in addition to doing the things in regulation 1.2.1, consider how land-based primary production, including supporting activities, interact with freshwater management at a catchment level.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.2

4.2.5 Tangata whenua involvement

(1) In giving effect to this subpart in plans, regional planning committees and local authorities must actively involve tangata whenua (to the extent they wish to be involved).

(2) The active involvement with tangata whenua must include consultation that is—

(a) early, meaningful and, as far as practicable, in accordance with tikanga Māori; and

(b) undertaken at the appropriate levels of whānau, hapū, and iwi decision-making structures, recognising that—

(i) some delegates will have to represent the interests and perspectives of more than one group; and

(ii) some committees are not always fully representative of every iwi and hapū in the region; and

(iii) each constituent group will continue to be entitled to make submissions on notified plans and retain all other rights to be heard and have standing for appeals.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.3

Specific directions

4.2.6 Mapping highly productive land

(1) Every regional planning committee must map as highly productive land any land in its region—

(a) that—

(i) is zoned to predominantly provide for rural use or primary production (but not rural lifestyle use); and

(ii) is LUC 1, 2, or 3 land; and

(iii) forms a large and geographically cohesive area; but

(b) was not identified for future urban development (as defined in the National Policy Statement for Highly Productive Land 2022) as at 17 October 2022

(2) Regional planning committees may map land that is zoned to predominantly provide for rural use or primary production (but not rural lifestyle use) but is not LUC 1, 2, or 3 land, as highly productive land if the land is, or has the potential to be (based on current uses of similar land in the region), highly productive for land-based primary production in that region, having regard to the soil type, physical characteristics of the land and soil, and climate of the area.

(3) Regional planning committees must undertake the mapping required by this regulation—

(a) in collaboration with relevant regional councils and territorial authorities; and

(b) in consultation with tangata whenua, as required by regulation 4.2.5; and

(c) at a level of detail that identifies individual parcels of land or, where appropriate for larger sites, parts of parcels of land.

(4) For the purpose of identifying land as required by subclause (1)—

(a) mapping based on the New Zealand Land Resource Inventory is conclusive of LUC status, unless a regional planning committee accepts any more detailed mapping that uses the Land Use Capability classification in the New Zealand Land Resource Inventory; and

(b) where possible, the boundaries of large and geographically cohesive areas must be identified by reference to natural boundaries (such as the margins of water bodies), or legal or non-natural boundaries (such as roads, property boundaries, and fence-lines); and

(c) small, discrete areas of land that are not LUC 1, 2, or 3 land, but are within a large and geographically cohesive area of LUC 1, 2, or 3 land, may be included; and

(d) small, discrete areas of LUC 1, 2, or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2, or 3 land.

(5) A regional planning committee may include maps of highly productive land in its regional spatial strategy.

Compare: National Policy Statement for Highly Productive Land 2022 cls 3.4, 3.5

4.2.7 Land mapped as highly productive land under Resource Management Act 1991

(1) Despite regulation 4.2.6, maps of highly productive land that were prepared in accordance with the National Policy Statement for Highly Productive Land 2022 must be included in a region's first proposed plan if, on the date that the proposed plan is notified under Schedule 6 of the Act,—

(a) an operative regional policy statement for the region includes the maps; or

(b) the regional council has notified the maps of highly productive land in a proposed regional policy statement or proposed change to a regional policy statement.

(2) When including the maps referred to in subclause (1) in the first proposed plan, the regional planning committee may change the maps to reflect any of the following changes that have occurred since the maps were prepared—

(a) changes to land use capability classification; or

(b) changes to zoning but, if the change results in the omission of any mapped highly productive land, only if the zone changes were made in accordance with clause 3.6 or 3.7 of the National Policy Statement for Highly Productive Land 2022; or

(c) changes to other matters that mean the land could not be classified as highly productive land under regulation 4.2.6(1)(a) or (2).

4.2.8 Restricting urban rezoning of highly productive land

(1) Regional planning committees may allow urban rezoning of highly productive land in the urban environments of tier 1 or tier 2 local authorities only if—

(a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to subpart 11.2; and

(b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and

(c) the environmental, social, cultural, and economic benefits of rezoning outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land for land-based

primary production, taking into account both tangible and intangible values.

(2) In order to meet the requirements of subclause (1)(b), a regional planning committee or territorial authority must consider a range of reasonably practicable options for providing the required development capacity, including—

(a) greater intensification in existing urban areas; and

(b) rezoning land that is not highly productive land to provide for urban uses; and

(c) rezoning different highly productive land that has a relatively lower productive capacity.

(3) In subclause (1)(b), development capacity is **within the same locality and market** if it—

(a) is in or close to a location where a demand for additional development capacity has been identified through a Housing and Business Assessment (or some equivalent document) in accordance with subpart 11.2; and

(b) is for a market for the types of dwelling or business land that is in demand (as determined by a Housing and Business Assessment in accordance with subpart 11.2).

(4) Regional planning committees and territorial authorities may allow urban rezoning of highly productive land in urban environments that are not tier 1 or 2 urban environments only if—

(a) the urban rezoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district or region; and

(b) there are no other reasonably practicable and feasible options for providing the required development capacity; and

(c) the environmental, social, cultural, and economic benefits of the urban rezoning outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

(5) If highly productive land is rezoned under this regulation, the land ceases to be highly productive land from the date on which the plan change giving effect to the urban rezoning becomes operative.

(6) In this regulation—

(a) references to regional planning committees are to regional planning committees when performing their functions relating to making and changing plans; and

(b) references to territorial authorities are to territorial authorities when making decisions on land use and subdivision consent applications (including where a plan change request is treated as a resource consent application), and on initiating plan changes.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.5(6), 3.6

4.2.9 Avoiding rezoning of highly productive land for rural lifestyle

(1) Regional planning committees and territorial authorities must avoid rezoning highly productive land to provide predominantly for rural lifestyle uses, except as provided in regulation 4.2.12.

(2) If, as a result of an exemption in regulation 4.2.12, highly productive land is rezoned to provide for predominantly rural lifestyle use, the land ceases to be highly productive land from the date on which the plan change giving effect to the rezoning becomes operative.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.5(6), 3.7

4.2.10 Avoiding subdivision of highly productive land

(1) Regional planning committees and territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:

(b) the subdivision is on identified Māori land:

(c) the subdivision is for specified (HPL) infrastructure and there is a functional or operational need for the subdivision.

(2) Regional planning committees and territorial authorities must take measures to ensure that any subdivision of highly productive land—

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in the region or district; and

(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

(3) In subclause (2), **subdivision** includes partitioning orders made under Te Ture Whenua Māori Act 1993.

(4) Regional planning committees must include outcomes, policies, and plan rules in plans to give effect to this regulation, and may include appropriate provisions in regional spatial strategies.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.8

4.2.11 Protecting highly productive land from inappropriate use and development

(1) Regional planning committees and territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.

(2) The use or development of highly productive land is inappropriate except where at least 1 of the following applies to the use or development, and the measures in subclause (3) are applied:

- (a) it provides for supporting activities on the land:
- (b) it addresses a high risk to public health and safety:
- (c) the use or development recognises and provides for at least 1 system outcome in section 6(2)(a), (b), (e), (f) (but only as it relates to the protection of customary rights), (g), or (h) of the Act:
- (d) it is on identified Māori land:
- (e) it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:
- (f) it provides for the retirement of land from land-based primary production for the purpose of improving water quality:
- (g) it is a small-scale or temporary land use activity that has no impact on the productive capacity of the land:
- (h) it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:
- (i) it provides for public access:
- (j) it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:
  - (i) the construction, maintenance, operation, upgrade, or expansion of specified (HPL) infrastructure:
  - (ii) mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand:
  - (iii) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.

(3) Regional planning committees and territorial authorities must take measures to ensure that any use or development of highly productive land—

- (a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in the region or district; and

(b) avoids if possible, or otherwise minimises, any actual or potential adverse sensitivity effects on land-based primary production activities from the use or development.

(4) Regional planning committees must include provisions in plans to give effect to this regulation.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.9

4.2.12 Exemption for highly productive land subject to permanent or long-term constraints

(1) Regional planning committees and territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under regulation 4.2.9, 4.2.10, or 4.2.11 if satisfied that—

(a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and

(b) the subdivision, use, or development—

(i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the region or district; and

(ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and

(iii) avoids if possible, or otherwise minimises, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

(c) the environmental, social, cultural, and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

(2) In order to satisfy a regional planning committee or territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation) the following:

(a) alternative forms of land-based primary production:

(b) improved land-management strategies:

(c) alternative production strategies:

(d) water efficiency or storage methods:

(e) reallocation or transfer of water and nutrient allocations:

(f) boundary adjustments (being subdivisions that alter the existing boundaries between adjoining allotments, without altering the number of allotments), including amalgamations:

(g) lease arrangements.

(3) Any evaluation under subclause (2) of reasonably practicable options—

(a) must not take into account the potential economic benefit of using the highly productive land for purposes other than land-based primary production; and

(b) must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land is located; and

(c) must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses.

(4) The size of the landholding in which the highly productive land is located is not of itself a determinant of a permanent or long-term constraint.

(5) In this regulation, **long-term constraint** means a constraint that is likely to last for at least 30 years.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.10

4.2.13 Continuation of existing activities

(1) Regional planning committees must include provisions in their plans to—

(a) enable the maintenance, operation, or upgrade of any existing activities on highly productive land; and

(b) ensure that any loss of highly productive land from those activities in minimised.

(2) In this regulation, **existing activity** means an activity that, on 17 October 2022,—

(a) is a consented activity, a designated activity, or an activity covered by a notice of requirement; or

(b) has an existing use of land or activity protected or allowed by section 30 or 34 of the Act.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.11

4.2.14 Supporting appropriate productive use of highly productive land

Regional planning committees must include provisions in their plans that—

(a) prioritise the use of highly productive land for land-based primary production over other uses; and

(b) encourage opportunities that maintain or increase the productive capacity of highly productive land, but only where those opportunities are

not inconsistent with any freshwater value outcomes identified under subpart 2.2.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.12

4.2.15 Managing reverse sensitivity and cumulative effects

Regional planning committees must include provisions in their plans that—

(a) identify typical activities and effects associated with land-based primary production on highly productive land that should be anticipated and tolerated in a productive rural environment; and

(b) require the avoidance if possible, or otherwise the mitigation, of any potential reverse sensitivity effects from urban rezoning or rural lifestyle development that could affect land-based primary production on highly productive land (where mitigation might involve, for instance, the use of setbacks and buffers); and

(c) require consideration of the cumulative effects of any subdivision, use, or development on the availability and productive capacity of highly productive land in their region.

Compare: National Policy Statement for Highly Productive Land 2022 cl 3.13

Subpart 4.3—Storing tyres outdoors

Framework outcome

4.3.1 Tyre storage framework outcome

The **tyre storage framework outcome** is that the storage of tyres outdoors is managed in a way that ensures that—

(a) the quality of water in water bodies and coastal water is maintained or enhanced; and

(b) the risk of fire associated with the activity is avoided or mitigated; and

(c) the discharge of contaminants into land, air, or water is controlled to mitigate the risk to the health, safety, and well-being of people and communities.

Application

4.3.2 Application of subpart 4.3

(1) This subpart applies to storing tyres outdoors on a property.

(2) This subpart does not apply within the coastal marine area.

(3) However, subclause (2) does not prevent effects on the coastal environment (including the coastal marine area) from being considered under regulation 4.3.14.

Compare: LI 2021/107 rr 7, 9

Interpretation

4.3.3 Definitions for subpart 4.3

In this subpart,—

active retreading business means a business that is currently engaged in retreading tyres

newly retreaded, in relation to a tyre, means a retreaded tyre that—

(a) was used before it was retreaded; but

(b) has not been used since it was retreaded

overhead transmission line—

(a) means the overhead conductors and other wires that are used to convey electricity on the national grid; and

(b) includes—

(i) the towers and poles that support the conductors and other wires; and

(ii) the cable transition stations for the conductors and other wires

property means—

(a) an allotment; or

(b) 2 or more allotments taken together, if the allotments are adjacent to each other and are owned or managed by the same person

registered drinking-water supply means a drinking-water supply that is listed in the register of drinking water supplies kept and maintained by Taumata Arowai under section 55 of the Water Services Act 2021

storing tyres outdoors has the meaning given by regulation 4.3.5(1)

supply drinking water means to supply drinking water—

(a) to a registered drinking-water supply; or

(b) directly to a dwelling-house

surface water body—

(a) means freshwater or geothermal water in the whole or any part of a river, lake, stream, pond, or wetland; but

(b) excludes freshwater or geothermal water that is—

(i) within the coastal marine area; or

(ii) in the whole or any part of an aquifer

tyre—

(a) includes—

(i) a tyre in a tyre bale; and

(ii) a tyre that is shredded or chipped; and

(iii) a tyre casing without tread; but

(b) excludes—

(i) an inner tube for a tyre; and

(ii) any product derived from a tyre through a process that involves separating from each other the rubber and other materials that form the tyre

tyre bale means a bale that is formed by compressing tyres and binding them together.

Compare: LI 2021/107 r 4

4.3.4 Measuring volume of tyres

In this subpart,—

(a) the volume of a tyre includes the air space (if any) that is within the tyre's outer limits; and

(b) the volume of tyres in a tyre bale is the volume of the tyre bale as a whole; and

(c) the total volume of tyres stored on a property is the total volume of those tyres, regardless of whether the tyres are located together or on separate parts of the property.

Compare: LI 2021/107 r 5

4.3.5 When are tyres stored outdoors

(1) **Storing tyres outdoors** occurs if—

(a) tyres are, or have been, deposited on a property and are allowed to remain there for more than 72 hours; and

(b) the tyres are not indoors or buried in the ground; and

(c) the active use exception in regulation 4.3.6 does not apply.

(2) Tyres are **indoors** if they are inside an immovable or a moveable construction that is fully enclosed by a roof, walls, and a floor.

Compare: LI 2021/107 r 7

Other preliminary matters

4.3.6 Active use exception

(1) The **active use exception** applies if tyres—

(a) are fitted to a vehicle, machinery, equipment, or other thing that is designed to be fitted with a tyre; or

(b) are being used to weigh down the cover on a silage stack with a single layer of whole tyres; or

(c) are being used for sporting or recreation purposes, or for engineering, landscaping, drainage, or other construction purposes, and the requirements in subclause (2) are met.

(2) The requirements referred to in subclause (1)(c) are met if—

(a) the tyres—

(i) are attached to, or form part of, a structure; or

(ii) are bound, or otherwise connected, to each other; and

(b) the activity of using tyres for the relevant purpose under subclause (1)(c)—

(i) was lawfully established on the property before this subpart came into force; and

(ii) has not been discontinued for a continuous period of more than 6 months since this subpart came into force.

Compare: LI 2021/107 r 8

4.3.7 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this subpart.

Compare: LI 2021/017 r 3

4.3.8 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this subpart.

Compare: LI 2021/017 r 3

Stringency: framework rule

4.3.9 Stringency

A plan rule or bylaw may be more stringent than any framework rule in this subpart.

Compare: LI 2021/107 r 16

Framework rules

4.3.10 Storing less than 20 m^3 of tyres: permitted activity

Storing tyres outdoors on a property is a permitted activity if the total volume of tyres stored outdoors on the property is less than 20 m^3.

Compare: LI 2021/107 r 10

4.3.11 Storing 20 m^3 or more of tyres: permitted activity

(1) Storing tyres outdoors on the property is a permitted activity if the total volume of tyres stored outdoors on a property is 20 m^3 or more, and the requirements in subclause (2) are met.

Requirements

(2) The requirements are that—

(a) the general requirements in regulation 4.3.12 are met; and

(b) 1 or more of the following apply:

(i) the total volume of tyres stored outdoors on the property (other than tyres of the kind described in any of subparagraphs (ii) to (iv)) is less than 100 m^3:

(ii) the tyres are new or newly retreaded and are stored for the purpose of a business whose activities include the supply or servicing of new or newly retreaded tyres:

(iii) the tyres are awaiting retreading and are stored on a property that is owned or leased by the active retreading business that will undertake the retreading:

(iv) the tyres are stored for use as weights to weigh down covers on 1 or more silage stacks and the further requirements in regulation 4.3.13 are met.

Compare: LI 2021/107 r 11

4.3.12 General requirements for permitted activities

(1) The general requirements that apply under regulation 4.3.11(2)(a) are as follows:

(a) the tyres must not be piled more than 3 m high; and

(b) the tyres must be at least 50 m from—

(i) any overhead transmission line; and

(ii) any other part of the national grid that is above ground; and

(c) the tyres must be at least 50 m from any bore or surface water body (other than a river or stream) that is used to supply drinking water; and

(d) in relation to any river or stream that is used to supply drinking water, the tyres must be at least 50 m from the point of the river or stream at which the drinking water is abstracted; and

(e) except to the extent that paragraphs (c) and (d) apply, the tyres must be at least 20 m from—

(i) any bore that connects to an aquifer; and

(ii) any surface water body; and

(f) the tyres must be at least 1 m above the water table of any aquifer; and

(g) the tyres must be at least 50 m from the coastal marine area.

(2) The distance between tyres and another thing is,—

(a) if the other thing is an overhead transmission line, the shortest distance between the centre line of the overhead transmission line and the edge of the closest tyre:

(b) if the other thing is an electricity substation that is part of the national grid, the shortest distance between the electricity substation's outermost security fence and the edge of the closest tyre:

(c) in any other case, the shortest distance between the edge or boundary of that thing and the edge of the closest tyre.

Compare: LI 2021/107 r 12

4.3.13 Further requirements relating to tyres for silage stack covers

(1) The further requirements that apply under regulation 4.3.11(2)(b)(iv) (which is about tyres stored for use as weights for silage stack covers) are as follows:

(a) the tyres must be stored next to the pits or other areas where the silage stacks are regularly made; and

(b) the volume of tyres next to each pit or other area must be no more than needed to cover the silage stack in a single layer of whole tyres.

(2) For the purposes of subclause (1)(b),—

(a) the volume of tyres needed to cover a silage stack in a single layer of whole tyres is the volume needed to cover the largest silage stack that may reasonably be made in the pit or other area; and

(b) if some tyres are currently being used to weigh down the cover on a silage stack in the pit or other area, the volume of those tyres must be added to the volume of tyres being stored next to the pit or other area.

Compare: LI 2021/107 r 13

4.3.14 Storing tyres outdoors if not permitted activity: anticipated activity

(1) Storing tyres outdoors on a property is an anticipated activity if it is not a permitted activity under this subpart.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the adverse effects of the activity on land, freshwater, ecosystems, and the coastal environment:

(b) the risk of fire associated with the activity and the adverse effects of any fire on—

(i) air quality, freshwater, ecosystems, and the coastal environment; and

(ii) the health and safety of people and communities; and

(iii) the economic, social, and cultural well-being of people and communities:

(c) the proposed measures to avoid, minimise or remedy the adverse effects referred to in paragraph (a):

(d) the proposed measures to minimise the risk of fire associated with the activity and the adverse effects referred to in paragraph (b):

(e) the economic and environmental benefits (for example, those relating to the re-use, recycling, or recovery of tyre material) that may result from, or be facilitated by, the activity:

(f) the requirement for, and conditions of, a bond:

(g) the timing, and nature of, the review of conditions on the resource consent:

(h) the duration of the resource consent.

Compare: LI 2021/107 r 14

Subpart 4.4—Assessing and managing contaminants in soil

Framework outcome

4.4.1 Contaminated soil framework outcome

The **contaminated soil framework outcome** is that the adverse effects of contaminated soil on human health are managed by ensuring that affected land is—

(a) adequately, consistently, and efficiently identified, assessed, remediated, and contained; and

(b) assessed using appropriate soil contaminant standards that are protective of human health.

Application

4.4.2 Application of subpart 4.4

(1) This subpart applies only to HAIL land (as defined in regulation 4.4.3).

(2) However, this subpart does not apply to earthworks associated with the operation, maintenance, upgrade, relocation, or removal of existing transmission lines (because this is managed under subpart 13.4).

Compare: SR 2011/361 r 5(4)(b), (7)

Interpretation

4.4.3 Definitions for subpart 4.4

In this subpart,—

applicable standard, in relation to a contaminant, means the standard determined in accordance with regulation 4.4.4

changing the use means,—

(a) in relation to HAIL land that is not production land, changing it to a use that, because the land is HAIL land, is reasonably likely to harm human health; and

(b) in relation to HAIL land that is production land, changing the use of the land in a way that causes it to stop being production land

detailed site investigation report means a report—

(a) prepared following an investigation by a suitably qualified and experienced practitioner conducted in accordance with the requirements for a detailed site investigation as set out in *Contaminated land management guidelines No. 5—Site investigation and analysis of soils (revised 2021)*, published by the Ministry for the Environment; and

(b) that meets the requirements of the *Contaminated land management guidelines No. 1—Reporting on contaminated sites in New Zealand (revised 2021)*, published by the Ministry for the Environment; and

(c) that is certified by the suitably qualified and experienced practitioner

disturb means,—

(a) in relation to soil on HAIL land that is not production land, to disturb the soil for a particular purpose; and

(b) in relation to soil on HAIL land that is production land, to disturb any of the following:

(i) soil under existing residential buildings:

(ii) soil used for a farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:

(iii) soil that would be used under proposed residential buildings:

(iv) soil that would be used for a farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings

fuel storage system means a system in which at least 1 of the following is underground:

(a) a storage tank for aviation kerosene, diesel, kerosene, lubricating oil, or petroleum:

(b) the whole of the tank's ancillary equipment:

(c) part of the tank's ancillary equipment

HAIL land means a piece of land on which a hazardous activity or industry described in the HAIL is being, has been, or is more likely than not to be or have been, undertaken; but does not include such land if a detailed site investi-

gation report demonstrates that any contaminants in or on the land are at or below background concentrations

preliminary site investigation report means a report—

(a) prepared following a preliminary sit investigation by a suitably qualified and experienced practitioner; and

(b) that meets the requirements of the *Contaminated land management guidelines No. 1—Reporting on contaminated sites in New Zealand (revised 2021)*, published by the Ministry for the Environment; and

(c) that is certified by the suitably qualified and experienced practitioner

removing or replacing a fuel storage system means,—

(a) in relation to HAIL land that is not production land, any of the following:

  (i) removing or replacing the whole system:

  (ii) removing or replacing an underground part of the system:

  (iii) taking away or putting back soil associated with the removal or replacement of the system or the part:

  (iv) for purposes associated with removing or replacing the whole system or part of the system, sampling the soil of the HAIL land, or investigating, remediating, validating, or managing the HAIL land; and

(b) in relation to HAIL land that is production land, removing a fuel storage system from the land, or replacing a fuel storage system in or on it

sampling means,—

(a) in relation to soil on HAIL land that is not production land, sampling the soil to determine whether it is contaminated and, if it is, the amount and kind of contamination; and

(b) in relation to soil on HAIL land that is production land, sampling any of the following:

  (i) soil under existing residential buildings:

  (ii) soil used for a farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:

  (iii) soil that would be used for under proposed residential buildings:

  (iv) soil that would be used for a farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings

subdividing land, in relation to HAIL land, means—

(a) subdividing land that—

(i) has boundaries that are identical with the boundaries of the HAIL land; or

(ii) has all the HAIL land within its boundaries; or

(iii) has part of the HAIL land within its boundaries; and

(b) in relation to HAIL land that is production land, means subdividing the land in a way that causes it to stop being production land.

Compare: SR 2011/361 rr 3, 5

4.4.4 Applicable standards for contaminants of concern

(1) In this regulation,—

land use means—

(a) the current use, in relation to the removal or replacement of a fuel storage system or the sampling or disturbance of soil; and

(b) the intended use, in relation to the subdivision or change of use of land

Methodology means the *Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health*, published in 2011 by the Ministry for the Environment

priority contaminant means a contaminant for which the *Methodology* derives a soil contaminant standard.

(2) If the contaminant of concern is a priority contaminant and the land use fits within an exposure scenario adopted in the *Methodology*, the applicable standard is the soil contaminant standard for the priority contaminant.

(3) If the contaminant of concern is a priority contaminant and the land use does not fit within an exposure scenario adopted in the *Methodology*, the applicable standard is whichever of the following is more appropriate in the circumstances:

(a) the guideline value derived in accordance with the methods and guidance on site-specific risk assessment provided in the *Methodology*:

(b) the soil contaminant standard for the priority contaminant of the exposure scenario adopted in the *Methodology* with greater assumed exposure than the actual exposure.

(4) If the contaminant of concern is not a priority contaminant, the applicable standard is whichever of the following is more appropriate in the circumstances:

(a) the guideline value derived in accordance with the methods and guidance on site-specific risk assessment provided in the *Methodology*:

(b) a guideline value for the protection of human health that is chosen in accordance with the *Contaminated land management guidelines No. 2—*

Hierarchy and application in New Zealand of Environmental Guideline Values (revised 2011), published by the Ministry for the Environment.

Compare: SR 2011/361 r 7

4.4.5 Methods for determining whether land is HAIL land

(1) For the purpose of this subpart, the only 2 acceptable methods for determining whether land is HAIL land are as follows:

(a) use the most up-to date information about the land, or the area where it is located, that the territorial authority—

(i) holds on its dangerous goods files, property files, or resource consent database or relevant registers; or

(ii) has available to it from the regional council:

(b) rely on a preliminary site investigation report that states—

(i) whether or not activity or industry described in the HAIL is being or has been undertaken on that land; or

(ii) the likelihood that an activity or industry described in the HAIL is being or has been undertaken on that land.

(2) Either of the methods in subclause (1) may be used by a person to establish whether land is HAIL land.

(3) Whichever method is used, the person who selects the method must meet all the costs involved in using that method.

Compare: SR 2011/361 r 6

Other preliminary matters

4.4.6 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this subpart.

Compare: LI 2011/361 r 4

4.4.7 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this subpart.

Compare: LI 2011/361 r 4

Removing or replacing fuel storage systems: framework rules

4.4.8 Removing or replacing fuel storage systems: permitted activity

() The removal from, or replacement of, a fuel storage system on HAIL land is a permitted activity if the requirements in subclause (2) are met.

Requirements

(1) The requirements are that—

(a) the activity is done in accordance with the *Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (revised 2011)*, published by the Ministry for the Environment; and

(b) the territorial authority of the district where the system is located is notified of—

(i) the place where the activity is to be done:

(ii) the dates on which it is intended that the activity will begin and end:

(iii) the facility at which it is intended that soil taken away in the course of the activity will be disposed of; and

(c) notification under paragraph (b) is done no sooner than 1 month and no later than 1 week before the activity begins; and

(d) the volume of soil disturbed is no more than 30 m^3 for each tank in the system; and

(e) the volume of soil taken away in the course of the activity is no more than 30 m^3 for each tank in the system; and

(f) soil taken away in the course of the activity is disposed of at a facility authorised to receive soil of that kind; and

(g) the duration of the activity is no longer than 2 months; and

(h) the results of the investigation of the HAIL land required by the guidelines described in paragraph (a) are reported to the territorial authority within 3 months after the activity ends.

Compare: SR 2011/361 r 8

4.4.9 Removing or replacing fuel storage systems: anticipated activity

(1) The removal or replacement of a fuel storage system on HAIL land is an anticipated activity if—

(a) the activity does not meet the requirements for being a permitted activity under regulation 4.4.8; and

(b) the consent authority is satisfied that the soil on the HAIL land does not exceed the applicable standard.

(2) A consent authority may be satisfied for the purpose of subclause (1)(b) only on the basis of a detailed site investigation report.

Matters over which control reserved

(3) The matters over which control is reserved are as follows:

(a) the adequacy of the site investigation, including—

(i) site sampling; and

(ii) laboratory analysis; and

(iii) risk assessment:

(b) how the activity is—

(i) managed, which may include a requirement for a site management plan; and

(ii) monitored; and

(iii) reported on:

(c) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:

(d) the timing and nature of the review of the conditions in the resource consent:

(e) the duration of the resource consent.

Compare: SR 2011/361 r 9

4.4.10 Removing or replacing fuel storage systems: anticipated activity

(1) The removal or replacement of a fuel storage system on HAIL land is an anticipated activity if—

(a) the activity does not meet the requirements for being a permitted activity under regulation 4.4.8; and

(b) the consent authority is satisfied that the soil contamination on the HAIL land exceeds the applicable standard.

(2) A consent authority may be satisfied for the purpose of subclause (1)(b) only on the basis of a detailed site investigation report.

Matters over which control reserved

(3) The matters over which control is reserved are as follows:

(a) the adequacy of the detailed site investigation, including—

(i) site sampling; and

(ii) laboratory analysis; and

(iii) risk assessment; and

(b) the suitability of the HAIL land for the proposed activity, given the amount and kind of soil contamination; and

(c) the approach to the remediation or ongoing management of the HAIL land, including the following:

(i) the remediation or management methods to address the risk posed by the contaminants to human health:

(ii) the timing of the remediation:

(iii) the standard of the remediation on completion:

(iv) the mitigation methods to address the risk posed by the contaminants to human health:

(v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants; and

(d) the adequacy of the site management plan or the site validation report or both, as applicable; and

(e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity; and

(f) the requirement for and conditions of a financial bond; and

(g) the timing and nature of the review of the conditions in the resource consent; and

(h) the duration of the resource consent.

Compare: SR 2011/361 r 10

4.4.11 Removing or replacing fuel storage systems: discretionary activity

The removal or replacement of a fuel storage system on HAIL land is a discretionary activity if the activity is not a permitted activity or an anticipated activity.

Compare: SR 2011/361 r 11

Sampling or disturbing soil: framework rules

4.4.12 Sampling or disturbing soil: permitted activity

(1) The sampling or disturbance of soil on HAIL land is a permitted activity if the relevant requirements in either subclause (2) or (3) are met.

Requirements

(2) In relation to the sampling of soil, the requirements are that—

(a) controls to minimise the exposure of humans to mobilised contaminants must be—

(i) in place when the activity begins; and

(ii) effective while the activity is done; and

(iii) effective until the soil is reinstated to an erosion-resistant state; and

(b) the soil must be reinstated to an erosion-resistant state within 1 month after the end of the course of sampling for which the activity was done; and

(c) soil must not be taken away in the course of the activity except as samples taken for the purpose of laboratory analysis; and

(d) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

(3) In relation to the disturbance of soil, the requirements are that—

(a) controls to minimise the exposure of humans to mobilised contaminants must be—

(i) in place when the activity begins; and

(ii) effective while the activity is done; and

(iii) effective until the soil is reinstated to an erosion-resistant state; and

(b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done; and

(c) the volume of the disturbance of the soil of the HAIL land must be no more than 25 m^3 per 500 m^2; and

(d) soil must not be taken away in the course of the activity, except that,—

(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples; and

(ii) for all other purposes combined, a maximum of 5 m^3 per 500 m^2 of soil may be taken away per year; and

(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind; and

(f) the duration of the activity must be no longer than 2 months; and

(g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

Compare: SR 2011/361 r 8(2), (3)

4.4.13 Sampling or disturbing soil; contamination not exceeding applicable standard: anticipated activity

(1) The sampling or disturbance of soil on HAIL land is an anticipated activity if—

(a) the activity does not meet the requirements for being a permitted activity under regulation 4.4.12; but

(b) the consent authority is satisfied that the soil contamination of the piece of land does not exceed the applicable standard.

(2) A consent authority may be satisfied for the purpose of subclause (1) only on the basis of a detailed site investigation report.

Matters over which control reserved

(3) The matters over which control is reserved are the same as those listed in regulation 4.4.9(3).

Compare: SR 2011/361 r 9(1), (2)

4.4.14 Sampling or disturbing soil; contamination exceeds applicable standard: anticipated activities

(1) The sampling or disturbance of soil on HAIL land is an anticipated activity if—

(a) the activity does not meet the requirements for being a permitted activity under regulation 4.4.12; and

(b) the consent authority is satisfied that soil contamination of the HAIL land does exceed the applicable standard.

(2) A consent authority may be satisfied for the purpose of subclause (1) only on the basis of a detailed site investigation report.

Matters over which control reserved

(3) The matters over which control is reserved are the same as in regulation 4.4.10(3).

Compare: SR 2011/361 r 10

4.4.15 Sampling or disturbing soil: discretionary activity

The sampling or disturbance of soil on HAIL land is a discretionary activity if the activity is not a permitted activity or an anticipated activity.

Compare: SR 2011/361 r 11

Subdivision or changing use: framework rules

4.4.16 Subdivision or changing use: permitted activity

(1) The subdivision or change of use of HAIL land is a permitted activity if the consent authority is satisfied that it is highly unlikely that there will be a risk to human health if that activity is done.

(2) A consent authority may be satisfied for the purpose of subclause (1) only on the basis of a preliminary site investigation report.

Compare: SR 2011/361 r 8(4)

4.4.17 Subdivision or changing use; contamination not exceeding applicable standard: anticipated activity

(1) The subdivision or change of use of HAIL land is an anticipated activity if—

(a) the activity does not meet the requirements for being a permitted activity under regulation 4.4.16; but

(b) the consent authority is satisfied that soil contamination of the piece of land does not exceed the applicable standard.

(2) A consent authority may be satisfied for the purpose of subclause (1) only on the basis of a detailed site investigation report.

Matters over which control reserved

(3) The matter over which control is reserved is the adequacy of the detailed site investigation, including—

(a) site sampling; and

(b) laboratory analysis; and

(c) risk assessment.

Compare: SR 2011/361 r 9(3), (4)

4.4.18 Subdividing or changing use; contamination exceeds applicable standard: anticipated activity

(1) The subdivision or change of use of HAIL land is an anticipated activity if—

(a) the activity does not meet the requirements for being a permitted activity under regulation 4.4.16; and

(b) the consent authority is satisfied that soil contamination of the piece of land does exceed the applicable standard.

(2) A consent authority may be satisfied for the purpose of subclause (1) only on the basis of a detailed site investigation report.

Matters over which control reserved

(3) The matters over which control is reserved are the same as in regulation 4.4.10(3).

Compare: SR 2011/361 r 10

4.4.19 Subdividing or changing use: discretionary activity

The subdivision or change of use of HAIL land is a discretionary activity if the activity is not a permitted activity or an anticipated activity.

Compare: SR 2011/361 r 11

4.4.20 Public notification

The anticipated activities referred to in regulations 4.4.10, 4.4.14, and 4.4.18 may be publicly notified if the territorial authority determines that public notification is appropriate.

Part 5
Air

Subpart 5.1—Preliminary provisions

Framework outcome

5.1.1 Air framework outcome

The **air framework outcome** is that air quality is managed—

(a) to minimise the total health burden from air pollution; and

(b) to assist in the reduction of climate pollutants.

Other preliminary matters

5.1.2 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this subpart.

5.1.3 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this subpart.

Subpart 5.2—Air quality

Interpretation

5.2.1 Definitions for subpart 5.2

In this subpart,—

firefighter means an employee, volunteer, or contractor of Fire and Emergency New Zealand who carries out an operational activity within the meaning of section 6 of the Fire and Emergency New Zealand Act 2017

oil—

(a) means petroleum in any form other than gas; and

(b) includes crude oil, fuel oil sludge, oil refuse, and refined oil products (for example, diesel fuel, kerosene, and motor gasoline)

solid fuel means a solid substance that releases usable energy when burnt, such as wood or coal

solid fuel burner means a domestic-scale solid fuel burning device, including open fires, woodburners, pellet burners, multifuel burners, stoves designed and used for cooking, and boilers used to heat water

waste means substances or objects that are disposed of or intended to be disposed of

woodburner means a domestic heating appliance solid fuel burner that burns wood, other than—

(a) an open fire; or

(b) a multifuel heater, a pellet heater, or a coal-burning heater; or

(c) a wood-burning stove that is designed and used for cooking.

Compare: SR 2004/309, r 3

Stringency: framework rule

5.2.2 Stringency

A plan rule, resource consent, or bylaw may be more stringent than any framework rule in this subpart.

Compare: SR 2004/309 r 28

Burning things: framework rules

5.2.3 Burning tyres: prohibited activity

The burning of tyres, and resulting discharge to air of a contaminant, is prohibited except in accordance with a resource consent for the discretionary activity in regulation 5.2.4.

Compare: SR 2004/309 r 7(1)

5.2.4 Burning tyres: discretionary activity

The burning of tyres, and resulting discharge to air of a contaminant, is a discretionary activity if—

(a) the burning is carried out at industrial or trade premises; and

(b) the premises have emission control equipment that is designed and operated to minimise emissions of dioxins and other air toxics from the process.

Compare: SR 2004/309 r 7(2)

5.2.5 Burning bitumen: prohibited activity

The burning of bitumen on a road, and the resulting discharge to air of a contaminant, is prohibited.

Compare: SR 2004/309 r 8

5.2.6 Burning coated wire: prohibited activity

The burning of wire coated with any material, and resulting discharge to air of a contaminant, is prohibited, except—

(a) where the wire is part of a building that is burned for the purpose of training firefighters; or

(b) in accordance with a resource consent for the discretionary activity in regulation 5.2.7.

Compare: SR 2004/309 r 9(1)

5.2.7 Burning coated wire: discretionary activity

The burning of wire coated with any material, and resulting discharge to air of a contaminant, is a discretionary activity if—

(a) the wire is burned at industrial or trade premises; and

(b) the premises have emission control equipment that is designed and operated to minimise emissions of dioxins and other air toxics from the process.

Compare: SR 2004/309 r 9(2)

5.2.8 Burning oil in open air: prohibited activity

(1) The burning of oil in the open air, and resulting discharge to air of a contaminant, is prohibited, except—

(a) where the discharge from the burning of oil is directed to the open air by a stack, chimney, or exhaust pipe (such as on a motor vehicle); or

(b) where the burning is for creating special smoke and fire effects for the purpose of producing films; or

(c) where the burning is for the purpose of training firefighters; or

(d) in accordance with a resource consent for the discretionary activity in regulation 5.2.9.

(2) In this regulation,—

film—

(a) means a cinematograph film and any other material record of visual moving images that is capable of being used for the subsequent display of those images; but

(b) excludes—

(i) anything that was not created primarily for showing at a cinema, broadcasting on television, or using for educational purposes; and

(ii) home movies.

Compare: SR 2004/309 r 10(1), (2)(a) and (b), (3)

5.2.9 Burning oil in open air: discretionary activity

The burning of oil in the open air, and resulting discharge to air of a contaminant, is a discretionary activity if the burning—

(a) is done by means of a flare; and

(b) is for the purpose of undertaking health and safety procedures in the petroleum exploration and production industry or the petrochemical industry.

Compare: SR 2004/309, r 10(2)(d)

Operating incinerators: framework rules

5.2.10 Operation of incinerators at schools and healthcare institutions: discretionary activity

(1) The operation of an incinerator at a school or healthcare institution, and resulting discharge to air of a contaminant, is a discretionary activity.

(2) In this regulation, **health care institution** has the meaning given in section 2(1) of the Health and Disability Commissioner Act 1994.

Compare: SR 2004/309 r 11

5.2.11 Operation of high-temperature hazardous waste incinerators: prohibited activity

(1) The operation of a high-temperature hazardous waste incinerator, and resulting discharge to air of a contaminant, is a prohibited activity, except where the incinerator—

(a) is a crematorium; or

(b) is operating at the following places:

(i) 89 Paritutu Road, New Plymouth:

(ii) 816 Wairakei Road, Christchurch:

(iii) Hape Drive (perimeter road), Auckland International Airport, Auckland.

(2) In this regulation,—

hazardous waste means waste that—

(a) belongs to 1 or more of the categories in Annex I of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, done at Basel on 22 March 1989; and

(b) has 1 or more of the characteristics in Annex III of that convention

high temperature hazardous waste incinerator means an incinerator that is designed and operated principally for burning hazardous waste at a temperature greater than 850°C as measured—

(a) near the inner wall of the incinerator; or

(b) at another point in the combustion chamber where the temperature is likely to represent the temperature in the incinerator.

Compare: SR 2004/309 r 12(1)

Landfills and cleanfill areas: framework rules

5.2.12 Lighting fires and burning waste at landfills and cleanfill areas: prohibited activity

(1) The lighting of fires or burning of waste at a landfill or cleanfill area, and resulting discharge to air of a contaminant, is prohibited.

(2) This regulation does not apply to the lighting of a fire at a landfill or cleanfill area to control gas formed at the landfill or cleanfill area if—

(a) the landfill or cleanfill area complies with regulation 5.2.13(1)(a) and (b); and

(b) the gas is either—

(i) used as fuel or for generating electricity; or

(ii) flared in accordance with regulation 5.2.13(3) to (5).

Compare: SR 2004/309 r 6

5.2.13 Discharge of gas from landfill: prohibited activity

(1) The discharge to air of gas from a landfill is a prohibited activity, unless—

(a) the landfill is of the kind described in subclause (2); and

(b) the landfill has a system for collecting gas formed at the landfill that is designed and operated to ensure that any discharge of gas from the surface of the landfill does not exceed 5,000 parts of methane per million parts of air; and

(c) the gas is either—

(i) used as fuel or for generating electricity; or

(ii) is flared in accordance with subclauses (3) to (5).

(2) The exception in subclause (1) applies only to a landfill that—

(a) has a total capacity of at least 1 million tonnes; and

(b) contains at least 200,000 tonnes of waste; and

(c) is or is likely to be accepting waste; and

(d) contains or is intended to contain waste that is likely to consist of 5% or more (by weight) of matter that is putrescible or biodegradable; and

(e) is not a landfill that accepts only material that, when buried or placed, will not have an adverse effect on the environment.

(3) If gas collected at a landfill is destroyed by flaring,—

(a) a principal flare must be operated at all times unless it has malfunctioned or is shut down for maintenance; and

(b) a backup flare must be—

(i) designed to burn only when the principal flare to which it relates is not operating; and

(ii) operated if, and only if, a principal flare is not operating; and

(c) the system for the principal flare or flares must either comply with the requirements of subclause (4) or achieve at least the same effect as the system in that subclause; and

(d) the system for the backup flare must either comply with the requirements in subclause (5) or achieve at least the same effect as the system in that subclause.

(4) The system for a principal flare must—

(a) have a flame arrestor; and

(b) have an automatic backflow prevention device, or an equivalent device, between the principal flare and the landfill; and

(c) have an automatic isolation system that ensures that, if the flame is lost, no significant discharge of unburnt gas from the flare occurs; and

(d) have a continuous automatic ignition system; and

(e) have a design that achieves a minimum flue gas retention time of 0.5 seconds; and

(f) be designed and operated so that gas is burned at a temperature of at least 750°C; and

(g) have a permanent temperature indicator; and

(h) have adequate sampling ports to enable emission testing to be undertaken; and

(i) provide for safe access to sampling ports while any emission tests are being undertaken.

(5) The system for a backup flare must have—

(a) a flame arrestor; and

(b) an automatic backflow prevention device, or an equivalent device, between the backup flare and the landfill; and

(c) an automatic isolation system that ensures that, if the flame is lost, no significant discharge of unburnt gas from the flare occurs; and

(d) a continuous automatic ignition system.

Compare: SR 2004/309 rr 25–27

Woodburners and other solid fuel burners: framework rules

5.2.14 Discharge from woodburners installed after 1 September 2005 and before this regulation comes into force: prohibited activity

(1) The discharge of particles to air from a woodburner installed after 1 September 2005 and before the date on which this regulation comes into force is a prohibited activity if the woodburner is in a building on a property with an allotment size of less than 2 hectares and—

(a) the discharge is of more than 1.5 grams of particles per kilogram of dry wood burnt; or

(b) the woodburner does not comply with the thermal efficiency standard in regulation 5.2.16.

(2) The discharge must be measured in accordance with—

(a) the method specified in Australian/New Zealand Standard AS/NZS 4013:2014, Domestic solid fuel burning appliances—Method for determination of flue gas emission; or

(b) for a woodburner excluded from that method, another method that is functionally equivalent.

5.2.15 Discharge from solid fuel burners installed after this regulation comes into force: prohibited activity

(1) The discharge of particles to air from a solid fuel burner installed, on or after the date on which this regulation comes into force, on a property with an allotment size of less than 2 hectares is a prohibited activity if—

(a) the discharge is of more than 1.0 grams of particles per kilogram of solid fuel burnt; or

(b) the solid fuel burner does not comply with the thermal efficiency standard in regulation 5.2.16.

(2) The discharge must be measured in accordance with—

(a) the method specified in Australian/New Zealand Standard AS/NZS 4013:2014, Domestic solid fuel burning appliances—Method for determination of flue gas emissions; or

(b) for a solid fuel burner excluded from that method, another method that is functionally equivalent.

5.2.16 Thermal efficiency standard

(1) The thermal efficiency standard for a solid fuel burner—

(a) is the ratio of useable heat energy output to energy input (**thermal efficiency**); and

(b) must be not less than 65%.

(2) The thermal efficiency must be calculated in accordance with—

(a) the method specified in Australian/New Zealand Standard AS/NZS 4012:2014, Domestic solid fuel burning appliances—Method for determination of power output and efficiency; or

(b) for a solid fuel burner excluded from that method, another method that is functionally equivalent.

Compare: SR 2004/309 r 24

Part 6
Indigenous biodiversity

Subpart 6.1—Preliminary provisions

Framework outcomes and framework policies

6.1.1 Indigenous biodiversity framework outcomes

The **indigenous biodiversity framework outcome** is that the ecological integrity, mana, and mauri of indigenous biodiversity are protected and, if degraded, restored, with no overall decline after 4 August 2023, including by—

(a) protecting significant indigenous biodiversity from the adverse effects of subdivision, use, and development; and

(b) maintaining and restoring indigenous biodiversity; and

(c) recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(d) recognising the role of people and communities (including landowners) as stewards of indigenous biodiversity.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 2.1

6.1.2 Indigenous biodiversity framework policies

The **indigenous biodiversity framework policies** are as follows:

(a) Policy 1: indigenous biodiversity is managed in a way that gives effect to the principles of te Tiriti o Waitangi and the decision-making principles in regulation 6.1.5:

(b) Policy 2: tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through—

(i) managing indigenous biodiversity on their land; and

(ii) identifying and protecting indigenous species, populations, and ecosystems that are taonga; and

(iii) actively participating in other decision making about indigenous biodiversity:

(c) Policy 3: a precautionary approach is adopted when considering adverse effects on indigenous biodiversity:

(d) Policy 4: indigenous biodiversity is managed to promote resilience to the effects of climate change:

(e) Policy 5: significant biodiversity areas (**SBAs**) are identified using a consistent approach:

(f) Policy 6: SBAs are protected by avoiding or managing adverse effects from new subdivision, use, and development:

(g) Policy 7: the importance of maintaining indigenous biodiversity outside SBAs is recognised and provided for:

(h) Policy 8: certain established activities are provided for within and outside SBAs:

(i) Policy 9: activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for as set out in this subpart:

(j) Policy 10: geothermal SBAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification:

(k) Policy 11: indigenous biodiversity is managed within plantation forestry while providing for plantation forestry activities:

(l) Policy 12: restoration of indigenous biodiversity is promoted and provided for:

(m) Policy 13: increased indigenous vegetation cover is promoted in both urban and non-urban environments:

(n) Policy 14: areas outside SBAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved:

(o) Policy 15: regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale:

(p) Policy 16: there is improved information about, and regular monitoring of, indigenous biodiversity.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 2.2

Application

6.1.3 Application of Part 6

(1) This Part applies to—

(a) indigenous biodiversity in the terrestrial environment throughout Aotearoa New Zealand; and

(b) geothermal ecosystems, whether or not they are on land or in water, but not including any within the coastal marine area; and

(c) specified highly mobile fauna, whether or not they use areas outside the terrestrial environment (such as the coastal marine area or water bodies) for part of their life cycle.

(2) Natural inland wetlands inside an SBA may be treated as part of the SBA (despite not being part of the terrestrial environment), and provisions relating to promoting restoration and increasing indigenous vegetation cover extend to include natural inland wetlands.

(3) Regional biodiversity strategies may extend to include areas outside the terrestrial environment, including the coastal marine area and waterbodies.

(4) [Placeholder: Policy work is currently underway on the relationship between indigenous biodiversity (including SNAs and SBAs) and the approach to managing effects of renewable electricity generation and electricity transmission on indigenous biodiversity. Provisions relating to this issue are intended to be included in this transitional national planning framework by the time it is notified. The placeholder is consistent with clause 1.3(3) of the National Policy Statement on Indigenous Biodiversity 2023 prepared under the RMA. Clause 1.3(3) is intended to apply until the policy position is resolved under the RMA through the proposed amendments to the National Policy Statement for Renewable Electricity Generation 2011 and National Policy Statement on Electricity Transmission 2008.]

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 1.3

Interpretation

6.1.4 Definitions for Part 6

In this Part,—

acknowledged taonga means indigenous species, populations, or ecosystems that tangata whenua have identified as taonga under regulation 6.2.19 but that may not, or not yet, be identified in a plan

biodiversity compensation has the meaning given in Part 2 of Schedule 3 of the Act

biodiversity decision-making principles means the principles set out in regulation 6.1.5(3)

biodiversity offset has the meaning given in Part 1 of Schedule 3 of the Act

buffer refers to a defined space between core areas of ecological value and the wider landscape that helps to reduce external pressures; and **buffering** has a corresponding meaning

connectivity refers to the structural or functional links or connections between habitats and ecosystems that provide for the movement of species and processes among and between the habitats or ecosystems

ecological district means,—

(a) in relation to geothermal ecosystems in the Taupō Volcanic Zone, the Taupō Volcanic Zone; and

(b) for all other areas, the ecological districts as shown in *Ecological regions and districts of New Zealand*, McEwen, W Mary (ed), (1987) published by the Department of Conservation

geothermal ecosystem means a dynamic life-supporting system made up of a group of living organisms that are located within a geothermal system and are adapted to, and reliant on, geothermal resources

geothermal SBA means an SBA that includes 1 or more geothermal ecosystems

geothermal system means a system, defined by scientific investigation, that—

(a) comprises—

(i) geothermal energy, stored as water or steam; and

(ii) the rocks confining it; and

(iii) associated water, steam, and gas emissions; and

(iv) the geothermal surface features resulting from those emissions; and

(b) is believed to have no hydrological connection to another system

highly mobile fauna area means an area outside an SBA that is identified under regulation 6.2.20 as an area used intermittently by specified highly mobile fauna

identified, in relation to an SBA or HVBA in a region, means—

(a) identified in this national planning framework; or

(b) identified in the region's plan

identified taonga means acknowledged taonga that are identified in a plan (as provided for in regulation 6.2.19)

indigenous biodiversity effects management hierarchy means the effects management framework described in section 437 of the Act, as applied to indigenous biodiversity

indigenous vegetation means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located

maintenance, in relation to indigenous biodiversity, has the meaning given in regulation 6.1.5

natural range, in relation to a species, refers to the geographical area within which that species can be expected to be found naturally (without human intervention)

reconstruction means reintroducing and maintaining appropriate biota to recreate an ecosystem that would not regenerate or recolonise even with best-practice restoration interventions

resilience, in relation to an ecosystem, means the ability of the ecosystem to recover from and absorb disturbances, and its capacity to reorganise into similar ecosystems

restoration means the active intervention and management of modified or degraded habitats, ecosystems, landforms, and landscapes in order to maintain or reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities; and may include enhancement activities

SBA means a significant biodiversity area (as defined in section 11 of the Act)

SNA, or significant natural area, means any area that, on or after 4 August 2023,—

(a) was notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2023; or

(b) was identified in a policy statement or district plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); unless, after that date, a suitably qualified ecologist engaged by the relevant local authority determined that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna

specified covenant or kawenata means a covenant or kawenata that is—

(a) registered against the record of title or lease agreement (as relevant), under any of the following:

  (i) section 22 of the Queen Elizabeth the Second National Trust Act 1977:

  (ii) section 27 or 27A of the Conservation Act 1987:

  (iii) sections 76 and 77 of the Reserves Act 1977; and

(b) is identified, with the agreement of the relevant landowner or lessee and the prior written consent of the covenantee, by the relevant local authority as a specified covenant or kawenata

specified highly mobile fauna means species of highly mobile fauna that—

(a) are identified in Schedule IB3; and

(b) listed as Threatened or At Risk in the New Zealand Threat Classification System

specified (IB) infrastructure means any of the following:

(a) specified critical infrastructure:

(b) regionally or nationally significant infrastructure identified as such in a regional spatial strategy or plan:

(c) infrastructure that is necessary to support housing development in an urban environment and is—

  (i) included in a proposed or operative plan; or

  (ii) identified for development in a regional spatial strategy

specified Māori land means land that is any of the following:

(a) Māori customary land (as defined in Te Ture Whenua Maori Act 1993):

(b) land vested in the Māori Trustee that—

(i) is constituted as a Māori reserve by or under the Maori Reserved Land Act 1955; and

(ii) remains subject to that Act:

(c) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Maori Act 1993:

(d) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):

(e) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:

(f) Māori freehold land (as defined in Te Ture Whenua Maori Act 1993):

(g) other land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over that land

(h) Treaty settlement land, being land held by a post-settlement governance entity (as defined in section 9 of the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself)—

(i) as part of redress for the settlement of Treaty of Waitangi claims; or

(ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed

suitably qualified ecologist means a professional ecologist with a background and expertise in conducting ecological assessments

terrestrial environment means land and associated natural and physical resources above mean high-water springs—

(a) including geothermal ecosystems; but

(b) excluding other land covered by water, water bodies, and freshwater ecosystems (as those terms are used in subpart 2.2), and the coastal marine area

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 1.6

6.1.5 Meaning of biodiversity decision-making principles, and priorities

(1) This Part prioritises the mauri and intrinsic value of indigenous biodiversity and recognises people's connections and relationships with indigenous biodiversity.

(2) It recognises that the health and well-being of people and communities are dependent on the health and well-being of indigenous biodiversity and that in return people have a responsibility to care for and nurture it, and acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community, at both a physical and metaphysical level.

(3) Consistent with this, the biodiversity decision-making principles that must inform the implementation of this Part are as follows:

(a) prioritise the mauri, intrinsic value and well-being of indigenous biodiversity:

(b) give effect to the principles of te Tiriti o Waitangi:

(c) recognise the bond between tangata whenua and indigenous biodiversity based on whakapapa relationships:

(d) recognise the obligation and responsibility of care that tangata whenua have as kaitiaki of indigenous biodiversity:

(e) recognise the role of people and communities (including landowners) as stewards of indigenous biodiversity:

(f) enable the application of te ao Māori and mātauranga Māori at place:

(g) form strong and effective partnerships with tangata whenua.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 1.5

6.1.6 Meaning of maintenance of indigenous biodiversity

For the purpose of this Part, **maintaining indigenous biodiversity** requires—

(a) the maintenance and at least no overall reduction of all the following:

(i) the size of populations of indigenous species:

(ii) indigenous species occupancy across their natural range:

(iii) the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:

(iv) the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:

(v) connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:

(vi) the resilience and adaptability of ecosystems; and

(b) where necessary, the restoration and enhancement of ecosystems and habitats.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 1.7

Limits and targets

6.1.7 Setting environmental limits and targets

(1) Every regional planning committee must set, in its plan, the environmental limits and mandatory targets for ecological integrity for the attribute Indigenous vegetation cover.

(2) The environmental limits must be set in the manner specified in the table in Schedule IB1.

(3) The mandatory targets must be identified as required by regulation 1.2.9A.

Other preliminary matters

6.1.8 Relationship with other parts of this national planning framework

(1) Both this Part and Part 3 apply in the coastal environment but, if there is a conflict between the Parts, Part 3 prevails.

(2) If there is a conflict between this Part and Part 2, Part 2 (other than subparts 2.6 and 2.7) prevails.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 1.4(1)–(3)

Subpart 6.2—Indigenous biodiversity generally

General directions

6.2.1 Application of biodiversity decision-making principles

Regional planning committees and local authorities must engage with tangata whenua and other people and communities (including landowners) to ensure that the biodiversity decision-making principles inform decisions, and are given effect to, when implementing this subpart in their regions and districts.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.2

6.2.2 Tangata whenua as partners

(1) Every regional planning committee and local authority must involve tangata whenua (to the extent that they wish to be involved) as partners in the management of indigenous biodiversity and, in particular,—

(a) when identifying the local approach to giving effect to the biodiversity decision-making principles; and

(b) in the processes (including decision-making processes) for managing the implementation of this subpart; and

(c) when preparing or changing regional spatial strategies and plans that relate to indigenous biodiversity; and

(d) in developing regional biodiversity strategies, including setting the vision for landscape-scale restoration of indigenous biodiversity; and

(e) in determining how to identify and manage the indigenous species, populations, and ecosystems of those species that are taonga; and

(f) in enabling mātauranga Māori at place to be applied at all stages of management of indigenous biodiversity.

(2) When involving tangata whenua as required by subclause (1), and particularly when preparing or changing regional spatial strategies and plans to give effect to this subpart, regional planning committees and local authorities must—

(a) ensure that engagement with tangata whenua—

(i) is early, meaningful, and in accordance with tikanga Māori; and

(ii) has regard to the different levels of whānau, hapū, and iwi decision-making structures; and

(b) in managing indigenous biodiversity, recognise and value the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(c) provide specific opportunities for tangata whenua to exercise kaitiakitanga in accordance with tikanga Māori; and

(d) allow for the sustainable customary use of indigenous biodiversity in accordance with tikanga Māori.

(3) Regional planning committees and local authorities must work with tangata whenua to investigate the use of mechanisms available under the Act to involve tangata whenua in the management of, and decision-making about, indigenous biodiversity, such as the following:

(a) transfers or delegations of power under section 57 or clause 32 of Schedule 7 of the Act:

(b) joint management agreements under section 63 of the Act:

(c) Mana Whakahono ā Rohe (iwi participation arrangements) under subpart 6 of Part 3 of the Act.

(4) When a regional planning committee or local authority considers the use of mechanisms to involve tangata whenua in the management of indigenous biodiversity, it must—

(a) record the matters considered and the reasons for any decisions reached, or for not making a decision; and

(b) publish those matters and reasons as soon as practicable after the consideration, unless publication would be contrary to any legal obligation.

(5) Regional planning committees and local authorities must, with the consent of tangata whenua, enable the application of mātauranga Māori at place relating to indigenous biodiversity when implementing this subpart.

(6) Regional planning committees and local authorities must actively involve tangata whenua in developing processes for managing information provided by tangata whenua (including providing for how it may remain confidential if appropriate), particularly in relation to the identification and management of

species, populations, and ecosystems as taonga (in accordance with regulation 6.2.2).

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.3

6.2.3 Integrated management

The integrated management of indigenous biodiversity requires that regional planning committees and local authorities , in addition to doing the things in regulation 1.2.1, work towards aligning strategies and other planning tools required or provided for in legislation and that are relevant to indigenous biodiversity.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.4

6.2.4 Social, economic, and cultural well-being

Decision makers must consider—

(a) that the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural well-being of people and communities; and

(b) that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use, and development in appropriate places and forms; and

(c) the exercise of kaitiakitanga by tangata whenua in protecting, maintaining, and restoring indigenous biodiversity within their rohe; and

(d) the importance of forming partnerships in protecting, maintaining, and restoring indigenous biodiversity; and

(e) the role of people and communities, particularly landowners, as stewards of indigenous biodiversity; and

(f) the value of supporting people and communities in understanding, connecting to, and enjoying indigenous biodiversity.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.5

6.2.5 Resilience to climate change

(1) Decision makers must promote the resilience of indigenous biodiversity to climate change, including at least by—

(a) allowing and supporting the natural adjustment of habitats and ecosystems to the changing climate; and

(b) considering the effects of climate change when making decisions on—

(i) restoration proposals; and

(ii) managing and reducing new and existing biosecurity risks; and

(c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable

migrations so that species can continue to find viable niches as the climate changes.

(2) Decision makers must recognise the role of indigenous biodiversity in mitigating the effects of climate change.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.6

6.2.6 Precautionary approach

Decision makers must adopt a precautionary approach toward proposed activities where—

(a) the effects on indigenous biodiversity are uncertain, unknown, or little understood; but

(b) those effects could cause significant or irreversible damage to indigenous biodiversity.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.7

Regional spatial strategies: directions

6.2.7 Protecting indigenous biodiversity

(1) When preparing a regional spatial strategy, a regional planning committee must consider the ways available to achieve the indigenous biodiversity framework outcomes and policies.

(2) In considering how to achieve the framework outcomes and policies, the regional planning committee must consider the location, extent, and characteristics of identified SBAs, HVBAs, and acknowledged taonga in the region, and any area in the region that may be an SBA or HVBA.

Significant biodiversity areas (SBAs): directions

6.2.8 Assessing areas that qualify as SBAs

(1) Every regional planning committee must undertake an assessment of its region to identify areas that qualify as SBAs.

(2) If requested by a regional planning committee, the relevant regional council must provide all relevant information to the regional planning committee and assist it in undertaking the assessment.

(3) The assessment must be done using the assessment criteria in Schedule IB2 and in accordance with the following principles:

(a) **partnership**: early engagement, and sharing of information, with tangata whenua and landowners about indigenous biodiversity, potential management options, and any support and incentives that may be available:

(b) **transparency**: tangata whenua and landowners are clearly informed about how any information gathered will be used, and existing informa-

tion, draft assessments, and other relevant information are made available to tangata whenua and relevant landowners for review:

(c) **quality**: wherever practicable, the values and extent of natural areas are verified by physical inspection; but if a physical inspection is not practicable (because, for instance, the area is inaccessible, or a landowner does not give access), the regional planning committee uses the best available information:

(d) **access**: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 727 of the Act are used only as a last resort:

(e) **consistency**: the criteria in Schedule IB2 are applied consistently, regardless of who owns the land:

(f) **boundaries**: the boundaries of SBAs are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified.

(4) If the extent or values of a proposed SBA are disputed by the landowner, the regional planning committee must arrange a physical inspection of the area, unless a physical inspection is not practicable; and in that case the regional planning committee must use the best available information.

(5) A regional planning committee need not comply with subclause (1) in respect of an area that is identified as an SNA in a plan, or in an operative or proposed regional policy statement, regional plan, or district plan if, on or before 1 July 2027, a suitably qualified ecologist engaged by the regional planning committee confirms that the methodology originally used to identify the area as an SNA, and its application, is consistent with the assessment approach in Schedule IB2 for identifying SBAs.

(6) If a regional planning committee or local authority becomes aware (as a result of a resource consent application, notice of requirement, or any other means) that an area may qualify as an SBA,—

(a) the local authority must provide the regional planning committee with all relevant information as soon as practicable; and

(b) the regional planning committee must arrange an assessment of the area, in which case subclause (3) applies; and

(c) if a new SBA is identified as a result, the regional planning committee must include it in the next appropriate notified plan or plan change.

(7) If a suitably qualified ecologist confirms that an area that qualifies as an SBA comprises or contains a geothermal ecosystem, the SBA is a geothermal SBA.

(8) An area of Crown-owned land may qualify as an SBA without the need for the assessment required by subclause (1), using Schedule IB2, if—

(a) the land is managed by the Department of Conservation under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and

(b) the regional planning committee is reasonably satisfied, after consultation with the Department of Conservation, that all or most of the area would qualify as an SBA under Schedule IB2; and

(c) the area is—

(i) a large and more-or-less contiguous area managed under a single protection classification (such as a national park); or

(ii) a large, compact, and more-or-less contiguous area under more than 1 classification (such as adjoining reserves and a conservation park); or

(iii) a well-defined landscape or geographical feature (such as an island or mountain range); or

(iv) a scientific, scenic, or nature reserve under the Reserves Act 1977, a sanctuary area, ecological area, or wildlife management area under the Conservation Act 1987, or an isolated part of a national park.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.8

6.2.9 Identifying SBAs

(1) When an area is recognised as being an SBA, the relevant regional planning committee must identify it in its plan.

(2) The identification of the SBA must—

(a) include the location of the SBA and a description of its values; and

(b) include a map of the area; and

(c) specify whether the SBA is a geothermal SBA.

(3) When a regional planning committee reviews its plan as required by the Act, it must assess the region in accordance with regulation 6.2.8(1) to (3) to determine whether changes are needed.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.9

6.2.10 Managing adverse effects on SBAs of new subdivision, use, and development

(1) This regulation applies to any new subdivision, use, or development that is in, or affects, an SBA, except as provided in—

(a) subclause (6); and

(b) regulations 6.2.12 and 6.2.18 (about SBAs on specified Māori land); and

(c) regulation 6.2.13 (about geothermal SBAs); and

(d) regulation 6.2.14 (about plantation forestry activities).

(2) Each of the following adverse effects on an SBA of any new subdivision, use, or development must be avoided, except as provided in regulation 6.2.11:

(a) loss of ecosystem representation and extent:

(b) disruption to sequences, mosaics, or ecosystem function:

(c) fragmentation of SBAs or the loss of buffers or connections within an SBA:

(d) a reduction in the function of the SBA as a buffer or connection to other important habitats or ecosystems:

(e) a reduction in the population size or occupancy of an indigenous species that—

(i) is listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System; and

(ii) uses the SBA for any part of its life cycle.

(3) Any adverse effects on an SBA of a new subdivision, use, or development that are not referred to in subclause (2), or that occur as a result of the exceptions in regulation 6.2.11, must be managed by applying the indigenous biodiversity effects management framework.

(4) Where adverse effects on an SBA are required to be managed by applying the indigenous biodiversity effects management framework, an applicant must be required to demonstrate:

(a) how each step of the indigenous biodiversity effects management framework will be applied; and

(b) if biodiversity offsetting or biodiversity compensation is applied, the applicant has complied with all the relevant principles in Schedule 3 of the Act.

(5) If land in an SBA is covered by a specified covenant or kawenata, a local authority may, at the request of the landowner or lessee, allow certain specified activities within the SBA that may not be consistent with this regulation, provided that—

(a) the local authority is satisfied that the specified activities—

(i) are consistent with the specified covenant or kawenata and any current management plan approved by the covenantee; and

(ii) are for the purpose of protecting, restoring, or accessing the SBA's ecological attributes; and

(b) the covenantee gives prior written consent to the exemption for the specified activities; and

(c) if the land is Crown-owned, the appropriate Crown agency gives prior written consent to the exemption for the specified activities.

(6) Nothing in this regulation applies to adverse effects on an SBA from any of the following:

(a) any use or development required to address a high risk to public health or safety:

(b) the sustainable customary use of indigenous biodiversity conducted in accordance with tikanga Māori:

(c) work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes), provided that the work or activity—

(i) is undertaken in a way that is consistent with any applicable conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987, or any other Act specified in Schedule 1 of that Act; and

(ii) does not have a significant adverse effect beyond the boundary of the land:

(d) work within Te Urewera of Te Urewera Board, or undertaken by the chief executive of Tūhoe Te Uru Taumatua or the Director-General of Conservation, provided that the work—

(i) is for the purpose of managing Te Urewera under the Te Urewera Act 2014 and is consistent with that Act and the management plan under that Act; and

(ii) does not have a significant adverse effect on the environment beyond the boundary of Te Urewera:

(e) the harvest of indigenous tree species from an SBA that is carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949.

(7) In subclause (2),—

ecosystem function means the abiotic (physical) and biotic (ecological and biological) flows that are properties of an ecosystem

fragmentation, in relation to indigenous biodiversity, refers to the fragmentation of habitat that results in a loss of connectivity and an altered spatial configuration of habitat for a given amount of habitat loss

mosaic means a pattern of 2 or more interspersed ecosystems, communities, or habitats that contribute to the cumulative value of ecosystems in a landscape

sequence means a series of ecosystems or communities, often physically connected, that replace one another through space.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.10

6.2.11 Exceptions to regulation 6.2.10

(1) Regulation 6.2.10(2) does not apply, and any adverse effects on an SBA of a new subdivision, use, or development must be managed in accordance with regulation 6.2.10(3) and (4), if—

(a) the new subdivision, use or development is required for any of the following purposes:

(i) construction or upgrade (if the upgrade does not meet the requirements of regulation 6.2.15(2)) of specified (IB) infrastructure that provides significant national or regional public benefit:

(ii) mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; but this subparagraph does not apply to any mineral extraction that is coal mining, and subparagraph (iv) applies instead:

(iii) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand:

(iv) the operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal; and

(b) there is a functional need or operational need for the new subdivision, use, or development to be in that particular location; and

(c) there are no practicable alternative locations for the new subdivision, use, or development.

(2) Regulation 6.2.10(2) does not apply, and any adverse effects on an SBA of a new use or development must be managed in accordance with regulation 6.2.10(3) and (4), if—

(a) the new use or development is associated with a single residential dwelling on an allotment created before 4 August 2023; and

(b) there is no practicable location within the allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in regulation 6.2.10(2).

(3) If a new use or development is for the purpose of maintaining or restoring an SBA and does not involve the permanent destruction of significant habitat of indigenous biodiversity, regulation 6.2.10(2) does not apply, and any adverse effects on the SBA must be managed—

(a) in accordance with regulation 6.2.10(3) and (4); or

(b) under any alternative management approach that is consistent with the plan outcomes, plan policies, and methods developed for the purpose of restoration (*see* regulation 6.2.21).

(4) Regulation 6.2.10(2) does not apply, and any adverse effects on an SBA of a new use or development must be managed in accordance with regulation 6.2.10(3) and (4), if the use or development—

(a) is in an area of indigenous vegetation or habitat of indigenous fauna (other than an area managed under the Forests Act 1949) that was established and is managed primarily for a purpose other than the maintenance or restoration of that indigenous biodiversity; and

(b) the loss of indigenous biodiversity values is necessary to meet that purpose.

(5) Regulation 6.2.10(2) does not apply, and any adverse effects on an SBA of a new use or development must be managed in accordance with regulation 6.2.10(3) and (4), if the use or development is an activity associated with the harvest of indigenous tree species from an SBA carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949, such as track clearance or timber storage, but not the harvesting of the trees itself (*see* regulation 6.2.10(6)(e)).

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.11

6.2.12 SBAs on specified Māori land

(1) SBAs on specified Māori land must be managed in accordance with regulation 6.2.18, except that—

(a) geothermal SBAs on specified Māori land must be managed in accordance with regulation 6.2.13; and

(b) SBAs within plantation forests must be managed in accordance with regulation 6.2.16.

(2) To avoid doubt, if any specified Māori land ceases to be used for plantation forestry activities, the land must be managed in accordance with regulation 6.2.18, and not under regulation 6.2.14.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.12

6.2.13 Geothermal SBAs

(1) Every regional planning committee that has a geothermal SBA in its region must work in partnership with tangata whenua to prepare or change its plan to include plan outcomes, plan policies, and methods that, in relation to any new subdivision, use, and development, provide a level of protection of the geothermal SBA that—

(a) either—

(i) reflects the vulnerability of the geothermal SBA to use or development; or

(ii) in the case of a region that, on the date on which this Part comes into force, has classified its geothermal systems, is consistent with the geothermal system classification that applies on that date in the region in which the geothermal SBA is located; and

(b) applies, to the extent practicable, the approach in regulation 6.2.10(2) and (3) to the geothermal SBA; and

(c) in the case of a geothermal SBA on specified Māori land, provides for new occupation, use, and development that enables tangata whenua to use and develop geothermal resources in a manner that has regard to the vulnerability of the geothermal SBA to use or development, or is consistent with the geothermal system classification in which the geothermal SBA is located (as applicable), and in accordance with tikanga Māori; and

(d) requires the decision maker on any resource consent application to—

(i) have particular regard to the adverse effects described in regulation 6.2.10(2) when managing adverse effects on the geothermal SBA; and

(ii) consider any practicable measures for the restoration of the geothermal SBA.

(2) Any assessment of the vulnerability of a geothermal SBA must be undertaken by a suitably qualified ecologist.

(3) In relation to a geothermal SBA, this regulation prevails over any other provision of this subpart that might apply to the SBA, other than regulation 6.2.15 (about established activities affecting SBAs), which applies to geothermal SBAs in the same way as it applies to other SBAs.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.13

6.2.14 Plantation forestry activities

(1) Except as provided in subclause (2), the adverse effects of plantation forestry activities in any existing plantation forest on any SBA must be managed in a manner that—

(a) maintains indigenous biodiversity in the SBA as far as practicable; and

(b) provides for plantation forestry activities to continue.

(2) Despite regulation 6.2.10, any part of an SBA that is within an area of an existing plantation forest that is planted, or is intended to be replanted, in trees for harvest must be managed over the course of consecutive rotations of production in the manner necessary to maintain the long-term populations of any indigenous species present in the area that is listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System.

(3) Every regional planning committee must prepare or change its plan to be consistent with the requirements of this regulation.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.14

6.2.15 Managing adverse effects of established activities on SBAs

(1) For the purpose of this regulation, **established activity** means an activity (including maintenance, operation, and upgrade) that—

(a) is in, or affects, an SBA; and

(b) is not a new subdivision, use, or development.

(2) Every regional planning committee must include provisions in its plan to enable specified established activities, or specified types of established activities, to continue if the effects of the activity on an SBA (including cumulative effects)—

(a) are no greater in intensity, scale, or character over time than at the date on which this Part comes into force; and

(b) do not result in the loss of extent, or degradation of ecological integrity, of an SBA.

(3) If an established activity does not meet the requirements of subclause (2), the activity must be managed under regulations 6.2.10 to 6.2.14 or regulation 6.2.18 (as relevant) as if it were a new use or development.

(4) To avoid doubt, nothing in this regulation affects existing use rights under sections 30 or 34 of the Act.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.15

6.2.16 Indigenous biodiversity outside SBAs

(1) If a new subdivision, use, or development is outside an SBA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SBA must be managed by applying the indigenous biodiversity effects management framework.

(2) All other adverse effects of activities that may adversely affect indigenous biodiversity that is outside an SBA (other than indigenous biodiversity on specified Māori land (*see* regulation 6.2.18), must be managed to give effect to the indigenous biodiversity framework outcomes and policies.

(3) Every regional planning committee must prepare or change its plan to be consistent with the requirements of this regulation.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.16

6.2.17 Maintenance of improved pasture for farming

(1) This regulation applies where the maintenance of improved pasture for farming may affect an SBA.

(2) Regional planning committees and local authorities must allow the maintenance of improved pasture to continue if—

(a) there is adequate evidence to demonstrate that the maintenance of improved pasture is part of a regular cycle of periodic maintenance of that pasture; and

(b) any adverse effects of the maintenance of improved pasture on an SBA are no greater in intensity, scale, or character than the effects of activities previously undertaken as part of the regular cycle of periodic maintenance of that pasture; and

(c) the improved pasture has not itself become an SBA; and

(d) the land is not an uncultivated depositional landform; and

(e) the maintenance of improved pasture will not adversely affect an indigenous species that is listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System.

(3) In this regulation—

depositional landform means a landform that is alluvial (matter deposited by water, for example, fans, river flats, and terraces), colluvial (matter deposited by gravity at the base of hillslopes, for example, talus), or glacial (matter deposited by glaciers, for example, moraines and outwash)

improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing

maintenance of improved pasture includes the removal of indigenous vegetation for the purpose of maintaining the improved pasture, whether the removal is by way of cutting, crushing, applying chemicals, draining, burning, cultivating, over-planting, applying seed of exotic pasture species, mob stocking, or making changes to soils, hydrology, or landforms.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.17

Other specific directions

6.2.18 Specified Māori land

(1) Regional planning committees must work in partnership (which includes acting in good faith) with tangata whenua and owners of specified Māori land to develop, and include in provisions in plans that, to the extent practicable—

(a) maintain and restore indigenous biodiversity on specified Māori land; and

(b) protect SBAs and identified taonga on specified Māori land.

(2) Provisions developed under this regulation must—

(a) enable new occupation, use, and development of specified Māori land to support the social, cultural, and economic well-being of tangata whenua; and

(b) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and

(c) enable alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SBAs and identified taonga on specified Māori land, and enable options for offsetting and compensation; and

(d) recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands; and

(e) recognise that there are circumstances where development will prevail over indigenous biodiversity; and

(f) recognise and be responsive to any recognised historical barriers tangata whenua have faced in occupying, using, and developing their ancestral lands.

(3) The decision maker on any resource consent application must, when considering matters affecting specified Māori land, take into account all the matters in subclause (2).

(4) Subclauses (2) and (3) do not apply to specified Māori land to the extent that the land is subject to full or partial legal protection under legislation for the purpose of protecting indigenous biodiversity on that land (such as protection provided by covenants or land classifications under the Reserves Act 1977, the Conservation Act 1987, or the National Parks Act 1980).

(5) Regional planning committees and local authorities must consider and realise opportunities to provide incentives for the protection and maintenance of indigenous biodiversity, and the protection of SBAs and identified taonga, on specified Māori land.

(6) Provisions in plans developed for the purpose of this regulation do not prevail over any management strategies or plans developed in the legislation referred to in paragraphs (d) and (e) of the definition of specified Māori land in regulation 6.1.3.

(7) In subclause (1), owners of specified Māori land include managers of lands referred to in paragraphs (e) and (f) of the definition of specified Māori land, and any trustee of specified Māori land in regulation 6.1.3.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.18

6.2.19 Acknowledged and identified taonga

(1) Every regional planning committee must work in partnership with tangata whenua of any rohe in its district, using an agreed process, to determine the

indigenous species, populations, and ecosystems in that rohe that are taonga (**acknowledged taonga**).

(2) Regional planning committees must recognise that tangata whenua have the right not to determine the indigenous species, populations, and ecosystems in their rohe that are taonga, and to choose the level of detail with which any acknowledged taonga, or their location or values, are described.

(3) If tangata whenua agree, regional planning committees must identify acknowledged taonga in their plans (**identified taonga**) by—

(a) describing the taonga and, to the extent agreed by tangata whenua, mapping their location and describing their values; and

(b) describing, to the extent agreed by tangata whenua, the historical, cultural, and spiritual relationship of tangata whenua with the taonga.

(4) Regional planning committees must work in partnership with tangata whenua to protect both acknowledged and identified taonga as far as practicable and to involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga.

(5) Identified taonga located on specified Māori land must be managed under regulation 6.2.18, but if identified taonga are located within an SBA that is not on specified Māori land,—

(a) the identified taonga must be managed in a manner consistent with the management approach applying to the SBA; and

(b) the matters listed in subclause (6) must be taken into account in managing the SBA.

(6) In managing effects on identified taonga, regional planning committees and decision makers considering resource consent applications must recognise that the possible adverse effects on identified taonga include effects on—

(a) the mauri of the taonga; and

(b) the values of the taonga as identified by tangata whenua; and

(c) the historical, cultural, and spiritual relationship of tangata whenua with the taonga, as identified by tangata whenua.

(7) Regional planning committees must prepare or change their plans as necessary to ensure that the sustainable customary use of identified taonga by tangata whenua in accordance with tikanga Māori, and in a manner consistent with the protection of the identified taonga, is provided for.

(8) Before acknowledged taonga are identified in a proposed plan, the regional planning committee must notify the relevant landowner of the presence of the taonga.

(9) To avoid doubt, the following cannot be acknowledged as taonga under this regulation:

(a) aquatic species:

(b) populations and ecosystems solely located in water bodies:

(c) populations and ecosystems in the coastal marine area.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.19

6.2.20 Specified highly mobile fauna

(1) If information about areas used by specified highly mobile fauna is available, local authorities must record areas outside SBAs that are highly mobile fauna areas, by working together with tangata whenua (in the manner required by regulation 6.2.2), any potentially affected landowners, other local authorities in their region, and the Department of Conservation.

(2) If it will help manage adverse effects on specified highly mobile fauna, regional planning committees must include in their plans (where practicable) a map and description of each highly mobile fauna area in the region.

(3) Regional planning committees must include provisions in their plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range.

(4) Local authorities must provide information to their communities about—

(a) highly mobile fauna and their habitats; and

(b) best-practice techniques for managing adverse effects on any specified highly mobile fauna and their habitats in their region.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.20

6.2.21 Restoration

(1) Regional planning committees must include plan outcomes, plan policies, and methods in their plans to promote the restoration of indigenous biodiversity, including through the reconstruction of areas.

(2) The plan outcomes, plan policies, and methods must prioritise all the following for restoration:

(a) SBAs whose ecological integrity is degraded:

(b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems:

(c) areas that provide important connectivity or buffering functions:

(d) natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:

(e) areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners:

(f) any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

(3) Regional planning committees and local authorities must consider providing incentives for restoration in priority areas referred to in subclause (2), and in particular where those areas are on specified Māori land, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.

(4) In relation to activities in areas prioritised for restoration, decision makers must consider—

(a) requiring conditions for restoration or enhancement on resource consents that are new or being reviewed; and

(b) recommending conditions on any new designations.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.21

6.2.22 Increasing indigenous vegetation cover

(1) Every regional council must assess the percentage of indigenous vegetation cover in—

(a) each of its urban environments; and

(b) its non-urban environments.

(2) The assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities, and tangata whenua (to the extent that they wish to be involved).

(3) Every regional planning committee must—

(a) set a goal of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% cover of indigenous vegetation; and

(b) consider, in consultation with tangata whenua and territorial authorities, setting higher goals for urban and non-urban environments that already have at least 10% coverage of indigenous vegetation; and

(c) include any indigenous vegetation cover goals in its plans.

(4) Regional planning committees must promote the increase of indigenous vegetation cover in their regions through provisions in their plans,—

(a) having regard to any goals set under subclause (3); and

(b) giving priority to all the following:

(i) areas referred to in regulation 6.2.21(2):

(ii) ensuring indigenous species richness appropriate to the ecosystem:

(iii) restoration at a landscape scale across the region:

(iv) using species, and seed from species, that are local to the area.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.22

6.2.23 Regional biodiversity strategies

(1) Every regional council must prepare a regional biodiversity strategy that complies with Schedule IB4 in collaboration with territorial authorities, tangata whenua, communities, and other identified stakeholders.

(2) Regional planning committees must have regard to the relevant regional biodiversity strategy when preparing their regional spatial strategies or developing restoration outcomes, policies, and methods for inclusion in plans.

(3) A regional council that, on the date on which this Part comes into force, had or was in the process of preparing a regional biodiversity strategy must update or complete the strategy no later than 3 August 2033.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.23

6.2.24 Information requirements

(1) Every regional planning committee must prepare or change its plan to require that, in relation to an application for a resource consent for an activity that would have more than trivial adverse effects on indigenous biodiversity, the application is not considered unless it includes a report that—

(a) is prepared by a suitably qualified ecologist and, as required, any other person with suitable expertise (such as someone with expertise in mātauranga Māori at place); and

(b) complies with subclause (2); and

(c) is commensurate with the scale and significance (to indigenous biodiversity) of the proposal.

(2) The report must—

(a) include a description of the existing ecological features and values of the site; and

(b) include a description of the adverse effects of the proposal on indigenous biodiversity and how those effects will be managed; and

(c) identify any effects on identified taonga; and

(d) identify the ecosystem services associated with indigenous biodiversity at the site; and

(e) include an assessment of the ecological integrity and connectivity within and beyond the site; and

(f) include mātauranga Māori at place, and tikanga Māori, assessment methodology, where relevant; and

(g) if biodiversity offsetting is proposed, set out—

(i) a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and

(ii) a description of how the relevant principles in Schedule 3 of the Act have been addressed; and

(iii) an assessment of the likely success of the plan in achieving a net gain in biodiversity values; and

(h) if biodiversity compensation is proposed, set out—

(i) a detailed plan of what is proposed; and

(ii) a description of how the relevant principles in Schedule 3 of the Act have been addressed; and

(iii) an assessment of the likely success of the plan in achieving its intended outcomes.

(3) In this regulation, **ecosystem services** means the benefits obtained from ecosystems, such as—

(a) supporting services, (for example, nutrient cycling, soil formation, habitat creation); and

(b) provisioning services, (for example, food, freshwater, wood, fibre, fuel); and

(c) regulating services, (for example, water purification, climate regulation, flood regulation, disease regulation); and

(d) cultural services, (for example, aesthetic, spiritual, educational, recreational).

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.24

6.2.25 Monitoring by regional councils

(1) Every regional council must monitor indigenous biodiversity in its region and work with tangata whenua, territorial authorities, relevant agencies and other relevant stakeholders to develop a monitoring plan for the region and each of its districts.

(2) A monitoring plan must—

(a) establish methods and time frames for monitoring the following:

(i) the maintenance of indigenous biodiversity in, and the ecological integrity and physical extent of, SBAs:

(ii) the maintenance of identified taonga:

(iii) the achievement of restoration outcomes established under regulation 6.2.21:

(iv) the percentage of indigenous vegetation cover in urban and non-urban environments in its region, as required under regulation 6.2.22, and

(b) use best-practice methods, or nationally agreed standards or methods, for monitoring areas that allow for comparability; and

(c) to the extent possible, where tangata whenua agree, use scientific monitoring methods, mātauranga Māori at place, and tikanga Māori monitoring methods equally; and

(d) recognise the importance of long-term trends in monitoring results, and the relationship between results and the overall state of indigenous biodiversity; and

(e) establish methods, such as action plans, for responding to monitoring that indicates the indigenous biodiversity framework outcomes will not be met.

(3) Methods and time frames may include different methods and time frames relating to SBAs and identified taonga but, if national monitoring methods are available, must use those methods.

Compare: National Policy Statement for Indigenous Biodiversity 2023 cl 3.25

Part 7
Outstanding natural features and outstanding natural landscapes

Subpart 7.1—Preliminary provisions

Framework outcome

7.1.1 Outstanding natural features and outstanding natural landscapes framework outcome

The **outstanding natural features and outstanding natural landscapes framework outcome** is that outstanding natural features and outstanding natural landscapes are protected and their contribution to New Zealand's character, identity, and values is recognised.

Interpretation

7.1.2 Definitions for Part 7

(1) In this Part,—

identified, in relation to an outstanding natural feature or outstanding natural landscape, means an outstanding natural feature or outstanding natural landscape identified as such,—

(a) in a region's plan; or

(b) before the region's NBEA date, in an operative or proposed regional policy statement, regional plan, or district plan.

(2) For the purposes of this Part, natural features must be treated as distinct from natural landscapes, and may include, for example,—

(a) natural qualities, landforms, or biophysical features; and

(b) geoheritage values (which are the scientific, educational, cultural, or aesthetic values and characteristics related to the geological, geomorphic, or palaeontological aspects of a site).

Other preliminary matters

7.1.3 Relationship with Part 3

Both this Part and Part 3 apply to outstanding natural features and outstanding natural landscapes in the coastal environment but, if there is a conflict between those Parts, Part 3 prevails.

Subpart 7.2—Directions

Regional spatial strategies: directions

7.2.1 Protecting identified outstanding natural features and identified outstanding natural landscapes

(1) When preparing a regional spatial strategy, a regional planning committee must consider the ways available to support the protection, maintenance, and, where appropriate, the restoration of identified outstanding natural features and identified outstanding natural landscapes.

(2) In considering the matters in subclause (1), the regional planning committee must consider the location, extent, and characteristics of the identified outstanding natural features and identified outstanding natural landscapes in its region.

7.2.2 Consideration of identified outstanding natural features and identified outstanding natural landscapes

(1) When preparing a regional spatial strategy, if a regional planning committee is considering whether a location should be identified as suitable for a particular activity, the regional planning committee must consider—

(a) whether, and the extent to which, the activity might adversely affect any identified outstanding natural features or identified outstanding natural landscapes; and

(b) whether there are practicable alternative locations for the proposed activities; and

(c) for each location considered,—

(i) the relative national, regional, or local benefits of having the activity located there; and

(ii) the potential adverse effects of the activity on identified outstanding natural features and identified outstanding natural landscapes; and

(iii) whether measures could be taken to reduce any adverse effects on them.

(2) If an area is identified as suitable for a particular activity, and the activity will or may have adverse effects on an identified outstanding natural feature or identified outstanding natural landscape, the regional planning committee must consider what measures, if any, could reduce the adverse effects.

7.2.3 Other outstanding natural features and outstanding natural landscapes

A regional planning committee may, in its regional spatial strategy, indicate outstanding natural features and outstanding natural landscapes that, though not identified as such, must be considered or taken into account in the preparation of its plan.

7.2.4 Information about outstanding natural features and outstanding natural landscapes

When preparing a regional spatial strategy, a regional planning committee—

(a) must consider whether and, if so, what further work is needed to support the development of the content of the relevant plan concerning the outstanding natural features and outstanding natural landscapes in the region; and

(b) may, but need not, describe that further work in the regional spatial strategy.

Part 8
Cultural heritage

Subpart 8.1—Preliminary provisions

Framework outcome

8.1.1 Cultural heritage framework outcome

The **cultural heritage framework outcome** is that cultural heritage is protected and, where appropriate, restored in a way that reflects its long-term contribution to cultural identity, social and economic well-being, a sense of place, and the relationship between people and place.

Application

8.1.2 Application of Part 8

This Part applies to cultural heritage in a region—

(a) that the relevant regional planning committee—

(i) knows about, or should know about; or

(ii) becomes aware of in the course of preparing or changing its regional spatial strategy or plan, as relevant; but

(b) does not apply to areas described or known as 'special character areas' (or any related term), except to the extent that those areas are or contain cultural heritage.

Other preliminary matters

8.1.3 Relationship with Part 3

Both this Part and Part 3 apply to cultural heritage in the coastal environment but, if there is a conflict between those Parts, Part 3 prevails.

Subpart 8.2—Directions

Regional spatial strategies: directions

8.2.1 Protecting cultural heritage

(1) When preparing a regional spatial strategy, a regional planning committee must consider the ways available to support the protection, conservation and, where appropriate, the restoration or enhancement of cultural heritage.

(2) In considering the matters in subclause (1), the regional planning committee must consider the location, extent, and characteristics of cultural heritage in its region.

8.2.2 Consideration of cultural heritage

(1) When preparing a regional spatial strategy, if a regional planning committee is considering whether a location should be identified as suitable for a particular activity, the regional planning committee must consider—

(a) whether, and the extent to which, the activity might adversely affect any cultural heritage; and

(b) whether there are practicable alternative locations for the proposed activities; and

(c) for each location considered,—

(i) the relative national, regional, or local benefits of having the activity located there; and

(ii) the potential adverse effects of the activity on cultural heritage; and

(iii) whether measures could be taken to reduce any adverse effects on cultural heritage.

(2) If an area is identified as suitable for a particular activity, and the activity will or may have adverse effects on cultural heritage, the regional planning committee must consider what measures, if any, could reduce the adverse effects.

8.2.3 Information about cultural heritage

When preparing a regional spatial strategy, a regional planning committee—

(a) must consider whether and, if so, what further work is needed to support the development of the content of the relevant plan concerning the cultural heritage in the region; and

(b) may, but need not, describe that further work in the regional spatial strategy.

Part 9
Natural hazards and effects of climate change

Subpart 9.1—Preliminary provisions

Framework outcome

9.1.1 Natural hazards and effects of climate change framework outcome

The **natural hazards and effects of climate change framework outcome** is that the environment is adaptive and resilient to natural hazards and the effects of climate change.

Other preliminary matters

9.1.2 Relationship with Part 3

Both this Part and Part 3 apply to natural hazards and the effects of climate change in the coastal environment, but if there is a conflict between those Parts, Part 3 prevails.

Subpart 9.2—Directions

Regional spatial strategies: directions

9.2.1 Consideration of natural hazards and effects of climate change

(1) In order to reduce risks and increase the adaptation and resilience of the environment to natural hazards and climate change, when preparing a regional spatial strategy, a regional planning committee must consider—

(a) natural hazards and effects of climate change; and

(b) the risks, including cumulative, cascading, and residual risks, associated with natural hazards and effects of climate change, and how those risks may change over time; and

(c) options for managing risk.

(2) Consideration of the matters in subclause (1) must—

(a) adopt a risk-management approach; and

(b) be proportionate (in the opinion of the regional planning committee) to the risks.

(3) In considering the matters in subclause (1), regional planning committees must pay particular attention (without limitation) to—

(a) communities and their ability to respond and adapt to natural hazards and the effects of climate change; and

(b) cultural heritage; and

(c) activities that are sensitive to natural hazards and the effects of climate change including, in particular, the operation and maintenance of specified critical infrastructure.

9.2.2 Increasing adaptation and resilience

When preparing a regional spatial strategy, a regional planning committee must consider strategic opportunities to adapt and increase resilience to natural hazards and the effects of climate change, particularly through the use of nature-based solutions (as required by regulation 1.2.4).

9.2.3 Identifying relevant natural hazards and effects of climate change

Every regional planning committee must identify, and include in its regional spatial strategy, the natural hazards and effects of climate change that are particularly relevant to the region and to the vision, objectives, and actions in the regional spatial strategy.

9.2.4 Information about natural hazards and effects of climate change

When preparing its regional spatial strategy, a regional planning committee—

(a) must consider whether and, if so, what further work is needed to support the development of the content of the relevant plan that addresses the reduction of risks from, and the increase in the adaptation and resilience of the environment to, natural hazards and the effects of climate change; and

(b) may, but need not, describe that further work in the regional spatial strategy.

Part 10
Greenhouse gases

Subpart 10.1—Preliminary provisions

Framework outcome

10.1.1 Greenhouse gases framework outcome

The **greenhouse gases framework outcome** is that greenhouse gas emissions are reduced and greenhouse gases are removed from the atmosphere, in order to mitigate climate change and assist in meeting New Zealand's emissions reduction targets.

Subpart 10.2—Directions

Regional spatial strategies: directions

10.2.1 Opportunities that lead to greenhouse gas emission reductions

When preparing a regional spatial strategy, a regional planning committee must consider opportunities to support activities, including land use changes, that lead to reductions in greenhouse gas emissions, particularly through the use of nature-based solutions (as required by regulation 1.2.1B).

10.2.2 Recognising value of specified carbon sinks

(1) When preparing its regional spatial strategy, a regional planning committee must—

(a) recognise the value of specified carbon sinks in removing greenhouse gases from the atmosphere; and

(b) consider whether any and, if so, which specified carbon sinks in its region need to be protected, restored, or enhanced.

(2) In this regulation, **specified carbon sink** means an area of land (other than land beyond the foreshore in the coastal marine area, or production land) that—

(a) absorbs more carbon dioxide than it releases; and

(b) retains or stores carbon dioxide; and

(c) occurs naturally, or is provided for with the intention of reducing climate change; and

(d) is large enough to be identified at the scale used in regional spatial strategies.

10.2.3 Assessing scenarios for development in tier 1 and 2 urban environments

(1) When considering spatial scenarios for development and infrastructure in urban environments, a regional planning committee must, in relation to any tier 1 or tier 2 urban environments in its region,—

(a) broadly assess the greenhouse gas emissions that would likely result from each spatial scenario; and

(b) use that assessment to inform decisions on land use change and urban growth options.

(2) When assessing greenhouse gas emissions under subclause (1)(a), regional planning committees must have regard to any nationally consistent methods or tools for assessing greenhouse gas emissions.

10.2.4 Information about greenhouse gas emissions

When preparing its regional spatial strategy, a regional planning committee—

(a) must consider whether and, if so, what further work is needed to support the development of the content of the relevant plan that addresses the reduction of greenhouse gas emissions and the removal of greenhouse gases; and

(b) may, but need not, describe that further work in the regional spatial strategy.

Subpart 10.3—Industrial process heat

Framework outcome and framework policies

10.3.1 Industrial process heat framework outcome

The **industrial process heat framework outcome** is that emissions of greenhouse gases are reduced by managing the discharges to air of greenhouse gases from the production of industrial process heat.

Compare: National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 cl 2.1

10.3.2 Industrial process heat framework policies

The **industrial process heat framework policies** are as follows:

(a) Policy 1: discharges to air of greenhouse gases from heat devices are reduced or eliminated by—

(i) avoiding discharges from new heat devices that burn coal and deliver heat at or above 300°C, unless there is no technically feasible and financially viable lower-emissions alternative; and

(ii) avoiding discharges from new heat devices that burn coal and deliver heat below 300°C; and

(iii) restricting discharges from existing heat devices that burn coal and deliver heat at or above 300°C; and

(iv) restricting and phasing out discharges from existing heat devices that burn coal and deliver heat below 300°C; and

(v) avoiding discharges from new heat devices that burn any fossil fuel other than coal, unless there is no technically feasible and financially viable lower-emissions alternative; and

(vi) restricting discharges from existing heat devices that burn any fossil fuel other than coal:

(b) Policy 2: regional councils consider the cumulative effects of discharges of greenhouse gases when considering resource consent applications for discharges from heat devices:

(c) Policy 3: holders of resource consents for discharges to air of greenhouse gases from heat devices update relevant CO_2 reduction plans to reflect technological developments and best practice.

Compare: National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 cl 2.2

Application

10.3.3 Application of subpart 10.3

(1) This subpart applies to emissions of greenhouse gases from fossil fuel-fired heat devices, but nothing in the subpart applies to—

(a) back-up heat devices; or

(b) heat devices on low-emission sites.

(2) This subpart applies only to the climate change effects of the discharge of greenhouse gas into air (see section 26(3) and (4) of the Act), and applies in addition to any other regulations, framework rules, plan rules, or requirements about other effects of the discharge.

Compare: SL 2023/165 r 5; National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 cl 1.3

Interpretation

10.3.4 Definitions for subpart 10.3

In this subpart,—

back-up device means a heat device that produces industrial process heat—

(a) for 400 hours or less each year; and

(b) only when the heat is required but cannot be produced by another heat device at the site because its operation—

(i) is prevented by maintenance or an unexpected event; or

(ii) is not enough to meet a temporary, additional demand for the heat

carbon dioxide equivalent has the meaning given in section 4(1) of the Climate Change Response Act 2002

climate change effects, for a discharge, means the effects of the discharge on climate change (which are effects on the environment)

CO_2 reduction plan means a CO_2 reduction plan that satisfies regulation 10.3.5

existing, for a heat device,—

(a) means a device that was installed and operational, or able to be operated, at a site before 27 July 2023; and

(b) includes a device described in paragraph (a) after it is upgraded or improved; but

(c) does not include a device that, on or after 27 July 2023, is installed in replacement of a device described in paragraph (a)

fossil fuel—

(a) means any carbon-based fuel sourced from fossil hydrocarbon deposits; and

(b) includes—

(i) coal, coke, diesel, liquid petroleum gas, natural gas, oil, peat, plastics, and used oil; and

(ii) any fuel wholly or partly derived from a fuel described in paragraph (a), including tyres used as fuel; but

(c) does not include biomass or biogas

heat device—

(a) means a device that produces industrial process heat (for example, a boiler, furnace, engine, or other combustion device); but

(b) does not include a device used for the primary purpose of—

(i) generating electricity, including a generator used for back-up electricity or for maintaining the electricity network; or

(ii) transmitting electricity, including in mobile and fixed substations

high-emissions site means a site that, each year, emits more than 2,000 tonnes of carbon dioxide equivalent of greenhouse gases from heat devices that—

(a) burn any fossil fuel; and

(b) are not back-up devices

industrial process heat—

(a) means thermal energy that is used—

(i) in industrial processes, including in manufacturing and in the processing of raw materials; or

(ii) to grow plants or other photosynthesising organisms indoors; but

(b) does not include thermal energy used in the warming of spaces for people's comfort (for example, heating of commercial offices)

low-emissions site means a site that, each year, emits less than 500 tonnes of carbon dioxide equivalent of greenhouse gases from heat devices that—

(a) burn any fossil fuel; and

(b) are not back-up devices

new, in relation to a heat device, means not existing

service means an end-use for which industrial process heat is produced

site means 1 or more parcels of land (whether or not they are contiguous) that are managed as a single operation

suitably qualified person means a practitioner or other person who the relevant regional council determines—

(a) has expertise in the technology and practices of industrial process heat and reduction of greenhouse gas emissions; and

(b) is suitably qualified to provide an independent review and recommendations relating to the discharge of any greenhouse gas from a heat device

technically feasible and financially viable lower-emissions alternative means, in relation to a proposed heat device, an alternative that—

(a) provides an equivalent service while discharging a lower, or zero, carbon dioxide equivalent of greenhouse gases; and

(b) is technically feasible for the applicant to use to provide the service, having regard to the current state of technical knowledge and the likelihood that the alternative can be successfully applied; and

(c) is financially viable, taking into account the following expected costs and benefits during a 20-year period starting on the date of the application:

(i) all capital costs:

(ii) all operating costs:

(iii) any financial benefits.

Compare: SL 2023/165 rr 3, 14(5), 16(2)

Other preliminary matters

10.3.5 Purpose and content of CO_2 reduction plan

(1) The purpose of a CO_2 reduction plan (which is required for all anticipated activities under this subpart) is to set out actions and methods to reduce the carbon dioxide equivalent of greenhouse gases discharged from the activity (the **emissions**), including by meeting any emissions reduction targets, in order to encourage, over time,—

(a) best practices in energy efficiency; and

(b) the transition from heat devices that burn fossil fuels to those that reduce the adverse climate change effects by—

(i) using different fuel sources or no fuel; and

(ii) emitting lower, or zero, emissions.

(2) The content of a CO_2 reduction plan must include the following matters:

(a) the purpose of the activity and the 1 or more services to which it relates:

(b) the number of heat devices that are not back-up devices and are on, or proposed for, the site of the activity, and their age and fuel source (if any):

(c) both the thermal energy that is, or is to be, produced, and the thermal energy that is able to be produced, by—

(i) the heat device on or proposed for the site, if there is 1 such device; or

(ii) the heat devices on or proposed for the site, in total but separated by fuel source (if any), if there are 2 or more such devices:

(d) if the activity involves a new heat device, an assessment of any technically feasible and financially viable lower-emissions alternatives to the heat device:

(e) for any new or existing heat device that the activity involves,—

(i) an assessment of the best practicable option to prevent or minimise any actual or likely adverse climate change effect of—

(A) the activity; and

(B) other discharges of greenhouse gases from all heat devices that are not back-up devices and are on or proposed for the same site (if any); and

(ii) an assessment of any energy efficiency improvements that are available for the activity; and

(iii) whether, and how, any of those improvements will be made; and

(iv) a transition pathway that sets out—

(A) actions or methods to prevent or minimise the emissions and the adverse climate change effects of the activity; and

(B) emissions reduction targets for the activity that are appropriate for the scale, type, and site-specific circumstances of the activity, unless the best practicable option under subparagraph (i) provides no reasonable prospect of reducing the emissions during the term of the resource consent.

(3) The content may include anything else relating to a matter to which the regional council's control is reserved (*see* regulation 10.3.18).

(4) To avoid doubt, subclause (2)(b), (c), and (e)(i)(B) applies to all heat devices that are not back-up devices and are on or proposed for a site,—

(a) whether or not an existing resource consent applies to the devices, but subject to section 159(4) or (5) of the Act (which states how existing resource consents prevail over these regulations); and

(b) whether or not they burn any fossil fuel.

Compare: SL 2023/165 r 15

10.3.6 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this subpart.

10.3.7 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this subpart.

Directions

10.3.8 Cumulative effects

(1) Every plan must include the following policy (or words to the same effect):

"Before granting a resource consent for the discharge of greenhouse gases to air from heat devices on a site, the consent authority must—

(a) consider the total discharges of greenhouse gases from all heat devices on the site that the application relates to; and

(b) recognise that, cumulatively, all discharges of greenhouse gases resulting from the production of industrial process heat, regardless of volume, contribute to climate change, and any reduction in greenhouse gas emissions contributes to mitigating climate change."

Compare: National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 cl 3.2

10.3.9 Assessing and updating CO_2 reduction plans

(1) Every plan must include the following policy (or words to the same effect):

"When considering a CO_2 reduction plan as part of an application for a resource consent for an anticipated activity relating to discharges to air of greenhouse gases from heat devices, the consent authority must consider—

(a) the timing and content of updates of the CO_2 reduction plan to be made by the holder of the consent; and

(b) how those updates will reflect changes in technology and best practices."

Compare: National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 cl 3.3

10.3.10 Progress towards achieving national goals

(1) Every regional council must, on request by the Minister for the Environment, provide a report to the Minister on—

(a) the number of resource consents granted and the consented volume of greenhouse gas emissions from the production of industrial process heat in the region; and

(b) the extent to which the discharge of greenhouse gases from the production of industrial process heat has been reduced through CO_2 reduction plans and other conditions of consents; and

(c) the extent to which CO_2 reduction plans have been implemented; and

(d) compliance with any other conditions of consents for the discharge of greenhouse gases into air.

(2) If the Minister specifies the form of, and time frame for, reports required by subclause (1), regional councils must, to the extent practicable, provide the reports in the specified form and within the specified time frame.

Compare: National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 cl 3.4

Applications for resource consents: framework rules

10.3.11 Restrictions on grant of resource consents

(1) A consent authority must not grant a resource consent relating to 1 or more heat devices unless—

(a) the application for the resource consent includes a proposed CO_2 reduction plan for the activity; and

(b) if the application is for a heat device on a high-emissions site, the proposed CO_2 reduction plan is accompanied by recommendations and reasons of a suitably qualified person; and

(c) if the application involves 2 or more heat devices on a site, the regional council complies with regulation 10.3.12.

(2) The recommendations and reasons of a suitably qualified person may be included in an application only if the applicant has provided the proposed CO_2 reduction plan to the suitably qualified person and ensured (at the applicant's cost) that the person—

(a) has reviewed the proposed CO_2 reduction plan, including its assessment of the best practicable option; and

(b) gives recommendations about whether—

(i) the proposed CO_2 reduction plan satisfies regulation 10.3.5; and

(ii) the assessment of the best practicable option is correct; and

(c) gives reasons for the recommendations.

Compare: SL 2023/165 rr 11, 13, 14

10.3.12 Applying site-wide approach to resource consents

(1) This regulation applies if a consent authority receives an application for a resource consent that—

(a) is for an anticipated activity or activities, on a site, under this subpart; and

(b) involves 2 or more heat devices on the site, whether new or existing, or both (the **relevant heat devices**).

(2) In determining the application in respect of the relevant heat devices, the consent authority must decide whether to apply a site-wide approach.

(3) If applying a site-wide approach, the consent authority must—

(a) consider the total climate change effects of the discharges from all of the relevant heat devices; and

(b) if granting the resource consent, impose conditions (such as a condition requiring compliance with a CO_2 reduction plan, including any emissions reduction target in the plan) by reference to all of the relevant heat devices.

Compare: SL 2023/165 r 12

Device burns coal, delivers heat at ≥300°C: framework rule

10.3.13 Device burns coal, delivers heat at ≥300°C, etc: anticipated activity

(1) The discharge of any greenhouse gas from a heat device is an anticipated activity if the device—

(a) burns coal; and

(b) delivers heat at or above 300°C; and

(c) is not a back-up device; and

(d) is not on a low-emissions site.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the matters in regulation 10.3.18:

(b) if the device is new, also an assessment of any technically feasible and financially viable lower-emissions alternatives to the heat device.

Resource consents

(3) A resource consent granted for the activity must—

(a) impose the conditions specified in regulation 10.3.19; and

(b) last for the term specified in regulation 10.3.20.

Compare: SL 2023/165 rr 6, 16

Device burns coal, delivers heat below 300°C: framework rules

10.3.14 New device, burns coal, and delivers heat at <300°C: prohibited activity

The discharge of any greenhouse gas from a heat device is a prohibited activity if the device—

(a) is new; and

(b) burns coal; and

(c) delivers heat below 300°C.

Compare: SL 2023/165 r 7

10.3.15 Existing device, burns coal, delivers heat at <300°C, etc: anticipated activity (before 2037)

(1) The discharge of any greenhouse gas from a heat device is an anticipated activity if the device—

(a) is existing; and

(b) burns coal; and

(c) delivers heat below 300°C; and

(d) is not a back-up device; and

(e) is not on a low-emissions site.

Matters over which control reserved

(2) The matters over which control is reserved are the matters in regulation 10.3.18.

Resource consents

(3) A resource consent granted for the activity must—

(a) impose the conditions specified in regulation 10.3.19; and

(b) last for the term specified in regulation 10.3.20.

(4) This regulation is revoked on 1 January 2037.

Compare: SL 2023/165 r 8

10.3.16 Existing device, burns coal, and delivers heat at <300°C: prohibited activity (from 2037)

(1) The discharge of any greenhouse gas from a heat device is a prohibited activity if the device—

(a) is existing; and

(b) burns coal; and

(c) delivers heat below 300°C.

(2) This regulation takes effect on 1 January 2037.

Compare: SL 2023/165 r 9

Device burns fossil fuel (not coal): framework rules

10.3.17 Device burns fossil fuel (not coal), etc: anticipated activity

(1) The discharge of any greenhouse gas from a heat device is an anticipated activity if the device—

(a) burns any fossil fuel other than coal; and

(b) is not a back-up device; and

(c) is not on a low-emissions site.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the matters in regulation 10.3.18:

(b) if the device is new, an assessment of any technically feasible and financially viable lower-emissions alternatives to the heat device.

Resource consents

(3) A resource consent granted for the activity must—

(a) impose the conditions specified in regulation 10.3.19; and

(b) last for the term specified in regulation 10.3.20.

Compare: SL 2023/165 rr 10, 16

Matters over which control reserved: framework rule

10.3.18 Matters common to both new and existing devices

(1) For any anticipated activity under this subpart, the matters over which control is reserved are as follows:

(a) the assessment of the best practicable option to prevent or minimise any actual or likely adverse climate change effect of—

(i) the activity; and

(ii) other discharges of greenhouse gases from all heat devices that are not back-up devices and are on or proposed for the same site (if any):

(b) the assessment of any energy efficiency improvements that are available for the activity:

(c) the actions or methods to prevent or minimise the carbon dioxide equivalent of greenhouse gases discharged from the activity (the **emissions**) and the adverse climate change effects of the activity:

(d) any emissions reduction targets for the activity:

(e) the content of a CO_2 reduction plan for the activity:

(f) requirements for the person to monitor the activity and report on it to the regional council:

(g) the time frame for the regional council to review the conditions of a resource consent granted for the activity.

(2) To avoid doubt, subclause (1)(a)(ii) applies to all heat devices that are not back-up devices and are on or proposed for a site,—

(a) whether or not an existing resource consent applies to the devices, but subject to section 159(4) and (5) of the Act (which states how existing resource consents prevail over these regulations); and

(b) whether or not they burn any fossil fuel.

Compare: SL 2023/165 r 17

Conditions and term of resource consents: framework rule

10.3.19 Conditions of resource consent for new and existing devices

(1) The following conditions must be imposed on any resource consent granted for an anticipated activity under this subpart:

(a) the holder must adopt the best practicable option described by regulation 10.3.18(1)(a), as assessed by the consent authority:

(b) the holder must comply with a CO_2 reduction plan for the activity that the consent authority has determined satisfies regulation 10.3.5:

(c) the holder must monitor their compliance with the CO_2 reduction plan, including any emissions reduction targets, and report to the regional council on their monitoring.

(2) To avoid doubt, other conditions may be imposed in accordance with section 288(3) of the Act.

Compare: SL 2023/165 r 19

10.3.20 Term of resource consent for new and existing devices

The term of any resource consent granted for an anticipated activity under this subpart must be—

(a) if the activity relates to a new heat device, 20 years or less; and

(b) if the activity relates to an existing heat device—

(i) 10 years or less; and

(ii) if the heat device burns coal and delivers heat below 300°C, it must end before 1 January 2037.

Compare: SL 2023/165 r 18

Part 11
Urban Development

Subpart 11.1—Preliminary provisions

Framework outcomes and framework policies

11.1.1 Urban development framework outcomes

The **urban development framework outcomes** are as follows:

(a) Outcome 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural well-being, and for their health and safety, now and into the future:

(b) Outcome 2: Planning decisions relating to urban environments improve housing affordability by supporting competitive land and development markets:

(c) Outcome 3: Regional spatial strategies and plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which 1 or more of the following apply:

(i) the area is in or near an urban centre, or another area with many employment opportunities:

(ii) the area is well-serviced by existing or planned public transport:

(iii) there is high demand for housing or for business land in the area, relative to other areas within the urban environment:

(d) Outcome 4: New Zealand's urban environments develop and change over time in response to the diverse and changing needs of people, communities, and future generations:

(e) Outcome 5: Planning decisions relating to urban environments give effect to te Tiriti o Waitangi:

(f) Outcome 6: Regional planning committee and local authority decisions on urban development that affect urban environments are—

(i) integrated with infrastructure planning and funding decisions; and

(ii) strategic over the medium term and long term; and

(iii) responsive, particularly in relation to proposals that would supply significant development capacity:

(g) Outcome 7: Regional planning committees and local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions:

(h) Outcome 8: New Zealand's urban environments—

(i) support reductions in greenhouse gas emissions; and

(ii) are resilient to the current and future effects of climate change:

(i) Outcome 9: New Zealand's urban environments contain more trees.

Compare: National Policy Statement on Urban Development 2020 cl 2.1

11.1.2 Urban development framework policies

The **urban development framework policies** are as follows:

(a) Policy 1: Planning decisions contribute to well-functioning urban environments:

(b) Policy 2: There is, at all times, at least sufficient development capacity in tier 1, 2, and 3 urban environments to meet expected demand for housing and for business land over the short term, medium term, and long term:

(c) Policy 3: In relation to tier 1 urban environments, regional spatial strategies and plans enable—

(i) in zones providing for city centres, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and

(ii) in zones providing for metropolitan centres, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of 6 storeys or more; and

(iii) building heights of 6 storeys or more within at least a walkable catchment of the following:

(A) existing and planned rapid transit stops:

(B) the edge of zones providing for city centres:

(C) the edge of zones providing for metropolitan centres; and

(iv) within and adjacent to zones providing for neighbourhood centres, local centres, and town centres (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services:

(d) Policy 4: Regional spatial strategies and plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary to accommodate a qualifying matter in that area:

(e) Policy 5: In relation to tier 2 and 3 urban environments, regional spatial strategies and plans enable heights and density of urban form commensurate with the greater of—

(i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(ii) relative demand for housing and business use in that location:

(f) Policy 6: When making planning decisions that affect urban environments, decision makers have particular regard to the following matters:

(i) the planned urban built form anticipated by regional spatial strategies and plans:

(ii) that the planned urban built form in regional spatial strategies and plans may involve significant changes to an area, and those changes:

(A) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(B) are not, of themselves, an adverse effect:

(iii) the benefits of urban development that are consistent with well-functioning urban environments:

(iv) any relevant contribution that will be made to meeting the requirements of this Part to provide or realise development capacity:

(v) the current and future effects of climate change:

(vi) the impact of urban development on greenhouse gas emissions, and opportunities to reduce greenhouse gas emissions through urban form:

(g) Policy 7: Regional planning committees set housing bottom lines in their plans for the short-medium term and the long term in relation to tier 1 and tier 2 urban environments:

(h) Policy 8: Regional planning committee and local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is—

(i) unanticipated by regional spatial strategies or plans; or

(ii) out-of-sequence with planned land release:

(i) Policy 9: In relation to car parking,—

(i) plans do not set minimum car parking rate requirements in the districts of tier 1, 2, or 3 territorial authorities, other than for accessible car parks; and

(ii) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans:

Compare: National Policy Statement on Urban Development 2020 cl 2.2

Interpretation

11.1.3 Definitions for Part 11

In this Part,—

accessible car park means a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility

active transport means forms of transport that involve physical exercise, such as walking or cycling, and includes transport that may use a mobility aid such as a wheelchair

additional infrastructure means all or any of the following:

(a) public open space:

(b) community infrastructure (as defined in section 197 of the Local Government Act 2002):

(c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities:

(d) social infrastructure, such as schools and health care facilities:

(e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunication Act 2001):

(f) a network operated for the purpose of transmitting or distributing electricity or gas

brownfield area means an area that has previously had development on it

community services means the following:

(a) community facilities (being land or buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes, and includes ancillary activities):

(b) educational facilities (being land or buildings used for teaching or training by child-care services, schools, or tertiary education services, and includes ancillary activities):

(c) those commercial activities that serve the needs of the community

competitiveness margin means the margin referred to in regulation 11.2.17

feasible means—

(a) for the short term or medium term, commercially viable to a developer based on the current relationship between costs and revenue; and

(b) for the long term, commercially viable to a developer based on the current relationship between costs and revenue, or on any reasonable adjustment to that relationship

greenfield area means an area that has not previously had development on it

group of trees means a cluster, grove, or line of trees

HBDCA means a Housing and Business Development Capacity Assessment prepared under this subpart

housing bottom line means a plan outcome determined under regulation 11.2.7 by regional planning committees for tier 1 and tier 2 urban environments

infrastructure-ready has the meaning given in regulation 11.2.5

local authority development infrastructure means the following, to the extent they are controlled by a local authority, a council-controlled organisation (as defined in section 6 of the Local Government Act 2002), or a water services entity (as defined in section 6 of the Water Services Entities Act 2022):

(a) network infrastructure for water supply, wastewater, or stormwater:

(b) land transport (as defined in section 5 of the Land Transport Management Act 2003)

long-term means between 10 and 30 years

long-term plan means a long-term plan (including the infrastructure strategy required to be included in it) adopted by a local authority under section 93 of the Local Government Act 2002

medium term means between 3 and 10 years

nationally significant infrastructure means all of the following:

(a) State highways:

(b) the national grid:

(c) renewable electricity generation facilities that connect with the national grid:

(d) the high-pressure gas transmission pipeline network operating in the North Island:

(e) the refinery pipeline between Marsden Point and Wiri:

(f) the New Zealand rail network (including light rail):

(g) infrastructure required for rapid transit services (as defined in this regulation):

(h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers:

(i) the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002

planned, in relation to forms or features of transport, means planned in a regional land transport plan prepared and approved under the Land Transport Management Act 2003

plan-enabled has the meaning given in regulation 11.2.5(1)

planning decision means a decision on any of the following:

(a) a regional spatial strategy:

(b) a plan or a plan change:

(c) a resource consent:

(d) a designation:

(e) a heritage protection order:

(f) a water conservation order

public transport means any existing or planned service for the carriage of passengers (other than an aeroplane) that is available to the public generally by means of—

(a) a vehicle designed or adapted to carry more than 12 persons (including the driver); or

(b) a rail vehicle; or

(c) a ferry

qualifying matter has the meaning given in regulation 11.2.27

rapid transit service means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic

rapid transit stop means a place where people can enter or exit a rapid transit service, whether existing or planned

short-medium term means within the next 10 years

short term means within the next 3 years

urban allotment means an allotment—

(a) that is no greater than 4 000 m^2; and

(b) that is connected to a reticulated water supply system and a reticulated sewerage system; and

(c) on which there is a building used for housing or business use; and

(d) that is not a reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance withe the Conservation Act 1987 or Reserves Act 1977

well-functioning urban environment means an urban environment that, as a minimum,—

(a) has or enables a variety of homes that—

(i) meet the needs, in terms of type, price, and location, of different households; and

(ii) enable Māori to express their cultural traditions and norms; and

(b) has or enables a variety of sites that are suitable for different business sectors in terms of location and site size; and

(c) has good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

(d) supports, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

(e) supports reductions in greenhouse gas emissions; and

(f) is resilient to the current and future effects of climate change.

Subpart 11.2—Urban development generally

General directions

11.2.1 Tangata whenua involvement

In giving effect to te Tiriti o Waitangi in relation to urban environments, regional planning committees and local authorities must—

(a) involve hapū and iwi in the preparation of regional spatial strategies and plans by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and

(b) when preparing regional spatial strategies and plans take into account the values and aspirations of hapū and iwi for urban development; and

(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage protection orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and

(d) operate in a way that is consistent with iwi and hapū participation legislation.

Compare: National Policy Statement on Urban Development 2020 Policy 9

11.2.2 Integrated management

In relation to tier 1, 2, and 3 urban environments, regional planning committees and local authorities must do the following, in addition to the things in regulation 1.2.1:

(a) engage with providers of local authority development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning:

(b) engage with the development sector to identify significant opportunities for urban development.

Compare: National Policy Statement on Urban Development 2020 Policy 10

Providing sufficient development capacity: directions

11.2.3 Sufficient development capacity for housing

(1) Every regional planning committee must provide at least sufficient development capacity in its tier 1, 2, and 3 urban environments to meet expected demand for housing—

(a) in brownfield areas and greenfield areas; and

(b) for both standalone dwellings and attached dwellings; and

(c) in the short term, medium term, and long term.

(2) In order to be **sufficient** to meet expected demand for housing, the development capacity must be—

(a) plan enabled (*see* regulation 11.2.5); and

(b) infrastructure-ready (*see* regulation 11.2.5); and

(c) feasible and reasonably expected to be realised (*see* regulation 11.2.21); and

(d) for tier 1 and 2 urban environments only, meet the expected demand plus the appropriate competitiveness margin (*see* regulation 11.2.17).

Compare: National Policy Statement on Urban Development 2020 cl 3.2

11.2.4 Sufficient development capacity for business land

(1) Every regional planning committee must provide at least sufficient development capacity in its tier 1, 2, and 3 urban environments to meet expected demand for business land—

(a) from different business sectors; and

(b) in the short term, medium term, and long term.

(2) In order to be **sufficient** to meet expected demand for business land, the development capacity must be—

(a) plan enabled (*see* regulation 11.2.5); and

(b) infrastructure-ready (*see* regulation 11.2.5); and

(c) suitable (as described in regulation 11.2.24) to meet the demands of different business sectors (as described in regulations 11.2.23); and

(d) for tier 1 and 2 urban environments only, meet the expected demand plus the appropriate competitive margin (*see* regulation 11.2.17).

Compare: National Policy Statement on Urban Development 2020 cl 3.3

11.2.5 Meaning of plan-enabled and infrastructure-ready

(1) Development capacity is **plan-enabled** for housing or for business land if—

(a) in relation to the short term, it is on land that is zoned for housing or for business use (as applicable) in—

(i) an operative plan; or

(ii) if there is no operative plan, a decision version of a plan (as defined in clause 1 of Schedule 1 of the Act); or

(iii) if there is no decision version of a plan, an operative district plan prepared under the Resource Management Act 1991); and

(b) in relation to the medium term, either paragraph (a) applies, or it is on land that is zoned for housing or for business use (as applicable) in—

(i) a proposed plan; or

(ii) if there is no proposed plan, a proposed district plan prepared under the Resource Management Act 1991); and

(c) in relation to the long term, either paragraph (b) applies, or it is on land identified by the regional planning committee for future urban use or urban intensification in—

(i) a regional spatial strategy; or

(ii) if there is no regional spatial strategy, a Future Development Strategy prepared under the Resource Management Act 1991.

(2) For the purpose of subclause (1), land is **zoned** for housing or for business use (as applicable) only if the housing or business use is a permitted or anticipated activity on that land.

(3) Development capacity is **infrastructure-ready** if—

(a) in relation to the short term, there is adequate existing local authority development infrastructure to support the development of the land; and

(b) in relation to the medium term, either paragraph (a) applies, or funding for adequate local authority development infrastructure to support development of the land is identified in—

(i) a long-term plan; or

(ii) a funding a pricing plan prepared under section 154 of the Water Services Entities Act 2022; or

(iii) an implementation plan or implementation agreement under the Spatial Planning Act 2023; and

(c) in relation to the long term, either paragraph (b) applies, or the local authority development infrastructure to support the development capacity is identified in—

(i) an infrastructure strategy prepared under section 101B of the Local Government Act 2022 (as required as part of a long-term plan); or

(ii) an infrastructure strategy prepared under section 158 of the Water Services Entities Act 2022; or

(iii) a regional spatial strategy.

Compare: National Policy Statement on Urban Development 2020 cl 3.4

11.2.6 Availability of additional infrastructure

Regional planning committees must be satisfied that the additional infrastructure to service the development capacity is likely to be available.

Compare: National Policy Statement on Urban Development 2020 cl 3.5

11.2.7 Housing bottom lines for tier 1 and 2 urban environments

(1) The purpose of housing bottom lines is to clearly state the amount of development capacity that is sufficient to meet expected housing demand, plus the appropriate competitiveness margin, in a tier 1 or tier 2 urban environment in a region and in each of its constituent districts.

(2) Every regional planning committee must insert its housing bottom lines as plan outcomes in its plan.

(3) For each tier 1 and tier 2 urban environment, the relevant regional planning committee must include in its plan the following housing bottom lines:

(a) for the short-medium term—

(i) a housing bottom line that applies to each tier 1 or 2 urban environment in the region; and

(ii) separate housing bottom lines for each district in the region that contains a tier 1 or tier 2 urban environment, which must be the proportion of the housing bottom line referred to in subparagraph (i) that is attributable to each district:

(b) for the long term—

(i) a housing bottom line that applies to the whole region; and

(ii) separate housing bottom lines for each district in the region, which must be the proportion of the housing bottom line referred to in subparagraph (i) that is attributable to that district.

(4) Housing bottom lines must be based on information in the most recent publicly available HBDCA or Housing and Business Development Capacity Assessment prepared under the National Policy Statement on Urban Development 2020 for the urban environment and are—

(a) for the short-medium term, the sum of—

(i) the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the short term; and

(ii) the amount of feasible, reasonably expected to be realised development capacity that must enabled to meet demand, along with the competitiveness margin, for the medium term; and

(b) for the long term, the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the long term.

(5) Regional planning committees must amend their plans to update their housing bottom lines as soon as practicable after an HBDCA is made publicly available (*see* regulation 11.2.14), without using a process in Schedule 6 of the Act.

(6) However, any changes to plans required to give effect to new housing bottom lines must be made using a Schedule 6 process.

Compare: National Policy Statement on Urban Development 2020 cl 3.6

11.2.8 When there is insufficient development capacity

If a regional planning committee determines that there is insufficient development capacity (as described in regulations 11.2.3 and 11.2.4) over the short term, medium term, or long term, it must—

(a) immediately notify the Minister for the Environment; and

(b) if the insufficiency is wholly or partly a result of a regional spatial strategy or plan, change those documents to increase development capacity for housing or business land (as applicable) as soon as practicable; and

(c) consider other options for—

(i) increasing development capacity; and

(ii) otherwise enabling development.

Compare: National Policy Statement on Urban Development 2020 cl 3.7

Responsive planning: directions

11.2.9 Unanticipated or out-of-sequence developments

(1) This regulation applies to a plan change, whether relating to brownfield areas or greenfield areas, that provides significant development capacity that is not—

(a) otherwise enabled in a plan; or

(b) identified in a regional spatial strategy; or

(c) in sequence with planned land release.

(2) Every regional planning committee must have particular regard to the development capacity provided by the plan change if that development capacity—

(a) would contribute to a well-functioning urban environment; and

(b) is well-connected along transport corridors; and

(c) meets the criteria set under subclause (3).

(3) Every regional planning committee must include criteria in its plan for determining what plan changes will be treated, for the purpose of implementing urban development framework policy 8, as adding significantly to development capacity.

Compare: National Policy Statement on Urban Development 2020 cl 3.8

Evidence-based decision-making: directions

11.2.10 Monitoring requirements

(1) Every regional planning committee must monitor, quarterly, the following in relation to each urban environment in their region:

(a) the demand for dwellings:

(b) the supply of dwellings:

(c) prices of, and rents for, dwellings:

(d) housing affordability:

(e) the proportion of housing development capacity that has been realised—

(i) in brownfield areas (such as through infill housing or redevelopment); and

(ii) greenfield areas:

(f) available data on business land.

(2) In relation to tier 1 urban environments, regional planning committee must monitor the proportion of development capacity that has been realised in each zone identified in regulation 11.2.32(1) (ie, each zone with development outcomes that are monitored).

(3) Every regional planning committee must make the results of its monitoring publicly available, at least annually.

(4) The monitoring required by this regulation must relate to the relevant urban environments, but may apply more widely (such as, for example, where the relevant data is available only on a region or district-wide basis).

(5) If more than 1 regional planning committee has jurisdiction over a tier 1 or tier 2 urban environment, those regional planning committees are jointly responsible for doing the monitoring required by this regulation.

Compare: National Policy Statement on Urban Development 2020 cl 3.9

11.2.11 Assessing demand and development capacity

(1) Every regional planning committee must assess the demand for housing and for business land in urban environments, and the development capacity that is suf-

ficient (as described in regulations 11.2.3 and 11.2.4) to meet that demand, in its region or district in the short term, medium term, and long term.

(2) Regional planning committees comply with subclause (1) in relation to tier 1 and tier 2 urban environments by preparing and publishing an HBDCA.

Compare: National Policy Statement on Urban Development 2020 cl 3.10

11.2.12 Using evidence and analysis

(1) When making plans, or when changing plans in ways that affect the development of urban environments, regional planning committees must—

(a) clearly identify the resource management issues being managed; and

(b) use evidence, particularly any relevant HBDCA or Housing and Business Development Capacity Assessment prepared under the National Policy Statement on Urban Development 2020, about land and development markets, and the results of the monitoring required by regulations 11.2.10 and 11.2.32, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to—

(i) achieving well-functioning urban environments; and

(ii) meeting the requirements to provide at least sufficient development capacity.

(2) Regional planning committees must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports prepared under Part 1 of Schedule 6 of the Act.

Compare: National Policy Statement on Urban Development 2020 cl 3.11

Inclusions in regional spatial strategies: directions

11.2.13 Matters to be included in regional spatial strategies

(1) Every regional spatial strategy must spatially identify for each tier 1 and tier 2 environment—

(a) the broad locations in which development capacity will be provided over the long term, in both existing and future urban areas, to meet the requirements of regulations 11.2.3 and 11.2.4; and

(b) the local authority development infrastructure and additional infrastructure required to support or service that development capacity, along with the general location of the corridors and other sites required to provide it; and

(c) any constraints on development.

(2) Every regional spatial strategy must include a clear statement of hapū and iwi values and aspirations for urban development.

(3) The matters required to be included in a regional spatial strategy by this regulation must be informed by—

(a) the most recent applicable HBDCA or Housing and Business Development Capacity Assessment prepared under the National Policy Statement on Urban Development 2020; and

(b) Māori, and in particular tangata whenua, values and aspirations for urban development; and

(c) feedback received through the consultation and engagement required by subclause (4).

(4) When preparing a draft regional spatial strategy, every regional planning committee must provide an opportunity for the following to participate in determining how the matters referred to in this regulation are to be included in the draft regional spatial strategy:

(a) providers of additional infrastructure:

(b) relevant providers of nationally significant infrastructure:

(c) the development sector (to identify significant future development opportunities and infrastructure requirements).

Compare: National Policy Statement on Urban Development 2020 cls 3.13–3.15

Housing and business development capacity assessments (HBDCAs): directions

11.2.14 Obligation to prepare HBDCA

(1) Every regional planning committee with a tier 1 or tier 2 urban environments must prepare and make publicly available an HBDCA for its tier 1 or tier 2 urban environments.

(2) The HBDCA must be prepared and made publicly available every 3 years, in time to inform the next long-term plans of the relevant local authorities.

(3) The HBDCA must apply, at a minimum, to the relevant tier 1 or tier 2 urban environments of the regional planning committee (ie, must assess demand and capacity within the boundaries of those urban environments), but may apply to any wider area.

(4) If more than 1 regional planning committee has jurisdiction over a tier 1 or tier 2 urban environment, those regional planning committees are jointly responsible for preparing an HBDCA.

First HBDCA

(5) The first HBDCA for a region must be prepared in time to inform the 2027 long-term plans of the relevant local authorities.

(6) If a regional planning committee has not been appointed in time to prepare the first HBDCA, or if a regional planning committee does not consider it has time to prepare an HBDCA in time to inform the 2027 long-term plan, then the rele-

vant tier 1 and 2 local authorities are jointly responsible for preparing the HBDCA, in place of the regional planning committee.

Compare: National Policy Statement on Urban Development 2020 cl 3.19

11.2.15 Purpose of HBDCA

The purpose of an HBDCA is to—

(a) provide information on the demand and supply of housing and of business land in the relevant tier 1 or tier 2 urban environment, and the impact of planning decisions and infrastructure decisions on that demand and supply; and

(b) inform regional spatial strategies, plans, and long-term plans; and

(c) quantify the development capacity that is sufficient to meet expected demand for housing and for business land in the short term, medium term, and long term.

Compare: National Policy Statement on Urban Development 2020 cl 3.20

11.2.16 Involving development sector and others

In preparing an HBDCA for tier 1 and tier 2 urban environments regional planning committees must seek information and comment from—

(a) expert or experienced people in the development sector; and

(b) providers of local authority development infrastructure and additional infrastructure; and

(c) anyone else who has information that may materially affect the calculation of the development capacity.

Compare: National Policy Statement on Urban Development 2020 cl 3.21

11.2.17 Competitiveness margin

(1) A competitiveness margin is a margin of development capacity, over and above the expected demand that regional planning committees are required to provide, that is required in order to support choice and competitiveness in housing and business land markets in tier 1 and tier 2 urban environments.

(2) The competitiveness margins for both housing and business land are as follows:

(a) for the short term, 20%:

(b) for the medium term, 20%:

(c) for the long term, 15%.

Compare: National Policy Statement on Urban Development 2020 cl 3.22

HBDCA — Housing: directions

11.2.18 Analysis of housing market and impact of planning

(1) Every HBDCA must include analysis of how planning decisions by the regional planning committee and relevant local authorities, and the provision of infrastructure, affects the affordability and competitiveness of the local housing market.

(2) The analysis must include an assessment of how well the current and likely future demands for housing by Māori and different groups in the community (such as older people, renters, homeowners, low-income households, visitors, and seasonal workers) are met, including the demand for different types and forms of housing (such as for lower-cost housing, papakāinga, and seasonal worker or student accommodation).

(3) The analysis must be informed by—

(a) market indicators, including—

(i) indicators of housing affordability, housing demand, and housing supply; and

(ii) information about household incomes, housing prices, and rents; and

(b) price efficiency indicators.

Compare: National Policy Statement on Urban Development 2020 cl 3.23

11.2.19 Housing demand assessment

(1) The HBDCA for a tier 1 or tier 2 urban environment must give an estimate of the demand for additional housing in the relevant urban environment, for the short term, medium term, and long term,—

(a) in different locations; and

(b) in terms of dwelling types.

(2) The HBDCA must—

(a) identify the total estimated demand for additional housing for the relevant tier 1 or tier 2 urban environment; and

(b) apportion that total estimated demand across each constituent district that contains part of the relevant tier 1 or tier 2 urban environment.

(3) Regional planning committees may identify locations in any way they choose.

(4) Regional planning committees may identify the types of dwellings in any way they chose but must, at a minimum, distinguish between standalone dwellings and attached dwellings.

(5) The demand for housing must be expressed in terms of numbers of dwellings.

(6) Every HBDCA must—

(a) set out a range of projections of demand for housing in the short term, medium term, and long term; and

(b) identify which of the projections are the most likely in each of the short term, medium term, and long term; and

(c) set out the assumptions underpinning the different projections and the reason for selecting the most likely; and

(d) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.

Compare: National Policy Statement on Urban Development 2020 cl 3.24

11.2.20 Housing development capacity assessment

(1) The HBDCA for a tier 1 or tier 2 urban environment must quantify the housing development capacity, for the short term, medium term, and long term, that is—

(a) plan-enabled; and

(b) plan-enabled and infrastructure-ready; and

(c) plan-enabled, infrastructure-ready, and feasible and reasonably expected to be realised.

(2) The HBDCA must—

(a) identify the total housing development capacity for the relevant tier 1 or tier 2 urban environment; and

(b) apportion that total housing development capacity across each constituent district that contains part of the relevant tier 1 or tier 2 urban environment.

(3) The development capacity must be quantified as numbers of dwellings—

(a) in different locations, including in brownfield areas and greenfield areas; and

(b) of different types, including standalone dwellings and attached dwellings.

Compare: National Policy Statement on Urban Development 2020 cl 3.25

11.2.21 Estimating what is feasible and reasonably expected to be realised

(1) For the purpose of estimating the amount of development capacity that is reasonably expected to be realised, or that is both feasible and reasonably expected to be realised, regional planning committees—

(a) may use any appropriate method; but

(b) must outline and justify the methods, inputs, and assumptions used to arrive at the estimates.

(2) The following are examples of the kind of methods that a regional planning committee could use to assess the amount of development capacity that is feasible and reasonably expected to be realised in a tier 1 urban environment:

(a) separately estimate the number of feasible dwellings (using a feasibility model) and the number of dwellings that can reasonably be expected to be realised (using building consents data on the number of sites and extent of allowed capacity that has been previously developed), for the short, medium and long term; compare the numbers of dwellings estimated by each method; then pick the lower of the numbers in each time period, to represent the amount of development capacity that is feasible and reasonably expected to be realised:

(b) estimate the number of feasible dwellings or sites, and then assess the proportion of these that can reasonably be expected to be developed in the short, medium and long term, using information about landowner and developer intentions:

(c) integrate information about past development trends and future landowner and developer intentions into the feasibility model, which could mean modifying assumptions about densities, heights, and timing of development.

(3) The following is an example of the kind of methods that a regional planning committee could use to assess the amount of development capacity that is feasible and reasonably expected to be realised in a tier 2 urban environment:

(a) assess the number of dwellings that can reasonably be expected to be developed (using building consents data on the number of sites and extent of allowed capacity that has been developed previously), for the short, medium and long term; and

(b) then seek advice from the development sector about what factors affect the feasibility of development.

(4) Different methods may be appropriate when assessing the development capacity that is reasonably expected to be realised in different circumstances, such as—

(a) in brownfield areas, as opposed to greenfield areas; and

(b) for stand-alone, as opposed to attached, dwellings.

Compare: National Policy Statement on Urban Development 2020 cl 3.26

11.2.22 Assessment of sufficient development capacity for housing

(1) Every HBDCA for a tier 1 or tier 2 urban environment must clearly identify where there is sufficient development capacity to meet demand for housing, for the short term, medium term, and long term,—

(a) in the relevant tier 1 or tier 2 urban environment; and

(b) in each constituent district that contains part of the relevant tier 1 or tier 2 urban environment.

(2) The requirements of subclause (1) must be based on a comparison of—

(a) the demand for housing referred to in regulation 11.2.19 plus the appropriate competitiveness margin; and

(b) the development capacity identified under regulation 11.2.20.

(3) If there is any insufficiency, the HBDCA must identify where and when this will occur and analyse the extent to which regional spatial strategies and plans, a lack of local authority development infrastructure, or both, cause or contribute to the insufficiency.

Compare: National Policy Statement on Urban Development 2020 cl 3.27

HBSCAs — Business land: directions

11.2.23 Business land demand assessment

(1) The HBDCA for a tier 1 or tier 2 urban environment must give an estimate of the demand from each business sector for additional business land in the relevant urban environment, for the short term, medium term, and long term.

(2) The HBDCA must—

(a) identify the total estimated demand from each business sector for additional business land for the relevant tier 1 or tier 2 urban environment; and

(b) apportion that total estimated demand across each constituent district that contains part of the relevant tier 1 or tier 2 urban environment.

(3) The demand must be expressed in hectares or floor areas.

(4) For the purpose of this regulation, a regional planning committee may identify business sectors in any way it chooses but must, as a minimum, distinguish between sectors that would use land zoned for commercial, retail, or industrial uses.

(5) The HBDCA for a tier 1 urban environment must—

(a) set out a range of projections of demand for business land by business sector, for the short term, medium term, and long term; and

(b) identify which of the projections is the most likely in each of the short term, medium term, and long term; and

(c) set out the assumptions underpinning the different projections and the reason for selecting which is the most likely; and

(d) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.

(6) The HBDCA for a tier 2 urban environment must—

(a) set out the most likely projection of demand for business land by business sector in the short term, medium term, and long term; and

(b) set out the assumptions underpinning that projection; and

(c) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.

Compare: National Policy Statement on Urban Development 2020 cl 3.28

11.2.24 Business land development capacity assessment

(1) The HBDCA for a tier 1 or tier 2 urban environment must quantify the following, for the short term, medium term, and long term:

(a) the development capacity (in terms of hectares or floor areas) to meet expected demand for business land for each business sector, plus the appropriate competitiveness margin; and

(b) of that development capacity, the development capacity that is—

(i) plan-enabled; and

(ii) plan-enabled and infrastructure-ready; and

(iii) plan-enabled, infrastructure-ready, and suitable for each business sector.

(2) The HBDCA must—

(a) identify the total business land development capacity for the relevant tier 1 or tier 2 urban environment; and

(b) apportion that total business land development capacity across each constituent district that contains part of the relevant tier 1 or tier 2 urban environment.

(3) A regional planning committee may define what it means for development capacity to be **suitable** in any way it chooses, but suitability must, at a minimum, include suitability in terms of location and site size.

Compare: National Policy Statement on Urban Development 2020 cl 3.29

11.2.25 Assessment of sufficient development capacity for business land

(1) Every HBDCA for a tier 1 or tier 2 urban environment must clearly identify where there is sufficient development capacity to meet demand for business land, for the short term, medium term, and long term,—

(a) in the relevant tier 1 or tier 2 urban environment; and

(b) in each constituent district that contains part of the relevant tier 1 or tier 2 urban environment.

(2) Every HBDCA must clearly identify, for the short term, medium term, and long term, whether there is sufficient development capacity to meet demand for business land in the region and each constituent district of the tier 1 or tier 2 urban environment.

(3) The requirements of subclause (1) must be based on a comparison of—

(a) the demand for business land referred to in regulation 11.2.23 plus the appropriate competitiveness margin; and

(b) the development capacity identified under regulation 11.2.24.

(4) If there is any insufficiency, the HBDCA must identify where and when this will occur and analyse the extent to which regional spatial strategies and plans, a lack of local authority development infrastructure, or both, cause or contribute to the insufficiency.

Compare: National Policy Statement on Urban Development 2020 cl 3.30

Intensification in tier 1 urban environments: directions

11.2.26 Regional planning committees implementing intensification policies

(1) Every regional planning committee must identify, by location, the building heights and densities required by urban development framework policy 3 for its tier 1 urban environments.

(2) If the regional planning committee considers that it is necessary to modify the building height or densities in order to provide for a qualifying matter (as permitted under urban development framework policy 4) it must—

(a) identify, by location, where the qualifying matter applies; and

(b) specify the alternate building heights and densities proposed for those areas.

(3) The regional planning committee must make the information required by subclauses (1) and (2) publicly available at the same time as it notifies its first proposed plan, and any subsequent proposed plan or proposed plan change that gives effect to urban development framework policy 3.

Compare: National Policy Statement on Urban Development 2020 cl 3.31

11.2.27 Qualifying matters

In this Part, **qualifying matter** means any of the following:

(a) a matter required in order to give effect to any provision of this national planning framework (other than a provision in this Part):

(b) a matter required to give effect to Te Ture Whaimana (as defined in section 104(3) of the Act):

(c) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:

(d) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:

(e) open space provided for public use, but only in relation to the land that is open space:

(f) an area subject to a designation or heritage protection order, but only in relation to the land that is subject to the designation or heritage protection order:

(g) a matter necessary to implement, or ensure consistency with, iwi or hapū participation legislation:

(h) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this subpart:

(i) any other matter that makes higher density development, as directed by urban development framework policy 3 or the medium density residential standards (as defined in regulation 11.3.2) inappropriate in an area, but only if the requirements of regulation 11.2.28(3) are met.

Compare: 1991 No 69 s 77I: National Policy Statement on Urban Development 2020 cl 3.32

11.2.28 Requirements if qualifying matter applies

(1) This regulation applies if a regional planning committee intends to rely on urban development framework policy 4 to justify a modification to the direction in urban development framework policy 3 in relation to a specific area.

(2) The relevant evaluation report prepared under Schedule 6 of the Act must—

(a) demonstrate why the regional planning committee considers that—

(i) the area is subject to a qualifying matter; and

(ii) the qualifying matter is incompatible with the level of development directed by urban development framework policy 3 for that area; and

(b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and

(c) assess the costs and broader impacts of imposing those limits.

(3) A matter is not a qualifying matter under regulation 11.2.27(i) in relation to an area unless the evaluation report also—

(a) identifies the specific characteristic that makes the level of development directed by urban development framework policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the urban development framework outcomes; and

(b) includes a site-specific analysis that—

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities directed by urban development framework policy 3, while managing the specific characteristics.

Compare: National Policy Statement on Urban Development 2020 cl 3.33

11.2.29 Effects on consideration of resource consents

Nothing in urban development framework Policies 3 or 4 or regulations 11.2.26 to 11.2.28 precludes the consideration (under section 286 of the Act) of any actual or potential effects on the environment associated with building heights.

Compare: National Policy Statement on Urban Development 2020 cl 3.34

Development outcomes for zones: directions

11.2.30 Development outcomes for zones

Every regional planning committee must ensure that—

(a) the plan outcomes for every zone in an urban environment in its region describe the development outcomes intended for the zone over the life of the plan and beyond; and

(b) the policies and rules applying to urban environments in its plan are individually and cumulatively consistent with the development outcomes described in the plan outcomes for each zone.

Compare: National Policy Statement on Urban Development 2020 cl 3.35

11.2.31 Development outcomes consistent with intensification policies

Every regional planning committee must ensure that the development outcomes for zones in its tier 1 urban environments are consistent with the outcomes required by urban development framework Policy 3.

Compare: National Policy Statement on Urban Development 2020 cl 3.36

11.2.32 Monitoring development outcomes

(1) Every regional planning committee must monitor the extent to which development is occurring in the zones in tier 1 urban environments that provide for the following, as anticipated by the development outcomes included in the plan outcomes for those zones:

(a) city centres:

(b) metropolitan centres:

(c) town centres:

(d) mixed uses:

(e) high density residential activities:

(f) medium density residential activities:

(g) general residential activities.

(2) If monitoring under this regulation indicates that development outcomes are not being realised, the regional planning committee must, as soon as practicable—

(a) undertake an assessment to identify whether provisions of the plan (individually and cumulatively), or any other factors (and if so, what factors), or both, are contributing to the failure to realise development outcomes; and

(b) give public notice (as defined in the Act) of the results of the assessment.

(3) If the assessment indicates that provisions of a plan are contributing to the failure to realise development outcomes, the regional planning committee must change its plan to address the deficiency.

(4) If the assessment indicates that other factors are contributing to the failure to realise development outcomes, the regional planning committee and relevant territorial authority must consider alternative methods to improve the rate of realisation (such as the use of incentives for site amalgamation).

(5) Any plan change required under subclause (3) must be notified as soon as practicable, and no later than 12 months after the assessment is publicly notified.

Compare: National Policy Statement on Urban Development 2020 cl 3.37

Car parking: directions

11.2.33 Car parking

(1) In relation to the districts of tier 1, 2, or 3 territorial authorities, plans must not contain plan outcomes, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, other than in respect of accessible car parks.

(2) Nothing in urban development framework Policy 11 or this regulation prevents a plan including plan outcomes, policies, rules, or assessment criteria—

(a) requiring a minimum number of accessible car parks to be provided for any activity; or

(b) relating to parking dimensions or manoeuvring standards to apply if—

(i) a developer chooses to supply car parks; or

(ii) when accessible car parks are required.

Compare: National Policy Statement on Urban Development 2020 cl 3.38

Subpart 11.3— Minimum housing densities

Application

11.3.1 Application of subpart 11.3

This subpart applies only to regional planning committees with responsibility for specified districts.

Interpretation

11.3.2 Definitions for subpart 11.3

In this subpart,—

building footprint means the total area of a building at ground floor level together with the area of any section of the building that extends beyond the ground floor level limits of the building and overhangs the ground

density standard means a standard that sets out requirements relating to building height, height in relation to boundary, building setbacks, building footprint, outdoor living space, outlook space, windows to streets, or landscaped area for the construction of a building

medium density residential standards, or MDRS, means the matters set out in Schedule UD2, which comprise:

(a) outcomes and policies (clauses 1 and 2 in Part 1 of Schedule UD2):

(b) requirements for plan rules and other matters in plans (clauses 2 and 3 in Part 1 of Schedule UD2):

(c) the specified density standards (Part 2 of Schedule UD2)

net site area means the total area of the site, excluding the following:

(a) any part of the site that provides legal access to another site:

(b) any part of a rear site that provides legal access to that site:

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981

outdoor living space means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated

relevant regional planning committee means a regional planning committee with responsibility for at least one relevant residential area

relevant residential area means every area zoned for residential activities in a specified district, other than the following:

(a) a zone intended to have buildings (such as detached houses) on lots larger than those in areas of low-density residential activity, and having particular landscape characteristics, physical limitations or other constraints to more intensive development:

(b) a residential zone in an area that is predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless the regional planning committee intends the area to become part of an urban environment:

(c) a residential zone on an offshore island

residential unit means a building or part of a building that—

(a) is used for a residential activity exclusively by one household; and

(b) includes sleeping, cooking, bathing, and toilet facilities

specified density standards means the density standards specified in Part 2 of Schedule UD2

specified district means both the following:

(a) a district within the responsibility of a tier 1 local authority:

(b) the district of the Rotorua District Council.

Directions

11.3.3 Plans to incorporate MDRS

(1) Every relevant regional planning committee must ensure that its plan includes the MDRS in relation to its each of its relevant residential areas.

(2) The MDRS must be included by—

(a) incorporating the outcomes and policies in clause 1 of Schedule UD2; and

(b) including plan rules that give effect to the matters in clause 2 of Schedule UD2; and

(c) complying with the subdivision requirements as set out in clause 3 of Schedule UD2; and

(d) incorporating the specified density standards.

(3) Other outcomes and policies in plans may (without limitation)—

(a) provide for matters of discretion to support the outcomes and policies in Schedule UD2; and

(b) link to the specified density standards in order to reflect any modification of the MDRS under regulation 11.3.4.

Compare: 1991 No 69 s 77G(1)

11.3.4 Enabling greater level of development

(1) This regulation applies when a relevant regional planning committee wishes to give effect to urban development framework Policies 3 and 5 by providing a greater level of development than enabled by the MDRS.

(2) The regional planning committee may do any of the following:

(a) omit 1 or more of the specified density standards, or incorporate a more lenient version of a specified density standard:

(b) include plan rules that are more lenient than the plan rules required by the MDRS.

(3) For the purpose of subclause(2)(b), a plan rule is **more lenient** if it—

(a) classifies an activity with a less restrictive activity status than required by the MDRS; or

(b) if the MDRS classifies an activity as permitted, imposes less restrictive conditions or requirements than the MDRS.

(4) If a regional planning committee omits a specified density standard from its plan, it must not regulate to the same effect as the omitted density standard.

Compare: 1991 No 69 s 77H

11.3.5 Providing for a lower level of development

(1) A relevant regional planning committee may modify the application the MDRS as they apply to a relevant residential area only to the extent necessary to accommodate 1 or more of the qualifying matters set out in regulation 11.2.27.

(2) The evaluation report required by Schedule 6 of the Act must, in relation to the proposed modification of the MDRS,—

(a) demonstrate why the regional planning committee considers that—

(i) the area is subject to a qualifying matter; and

(ii) the qualifying matter is incompatible with the level of development permitted by the MDRS; and

(b) assess the impact that modifying the application of the MDRS will have on the provision of development capacity; and

(c) assess the costs and broader impacts of the modification; and

(d) include description of—

(i) how the plan will allow the same or a greater level of development than the MDRS; and

(ii) how the modifications to the MDRS, as applied to the relevant residential area, are limited only to those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas.

Compare: 1991 No 69 ss 77 and 77I

Subpart 11.4—Urban trees and green spaces

Framework policies

11.4.1 Urban trees framework policies

The urban trees and green spaces framework policies are as follows:

(a) Policy 1: regional planning committee decisions on regional spatial strategies and plans recognise that trees and green spaces in urban environments can make an important contribution to multiple system outcomes:

(b) Policy 2: regional planning committee decisions on regional spatial strategies and plans encourage and incentivise opportunities to plant and retain trees and green spaces in urban environments.

Directions

11.4.2 Information about urban tree canopy cover

When preparing a regional spatial strategy, a regional planning committee—

(a) must consider any information, including data, about urban tree canopy coverage and green spaces in the region that is available and accessible to the regional planning committee at that time; and

(b) must consider whether and, if so, what further work is needed to support the development of the content of the relevant plan concerning urban trees; and

(c) may, but need not, describe that further work in the regional spatial strategy.

11.4.3 Plan rules about trees on urban allotments

(1) This regulation applies only to plan rules administered by a territorial authority; it does not apply to plan rules administered by a regional council that are within the matters that regional councils are responsible for under section 575 of the Act.

(2) A plan must not include a plan rule that prohibits or restricts the felling, trimming, damaging, or removal of trees on an urban allotment unless—

(a) the plan rule meets the requirements of subclause (3); or

(b) the regional planning committee has reviewed the proposed rule and notified the territorial authority that it is satisfied as required by subclause (4).

(3) The requirements of this subclause are that—

(a) for trees on a single urban allotment—

(i) the each tree or group of trees is described in a schedule to the plan; and

(ii) the urban allotment is identified in that schedule by street address, legal description, or both; and

(b) for trees on 2 or more urban allotments—

(i) the urban allotments are adjacent to each other; and

(ii) the trees on the allotments form a group of trees; and

(iii) the group of trees is described in a schedule to the plan; and

(iv) the urban allotments are identified in that schedule by street address, legal description, or both.

(4) If a regional planning committee reviews a proposed plan rule about urban trees that does not meet the requirements of subclause (3), it must—

(a) consider the extent to which the plan rule is necessary to achieve 1 or more system outcomes or framework outcomes; and

(b) notify the relevant territorial authority of whether it is satisfied of the following 2 matters:

(i) that the time and cost of implementing the proposed plan rule (including consenting, monitoring, and enforcing it) is appropriate in light of the contribution the plan rule will make to achieving 1 or more system outcomes or framework outcomes; and

(ii) that, having considered the effect of the proposed plan rule on development capacity in the region, the plan will still meet the requirements of subpart 11.2 relating to the requirement to provide at least sufficient development capacity to meet demand for housing and business land.

(5) For the purpose of subclause (3), the requirement to be identified in a schedule to a plan applies regardless of whether a tree, group of trees, or urban allotment is also identified in a map in the plan, and regardless of whether the urban allotment is also clad with bush or other vegetation.

(6) This regulation applies to plan rules that affect any area, and not just plan rules affecting urban environments.

Part 12
Infrastructure

Subpart 12.1—Preliminary provisions

Framework outcome

12.1.1 Infrastructure framework outcome

(1) The **infrastructure framework outcome** is that New Zealand's infrastructure—

(a) supports the well-being of present and future generations; and

(b) provides national, regional, and local benefits; and

(c) is well-functioning and resilient; and

(d) is delivered in a timely, efficient, and ongoing manner.

(2) The infrastructure framework outcome applies to all the provisions, including the framework rules, in this Part and Part 13.

Interpretation

12.1.2 Definitions for Part 12

In this Part,—

activities sensitive to noise means—

(a) residential activities, including visitor accommodation and retirement accommodation:

(b) educational activities:

(c) health care activities:

(d) activities at places of worship:

(e) activities at marae

construction, in relation to new infrastructure, includes installation and erection

cultural heritage area means an area that is identified in a plan as having cultural heritage values that are significant for the region

gas transmission network means any gas or liquid petroleum pipeline with a pressure greater than 2,000 , along with any above or below ground equipment that forms part of the transmission network

maintenance, in relation to infrastructure, means any works or activity necessary or desirable for the continued operation or functioning of existing infrastructure, and includes—

(a) its repair; and

(b) its complete or partial replacement, but only if the effects of the replacement are the same or similar in character, intensity, and scale, or have a lesser impact

minor upgrade, in relation to network utility infrastructure, means the improvement or increase in condition, carrying capacity, operational efficiency, security or safety of existing infrastructure, provided the activity—

(a) will have no more than trivial adverse effects on the environment over time; and

(b) results in the network assets occupying a physical space, in any direction, that is the same as, or similar to, the existing network assets

national grid sensitive activity includes the use of land for a childcare facility, school, residential building or unit, or hospital

national grid subdivision corridor means the area measured either side of the centre line of an above-ground national grid transmission line, as follows:

(a) 14 m of a 110 kV transmission line on single poles:

(b) 16 m of a 110 kV transmission line on pi poles:

(c) 32 m of a transmission line up to and including 110 kV, on towers:

(d) 37 m of a 220 kV transmission line:

(e) 39 m of a 350 kV transmission line on towers

national grid yard means the area measured as follows:

(a) 12 m in any direction from the outer edge of a national grid support structure:

(b) 10 m either side of the centre line of an overhead 110 kV transmission line on single poles:

(c) 10 m either side of the centre line of an overhead 60 kV transmission line on single poles, pi poles or towers:

(d) 12 m either side of the centre line of any overhead 110 kV, 220 kV or 350 kV transmission line on pi poles or towers (including a steel monopole where they replace a steel lattice tower).

NZECP 34:2001 means the New Zealand Electrical Code of Practice for Safe Electrical Distances 34:2001

overhead high voltage electricity distribution line means an overhead electricity distribution line that is designed and built to operate at a voltage of 11 kV or greater

outstanding natural feature area means an area that is identified in a plan as containing a natural feature that is outstanding for the region

outstanding natural landscape area means an area that is identified in a plan as containing a natural landscape that is outstanding for the region.

railway corridor means the area of land that accommodates railway infrastructure (as defined in the Railways Act 2005)

reverse sensitivity means the vulnerability of an established activity to complaint, burden, or constraint from more sensitive activities proposed or located near the established activity, due to differences in land use

REG infrastructure means infrastructure used for the generation, storage, transmission, or distribution of renewable electricity, and includes the national grid

Other preliminary matters

12.1.3 Relationship between framework rules

(1) All the framework rules in this Part and Part 13 apply to infrastructure activities and should be read cumulatively.

(2) If a framework rule in this Part or Part 13 conflicts with a framework rule in any other part of this national planning framework, the more restrictive framework rule prevails.

12.1.4 Relationship of REG infrastructure and electricity transmission with indigenous biodiversity

[Placeholder: Policy work is currently underway on the relationship between indigenous biodiversity (including SNAs and SBAs) and the approach to managing effects of renewable electricity generation and electricity transmission on indigenous biodiversity. Provisions relating to this issue are intended to be included in this transitional national planning framework by the time it is notified. The placeholder is consistent with clause 1.3(3) of the National Policy Statement on Indigenous Biodiversity 2023 prepared under the RMA. Clause 1.3(3) is intended to apply until the policy position is resolved under the RMA through the proposed amendments to the National Policy Statement for Renewable Electricity Generation 2011 and National Policy Statement on Electricity Transmission 2008.]

Subpart 12.2—Directions

Regional spatial strategies: directions

12.2.1 Planning for infrastructure

(1) When preparing a regional spatial strategy, a regional planning committee must identify opportunities to—

(a) provide for existing, planned, and potential infrastructure; and

(b) provide for infrastructure associated with the generation, storage, transmission, and distribution of renewable energy, including by identifying—

(i) opportunities to increase the capacity for generation, storage, transmission, and distribution of renewable energy; and

(ii) suitable or indicative locations and opportunities to develop renewable energy generation and provide for its storage, transmission, and distribution; and

(c) provide for infrastructure that reduces emissions, reduces risks, and increases adaptation and resilience to the effects of natural hazards and climate change, including by recognising—

(i) the infrastructure needed to reduce greenhouse gas emissions in urban and rural environments, and from transport, and from energy and industrial process heat; and

(ii) the extent to which existing infrastructure is at risk from natural hazards and the effects of climate change.

(2) When identifying opportunities to provide for infrastructure as described in subclause (1), a regional planning committee must recognise the benefits of infrastructure, which include the following:

(a) creating or enhancing well-functioning urban and rural areas:

(b) helping to protect and restore the environment:

(c) providing for the well-being of present and future generations:

(d) providing lifeline services that are essential to support human life or the functioning of the economy:

(e) providing efficient and secure supplies of energy to people and communities:

(f) playing a role in achieving New Zealand's emissions reduction targets and mitigating climate change:

(g) reducing the risks from, and improving resilience to, natural hazards and the effects of climate change.

(3) When identifying opportunities to provide for infrastructure as described in subclause (1), a regional planning committee must recognise that infrastructure may have functional or operational needs to operate in, be located in, or traverse particular environments, including to—

(a) provide services to particular communities in a timely, effective, and efficient manner; and

(b) have access to particular natural resources.

(4) When identifying opportunities to provide for infrastructure associated with the generation, storage, transmission, or distribution of renewable energy, a regional planning committee must also recognise the benefits of renewable energy, which include the following:

(a) its role in avoiding, reducing, and displacing greenhouse gas emissions:

(b) that it uses renewable rather than finite resources:

(c) that it reduces reliance on imported fuels for the purpose of generating energy:

(d) its contribution to the security, resilience, independence, and diversity of energy supply at national, regional, and local level:

(e) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies.

12.2.2 Protecting infrastructure

When preparing a regional spatial strategy, a regional planning committee must consider how to protect infrastructure from the adverse effects of incompatible activities and development, including reverse sensitivity effects.

12.2.3 Co-ordinating land use, infrastructure, and investment

Regional planning committees must seek to co-ordinated and integrate land use with infrastructure planning and investment to promote multiple system outcomes, including by—

(a) identifying ways to make better use of existing infrastructure; and

(b) identifying opportunities to co-ordinate and integrate land use with the provision of infrastructure when making decisions on development or land use change in the region; and

(c) recognising that future land use change may require increased or improved infrastructure, and identifying potential investment sources for that infrastructure; and

(d) supporting the co-ordination of funding by public infrastructure providers to deliver quality and timely infrastructure services; and

(e) planning for development and land use change alongside infrastructure investment and delivery, to ensure it can be supported by timely and appropriate infrastructure; and

(f) planning for and managing the location of new activities and intensity of existing activities near existing and planned major infrastructure to ensure that those activities are compatible with the effects of that infrastructure and will not compromise its effective and efficient operation, maintenance, and upgrading; and

(g) ensuring that current infrastructure investment gaps do not limit the provision of development capacity.

12.2.4 Engaging with infrastructure providers and government agencies

(1) When preparing a regional spatial strategy, a regional planning committee must provide opportunities for early and ongoing engagement with infrastructure providers and government agencies responsible for infrastructure delivery and regulation.

(2) The engagement must be aimed at enabling infrastructure providers and relevant government agencies to provide the regional planning committee with robust and reliable evidence on—

(a) existing, planned, and potential infrastructure; and

(b) time frames for major upgrades of existing infrastructure and construction of planned infrastructure; and

(c) planned or required infrastructure funding and investment; and

(d) requirements for ongoing operation of specified critical infrastructure; and

(e) risks that may affect the operation of existing and planned infrastructure; and

(f) the renewable energy potential in the region, including—

(i) energy generation potential from renewable sources; and

(ii) locations within the region for new or increased generation, storage, or transmission capacity; and

(iii) the locations of existing, planned, and potential transmission and distribution infrastructure for renewable energy; and

(g) opportunities for the region to support the generation, storage, transmission, and distribution of renewable energy at a national level.

12.2.5 Identifying infrastructure in regional spatial strategies

(1) A regional planning committee must identify the following existing infrastructure in its regional spatial strategy:

(a) the national grid:

(b) large-scale renewable electricity generation:

(c) the rail network owned and operated by KiwiRail:

(d) State highways:

(e) international and regional airports:

(f) international and regional ports.

(2) The regional planning committee may also identify in its regional spatial strategy any planned or potential infrastructure of the kind identified in subclause (1) if satisfied that—

(a) there is sufficient information to identify the nature of the infrastructure and its proposed location; and

(b) the infrastructure will be of strategic national or regional importance.

(3) The regional planning committee may also identify other existing, planned, or potential infrastructure (that is, infrastructure not identified under subclause (1) or (2)) on the basis of a consideration of the following (without limiting the requirements of sections 17 and 18 of the Spatial Planning Act 2023):

(a) whether the infrastructure is of strategic national or regional importance:

(b) whether the infrastructure supports the vision and objectives for the region's development and change:

(c) whether identification of the infrastructure would help support the timely and ongoing delivery of infrastructure:

(d) whether the infrastructure will assist in achieving limits and targets:

(e) whether the infrastructure will assist in providing for multiple system outcomes:

(f) in the case of planned or potential infrastructure, whether sufficient information is available to adequately identify where it is to be located.

(4) When identifying planned or proposed infrastructure in a regional spatial strategy, a regional planning committee must consider how to—

(a) provide for infrastructure to be located in areas where it can best provide infrastructure services to support the well-being of present and future generations; and

(b) recognise and provide for the locational, functional, and operational needs of infrastructure to operate, locate, and traverse particular environments; and

(c) seek to minimise conflicts between infrastructure and other system outcomes where practicable; and

(d) provide strategic direction on the management of foreseeable conflicts between infrastructure and other system outcomes.

(5) When identifying any existing, planned, or proposed infrastructure in a regional spatial strategy, a regional planning committee must—

(a) make clear the existing, planned, or proposed spatial extent of the infrastructure; and

(b) identify the existing, planned, or proposed scale, nature, and intensity of the infrastructure.

Plans: directions

12.2.6 Enabling infrastructure generally

(1) Every plan must include provisions that—

(a) enable the efficient and timely construction, operation, maintenance, upgrade, replacement, and removal of infrastructure, as long as—

(i) adverse effects are avoided or minimised where practicable, except where adverse effects are addressed through more specific provisions in the Act or this national planning framework (including those in clauses 12.2.8 and 12.2.9); and

(ii) multiple system outcomes are provided for where practicable; and

(b) enable cross boundary infrastructure networks; and

(c) provide flexibility for infrastructure providers to use new or innovative technologies and methods to improve the delivery of infrastructure services; and

(d) enable the co-location of compatible infrastructure; and

(e) identify and enable opportunities to make more effective use of existing infrastructure; and

(f) recognise the benefits of existing infrastructure (including those identified in regulation 12.2.3(2) and (4)) when renewing or replacing resource consents; and

(g) enable the replacement or removal of existing infrastructure at the end of its operational life or when necessary to maintain or improve its level of infrastructure service.

(2) When developing provisions in a plan to enable infrastructure, a regional planning committee must—

(a) recognise that infrastructure needs to be located where the services provided by that infrastructure are required, whether or not the infrastructure has been spatially identified in a regional spatial strategy; and

(b) take into account the widespread, dispersed, and ongoing national, regional, and local benefits of infrastructure relative to its local adverse effects.

(3) Regional planning committees must, through their plans,—

(a) adopt accepted standards and methods to manage common infrastructure activities and effects; and

(b) avoid any disproportionate information requirements, consent requirements, restrictions, and conditions that may individually or cumulatively lead to unnecessary infrastructure development costs.

(4) To avoid doubt, this regulation and regulations 12.2.8 and 12.2.9 are subject to,—

(a) in relation to the coastal environment, subparts 3.1 and 3.2; and

(b) in relation to rivers, subpart 2.3; and

(c) in relation to natural inland wetlands, subpart 2.5; and

(d) in relation to indigenous biodiversity outside the coastal environment, subparts 6.1 and 6.2, except as provided in [refer to NPS REG and NPS ET once gazetted] in relation to REG infrastructure.

12.2.7 Enabling specified critical infrastructure

(1) Every plan must include provisions that enable the activities that support specified critical infrastructure to operate effectively, such as vegetation clearance, and maintenance of power supply and access tracks.

(2) When developing provisions for inclusion in plans, a regional planning committee must recognise—

(a) that specified critical infrastructure may need to be located in areas with significant natural environment and cultural values; and

(b) the significant risks and impacts on public safety and well-being that occur when specified critical infrastructure services are compromised, lost, delayed, or fail; and

(c) the significant benefits of specified critical infrastructure to the functioning of regions and New Zealand and the well-being of present and future generations; and

(d) the independent and interconnected nature of specified critical infrastructure networks.

(3) Plans must provide that specified critical infrastructure affecting cultural heritage areas, outstanding natural feature areas, or outstanding natural landscape areas is not enabled unless the consent authority is satisfied that—

(a) the specified critical infrastructure has a functional or operational need to be located in that area; and

(b) an assessment of alternative locations has been carried out by the applicant for the consent; and

(c) adverse effects will be avoided, minimised, or remedied to the extent practicable.

(4) Any assessment (whether under subclause (3) or any provision referred to in regulation 12.2.7(4)) of the functional or operational need of specified critical infrastructure to be in a location must consider the extent to which the location—

(a) gives access to the natural and physical resources required for specified critical infrastructure; and

(b) provides for the services provided by the specified critical infrastructure to be delivered in an efficient and timely manner; and

(c) supports resilient infrastructure corridors, networks, and sites.

12.2.8 Enabling REG infrastructure and infrastructure supporting emissions reductions

(1) Every plan must include provisions that enable the efficient and timely delivery of REG infrastructure, including by—

(a) increasing the capacity and efficiency of REG infrastructure where it is needed to deliver on New Zealand's emissions reduction targets; and

(b) identifying suitable or indicative locations and opportunities for renewable energy generation, storage, and transmission, where appropriate; and

(c) providing opportunities for the construction of new REG infrastructure to generate, store, and transmit renewable energy, whether or not the proposed locations are identified in a regional spatial strategy; and

(d) protecting and enhancing the capacity of existing renewable energy generation, including through upgrading and repowering existing renewable energy assets; and

(e) enabling improved capacity of the transmission and distribution network to support an increase in renewable energy generation capacity; and

(f) enabling the use of new renewable energy generation, storage, transmission, and distribution technologies to meet current and future energy needs.

(2) Every plan must include provisions that enable the efficient and timely delivery of infrastructure that supports New Zealand's emissions reduction targets, including by—

(a) enabling the development of new infrastructure needed to reduce greenhouse gas emissions in urban and rural environments, from transport, and from energy and industrial process heat; and

(b) protecting and enhancing existing infrastructure that contributes to reducing greenhouse gas emissions in urban environments and from transport; and

(c) recognising that existing infrastructure may need to be upgraded, replaced, or relocated to reduce risks from, and improve resilience to, the effects of climate change and natural hazards, and providing for these changes; and

(d) recognising the reversibility of the adverse effects on the environment of some renewable electricity generation technologies.

(3) Any assessment (whether under regulation 12.2.8(4) or any provision referred to in regulation 12.2.7(3)) of the functional or operational need for REG infrastructure to be in a location must consider the extent to which the location—

(a) gives access to the renewable energy resource required for the renewable energy generation; and

(b) enables the renewable energy generation and storage infrastructure to connect to supporting infrastructure, such as transmission or distribution networks; and

(c) has sufficient land available to enable the effective operation of all the activities required to support generation, storage, transmission, or distribution activities; and

(d) is accessible for construction, operation, maintenance, relocation, and upgrade purposes; and

(e) provides for the transportation of energy from generation source to distribution networks and end users; and

(f) provides for transmission and distribution to operate as an extensive, interconnected linear system across New Zealand; and

(g) provides for the safe storage of renewable energy for the purpose of supporting the reliability of the renewable energy network and regulating fluctuating (intermittent and seasonal) energy sources.

12.2.9 Protecting infrastructure from incompatible activities and development

(1) Every plan must include provisions that protect existing infrastructure from the adverse effects of incompatible activities and development by—

(a) identifying potentially incompatible activities based on the sensitivity of those activities to the effects of infrastructure; and

(b) avoiding incompatible activities, and the intensification of existing incompatible activities, near existing or planned infrastructure, except where the following can be avoided or sufficiently minimised:

(i) reverse sensitivity effects on that infrastructure:

(ii) health and safety risks to people and communities from that infrastructure; and

(c) ensuring that measures to avoid and manage incompatible activities near infrastructure are consistent with relevant national and international standards, regulations, and guidance that seek to provide for the safe and effective operation of that infrastructure.

(2) Regional planning committees must—

(a) engage with relevant infrastructure providers to identify an appropriate buffer around infrastructure corridors, networks, and sites to restrict and avoid incompatible and sensitive activities; and

(b) map that buffer around infrastructure corridors, networks, and sites in plans.

(3) When identifying infrastructure corridors, networks, and sites in plans, regional planning committees must also identify appropriate buffers around those corridors, networks, and sites, where this will help to—

(a) avoid or minimise health and safety risks of infrastructure to people and communities adjacent to the infrastructure corridor, network, or site; and

(b) provide for the effective and efficient operation, maintenance, and upgrading of existing or planned infrastructure; and

(c) avoid or minimise the potential for reverse sensitivity effects and direct effects on the effective and efficient operation of infrastructure.

Subpart 12.3—Accidental discovery protocol and temporary works in water bodies

Accidental discovery protocol

12.3.1 Definitions relating to accidental discovery protocol

In regulations 12.3.4A and 12.3.4B,—

accidental discovery protocol means the protocol described in Schedule Infra1

relevant infrastructure activity means an activity that—

(a) is—

(i) earthworks or land disturbance associated with the construction, operation, maintenance, upgrade, replacement, or removal of infrastructure; or

(ii) the construction, operation, maintenance, upgrade, replacement, or removal of infrastructure in the coastal marine area or in water bodies; and

(b) does not have an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.

12.3.2 Accidental discovery protocol: directions

(1) If a plan rule provides that a relevant infrastructure activity is a permitted activity, the plan must ensure that the activity is subject to compliance with the accidental discovery protocol.

(2) If a relevant infrastructure activity is authorised by a resource consent, the resource consent must be subject to a condition requiring compliance with the accidental discovery protocol.

12.3.3 Accidental discovery protocol: framework rule

Any relevant infrastructure activity that is classified by a framework rule (whether in this Part or any other Part) as a permitted activity is subject to the accidental discovery protocol.

Temporary works for infrastructure in water bodies: directions

12.3.4 Application of regulation 12.3.5

The requirements of regulation 12.3.5 do not apply to plan rules to the extent they apply to infrastructure activities in—

(a) the coastal marine area; or

(b) places of national importance; or

(c) HVBAs.

12.3.5 Plan rules about temporary works for infrastructure in water bodies

(1) Every regional planning committee must include plan rules in its plan relating to temporary works in water bodies associated with the construction, operation, maintenance, upgrade, replacement, or removal of infrastructure.

(2) In developing those rules, the regional planning committee must have regard to—

(a) the best-practice principles for temporary works for infrastructure in water bodies, as set out in clause 2 of Schedule Infra2; and

(b) any other considerations required under Part 2 or Part 6 of this national planning framework.

(3) The plan rules must require a consent authority to have regard to the best-practice consent conditions set out in clause 3 of Schedule Infra2.

Subpart 12.4—Framework rules for reverse sensitivity effects

Application

12.4.1 Application of subpart

(1) The framework rules in this subpart do not apply to activities in—

(a) the coastal marine area; or

(b) places of national importance; or

(c) HVBAs.

(2) The framework rules in this subpart are additional to any other framework rules or any plan rules applying to the same activity, but if more than 1 rule applies, the rule with the more stringent activity status applies.

Other matters

12.4.2 Consent authority

For the purpose of section 139 of the Act, territorial authorities are the consent authorities for the framework rules in this subpart.

12.4.3 Person responsible for enforcing framework rules

Territorial authorities are responsible for enforcing the framework rules in this subpart.

Stringency: framework rule

12.4.4 Stringency

A plan rule may be more stringent than any framework rule in this subpart.

Electricity distribution lines: framework rules

12.4.5 Subdivision of site containing overhead high voltage electricity distribution lines: anticipated activity

(1) The subdivision of a site containing an overhead high voltage electricity distribution line is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which the subdivision allows for earthworks, buildings, and structures to comply with the safe distance requirements provided in sections 2, 3, and 4 of NZECP 34:2001:

(b) provision for the ongoing efficient operation, maintenance, and minor upgrading of the overhead high voltage electricity distribution line infrastructure, including for continued reasonable access for maintenance, inspections, and minor upgrading:

(c) the location of site access and any proposed building platform, and the design and use of any future building as it relates to the overhead high voltage electricity distribution line infrastructure:

(d) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the overhead high voltage electricity distribution lines on future owners and occupiers of the sites that result from the subdivision.

12.4.6 Subdivision of site containing overhead electricity distribution lines: discretionary activity

The subdivision of a site containing an overhead electricity distribution line is a discretionary activity if any proposed building, vehicle accessway, or building platform will not comply with the requirements of section 2.4, Table 2, and Table 4 of NZECP 34:2001.

12.4.7 Construction of buildings or structures near overhead electricity distribution lines: discretionary activity

The construction of a new building or structure, or alterations or extensions to an existing building or structure, that is within 30 m of the centre line of an overhead electricity distribution line is a discretionary activity if the construction or alteration—

(a) will increase the height or footprint of the building or structure; but

(b) will not comply with the setbacks identified in Table 1 and Table 2 of NZECP 34:2001.

Gas transmission network: framework rules

12.4.8 Construction of habitable buildings or structures near gas transmission network: anticipated activity

(1) The construction of new buildings or structures containing habitable rooms, or extensions or alterations to existing buildings or structures, that are within 20 m of the gas transmission network (as measured from the nearest edge of the pipeline) is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which the proposed activity is likely to compromise the stability or integrity of the gas transmission network and its operation, maintenance, and minor upgrading:

(b) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the gas transmission network on future owners and users of habitable buildings and structures within 20 m of the network:

(c) the risk of hazards from the gas transmission network affecting public or individual safety, and the risk of property damage:

(d) measures proposed to avoid or minimise potential adverse effects on the gas transmission network:

(e) the outcome of engagement with the owner and operator of the gas transmission network operator:

(f) whether it is possible or reasonable for the habitable building or structure to be located a greater distance from the gas transmission network.

12.4.9 Earthworks or land disturbance within 30 m of gas transmission network: anticipated activity

(1) Earthworks or land disturbance within 30 m of any part of the gas transmission network (as measured from the nearest edge of the pipeline) is an anticipated activity if—

(a) the stability or integrity of the gas transmission network will not be compromised; or

(b) any earthworks will result in a permanent change to the ground contour or ground level; or

(c) for any earthworks or land disturbance within a gas pipeline easement area, a pipeline easement permit has not been obtained from the gas pipeline owner; or

(d) for any earthworks or land disturbance outside a gas pipeline easement area, written notice of the work has not been given to the gas transmis-

sion pipeline owner and operator at least 5 working days before the earthworks or land disturbance starts.

(2) However, subclause (1)(a) to (d) does not apply if the earthworks or land disturbance does not exceed a depth of 400 mm and the activity is undertaken as part of agricultural, horticultural, or domestic cultivation, or the repair, sealing, or resealing of a road, footpath, driveway, or farm track.

Matters over which control reserved

(3) The matters over which control is reserved are as follows:

(a) any risk from the earthworks or land disturbance to public or individual safety, and any risk of property damage:

(b) measures proposed to manage adverse effects of the earthworks or land disturbance on the gas transmission network:

(c) the outcome of any engagement with the owner and operator of the gas transmission pipeline.

12.4.10 Use of explosives within 60 m of gas transmission network: anticipated activity

(1) The use of explosives within 60 m of any part of the gas transmission network is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) any risk to public or individual safety from the use of explosives near the gas transmission pipeline, and any risk of damage to the gas transmission network and the land it is on:

(b) measures proposed to manage potential adverse effects on the gas transmission network:

(c) the outcome of any engagement with the owner and operator of the gas transmission pipeline:

(d) whether it is possible or reasonable for the explosives to be used further away from the gas transmission network.

12.4.11 Subdivision of site containing gas transmission network: anticipated activity

(1) The subdivision of a site containing any part of the gas transmission network is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which the subdivision allows for the ongoing efficient operation, maintenance, and minor upgrading of the gas transmission net-

work, including continued reasonable access for inspections, maintenance, and minor upgrading:

(b) measures necessary to avoid or sufficiently minimise the adverse effects of the gas transmission network on future owners or occupiers of sites that result from the subdivision:

(c) the potential impacts of the location of any future building platform and its proximity to the gas transmission network:

(d) the extent to which the subdivision design allows for activities to be set back from the gas transmission network:

(e) the nature and location of any vegetation to be planted in the vicinity of the gas transmission network:

(f) the outcome of any engagement with the owner and operator of the gas transmission network.

12.4.12 Tree planting within 10 m of gas transmission network: anticipated activity

(1) Tree planting within 10 m of any part of the gas transmission network (as measured from the nearest edge of the pipeline) is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) measures proposed to manage adverse effects of the tree planting and trees on the gas transmission network:

(b) the outcome of any engagement with the owner and operator of the gas transmission pipeline.

National grid: framework rules

12.4.13 Subdivision in national grid subdivision corridor: anticipated activity

(1) The subdivision of a site within the national grid subdivision corridor is an anticipated activity if every building platform that results from the subdivision is located outside the national grid yard.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which the subdivision allows for earthworks, buildings, and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice found in sections 2, 3, and 4 of NZECP 34:2001:

(b) provision for the on-going efficient operation, maintenance, and minor upgrade of the national grid, including the ability for continued reasonable access to existing transmission lines and any support structures for maintenance, inspections, and minor upgrading:

(c) the location of any proposed building platform and the design and use of any future building, and their potential effects on the national grid:

(d) the extent to which the design and construction of the subdivision allows for activities to be set back from the national grid to ensure that adverse effects on, and from, the national grid and on public safety and property are appropriately avoided, remedied, or mitigated through, for example, the location of roads and reserves or other open space under the transmission lines.

12.4.14 Subdivision in national grid subdivision corridor: discretionary activity

The subdivision of a site within the national grid subdivision corridor is a discretionary activity if any building platform that results from the subdivision is located within the national grid yard.

12.4.15 Construction of buildings or structures in national grid yard: discretionary activity

(1) The construction of a new building or structure, or the alteration or extension of an existing building or structure, that is within the national grid yard is a discretionary activity an any of the following circumstances:

(a) the new building or structure is for a national grid sensitive activity:

(b) the alteration or extension of an existing building or structure for a national grid sensitive activity increases the height or footprint of the building or structure:

(c) the new building or structure, or the alteration or extension of an existing building or structure, is used for the storage or handling of hazardous substances with explosive or flammable intrinsic properties (other than the use and storage of hazardous substances ancillary to residential land uses):

(d) if a plan identifies a compromised span, the new building or structure, or the alteration or extension of an existing building or structure, is not within a compromised span:

(e) the new or altered building, or the extension of an existing building, is an accessory building for a land use in paragraph (a), (b), (c), or (d), and,—

(i) is located within 12 m of a transmission line support structure; or

(ii) is more than 2.5 m in height and more than 10 m^2 in area:

(f) the new or altered structure, or the extension of an existing structure, is a fence that is located—

(i) within 5 m of a transmission line pole support structure; or

(ii) within 6 m of a transmission line tower support structure:

(g) the new or altered structure, or the extension of an existing structure, comprises ancillary stockyards or platforms that are—

(i) related to rural activities; and

(ii) located within 12 m from a transmission line support structure:

(h) the new or altered building or structure, or the extension of an existing building or structure, is a farm or horticultural building or structure that is—

(i) used for habitation; or

(ii) within 12 m of a transmission line support structure:

(i) except where subclause (2) applies, the new or altered structure, or the extension of an existing structure, is an artificial crop protection structure or crop support structure that—

(i) is more than 2.5 m in height; or

(ii) is located within 8 m of a transmission pole support structure:

(j) the new or altered building or structure, or the extension of an existing building or structure, does not comply with NZCEP 34:2001, except where specifically varied by any other provision in Part 12 or in Part 13:

(k) the new or altered building or structure, or the extension of an existing building or structure, permanently impedes vehicular access to a transmission line support structure.

(2) Subclause (1)(i) does not apply to an artificial crop protection structure or crop support structure that—

(a) is removable or temporary to allow a clear working space of 12 m from the transmission line pole for maintenance; and

(b) meets the requirements of clause 2.4.1 of NZECP 34:2001.

12.4.16 Earthworks and land disturbance in national grid yard: discretionary activity

(1) Earthworks or land disturbance within the national grid yard is a discretionary activity if—

(a) any earthworks—

(i) exceed 300 mm in depth within 6 m of the outer visible edge of the foundation of a transmission line support structure; or

(ii) exceed 3 m in depth between 6 m and 12 m of the outer visible edge of the foundation of a transmission line support structure; or

(iii) permanently impede vehicular access to a transmission line support structure; or

(b) any earthworks or land disturbance compromises the stability of a transmission line support structure; or

(c) any earthworks or land disturbance results in a reduction in the ground to conductor clearance distances as required by Table 4 of NZCEP 34:2001.

(2) However, subclause (1)(a) to (c) does not apply to the following activities:

(a) land disturbance undertaken as part of agricultural, horticultural, or domestic cultivation, or the repair, sealing, or resealing of a road, footpath, driveway, or farm track:

(b) excavation of a vertical hole not exceeding 500 mm in diameter that is more than 1.5 m from the outer edge of the foundation of a transmission line pole or stay wire:

(c) activities subject to a written dispensation from Transpower under NZCEP 34:2001.

State highways and rail network: framework rules

12.4.17 Vehicle crossings within 30 m of railway level crossing: anticipated activity

(1) A vehicle crossing within 30 m of a railway level crossing (measured from the nearest edge of the railway level crossing) is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which the safety and efficiency of railway and road operations will be adversely affected:

(b) the outcome of any engagement with KiwiRail:

(c) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the railway level crossing on future users of the vehicle crossing.

12.4.18 New buildings, structures, or plantings within level crossing sight triangle: anticipated activity

(1) The construction of a new building or structure, and new planting of vegetation, within a level crossing sight triangle is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which the safety and efficiency of railway and road operations will be adversely affected by a building, structure, or planting located in the level crossing sight triangle:

(b) the outcome of any engagement with KiwiRail:

(c) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the railway level crossing on future

owners and users of buildings, structures, or vegetation planting within the level crossing sight triangle.

(3) In this regulation, **level crossing sight triangle** means—

(a) the Restart sight triangle for all level crossings, as shown in Schedule Infra5; or

(b) the Approach sight triangles for level crossings with "Give Way" signs, as shown in Schedule Infra5

12.4.19 New buildings or structures within 5 m of railway corridor boundary

(1) The construction of a building or structure, or the extension of an existing building or structure, within 5 m of railway corridor boundary is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the size, nature, and location of the buildings on the site:

(b) the extent to which the safety and efficiency of railway and road operations will be adversely affected:

(c) the outcome of any engagement with KiwiRail:

(d) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the activity in the railway corridor on future users of the buildings or structures within 5 m of a railway corridor boundary.

(3) Measurements for the purpose of this regulation must be taken from the closest edge of the railway corridor boundary.

12.4.20 Activities sensitive to noise within 100 m of State highway or railway corridor: anticipated activity

(1) The construction or alteration of a building containing activities sensitive to noise, and located within 100 m of the closest edge of a State highway carriageway or railway corridor (measured from the closest edge of a railway line), is an anticipated activity if the building does not comply with the relevant requirements in subclause (2).

Requirements

(2) The requirements are that—

(a) the building or alteration must designed and constructed—

(i) to achieve indoor design noise levels resulting from the road or railway not exceeding the maximum values in table 1 in Schedule Infra3; or

(ii) to meet the minimum construction requirements to achieve an external sound insulation level of DnT,w + Ctr > 30 dB provided in table 2 in Schedule Infra3; and

(b) If the building is designed to meet the noise levels in table 1 in Schedule Infra3 only if the windows are closed, it must be designed and constructed with a mechanical ventilation system that—

(i) for habitable rooms in building for a residential activity, achieves the following requirements:

(A) provides mechanical ventilation to satisfy clause G4 of the Building Code (in the Building Regulations 1992):

(B) is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour:

(C) provides relief for equivalent volumes of spill air:

(D) provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C:

(E) does not generate more than 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser; or

(ii) for other spaces, is as determined by a suitably qualified and experienced person; and

(c) if the building is closer than 40 m to the carriageway of a state highway or 60 m from the boundary of a railway corridor, it is designed by a suitably qualified professional, and constructed to achieve road and rail vibration levels not exceeding 0.3 mm/s vw,95.

Matters over which control reserved

(3) The matters over which control is reserved are as follows:

(a) whether the activity sensitive to noise could be located further from the State highway or railway corridor:

(b) the extent to which the noise and vibration criteria are achieved and the effects of any non-compliance:

(c) measures necessary to avoid or sufficiently minimise the adverse effects, including health and safety risks, of the State highway carriageway or railway corridor on activities sensitive to noise located within 100 m of those carriageways and corridors:

(d) any special topographical features, building features, structures or ground conditions that will mitigate noise and vibration impacts:

(e) the outcome of any engagement with the New Zealand Transport Agency or KiwiRail.

Subpart 12.5—Dust framework rules for infrastructure earthworks

Application

12.5.1 Application of subpart 12.5

Nothing in this subpart applies to activities—

(a) in the coastal marine area; or

(b) in a place of national importance; or

(c) in an HVBA.

Interpretation

12.5.2 Definitions for subpart 12.5

In this subpart,—

dust assessment criteria means the criteria set out in regulation 12.5.3

dust management plan requirements means the requirements set out in regulation 12.5.4

infrastructure earthworks means earthworks or land disturbance associated with the construction, maintenance, upgrade, replacement, or removal of any infrastructure

sensitive area means any of the following:

(a) a coastal margin:

(b) a riparian margin:

(c) an area of the coastal environment, a wetland, lake, river or its margins, that is identified in a plan as having outstanding natural character

(d) an outstanding natural feature area:

(e) an outstanding natural landscape area

(f) an outstanding cultural heritage area

site—

(a) means an area of land comprised in a single record of title under the Land Transfer Act 2017; or

(b) means an area of land that comprises 2 or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the territorial authority; or

(c) means the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the territorial authority; or

(d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, means the whole of the land subject to the unit development or cross lease.

12.5.3 Dust assessment criteria

(1) The dust assessment criteria are as follows:

(a) frequency: how often an individual or site is exposed to the dust:

(b) intensity: the concentration of the dust:

(c) duration: the length of time the individual or site is exposed to the dust:

(d) offensiveness/character: the type of dust discharged:

(e) location: where the dust is discharged and the nature of activities in the vicinity of the dust source, and particularly whether there are activities or sites (such as wetlands) that are especially sensitive to the effects of dust.

(2) The dust assessment criteria must be used to assess whether a discharge of dust at a site is noxious, dangerous, objectionable, or offensive to the extent that it causes an adverse effect beyond the site's boundary, or on a sensitive area within the site.

12.5.4 Dust management plan requirements

(1) The dust management plan requirements are as follows:

(a) before commencing infrastructure earthworks, the infrastructure provider must prepare a dust management plan:

(b) dust management plan must use the dust assessment criteria and—

(i) be designed to minimise the effect of dust on the natural and built environment; and

(ii) include a level of detail that is reasonable and proportionate to the scale of works, and potential impacts of dust; and

(iii) as a minimum, address the matters in subclause (2):

(c) the infrastructure earthworks must be carried out in accordance with the dust management plan:

(d) if the regional council requests a copy of the dust management plan during, or within 6 months after completion of, the infrastructure earthworks, the infrastructure provider must provide a copy of the dust management plan to the regional council.

(2) The minimum matters that a dust management plan must address are the following:

(a) the nature, scale, and location of the infrastructure earthworks:

(b) the timing of earthworks (that is, when they will commence, any staging, and the expected completion):

(c) the dust control measures that will be taken to manage potential effects on sensitive areas within the site and on properties beyond the boundary of the site, including maintenance:

(d) monitoring requirements.

Other preliminary matters

12.5.5 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this subpart.

12.5.6 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this subpart.

Framework rules

12.5.7 Stringency

A plan rule may be more stringent than any framework rule in this subpart, but only in relation to managing the effects on activities, habitats, or environments that the regional planning committee considers are particularly sensitive to reduced air quality.

12.5.8 Discharge of dust from infrastructure earthworks: permitted activities

(1) The discharge of dust from infrastructure earthworks is a permitted activity if the requirements in subclause (2) are met.

Requirements

(2) The requirements are that—

(a) either—

(i) the total earthworks in the site are less than 10,000 m^2 in area and less than 100,000 m^3 in volume; or

(ii) the dust management plan requirements are met; and

(b) there is no noxious, dangerous, objectionable, or offensive dust to such an extent that it has an adverse effect on sensitive areas within the site or on the environment beyond the boundary of the site.

12.5.9 Discharge of dust from infrastructure earthworks: anticipated activity

(1) The discharge of dust from infrastructure earthworks is an anticipated activity if—

(a) either—

(i) the total earthworks on the site are less than 10,000 m^2 in area and less than 100,000 m^3 in volume; or

(ii) the dust management plan requirements are met; and

(b) there is noxious, dangerous, objectionable or offensive dust to such an extent that it has an adverse effect on sensitive areas within the site or on the environment beyond the boundary of the site.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the benefits of the infrastructure and the need for it to be in that location:

(b) measures to manage potential effects on properties beyond the boundary of the site:

(c) if a dust management plan is prepared, the adequacy of the dust management plan.

Subpart 12.6—Earthworks and land disturbance rules

Application

12.6.1 Application of subpart 12.6

Nothing in this subpart applies to activities in—

(a) the coastal marine area; or

(b) a place of national importance; or

(c) an HVBA.

Interpretation

12.6.2 Definitions for subpart 12.6

In this subpart,—

coastal margin means all land within a horizontal distance of 20 m landward from the coastal marine area

erosion means the wearing away of the land surface through physical, chemical, or biological processes resulting in detachment and transport of soil particles

riparian margin means all land within a horizontal distance of 10 m landward from the edge of the bed of a river or lake

sensitive area means any of the following:

(a) a coastal margin:

(b) a riparian margin:

(c) an area of the coastal environment, a wetland, lake, river or its margins, that is identified in a plan as having outstanding natural character:

(d) an outstanding natural feature area:

(e) an outstanding natural landscape area

(f) an outstanding cultural heritage area

site —

(a) means an area of land comprised in a single record of title under the Land Transfer Act 2017; or

(b) means an area of land that comprises 2 or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the territorial authority; or

(c) means the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the territorial authority; or

(d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, means the whole of the land subject to the unit development or cross lease.

12.6.3 Requirements for erosion and sediment control plan

(1) Any erosion and sediment control plan required by a framework rule in this subpart must include at least the following:

(a) a site description that includes the soil, slope (contours at an interval suitable for design), and total site area:

(b) a detailed programme of works that identifies—

(i) the construction period, dates, time frames, and methodologies; and

(ii) any staging plans for disturbed areas; and

(iii) the area of disturbance at each stage, including consideration of progressive stabilisation and minimisation of exposed soil; and

(iv) the length of exposed roads, tracks and trenches; and

(v) the cut and fill volume details; and

(vi) the location and volume of any stockpiles; and

(vii) the extent and type of vegetation to be removed or planted:

(c) drawings and a description of erosion and sediment control measures to be implemented:

(d) details of the receiving environment that the project drains into and the pathways and distance to them:

(e) the methodology for implementing erosion and sediment control measures (considering any staging of the works):

(f) a programme detailing the frequency and methodology of any inspections, monitoring, and maintenance of control measures (including checks proposed during rainfall events):

(g) emergency procedures to be implemented if there is unauthorised discharge of sediment to surface water.

(2) The erosion and sediment control plan must be set out in a level of detail that is reasonable and proportionate to the scale of the works, and the potential impacts of the earthworks or land disturbance.

Other preliminary matters

12.6.4 Relationship with framework rules in subparts 13.4 and 13.5

The framework rules in this subpart do not apply to electricity transmission telecommunication facilities (because the framework rules in subparts 13.4 and 13.5 deal specifically with those types of infrastructure).

12.6.5 Consent authority

For the purpose of section 139 of the Act, regional councils are the consent authorities for the framework rules in this subpart.

12.6.6 Person responsible for enforcing framework rules

Regional councils are responsible for enforcing the framework rules in this subpart.

Framework rules

12.6.7 Stringency

(1) A plan rule may be more stringent than any framework rule in this subpart, but only in relation to managing the effects of activities on habitats and receiving environments that the regional planning committee considers are particularly sensitive to sedimentation, including by—

(a) increasing the horizontal distance referred to in the definition of coastal margin, but only in relation to managing impacts of activities on areas in the coastal marine area that are particularly sensitive to sedimentation; and

(b) increasing the horizontal distance referred to in the definition of riparian margin, but only in relation to managing impacts of activities on riparian areas and habitats particularly sensitive to sedimentation.

(2) Nothing in this subpart limits a regional planning committee or local authority from developing plan rules and other provisions to regulate specific activities that may generate erosion and sediment.

12.6.8 Outside sensitive areas: construction, upgrade, or removal: permitted activities

Earthworks or land disturbance outside a sensitive area are a permitted activity if the activity—

(a) is for the purpose of constructing new infrastructure, or upgrading or removing existing infrastructure; and

(b) does not, at any one time, create on a site an open area that exceeds 2,500 m^2 in area or 2,500 m^3 in volume; and

(c) complies with the requirements in regulation 12.6.11.

12.6.9 Outside sensitive areas: maintenance of existing infrastructure: permitted activities

Earthworks or land disturbance outside a sensitive area is a permitted activity if the activity—

(a) is for the purpose of maintaining existing infrastructure; and

(b) complies with the requirements in regulation 12.6.11.

12.6.10 Inside sensitive areas: small-scale construction activities: permitted activities

Earthworks or land disturbance for the purpose of constructing new infrastructure inside a sensitive area is a permitted activity if—

(a) the area affected by the earthworks or land disturbance is less than 25 m^2; and

(b) the activity does not take place more than once in any 12-month period; and

(c) the activity complies with the requirements in regulation 12.6.11.

12.6.11 Inside sensitive areas: other activities: permitted activities

Earthworks or land disturbance inside a sensitive area is a permitted activity if the activity—

(a) is for the purpose of maintaining, upgrading, or removing existing infrastructure that is—

(i) on land that has been previously disturbed for that infrastructure; or

(ii) located within an infrastructure corridor; or

(iii) provided for by a designation; and

(b) does not, at any one time, create on a site an open area that exceeds 2,500 m2 in area of 2,500 m3 in volume; and

(c) complies with the requirements in regulation 12.6.11.

12.6.12 Requirements for all permitted activities

The requirements for all permitted activities under this subpart are as follows:

(a) during and after the activity, best-practice erosion and sediment control measures must be applied and maintained at the site of the activity to minimise any discharge of debris, soil, silt, sediment, or sediment-laden water—

(i) to any land, stormwater drainage systems, watercourses, or receiving waters in areas beyond the subject site; or

(ii) on or into sensitive areas within the site:

(b) the earthworks or land disturbance areas must be permanently stabilised against erosion within 6 months after the completion of earthworks or land disturbance:

(c) the activity must not create or contribute to any instability or subsidence of a slope or another land surface on the site of, or adjacent to, the earthworks or land disturbance:

(d) no soil or debris from the earthworks or land disturbance may be placed where it can enter a surface water body or the coastal marine area.

12.6.13 Other earthworks or land disturbance: anticipated activities

(1) If earthworks or land disturbance associated with new or existing infrastructure is not a permitted activity it is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which measures and processes proposed to manage potential adverse effects of erosion and sedimentation will avoid, minimise, or remedy adverse erosion and sedimentation effects:

(b) the extent to which discharges from the earthworks or land disturbance, or erosion, contributes to cumulative adverse effects and unreasonably affects the ability to meet plan outcomes.

Resource consents

(3) Any resource consent granted for an anticipated activity under this framework rule must include the following minimum conditions:

(a) before commencing earthworks or land disturbance on the infrastructure site, a finalised erosion and sediment control plan must be prepared by a suitably qualified and experienced practitioner and submitted to the relevant consent authority:

(b) the earthworks or land disturbance must not commence until the earlier of the following:

(i) the date on which the submitted erosion and sediment control plan is certified by the consent authority:

(ii) 10 working days after the erosion and sediment control plan has been submitted, as long as the consent authority has not advised that the plan is not suitable for certification:

(c) before each stage of the earthworks or land disturbance commences, all required erosion and sediment control measures on the infrastructure site must be constructed and carried out in accordance with the certified erosion and sediment control plan:

(d) if the earthworks or land disturbance results in uncontrolled discharge through the failure of an erosion and sediment control device, any works that rely on the failed erosion and sediment control device to mitigate silt and sediment must cease immediately and the earthworks or land disturbance causing the uncontrolled discharge must be mitigated and rectified to the satisfaction of the consent authority.

12.6.14 Conditions on resource consent granted under plan rule

If a plan rule requires a resource consent to be granted for any earthworks or land disturbance associated with infrastructure, any resource consent granted must be subject to the following minimum conditions:

(a) the earthworks or land disturbance must be managed in accordance with best-practice erosion and sediment control measures to avoid or minimise any discharge of debris, soil, silt, sediment, or sediment-laden water to land, stormwater drainage systems, watercourses, wetlands, or receiving waters:

(b) if the earthworks or land disturbance results in an uncontrolled discharge, the works must cease immediately and the earthworks or land disturbance causing the uncontrolled discharge must be mitigated and rectified to the satisfaction of the regional council:

(c) the earthworks or land disturbance must be managed in a way to avoid or minimise any discharge of debris, soil, silt, sediment, or sediment-laden water to land, stormwater drainage systems, watercourses, wetlands, or receiving waters:

(d) if the earthworks or land disturbance results in an unconsented discharge, or a discharge that is unable to meet permitted activity rules or standards, the works must cease immediately and the earthworks or land disturbance causing the unauthorised discharge must be mitigated and rectified to the satisfaction of the regional council.

Subpart 7—Protected tree work rules

Application

12.7.1 Application of subpart 12.7

(1) Nothing in this subpart applies to activities in a place of national importance or an HVBA.

(2) This subpart applies only to infrastructure activity that affects protected trees.

(3) The framework rules in this subpart do not apply to—

(a) activities in the coastal marine area; or

(b) activities carried out in accordance with a designation.

(4) A designation made after this subpart comes into force prevails over the framework rules in this subpart.

Interpretation

12.7.2 Definitions for subpart 12.7

In this subpart—

emergency tree works means tree works that are immediately necessary to—

(a) avoid any actual and imminent threat to the safety of persons or damage to property; or

(b) maintain or restore utility services

protected root zone means the circular area of ground around the trunk of a protected tree (*see* diagrams in Schedule Ifra3), the radius of which is,—

(a) for columnar crown tree species, half the height of the tree; and

(b) for all other tree species, the greatest distance between the trunk and the outer edge of the canopy

protected tree means any tree listed, scheduled, or otherwise identified in a plan as a protected tree

suitably qualified arborist means a person who holds an arboricultural degree or diploma and has demonstrated competency to (Level 4) New Zealand Certificate in Horticulture Services (Arboriculture) standard (or to an equivalent arboricultural standard).

Other preliminary matters

12.7.3 Relationship between this subpart and subpart 12.3

If there is inconsistency between this subpart and the regulations in subpart 12.3 relating to trees and vegetation (regulations 12.3.34 to 12.3.36), this subpart prevails.

12.7.4 Consent authority

For the purpose of section 139 of the Act, territorial authorities are the consent authorities for the framework rules in this subpart.

12.7.5 Person responsible for enforcing framework rules

Territorial authorities are responsible for enforcing the framework rules in this subpart.

Framework rules

12.7.6 Tree trimming: permitted activity

(1) Infrastructure activity that involves trimming a protected tree is a permitted activity if—

(a) at least 1 of the requirements in subclause (2) is met; or

(b) a permitted activity notice is obtained that requires the work to be done in accordance with the information required in the request for the permitted activity notice (*see* subclause (3)).

Requirements

(2) The requirements are as follows:

(a) the branches trimmed do not exceed 100 mm at the point of severance and, in any one calendar year,—

(i) no more than 30% of live growth of the tree is removed, and any removal is done under the supervision of a suitably qualified arborist; or

(ii) in any other case, no more than 20% of live growth of the tree is removed:

(b) the tree trimming is required by or under any legislation:

(c) the tree trimming is undertaken by or on behalf of a territorial authority, road controlling authority, or rail controlling authority for the purpose of maintaining the visibility of signage, vehicle or rail sightlines for traffic safety, or the legal clearance height and width above the road carriageway:

(d) the tree trimming is done for the purpose of reducing damage or the risk of damage to the operation of the infrastructure of a network utility:

(e) the tree trimming is required to maintain an existing access track associated with infrastructure.

Information required for permitted activity notice

(3) A request for a permitted activity notice must include a report that—

(a) is prepared by a suitably qualified arborist; and

(b) recommends tree-trimming methodology or mitigation measures that will ensure that the trimming will not have a long-term detrimental effect on the health of the tree.

12.7.7 Tree trimming: anticipated activity

(1) Infrastructure activity that involves trimming a protected tree is an anticipated activity if it does not comply with any of the requirements in regulation 12.7.6.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) alignment with infrastructure framework outcomes and policies, including the benefits of the infrastructure and the operational or functional need for the infrastructure in that location:

(b) the need to undertake the work to protect property, the safety of people, or the natural environment, including from the risk of fire:

(c) measures to manage potential impacts on the values of all affected protected trees and the benefits provided by those trees.

12.7.8 Unsupervised protected root zone work (smaller roots): permitted activity

(1) Infrastructure activity done without the supervision, or not under the direction, of a suitably qualified arborist is a permitted activity if—

(a) the activity affects the protected root zone of a protected tree; and

(b) all affected roots are less than 35 mm in diameter; and

(c) either—

(i) the requirements of either subclause (2) or (3) are met; or

(ii) a permitted activity notice is obtained that requires the work to be done in accordance with the information required in the request for the permitted activity notice (*see* subclause (4)).

Requirements

(2) The requirements of this subclause are that—

(a) the excavation within the protected root zone is undertaken by hand digging, air spade, hydro excavation, or machine excavator; and

(b) the surface area of a single excavation does not exceed 1 m^2; and

(c) any roots pruned are less than 35 mm in diameter at severance; and

(d) the works will disturb less than 10% of the protected root zone; and

(e) any machine excavator operates on top of paved surfaces or other ground protection measures and is fitted with a straight blade bucket; and

(f) replacement of structures, kerbs, and hard surfaces is done so that—

(i) the removal of the structure, kerb, or surface is carried out without damage to any tree roots; and

(ii) the machine excavator operates on top of paved surfaces or other ground protection measures and is fitted with a straight blade bucket.

(3) The requirements of this subclause are that—

(a) excavation is undertaken by trenchless methods at a depth greater than 800 mm below ground level; and

(b) replacement of structures, kerbs, and hard surfaces is done so that—

(i) the removal of the structure, kerb, or surface is carried out without damage to any tree roots; and

(ii) the machine excavator operates on top of paved surfaces or other ground protection measures and is fitted with a straight blade bucket.

Information required for permitted activity notice

(4) A request for a permitted activity notice include a report that—

(a) is prepared by a suitably qualified arborist; and

(b) recommends a root zone work methodology and mitigation measures that will ensure that the work will not have a long-term detrimental effect on the health of the tree.

12.7.9 Supervised protected root zone work (smaller roots): permitted activity

(1) Infrastructure activity done under the supervision or direction of a suitably qualified arborist is a permitted activity if—

(a) the activity affects the protected root zone of a protected tree; and

(b) all affected roots are less than 60 mm in diameter; and

(c) either—

(i) the requirements of either subclause (2) or (3) are met; or

(ii) a permitted activity notice is obtained that requires the work to be done in accordance with the information required in the request for the permitted activity notice (*see* subclause (4)).

Requirements

(2) The requirements of this subclause are that—

(a) the excavation within the protected root zone is undertaken by hand digging, air spade, hydro excavation, or machine excavator; and

(b) any roots pruned are less than 60 mm in diameter at severance; and

(c) any machine excavator operates on top of paved surfaces or other ground protection measures and is fitted with a straight blade bucket; and

(d) works will disturb less than 20% of the protected root zone; and

(e) replacement of structures, kerbs, and hard surfaces is done so that—

(i) the removal of the structure, kerb, or surface is carried out without damage to any tree roots; and

(ii) the machine excavator operates on top of paved surfaces or other ground protection measures and is fitted with a straight blade bucket.

(3) The requirements of this subclause are that—

(a) excavation is undertaken by trenchless methods at a depth greater than 800 mm below ground level; and

(b) replacement of structures, kerbs, and hard surfaces is done so that—

(i) the removal of the structure, kerb, or surface is carried out without damage to any tree roots; and

(ii) the machine excavator operates on top of paved surfaces or other ground protection measures and is fitted with a straight blade bucket.

Information required for permitted activity notice

(4) A request for a permitted activity notice must include a report that—

(a) is prepared by a suitably qualified arborist; and

(b) recommends a root zone work methodology and mitigation measures that will ensure that the work will not have a long-term detrimental effect on the health of the tree.

12.7.10 Supervised protected root zone work (medium roots): permitted activity

(1) Infrastructure activity done under the supervision or direction of a suitably qualified arborist is a permitted activity if—

(a) the activity affects the protected root zone of a protected tree; and

(b) all affected roots are less than 80 mm in diameter; and

(c) either—

(i) the requirements of subclause (2) are met; or

(ii) a permitted activity notice is obtained that requires the work to be done in accordance with the information required in the request for the permitted activity notice (*see* subclause (3)).

Requirements

(2) The requirements of this subclause are that—

(a) the excavation within the protected root zone is undertaken by hand digging, air spade, hydro excavation, or machine excavator; and

(b) any roots pruned are less than 80 mm in diameter at severance; and

(c) the works will disturb less than 20% of the protected root zone; and

(d) any machine excavator operates on top of paved surfaces or other ground protection measures and is fitted with a straight blade bucket.

Information required for permitted activity notice

(3) A request for a permitted activity notice must include a report that—

(a) is prepared by a suitably qualified arborist; and

(b) recommends the root zone work methodology and mitigation measures that will ensure that the work will not have a long-term detrimental effect on the health of the tree.

12.7.11 Protected root zone work (larger roots): permitted activity

(1) Infrastructure activity affecting the protected root zone of a protected tree, where the affected roots are more than 80 mm in diameter, is a permitted activity only if a permitted activity notice is obtained that requires the work to be done in accordance with the information required in the request for the permitted activity notice (*see* subclause (2)).

Information required for permitted activity notice

(2) A request for a permitted activity notice include a report that—

(a) is prepared by a suitably qualified arborist; and

(b) recommends a root zone work methodology and mitigation measures that will ensure that the work will not have a long-term detrimental effect on the health of the tree.

12.7.12 Protected root zone work: anticipated activity

(1) Infrastructure activity affecting the protected root zone of a protected tree is an anticipated activity if the requirements in regulations 12.7.8 to 12.7.11 are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) alignment with infrastructure framework outcomes and policies, including the benefits of the infrastructure and the operational or functional need for the infrastructure in that location:

(b) the need to undertake the work to protect property, the safety of people, or the natural environment, including from the risk of fire:

(c) measures to manage potential impacts on the values of all affected protected trees and the benefits provided by those trees.

12.7.13 Removal of protected tree: permitted activity

(1) Infrastructure activity involving the removal of a protected tree is a permitted activity if the requirements in subclause (2) are met.

(2) The requirements are that—

(a) the removal is required to undertake emergency tree works; or

(b) the tree removal is authorised by a permitted activity rule in a plan; or

(c) the tree is dead or dying (which must be confirmed in writing by a suitably qualified arborist, with the confirmation provided to the territorial authority at least 7 days before the tree is removed).

12.7.14 Removal of protected tree: anticipated activity

(1) Infrastructure activity involving the removal of a protected tree is an anticipated activity if the requirements in regulation 12.7.13 are not met.

(2) The matters over which control is reserved are as follows:

(a) the need to undertake works to protect property, the safety of people, and the natural environment, including from the risk of fire:

(b) the need to provide for the infrastructure:

(c) measures to manage adverse effects of the removal of the tree, including mitigating any effects on any nearby trees and the environment.

Subpart 8—Lighting rules

Application

12.8.1 Application of subpart 12.8

(1) Nothing in this subpart applies to activities in a place of national importance or an HVBA.

(2) This subpart applies to outdoor lighting associated with infrastructure, other than the following:

(a) temporary lighting associated with emergency activities:

(b) lights of vehicles, trains, and aircraft:

(c) traffic signals and road lighting:

(d) maritime and aviation navigational aids:

(e) lighting required for the operation of ports or airports.

(3) The framework rules in this subpart do not apply to—

(a) activities in the coastal marine area; or

(b) activities carried out in accordance with a designation.

(4) A designation made after these framework rules are made prevails over these framework rules.

Interpretation

12.8.2 Definitions for subpart 12.8

In this subpart,—

luminous intensity means the concentration of luminous flux emitted in a specified direction

vertical illuminance means the amount of light falling on a vertical surface or plane.

Other preliminary matters

12.8.3 Consent authority

For the purpose of section 139 of the Act, territorial authorities are the consent authorities for the framework rules in this subpart.

12.8.4 Person responsible for enforcing framework rules

Territorial authorities are responsible for enforcing the framework rules in this subpart.

Framework rules

12.8.5 Stringency

A plan rule may be more stringent than any framework rule in this subpart, but only in relation to managing the effects on activities, habitats, or environments that the regional planning committee considers are particularly sensitive to changes in lighting.

12.8.6 Light spill: permitted activities

(1) Light spill from outdoor lighting associated with infrastructure is a permitted activity if it is located, aimed, and adjusted or screened to ensure that the luminous intensity does not exceed the limits in table 1 in subclause (3).

(2) For the purpose of table 1, vertical illuminance must be measured—

(a) in accordance with Australian New Zealand Standard AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting; and

(b) at 2 m within the boundary of an adjacent site; and

(c) at 1.5 m above ground level.

(3) Table 1:

Zone	Lux levels
Residential zones	Non-curfew: 10 lux
	Curfew: 2 lux
Rural zones	Non-curfew: 10 lux
	Curfew: 2 lux

Commercial and mixed use zones	Non-curfew: 25 lux Curfew: 4 lux
Industrial zones	Non-curfew: 25 lux Curfew: 4 lux
Open space and recreation zones	Non-curfew: 10 lux Curfew: 2 lux

Curfew – 10 pm to 7 am

Non-curfew – sunset to sunrise, excluding the curfew period

12.8.7 Light spill: anticipated activities

(1) Light spill from outdoor lighting associated with infrastructure is an anticipated activity if it does not comply with table 1 in regulation 12.8.6(3).

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the number, placement, design, height, colour, orientation, and screening of light fittings and light support structures:

(b) the amount of light spill:

(c) the effect of the outdoor lighting on activities, habitats, or places sensitive to light spill:

(d) the safety of the transport network, including whether there is a risk to aviation safety or the safe and efficient functioning of an airport.

12.8.8 Light glare: permitted activities

(1) Light glare from outdoor lighting associated with infrastructure is a permitted activity if the outdoor lighting is located, aimed, and adjusted or screened to ensure that the luminous intensity does not exceed the limits in table 2 in subclause (3).

(2) For the purpose of table 2, luminous intensity must be measured in accordance with Australian New Zealand Standard AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting.

(3) Table 2:

Zone	**cd levels**
Residential zones	Non-curfew: 10,000 cd Curfew: 1,000 cd
Rural zones	Non-curfew: 7,500 cd Curfew: 1,000 cd
Commercial and mixed use zones	Non-curfew: 25,000 cd Curfew: 2,000 cd
Industrial zones	Non-curfew: 25,000 cd Curfew: 2,000 cd
Open space and recreation zones	Non-curfew: 10,000 cd

	Curfew: 1,000 cd
Curfew – 10 pm to 7 am Non-curfew – sunset to sunrise, excluding the curfew period	

12.8.9 Light glare: anticipated activities

(1) Light glare from outdoor lighting associated with infrastructure is an anticipated activity if it exceeds the limits in table 2 in regulation 12.8.8(3).

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the number, placement, design, height, colour, orientation, and screening of light fittings and light support structures:

(b) the amount of light glare:

(c) the effect of the outdoor lighting on activities, habitats, or places sensitive to glare:

(d) the safety of the transport network, including whether there is a risk to aviation safety or the safe and efficient functioning of an airport.

Subpart 12.9—Noise and vibration

Application

12.9.1 Application of subpart 12.9

(1) The framework rules in this subpart do not apply to—

(a) activities in the coastal marine area; or

(b) activities carried out in accordance with a designation.

(2) A designation made after these framework rules are made prevails over these framework rules.

Other preliminary matters

12.9.2 Consent authority

For the purpose of section 139 of the Act, territorial authorities are the consent authorities for the framework rules in this subpart.

12.9.3 Person responsible for enforcing framework rules

Territorial authorities are responsible for enforcing the framework rules in this subpart.

Direction

12.9.4 Managing noise from operation of airports, ports, and wind turbines

Every regional planning committee must include plan rules in its plan to manage noise and associated reverse sensitivity effects from the operation of airports, ports, and wind turbines in accordance with the following:

(a) New Zealand Standard NZS 6805:1992 Airport noise management and land use planning—measurement only:

(b) New Zealand Standard NZS 6809:1999 Acoustics—Port noise management and land use planning manage and measure noise emissions:

(c) New Zealand Standard NZS 6808:2010 Acoustics—Wind farm noise.

Framework rules

12.9.5 Stringency

A plan rule may be more stringent than any framework rule in this subpart, but only in relation to managing the effects on activities, habitats, or environments that the regional planning committee considers are particularly sensitive to increased noise and vibration.

12.9.6 Construction noise and vibration: permitted activity

(1) Construction noise and vibration associated with the construction of new, or the maintenance, upgrade, or removal of existing, infrastructure is a permitted activity if the requirements are met.

(2) The requirements are that—

(a) construction noise, other than from explosives used for blasting activities, does not exceed the limits described in Tables 2 and 3 of New Zealand Standard NZS 6803:1999 Acoustics—Construction noise; and

(b) if explosives are used for construction blasting, noise from explosives does not exceed a peak sound pressure of 120 dB (LZpeak) when measured at the facade of any building beyond the boundary of the site; and

(c) construction vibration does not exceed the peak particle velocity limits in table 1 of German Standard DIN 4150–3:1999 Structural vibration—Effects of vibration on structures.

(3) For the purposes this rule,—

(a) construction noise is to be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics—Construction noise; and

(b) construction vibration must be measured in accordance with ISO-4866:2010—Mechanical vibration and shock.

12.9.7 Construction noise and vibration: anticipated activity

(1) Construction noise and vibration associated with the construction of new, or the maintenance, upgrade, or removal of existing, infrastructure is an anticipated activity if the requirements in regulation 12.9.6(2) are not met but a suitably qualified person prepares a construction noise and vibration management plan that meets the following requirements:

(a) the plan identifies the best practicable option for managing the effects of construction noise and vibration, including where the requirements in regulation 12.9.6(2) cannot be met:

(b) the plan is informed by the matters in Annex E1 of New Zealand Standard NZS 6803:1999 Acoustics—Construction noise:

(c) the plan includes, as a minimum, the matters set out in Annex E2 of New Zealand Standard NZS 6803:1999 Acoustics—Construction noise:

(d) the term "noise" in Annex E1 and E2 of New Zealand Standard NZS 6803:1999 Acoustics—Construction Noise is interpreted as "noise and vibration".

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the timing and duration of the works:

(b) the effects on land uses or habitats that may be sensitive to noise and vibration:

(c) the giving of notice of the works to parties who may be affected:

(d) the adequacy and efficacy of the construction noise and vibration management plan:

(e) measures to achieve the best practicable option for managing the effects of the construction noise and vibration.

12.9.8 Noise from operation of new or altered roads: permitted activity with permitted activity notice

(1) Noise from the operation of a new or altered road is a permitted activity if—

(a) the new or altered road is within the scope of New Zealand Standard NZS 6806: 2010 Acoustics – Road traffic noise – New and altered roads (where **new road** and **altered road** have the meanings in that standard); and

(b) a permitted activity notice is obtained that requires the work to be done in accordance with the information required in the request for the permitted activity notice (*see* subclause (2)).

Information required for permitted activity notice

(2) A request for a permitted activity notice must include a management plan that—

(a) is prepared by a suitably qualified person; and

(b) demonstrates how operational noise from the new or altered road will be controlled and managed in compliance with New Zealand Standard NZS 6806: 2010 Acoustics—Road traffic noise—New and altered roads.

12.9.9 Noise from operation of new or altered roads: anticipated activity

(1) Noise from the operation of a new or altered road is an anticipated activity if—

(a) the new or altered road is within the scope of the relevant standard; but

(b) operational noise from the new or altered road is not controlled and managed to meet the requirements of the relevant standard.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the effects on land uses or habitats that are sensitive to noise:

(b) measures to manage the effects of the noise and vibration proposed, in accordance with a best practicable option approach relating to, for example, site layout and design, and the design and location of structures, buildings, and equipment.

(3) In this regulation, **relevant standard** means the New Zealand Standard NZS 6806: 2010 Acoustics – Road traffic noise—New and altered roads, and **new road** and **altered road** have the meanings in that standard.

Part 13
Network utility rules

Subpart 13.1—Preliminary provisions

Application

13.1.1 Application of subpart 13.1

(1) The framework rules in this subpart do not apply to activities—

(a) in places of national importance; or

(b) in HVBAs; or

(c) in the coastal marine area; or

(d) in significant biodiversity areas identified in the manner referred to in a plan; or

(e) in or affecting any specified cultural heritage.

(2) Provisions relating to the national grid subdivision corridor do not apply to transmission lines and their support structures that are located on land that is subject to a designation for that purpose.

(3) Provisions relating to the national grid yard do not apply to either of the following if they are designated by Transpower:

(a) underground cables; or

(b) transmission lines, or sections of transmission lines.

Interpretation

13.1.2 Definitions for Part 13

In this Part,—

cabinet means—

(a) a structure that houses equipment affixed to, or within, the ground that is necessary to operate part of a utility or infrastructure network, including any casing; but

(b) does not include a telecommunication cabinet regulated under subpart 13.5

communications kiosk means a publicly accessible structure, whether free-standing or attached to a building, for the provision of telecommunication and radiocommunication services to the public, and includes phone boxes and public wifi access points

construction, in relation to new infrastructure, includes installation and erection

cultural heritage area—

(a) means an area that is protected by a plan rule because of its cultural heritage; and

(b) to avoid doubt, includes an area that is protected by a plan rule because it is a site of significance to Māori

cultural heritage building means a building or structure that is protected by a plan rule because of its cultural heritage

customer connection means a line that connects a telecommunication or electricity distribution network, or a pipe that connects a gas distribution network, to a site or a building within a site, for the purpose of enabling a network utility operator to provide telecommunication, electrical, or gas services to a customer

land transport corridor means land within the legal boundary of any road, motorway, or railway land

maintenance, in relation to infrastructure, means any works or activity necessary or desirable for the continued operation or functioning of existing infrastructure, and includes—

(a) its repair; and

(b) its complete or partial replacement, but only if the effects of the replacement are the same or similar in character, intensity, and scale, or have a lesser impact

national grid sensitive activity includes the use of land for a childcare facility, school, residential building or unit, or hospital

national grid yard means the area measured as follows:

(a) 12 m in any direction from the outer edge of a national grid support structure:

(b) 10 m either side of the centre line of an overhead 110 kV transmission line on single poles:

(c) 10 m either side of the centre line of an overhead 60 kV transmission line on single poles, pi poles or towers:

(d) 12 m either side of the centre line of any overhead 110 kV, 220 kV or 350 kV transmission line on pi poles or towers (including a steel monopole where they replace a steel lattice tower).

network utility infrastructure means the infrastructure provided by a network utility operator

outstanding natural feature area means an area that is identified in a plan as containing a natural feature that is outstanding for the region

outstanding natural landscape area means an area that is identified in a plan as containing a natural landscape that is outstanding for the region.

railway corridor means the area of land that accommodates railway infrastructure (as defined in the section 4(1) of the Railways Act 2005)

special area means any of the following:

(a) an area of the coastal environment, or a wetland or lake, or a river or its margins, identified in a plan as having outstanding natural character:

(b) an outstanding natural feature area:

(c) an outstanding natural landscape area:

(d) a cultural heritage area.

Other preliminary matters

13.1.3 Conflicts with other framework rules

If any framework rule in this Part conflicts with a framework rule in another Part, the more restrictive rule applies.

13.1.4 Rules relating to underground and above-ground components

When infrastructure consists of both underground and above-ground components, all relevant framework rules apply.

Subpart 13.2—Specific rules for network utilities

Application

13.2.1 Application of rules in subpart 13.2

(1) The framework rules in this subpart do not apply to activities—

(a) in places of national importance; or

(b) in HVBAs; or

(c) in the coastal marine area; or

(d) in significant biodiversity areas identified in the manner referred to in a plan; or

(e) in or affecting any specified cultural heritage.

(2) The framework rules in this subpart do not apply to activities—

(a) involving national grid infrastructure; or

(b) involving telecommunication facilities; or

(c) carried out in accordance with a designation.

(3) A designation made after this subpart comes into force prevails over the framework rules in this subpart.

Interpretation

13.2.2 Meaning of generic control matters

If a framework rule in this subpart applies the **generic control matters** to an anticipated activity, the matters over which control is reserved are or include the following:

(a) alignment with infrastructure framework outcomes and policies, including the benefits of the infrastructure and the operational or functional need for infrastructure in that location:

(b) the need for infrastructure to be in a particular location and any benefits resulting from the infrastructure activity:

(c) where the activity is in a special area, the potential adverse effects on the values and attributes of that area:

(d) measures to avoid, minimise, or remedy, the potential adverse effects related to the location, scale, or intensity of the activity, including bulk or visual effects, noise effects, effects on the safety or operation of other infrastructure, and effects on surrounding properties or sensitive environments.

Other preliminary matters

13.2.3 Effect of non-compliance with rules in subpart 13.3

(1) This regulation applies if a framework rule in this subpart provides that compliance with any relevant framework rule in subpart 13.3 is a requirement relating to a particular activity status.

(2) If any relevant framework rule in subpart 13.3 is not complied with, and that rule identifies the consequences of non-compliance, those consequences prevail over the rule in this subpart.

13.2.4 Consent authority

Territorial authorities are the consent authorities for the framework rules in this subpart.

13.2.5 Person responsible for enforcing framework rules

For the purpose of section 139 of the Act, territorial authorities are responsible for enforcing the framework rules in this subpart.

Existing above-ground infrastructure: framework rules

13.2.6 Operation, etc, of existing above-ground infrastructure: permitted activity

(1) The operation, maintenance, minor upgrade, or removal of an existing above-ground network utility structure (except as provided in subclause (3)) is a permitted activity if—

(a) the structure is removed within 2 years after the infrastructure permanently ceased to be operated; and

(b) any applicable rules in subpart 13.3 are complied with.

(2) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

(3) This regulation does not apply to activities covered by subpart 13.4 or 13.5.

13.2.7 Upgrade of above-ground infrastructure not covered by subparts 13.4 or 13.5: permitted activity

(1) The upgrade (being more than a minor upgrade) of existing above-ground infrastructure, including to ancillary elements integral to the function and structure of the above ground infrastructure, that occur below ground and are not provided for under regulation 13.2.18, is a permitted activity if it meets the requirements.

Requirements

(2) The requirement are that—

(a) in the case of an upgrade that is the realignment, relocation, or replacement is of a line, pipe (other than a gas transmission pipeline — see paragraph (b)), pole, tower, conductor, crossarm, switch, transformer, or ancillary structure, the realignment, relocation, or replacement—

(i) is and remains located within an infrastructure or land transport corridor; or

(ii) if outside an infrastructure or land transport corridor, is within 5 m of the existing alignment or location; and

(b) in the case of an upgrade that is the realignment, relocation, or replacement of the above-ground gas transmission pipeline, the realigned, relocated, or replacement gas transmission pipeline, is—

(i) within an existing easement in favour of the pipeline; and

(ii) within 12 m of the existing alignment or location; and

(c) in all cases, any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

(4) This regulation does not apply to activities covered by subparts 13.4 or 13.5.

13.2.8 Upgrade of above-ground infrastructure: anticipated activity

(1) The upgrade (being more than a minor upgrade) of existing above-ground infrastructure, including to ancillary elements integral to the function and structure of the above ground infrastructure that occur below ground and are not provided for under regulation 13.2.18, is an anticipated activity if the requirements in regulation 13.2.7(2)(a) or (b) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are the generic control matters.

Underground infrastructure: framework rules

13.2.9 Operation, maintenance, upgrade, or removal of existing underground infrastructure: permitted activity

(1) The operation, maintenance, upgrade, or removal of existing underground infrastructure is a permitted activity if any applicable rules in subpart 13.3 are complied with.

(2) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

(3) This regulation does not apply to activities covered by subpart 13.4 or 13.5.

13.2.10 Construction of underground assets: permitted activity

(1) The construction of underground pipes (other than gas transmission pipes), cables, lines, and ancillary structures is a permitted activity if the rules in subpart 13.3 are complied with.

(2) The construction of gas transmission pipes is a permitted activity if—

(a) the pressure of the pipe is below 2,000 kPa; and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.11 Construction of larger gas transmission pipes: anticipated activity

(1) Construction of gas transmission pipes where the pressure of the pipe is at or above 2,000 kPa is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the risks of natural hazards affecting public or individual safety, and property:

(c) measures to avoid or minimise adverse effects, including separation from any activity sensitive to gas transmission:

(d) technical advice, including an assessment of the level of risk:

(e) when located within a land transport corridor, the impacts on the operation, maintenance, and upgrade of existing network utilities in that corridor.

Temporary infrastructure: framework rules

13.2.12 Construction, operation, etc, of temporary infrastructure: permitted activity

(1) The construction, operation, maintenance, and removal of temporary infrastructure is a permitted activity if it meets the requirements.

(2) The requirements are that—

(a) the infrastructure operates for no longer than 12 months; and

(b) the infrastructure is removed when operations cease; and

(c) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.13 Construction, operation, etc, of temporary infrastructure: anticipated activity

(1) The construction, operation, maintenance, and removal of temporary infrastructure is an anticipated activity if the requirements in regulation 13.2.12(2)(a) and (b) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the duration, timing, and frequency of adverse effects.

Above-ground customer connections: framework rules

13.2.14 New above-ground customer connections in residential or commercial zones: permitted activities

(1) The construction of an above-ground customer connection in an area zoned for predominantly residential or commercial activities is a permitted activity if it meets the requirements.

Requirements

(2) The requirements are that—

(a) the connection does not include a new tower; and

(b) the connection does not exceed 3 additional poles; and

(c) the diameter of conductors, lines, or cables does not exceed 30 mm; and

(d) the connection is not on or attached to the primary feature of a cultural heritage building; and

(e) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.15 New above-ground customer connections in residential or commercial zones: anticipated activities

(1) The construction of a new above-ground customer connection in an area zoned for predominantly residential or commercial activities is an anticipated activity if any of the requirements in regulation 13.2.14(2)(a) to (d) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the potential adverse effects on the values and attributes of any cultural building or structure:

(c) the extent to which these effects have been avoided, remedied, or minimised by design, location, and installation methods.

13.2.16 New above-ground customer connections in non-residential and non-commercial zones: permitted activity

(1) The construction of an above-ground customer connection in an area zoned predominantly for activities other than residential or commercial activities is a permitted activity if it meets the requirements.

Requirements

(2) The requirement are that—

(a) the diameter of conductors, lines, or cables does not exceed 30 mm; and

(b) the connection is not on or to the primary feature of a cultural heritage building; and

(c) within a special area but outside a land transport corridor, the connection does not exceed 3 poles up to a maximum of 25 m in height; and

(d) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.17 New above-ground customer connections in non-residential and non-commercial zones: anticipated activity

(1) The construction of an above-ground customer connection in an areas zoned predominantly for activities other than residential or commercial activities is an anticipated activity if it does not meet the requirements in regulation 13.2.16(2)(a) to (c).

Matters over which control reserved

(2) The matters over which control is reserved as follows:

(a) the generic control matters:

(b) the potential adverse effects on the values and attributes of any cultural heritage building:

(c) the extent to which those effects are avoided, remedied, or minimised by design, location, and installation methods.

Substations, above-ground gas structures, and storage batteries: framework rules

13.2.18 New substations, above-ground ancillary gas structures, and storage batteries outside special area: permitted activity

(1) The construction of the following outside a special area is a permitted activity if the requirements are met:

(a) a new substation, including a switching station:

(b) an above-ground ancillary gas transmission or distribution structure:

(c) energy storage batteries not enclosed by a building or structure.

Requirements

(2) The requirements are—

(a) that the substation, above-ground ancillary gas transmission or distribution structure, or storage batteries do not exceed the greater of the following

(i) the permitted building height and height control planes for the zone in which they are located:

(ii) in areas zoned predominantly for rural or industrial activities, 10 m, and in any other areas, 3.5 m; and

(b) that the substation, above-ground ancillary gas transmission or distribution structure, or storage batteries do not exceed an area of,—

(i) in an area zoned predominantly for residential activities, 20 m^2; or

(ii) in any other areas, 30 m^2; and

(c) that the substation, above-ground ancillary gas transmission or distribution structure, or storage batteries are set back at least 2 m from a residential site boundary; and

(d) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.19 New substations, above-ground ancillary gas structures, and storage batteries outside special area: anticipated activity

(1) The construction of the following outside a special area is an anticipated activity if the requirements in regulation 13.2.18(2)(a) to (c) are not met:

(a) a new substation, including a switching station:

(b) an above-ground ancillary gas transmission or distribution structure:

(c) energy storage batteries not enclosed by a building or structure.

Matters over which control reserved

(2) The matters over which control is reserved are the generic control matters.

13.2.20 New substations, above-ground ancillary gas structures, and storage batteries within special area: discretionary activity

The construction of the following within a special area is a discretionary activity:

(a) a new substation, including a switching station:

(b) an above-ground ancillary gas transmission or distribution structure:

(c) energy storage batteries not enclosed by a building or structure.

New infrastructure in cultural heritage buildings: framework rules

13.2.21 New infrastructure in cultural heritage buildings: permitted activity

(1) The construction of new infrastructure in a cultural heritage building is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the new infrastructure does not modify the interior of the cultural heritage building; and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.22 New infrastructure in cultural heritage buildings: anticipated activity

(1) The construction of new infrastructure in a cultural heritage building is a permitted activity if the requirement in regulation 13.2.21(2)(a) is not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the potential adverse effects on the values and attributes of the cultural heritage building.

New overhead electricity and telecommunications lines: framework rules

13.2.23 New overhead electricity and telecommunications lines in rural, industrial, or special purpose zones: permitted activity

(1) This regulation applies to the construction of the following new overhead lines, and associated support structures and ancillary equipment:

(a) overhead lines located in an area zoned predominantly for—

(i) rural or industrial activities; or

(ii) special purposes, such as airports, corrections facilities, hospitals, Māori purposes, ports, stadiums, or tertiary education facilities; and

(b) electricity lines of up to and including 110 kV:

(c) telecommunication lines (excluding those provided for in regulations 13.2.41 and 13.2.42).

(2) The construction of the overhead lines and associated support structures is a permitted activity if it meets the requirements.

Requirements

(3) The requirements are that—

(a) the new overhead lines are not located in a special area, unless they are within a land transport corridor; and

(b) poles do not exceed a height of 25 m; and

(c) towers do not exceed a height of 15 m; and

(d) any applicable rules in subpart 13.3 are complied with.

(4) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.24 New overhead electricity and telecommunication lines in rural, industrial, or special purpose zones: anticipated activity

(1) This regulation applies to the construction of the following new overhead lines, and associated support structures and ancillary equipment:

(a) overhead lines located in an area zoned predominantly for—

(i) rural or industrial activities; or

(ii) special purposes, such as airports, corrections facilities, hospitals, Māori purposes, ports, stadiums, or tertiary education facilities:

(b) electricity lines of up to and including 110 kV:

(c) telecommunication lines (excluding those provided for in regulations 13.2.41 and 13.2.42).

(2) The construction of the overhead lines and associated support structures is an anticipated activity if the construction does not meet all the requirements in regulation 13.2.23(3)(b) to (d).

Matters over which control reserved

(3) The matters over which control is reserved are the generic control matters.

13.2.25 New overhead electricity and telecommunication lines in rural, industrial, or special purpose zones: discretionary activity

(1) This regulation applies to the construction of the following new overhead lines, and associated support structures and ancillary equipment:

(a) electricity lines of up to and including 110 kV:

(b) telecommunication lines (excluding those provided for in regulations 13.2.41 and 13.2.42).

(2) The construction of the overhead lines and associated support structures and ancillary equipment is a discretionary activity if the activity is not one described in regulation 13.2.23(3)(a).

13.2.26 New overhead electricity and telecommunication lines in other zones: anticipated activity

(1) This regulation applies to the construction of the following new overhead lines, and associated support structures and ancillary equipment:

(a) overhead lines located in an area zoned predominantly for activities other than those listed in regulation 13.2.23(1)(a):

(b) electricity lines of up to and including 110 kV:

(c) telecommunication lines (excluding those provided for in regulations 13.2.41 and 13.2.42).

(2) The construction of overhead lines, and associated support structures and ancillary equipment, is an anticipated activity if—

(a) the new overhead lines are not located in a special area; and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

Matters over which control reserved

(4) The matters over which control is reserved are the generic control matters.

13.2.27 New overhead electricity and telecommunication lines in other zones: discretionary activity

(1) This regulation applies to the construction of new overhead lines, and associated support structures and ancillary equipment that are—

(a) located in areas zoned predominantly for activities other than those listed in regulation 13.2.23(1)(a); or

(b) electricity lines of up to and including 110 kV; or

(c) telecommunication lines (excluding those provided for in regulations 13.2.41 and 13.2.42).

(2) The construction of the overhead lines and associated support structures and ancillary equipment is a discretionary activity if the new overhead lines are located in a special area.

13.2.28 New overhead electricity lines above 110 kV: discretionary activity

The construction of new overhead electricity lines above 110 kV is a discretionary activity.

Communications kiosks: framework rules

13.2.29 New communications kiosk: permitted activity

(1) The construction of a new communications kiosk is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the kiosk is not higher than 3.5 m; and

(b) the kiosk does not occupy an area greater than 1.5 m^2; and

(c) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.30 New communications kiosk: anticipated activity

(1) The construction of a new communications kiosk is an anticipated activity if the requirements in regulation 13.2.29(2) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are the generic control matters.

Antennas attached to buildings or telecommunications poles: framework rules

13.2.31 New antennas on buildings: permitted activity

(1) Installing a new antenna on a building is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the face area of a panel antenna does not exceed 1.5 m^2; and

(b) if the antenna is a dish antenna, the antenna—

(i) does not exceed a diameter of 1.2 m; and

(ii) is not attached to building that is a heritage site that is identified in a plan; and

(c) the antenna is not more than 5 m above the point of attachment to the building; and

(d) the antenna is not attached to a building in an area zoned predominantly for residential activities, unless the antenna is attached at least 11 m above ground level; and

(e) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

(4) This regulation does not apply to antennas covered by regulation 13.5.18.

13.2.32 New antennas on buildings: anticipated activity

(1) Installing a new antenna on a building is an anticipated activity if the requirements in regulation 13.2.31(2)(a) to (d) are not met.

(2) This regulation does not apply to antennas covered by regulation 13.5.18.

Matters over which control reserved

(3) The matters over which control is reserved are the generic control matters.

13.2.33 New telecommunications poles with antennas: permitted activity

(1) Installing new telecommunications poles with antennas attached to the poles (other than those regulated by regulation 13.2.29 or 13.2.56) is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the height and setback of the telecommunications pole and antenna do not exceed the following:

(i) in an area zoned predominantly for residential activities, and any adjacent zone, or an area zoned predominantly for local centre activities,—

(A) 17 m in height: and

(B) setback from a residential zone boundary (but not a road boundary) determined by a 45-degree recession plane measured from a point 2.5 m above ground level, or the plan zone height plus 5 m, whichever is the greater:

(ii) in an area zoned predominantly for neighbourhood centre activities,—

(A) 20 m in height; and

(B) setback from a residential zone boundary (but not a road boundary) determined by a 45-degree recession plane measured from a point 2.5 m above ground level:

(iii) in an area zoned predominantly for commercial, industrial, or rural activities,—

(A) 25 m in height; and

(B) 30 m where there are 2 or more users of the same pole; and

(b) any panel antenna—

(i) does not exceed a width of 0.7 m; and

(ii) when in a formed legal road, any panel antenna fits within an envelope of 3.5 m in length and 0.7 m in diameter; and

(c) any dish antenna does not exceed a diameter of,—

(i) in an area zoned predominantly for residential activities, 0.6 m; and

(ii) in an area zoned predominantly for commercial, industrial, or rural activities (but not for neighbourhood and local commercial activities), 1.2 m; and

(iii) in an area zoned predominantly for neighbourhood and local commercial activities, 0.9 m; and

(d) any omni-directional whip or dipole antennas does not exceed—

(i) 1.6 m in vertical length; and

(ii) 60 mm in diameter; and

(iii) 1.5 m in horizontal length; and

(e) the headframe does not exceed the following:

(i) in an area zoned predominantly for residential activities, 2.5 m in diameter in residential zones (except when it is located on a formed legal road and fits within an envelope of 3.5 m in length and 0.7 m in diameter); and

(ii) in all other zones, and on unformed legal roads, 6 m in diameter.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.34 New telecommunications poles with antennas: anticipated activity

(1) Installing a new telecommunications pole with antennas attached to the pole (other than poles regulated by regulation 13.2.29 or 13.2.56) is an anticipated activity if the requirements in regulation 13.2.33(2) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are the generic control matters.

Land transport infrastructure: framework rules

13.2.35 New pedestrian and cycle facilities outside land transport corridor: permitted activity

(1) The construction of new pedestrian and cycle facilities outside a land transport corridor is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the new pedestrian and cycle facilities is not in a special area; and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.36 New pedestrian and cycle facilities outside land transport corridor: discretionary activity

The construction of new pedestrian and cycle facilities outside a land transport corridor is a discretionary activity if they are in a special area.

13.2.37 New land transport infrastructure within land transport corridor: permitted activity

(1) The construction of new land transport infrastructure within a land transport corridor is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the new land transport infrastructure is not a new railway level crossing (road or pedestrian); and

(b) road lighting and associated support structures are not higher than 25 m; and

(c) any building and structure is not higher than the greater of—

(i) 10 m; or

(ii) the permitted building height and height control planes for the zone established by a plan rule; and

(d) any building does not exceed an area of 20 m^2; and

(e) any building is set back at least 2 m from a residential site boundary; and

(f) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

(4) This regulation does not apply to new pedestrian and cycle facilities (because they are covered by regulations 13.2.35 and 13.2.36).

13.2.38 New land transport infrastructure within land transport corridor: discretionary activity

(1) The construction of new land transport infrastructure within a land transport corridor is a discretionary activity if the activity is not one described in regulation 13.2.37(2).

(2) This regulation does not apply to new pedestrian and cycle facilities (because they are covered by regulations 13.2.35 and 13.2.36).

13.2.39 New land transport infrastructure outside land transport corridor: anticipated activity

(1) The construction of new land transport infrastructure outside a land transport corridor is an anticipated activity if—

(a) the land transport infrastructure is not in a special area; and

(b) the new land transport infrastructure is not a new railway level crossing (road or pedestrian); and

(c) any building and structure is not higher than the greater of—

(i) 10 m; or

(ii) the permitted building height and height control planes for the zone established by a plan rule; and

(d) any applicable rules in subpart 13.3 are complied with.

(2) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

(3) This regulation does not apply to new pedestrian and cycle facilities (because they are covered by regulations 13.2.35 and 13.2.36).

Matters over which control reserved

(4) The matters over which control is reserved are the generic control matters.

13.2.40 New land transport infrastructure outside land transport corridor: discretionary activity

(1) The construction of new land transport infrastructure outside a land transport corridor is a discretionary activity if the activity is not one described in regulation 13.2.39(1).

(2) This regulation does not apply to new pedestrian and cycle facilities (because they are covered by regulations 13.2.35 and 13.2.36).

13.2.41 New electric vehicle charging facilities: permitted activity

(1) The construction of new electric vehicle charging facilities is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) electric vehicle charging facilities are located—

(i) in a land transport corridor; or

(ii) outside a land transport corridor, and—

(A) are installed in association with an existing lawfully established vehicle park, vehicle depot, or garage structure; or

(B) do not exceed a height of 2.1 m and an area of 3 m^2; and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.42 New electric vehicle charging facilities outside land transport corridor: anticipated activity

(1) The construction of new electric vehicle charging facilities outside a land transport corridor is an anticipated activity if electric vehicle charging facilities—

(a) are not installed in association with an existing lawfully established vehicle park, vehicle depot, or garage structure; or

(b) exceed a height of 2.1 m or an area of 3 m^2.

Matters over which control reserved

(2) The matters over which control is reserved are as follows

(a) the generic control matters:

(b) impacts on the safe and efficient operation of transport networks, and any measures to avoid, minimise, remedy, offset, or compensate for adverse effects:

(c) the extent to which a non-compliance is due to evolving technology.

Water infrastructure: framework rules

13.2.43 New above-ground wastewater, stormwater, and water pump station structures: permitted activity

(1) The construction of a new above-ground wastewater, stormwater, or water pump station structure in the following locations is a permitted activity if it complies with the requirements:

(a) outside a special area; or

(b) in a land transport corridor within a special area.

Requirements

(2) The requirements are that—

(a) any pump station does not exceed—

(i) a height of 3.5 m; and

(ii) a maximum area of 20 m^2; and

(b) any pump station is set back 2 m from a residential site boundary; and

(c) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.44 New above-ground wastewater, stormwater, and water pump station structures: anticipated activity

(1) The construction of a new above-ground wastewater, stormwater, or water pump station structure in the following locations is an anticipated activity if it does not meet the requirements in regulation 13.2.43(2):

(a) outside a special area; or

(b) in a land transport corridor within a special area.

Matters over which control reserved

(2) The matters over which control is reserved are the generic control matters.

13.2.45 New above-ground wastewater, stormwater, and water pump station structures in special area: discretionary activity

The construction of a new above-ground wastewater, stormwater, or water pump station structure in a special area is a discretionary activity.

13.2.46 New wastewater treatment plants: discretionary activity

The construction and operation of a new wastewater treatment plant is a discretionary activity.

13.2.47 New structures associated with water, wastewater, or stormwater outside special areas: permitted activity

(1) This regulation applies to a structures (**relevant structure**) that is—

(a) for the conveyance, treatment, storage, retention, or detention of water, wastewater, or stormwater; and

(b) not referred to in regulations 13.2.43 to 13.2.49; and

(c) not an underground pipe, cable, line, or ancillary structure regulated by regulations 13.2.10 or 13.2.11; and

(d) not a new above-ground pipe, cable, or outfall structure regulated by regulations 13.2.50 or 13.2.51.

(2) The construction of a relevant structure outside a special area is a permitted activity if the requirements are met.

Requirements

(3) The requirements are that—

(a) any structure does not exceed the greater of—

(i) a height of 10 m; or

(ii) the permitted building height and height control planes for the zone established by a plan rule; and

(b) the setback standards that apply in the relevant zone under the plan rule are complied with; and

(c) in all cases, any structure is set back at least 5 m from a railway corridor boundary; and

(d) any applicable rules in subpart 13.3 are complied with.

(4) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.48 New structures associated with water, wastewater, or stormwater outside special areas: anticipated activity

(1) This regulation applies to a structure (**relevant structure**) that is—

(a) for the conveyance, treatment, storage, retention, or detention of water, wastewater, or stormwater; and

(b) not referred to in regulations 13.2.43 to 13.2.49.

(2) The construction of a relevant structure outside a special area is an anticipated activity if the requirements in regulation 13.2.47(3)(a) to (b) are not met.

Matters over which control reserved

(3) The matters over which control is reserved are the generic control matters.

13.2.49 New structures associated with water, wastewater, or stormwater within special areas: discretionary activity

(1) This regulation applies to a structures (**relevant structure**) that is—

(a) for the conveyance, treatment, storage, retention, or detention of water, wastewater, or stormwater; and

(b) not referred to in regulations 13.2.43 to 13.2.49.

(2) The construction of a relevant structure within a special area is a discretionary activity.

Above-ground pipes, cables and outfall structures: framework rules

13.2.50 New above-ground pipes, cables, and outfall structures outside special area: permitted activity

(1) This regulation applies to the following above-ground:

(a) pipes, but including gas pipes only if the gauge pressure does not exceed 2,000 kPa:

(b) cables:

(c) outfall structures.

(2) The construction of new above-ground pipes, cables, or outfall structures outside a special area is a permitted activity if the requirements are met.

Requirements

(3) The requirements are that—

(a) any new pipes, cables, and outfall structures do not exceed the following:

(i) a diameter of 600 mm:

(ii) in the case of associated structures, a width of 1 m:

(iii) a length of 100 m; and

(b) when located above a water body, new pipes are—

(i) attached to an existing bridge structure and incorporated within an existing bridge structure or culvert, or within an existing attached conduit or duct; and

(ii) not attached to a heritage structure identified in a plan; and

(c) any applicable rules in subpart 13.3 are complied with.

(4) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.51 New above-ground pipes, cables, and outfall structures within special area: permitted activity

(1) This regulation applies to the following:

(a) pipes, but including gas pipes only if the gauge pressure does not exceed 2,000 kPa:

(b) cables:

(c) outfall structures.

(2) The construction of new above-ground pipes, cables, or outfall structures within a special area is a permitted activity if the requirements are met.

Requirements

(3) The requirements are that—

(a) any new pipes, cables, or outfall structures—

(i) do not exceed a diameter of 150 mm; and

(ii) in the case of associated structures, do not exceed a width of 1 m; and

(iii) are in clusters of no more than 2 pipes; and

(b) when located above a water body, new pipes are—

(i) attached to an existing bridge structure and incorporated within an existing bridge structure or culvert, or within an existing attached conduit or duct; and

(ii) not attached to a heritage structure identified in a plan; and

(c) any applicable rules in subpart 13.3 are complied with.

(4) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.52 New above-ground pipes, cables, and outfall structures if conditions not met: anticipated activity

(1) This regulation applies to the following:

(a) pipes, but including gas pipes only if the gauge pressure does not exceed 2,000 kPa:

(b) cables:

(c) outfall structures.

(2) The construction of new above-ground pipes, cables, or outfall structures, whether within or outside a special area, is an anticipated activity if the requirements in regulation 13.2.50(3) or regulation 13.2.51(3)(a) and (b) (as applicable) are not met.

Matters over which control reserved

(3) The matters over which control is reserved are the generic control matters.

13.2.53 New above-ground gas pipes with gauge pressure above 2,000 kPa: anticipated activity

(1) The construction of new above-ground gas pipes that exceed a gauge pressure of 2,000 kPa, whether within or outside a special area, is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the hazard risks affecting public or individual safety:

(c) safety, and the risk of property damage:

(d) measures to avoid or minimise adverse effects, including separation from any activity sensitive to gas transmission, and any measures, where applicable, to remedy or provide redress for adverse effects:

(e) technical advice, including an assessment of the level of risk:

(f) when located within a land transport corridor, the impacts on the operation, maintenance, and upgrade of existing network utilities in the corridor.

Ancillary utility equipment: framework rules

13.2.54 New ancillary utility equipment: permitted activity

(1) This regulation applies to the components of new ancillary utility equipment, including ancillary telecommunications equipment and devices and networks that support the operation of infrastructure, that are not covered by network regulations 13.2.10, 13.2.14, 13.2.16, 13.2 18, 13.2.21, 13.2.23, 13.2.26, 13.2.29 and 13.2.31.

(2) The construction of new ancillary utility equipment is a permitted activity if the requirement is met.

Requirement

(3) The requirement is that any applicable rules in subpart 13.3 are complied with.

(4) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

Minor utility structures: framework rules

13.2.55 New minor utility structures: permitted activity

(1) The construction of a new minor utility structure in the following locations is a permitted activity if the requirements are met:

(a) outside a special area:

(b) in a land transport corridor within a special area.

Requirements

(2) The requirements are that—

(a) a new minor utility structure does not exceed—

(i) a maximum floor area of 6 m^2; and

(ii) a maximum height of 1.8 m; and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

(4) This regulation does not apply to telecommunications cabinets covered by regulations 13.5.11 to 13.5.17.

13.2.56 New minor utility structures: anticipated activity

(1) The construction of a new minor utility structure in the following locations is an anticipated activity if the requirements in regulation 13.2.55(2)(a) are not met:

(a) outside a special area:

(b) in a land transport corridor within a special area.

(2) This regulation does not apply to telecommunications cabinets covered by regulations 13.5.11 to 13.5.17.

Matters over which control reserved

(3) The matters over which control is reserved are the generic control matters.

13.2.57 New minor utility structures in special area and not in land transport corridor: discretionary activity

(1) The construction of a new minor utility structure within a special area, but not within a land transport corridor, is a discretionary activity.

(2) This regulation does not apply to telecommunications cabinets covered by regulations 13.5.11 to 13.5.17.

Other above-ground infrastructure: framework rules

13.2.58 Other new above-ground infrastructure outside special area: permitted activity

(1) The construction of new above-ground infrastructure (including s network utility building or an enclosed substation) that is not covered by another regulation in this subpart is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) any building does not exceed—

(i) the greater of—

(A) 10 m; and

(B) the permitted building height and height control planes for the zone established by a plan rule; and

(ii) an area of 20 m^2; and

(b) any building is set back 2 m from a residential boundary; and

(c) any building is set back 5 m from a railway corridor boundary; and

(d) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.59 Other new above-ground infrastructure outside special area: anticipated activity

(1) The construction of new above-ground infrastructure (including a network utility building or an enclosed substation) that is not covered by another regulation in this subpart is an anticipated activity if any of the requirements in regulation 13.2.58(2)(a) to (d) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are the generic control matters.

13.2.60 Other new above-ground infrastructure within special area: discretionary activity

The construction of new above-ground infrastructure (including a network utility building or an enclosed substation) that is not covered by another regulation in this subpart is a discretionary activity if the infrastructure is within a special area.

Activities ancillary to infrastructure activities: framework rules

13.2.61 New navigational aids and sensing or environmental monitoring equipment: permitted activity

(1) The construction of new navigational aids or sensing or environmental monitoring equipment (including air quality and meteorological) is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) if the navigational aids or sensing or environmental monitoring equipment is within a special area, the equipment does not exceed—

(i) an area of 6 m^2; and

(ii) a height of 1.8 m (from the ground, or above an existing building or structure to which it is attached); and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.62 New navigational aids, sensing, and environmental monitoring equipment: anticipated activity

(1) The construction of new navigational aids or sensing or environmental monitoring equipment (including air quality and meteorological) in a special area is an anticipated activity if the requirements in regulation 13.2.61(2)(a) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are the generic control matters.

13.2.63 Electricity generators and self-contained power units: permitted activity

(1) The construction and operation of an electricity generator or self-contained power unit for the supply of infrastructure is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that,—

(a) for an electricity generator, it—

(i) is for back-up or emergency electricity supply for infrastructure purposes only; and

(ii) is not used to generate power for the national grid; and

(iii) is not the primary electricity supply; and

(b) for a temporary electricity generator, it—

(i) is transportable; and

(ii) operates for a maximum of 12 months; and

(iii) is removed from the site when it ceases to be used; and

(c) for a permanent back-up or emergency electricity generator or a self-contained power unit, it—

(i) is not located in a specified area; and

(ii) is set back at least 2 m from a residential site boundary; and

(d) any applicable plan rules relating to noise are complied with, except as provided in subclause (3); and

(e) any applicable rules in subpart 13.3 are complied with.

(3) Subclause (2)(d) does not apply in any of the following circumstances:

(a) the operation of an electricity generator or self-contained power unit is for routine testing for no more than 1 hour between the hours of 7 am and 7 pm:

(b) the operation of an emergency or back-up generator is for a continuous period of no more than 48 hours (per outage or event requiring its use):

(c) the operation of an emergency or back-up generator is for civil defence or emergency purposes by—

(i) an emergency service (as defined in section 4 of the Civil Defence Emergency Management Act 2002); or

(ii) a lifeline utility.

(4) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.64 Electricity generators and self-contained power units: anticipated activity

(1) The construction and operation of an electricity generator or self-contained power unit for the supply of infrastructure is an anticipated activity if the requirements in regulation 13.2.63(2)(a) to (c) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the purpose and necessity of the generator or power unit and the mitigation of effects of the non-compliance with the requirements in regulation 13.2.63(2)(a) to (c):

(c) the duration, timing, and frequency of adverse effects:

(d) measures to avoid, minimise, or remedy the adverse effects resulting from the non-compliance:

(e) the extent to which the noise limit is appropriate to reasonably provide for the infrastructure activity.

13.2.65 New signs: permitted activity

(1) The erection of new signs associated with the construction, operation, maintenance, upgrade, replacement, or removal of infrastructure is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the sign—

(i) is an official sign; or

(ii) is not an official sign and—

(A) does not exceed an area of 1 m^2; and

(B) is not attached to a protected tree or cultural heritage building; or

(iii) the sign is a temporary sign associated with construction, maintenance, upgrade, replacement, or removal activities, and it is—

(A) installed no more than 3 months before the work commences; and

(B) removed within 1 month after the work is complete; and

(C) no greater than 3 m^2 in area; and

(b) the sign is not illuminated; and

(c) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.66 New signs: anticipated activity

(1) The erection of a new sign is an anticipated activity if the requirements in regulation 13.2.65(2)(a) and (b) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the purpose and necessity of the sign:

(c) potential adverse effects of any illumination of the sign on any special area.

13.2.67 Existing vehicle access tracks outside special area: permitted activity

(1) The maintenance, upgrade, or removal of an existing vehicle access track that is outside a special area is a permitted activity if the requirement is complied with.

Requirement

(2) The requirement is that any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.68 Existing vehicle access tracks in special area: permitted activity

(1) The maintenance, upgrade, or removal of an existing vehicle access track that is in a special area is a permitted activity if the requirements are complied with.

Requirements

(2) The requirements are that—

(a) any upgrade is limited to a minor extension beyond the existing footprint of the track; and

(b) any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.69 Existing vehicle access tracks in special area: discretionary activity

The upgrade of an existing vehicle access track in a special area is a discretionary activity if the upgrade is not limited to a minor extension beyond the existing footprint of the track.

13.2.70 New vehicle access tracks: permitted activity

(1) The construction of a new vehicle access track that is outside a special area is a permitted activity if the requirement is met.

Requirement

(2) The requirement is that any applicable rules in subpart 13.3 are complied with.

(3) If the rules in subpart 13.3 are not complied with, those rules apply according to their terms.

13.2.71 New vehicle access tracks within special area: discretionary activity

The construction of a vehicle access track within a special area is a discretionary activity.

13.2.72 Subdivision for infrastructure not on highly productive land: permitted activity with permitted activity notice

(1) The subdivision of land for infrastructure not on highly productive land is a permitted activity if a permitted activity notice is obtained and

(a) the requirements in subclause (2) are met; and

(b) a permitted activity notice is obtained (*see* subclause (3)).

Requirements

(2) The requirements are that—

(a) the subdivision is for the purpose of accommodating infrastructure that is permitted by a rule or is allowed by a resource consent or designation; and

(b) all resulting sites have legal access to a road; and

(c) any balance site (meaning the area remaining once the new sites have been subdivided) complies with the permitted activity or anticipated activity minimum allotment size that applies under the relevant plan.

Information required for permitted activity notice

(3) A request for a permitted activity notice must include information to demonstrate how the subdivision complies with subclause (2).

13.2.73 Subdivision for infrastructure not on highly productive land: anticipated activity

(1) The subdivision of land for infrastructure is an anticipated activity if the subdivision is not on highly productive land; but—

(a) a permitted activity notice has not been obtained; or

(b) the requirements in regulation 13.2.72(2) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the generic control matters:

(b) the nature and timing of development of the site:

(c) the ability for the balance site to be used:

(d) the ability to gain safe and efficient vehicle access to the site.

13.2.74 Subdivision for infrastructure on highly productive land: anticipated activity

(1) Any subdivision of land for specified (HPL) infrastructure (as defined in regulation 4.2.5) on highly productive land (as provided for in regulation 4.2.10(1)(c)) is an anticipated activity.

Matters over which control reserved

(2) The matters over which control is reserved are the matters referred to in regulation 4.2.10(2).

13.2.75 Subdivision not for specified (HPL) infrastructure on highly productive land: discretionary activity

The subdivision of land for any activity referred to in regulation 4.2.10(1)(a) or (b) on highly productive land is a discretionary activity.

Indigenous vegetation: framework rules

13.2.76 Tree trimming and removal of indigenous vegetation in special area: permitted activity

(1) Tree trimming and removal of indigenous vegetation in a special area is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the trimming or removal is required by legislation; or

(b) the tree or vegetation is damaging, or threatening to damage, existing infrastructure; or

(c) the trimming or removal is within a land transport corridor and is required for the construction of new infrastructure; or

(d) the trimming or removal is required to maintain an existing access track and is limited to an area within 2 m of the existing access track.

(3) Nothing in this regulation applies to tree trimming, works in the protected root zone, and removal of protected trees (because these are covered in subpart 12.7).

13.2.77 Tree trimming and removal of indigenous vegetation within special area: discretionary activity

(1) Tree trimming and removal of indigenous vegetation within a special area, and not in a land transport corridor, is a discretionary activity if it does not meet the requirements in regulation 13.2.76.

(2) Nothing in this regulation applies to tree trimming, works in the protected root zone, and removal of protected trees (because these are covered in subpart 12.7).

Subpart 13.3—Additional framework rules

Application

13.3.1 Application of framework rules in subpart 13.3

(1) The framework rules in this subpart apply to infrastructure activities covered by framework rules only if a rule in subpart 13.2 says that the framework rules in this subpart apply.

(2) The framework rules in this subpart do not apply to activities—

(a) in places of national importance; or

(b) in HVBAs; or

(c) in the coastal marine area; or

(d) in significant biodiversity areas identified in the manner referred to in a plan; or

(e) in or affecting any specified cultural heritage.

Other preliminary matters

13.3.2 Consent authority

For the purpose of section 139 of the Act, territorial authorities are the consent authorities for the framework rules in this subpart.

13.3.3 Person responsible for enforcing framework rules

Territorial authorities are responsible for enforcing the framework rules in this subpart.

Earthworks and land disturbance: framework rules

13.3.4 Earthworks or land disturbance within cultural heritage area: permitted activity

(1) Earthworks or land disturbance within a cultural heritage area is a permitted activity if the requirements are met.

Requirements

(2) The requirements are that—

(a) the earthworks or disturbance results from the maintenance, upgrade, or removal of existing infrastructure on the land has been previously disturbed for that infrastructure; and

(b) if the earthworks or disturbance is in an area that has not been previously disturbed, or is for new infrastructure, the earthworks or land disturbance does not exceed the following:

(i) an area of 20 m^2:

(ii) a volume of 10 m^3:

(iii) a depth of 1 m; and

(c) if the earthworks or disturbance is located in a site of significance to Māori, written approval is obtained from the relevant iwi authorities or groups representing hapū; and

(d) if the earthworks or disturbance is located within a cultural heritage area, written approval is obtained from the heritage protection authority for the works.

13.3.5 Earthworks or land disturbance within a cultural heritage area: anticipated activity

(1) Earthworks or land disturbance within a cultural heritage area is an anticipated activity if the requirements in regulation 13.3.4(2) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent to which the maintenance or upgrade of existing infrastructure, or new infrastructure, will protect and maintain the particular cultural values of the cultural heritage area:

(b) measures to manage the potential adverse effects, consistent with the infrastructure framework outcome and relevant framework rules:

(c) if relevant iwi authorities or groups representing hapū, or the heritage protection authority, have not given written approval, the reason for that:

(d) measures to mitigate any matters raised by the relevant iwi authorities or groups representing hapū or the heritage protection authority.

Vehicle access: framework rules

13.3.6 Vehicle access to network utility site: permitted activity

(1) Vehicle access to a network utility site that requires regular vehicle access is a permitted activity if the requirements are met.

(2) The requirements are that—

(a) the vehicle access to the network utility site must be provided to a minimum formed width of 2.7 m; and

(b) any new vehicle crossing place must be a minimum of 10 m from an intersection and any existing vehicle crossing; and

(c) if the requirements in paragraphs (a) and (b) cannot be met, written approval is obtained from the operator of the transport network from where the site is accessed.

13.3.7 Vehicle access to network utility site: anticipated activity

(1) Vehicle access to a network utility site that requires regular vehicle access is an anticipated activity if the requirements in regulation 13.3.6(2) are not met.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the impacts on the safe and efficient operation of transport networks:

(b) measures to avoid, minimise, remedy, offset, or provide compensation for adverse effects.

National grid yard: framework rules

13.3.8 Infrastructure activity in national grid yard

(1) Infrastructure activity in the national grid yard retains the activity status under a framework rule in subpart 13.2 if,—

(a) in the national grid yard, any earthworks or land disturbance do not—

(i) exceed 300 mm in depth within 6 m of an outer visible edge of a tower support structure; or

(ii) exceed 3 m in depth between 6 m and 12 m of the outer visible edge of a tower support structure; or

(iii) result in a reduction of the existing conductor clearance distances; and

(b) no reticulation or storage of water in canals, dams, or reservoirs (including for irrigation purposes) is located in the national grid yard, unless the activities are carried out by or on behalf, or with the written permission, of Transpower; and

(c) buildings, structures, earthworks or land disturbance in the national grid yard do not result in vehicular access to a national grid support structure being permanently obstructed, unless the activities are carried out by or on behalf, or with the written permission, of Transpower.

(2) An infrastructure activity in the national grid yard that does not comply with subclause (1) is a discretionary activity despite any framework rule in subpart 11.2.

Radiofrequency, and electric or magnetic fields: framework rules

13.3.9 Infrastructure activity generating radiofrequency field: permitted activity

(1) An infrastructure activity that generates a radiofrequency field retains the activity status under a framework rule in subpart 13.2 if it does not exceed the maximum exposure level of the general public in New Zealand Standards NZS 2772.1:1999 Radiofrequency fields—Maximum exposure levels—3 kHz to 300 GHz.

(2) An infrastructure activity that does not comply with subclause (1) is a prohibited activity despite any framework rule in subpart 11.2.

13.3.10 Infrastructure activity generating electric or magnetic field: permitted activity

(1) An infrastructure activity that generates an electric or magnetic field retains the activity status under a framework rule in subpart 13.2 if it—

(a) does not exceed the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1 Hz – 100 kHz) (Health Physics, 2010, 99(6); 818-836); and

(b) complies with the recommendations from the World Health Organization monograph Environmental Health Criteria (No 238, June 2007).

(2) An infrastructure activity that does not comply with subclause (1) is a discretionary activity despite any framework rule in subpart 11.2.

Proximity to airports: framework rules

13.3.11 Buildings and structures adjacent to airports

(1) An infrastructure activity involving the construction of a new building or structure adjacent to an airport retains the activity status under a framework rule in subpart 13.2 if the building or structure—

(a) does not penetrate protection surfaces that are identified, and protected by a plan rule, unless the activity is carried out by, on behalf of, or with the written permission of the airport operator; and

(b) is not located in a runway end protection area identified and protected by a plan rule, unless the activity is carried out by, on behalf of, or with the written permission of the airport operator.

(2) An infrastructure activity that does not comply with subclause (1) is a discretionary activity despite any framework rule in subpart 11.2.

Proximity to gas transmission line: framework rules

13.3.12 Infrastructure activities near gas transmission pipelines

(1) An infrastructure activity near a gas transmission pipeline retains the activity status under a framework rule in subpart 13.2 if—

(a) any earthworks or land disturbance is not within 20 m of the gas transmission pipeline, unless—

(i) it is no deeper than 400 mm; or

(ii) the activity is carried out by, on behalf of, or with written permission of the gas transmission operator; and

(b) explosives are not used within 60 m from the gas transmission line, unless the activity is carried out by, on behalf of, or with written permission of the gas transmission operator.

(2) An infrastructure activity that does not comply with subclause (1) is a discretionary activity despite any framework rule in subpart 11.2.

Natural hazards: framework rules

13.3.13 Infrastructure activities in natural hazard overlay

(1) An infrastructure activity in a natural hazard overlay retains the activity status under a framework rule in subpart 13.2 if—

(a) any earthworks or land disturbance does not increase the risk of the natural hazard to people, property, or infrastructure; and

(b) the construction of a new, or the upgrade of an existing, building does not increase the risk of the natural hazard to people, property, or infrastructure.

(2) An infrastructure activity that does not comply with subclause (1) is a discretionary activity despite any framework rule in subpart 11.2.

(3) In this regulation, **natural hazard overlay** means an area identified in a plan as being subject to an natural hazard overlay.

(4) This regulation does not apply to telecommunication facilities covered by subpart 12.4.

Highly productive land: framework rules

13.3.14 Infrastructure activities on highly productive land

(1) An infrastructure activity on highly productive land retains its status as a permitted activity only if a permitted activity notice is obtained.

Information required for permitted activity notice

(2) A request for a permitted activity notice must include information to demonstrate which parts of regulations 4.2.10 or 4.2.11 apply to the activity.

Subpart 13.4—Electricity transmission activity rules

Application

13.4.1 Application of subpart 13.4

(1) This subpart applies only to an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, including any of the following activities that relate to any of those things:

(a) a construction activity:

(b) a use of land, or the bed of a lake or river, or the occupation of the coastal marine area (within the meanings of use and occupy given by section 11(1) of the Act):

(c) an activity relating to an access track to an existing transmission line:

(d) undergrounding an existing transmission line.

(2) However, this subpart does not apply to—

(a) the construction or use of a bridge or culvert to access an existing transmission line; or

(b) the control of the use of land or the bed of a lake or river for the purpose of preventing or mitigating any adverse effects of the storage, use, disposal, or transportation of hazardous substances; or

(c) the refuelling of a vehicle or equipment; or

(d) the use of land as a landing area for helicopters; or

(e) an activity carried out in relation to an electricity substation; or

(f) earthworks, to the extent that they are subject to a plan rule administered by a regional council.

Compare: SR 2009/397 r 4

Interpretation

13.4.2 Definitions for subpart 13.4

(1) In this subpart,—

base footprint means the footprint of a tower as at 14 January 2010

base height means the height of a transmission line support structure

base position means the position of a pole as at 14 January 2010

base width means the length of the longest side of a tower's base footprint

blasting means either or both of the following:

(a) **abrasive blasting**, which may be wet abrasive blasting or dry abrasive blasting:

(b) **water blasting**, which means to direct water at pressure to clean or wash a structure's surface

circuit means conductors on a transmission line that together form a single electrical connection between 2 or more system nodes

conductor—

(a) means wire or cable used for carrying electric current along a transmission line; and

(b) includes any hardware and insulation associated with the wire or cable

earth-wire—

(a) means a protective wire that provides a path to ground for electrical current from a fault or lightning strike; and

(b) includes an earth-wire that contains optic fibres; and

(c) includes any hardware associated with the wire

envelope for anticipated activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 150% of the tower's base width and joining the sides (as shown in the second diagram in Schedule Infra4)

envelope for permitted activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 60% of the tower's base width and joining the sides (as shown in the first diagram in Schedule Infra1)

existing transmission line—

(a) means a transmission line that was operational, or was able to be operated, on 14 January 2010; and

(b) includes a transmission line described in paragraph (a) that—

(i) was altered, relocated, or replaced before this subpart comes into force in accordance with the previous regulations; or

(ii) is altered, relocated, or replaced in accordance with this subpart

footprint means the outline of the land occupied by a tower, formed by drawing straight lines between the outermost edges of the outermost parts of the tower at ground level

guy-wire means a cable or wire designed to add stability to a structure

natural area means an area that is a significant biodiversity area or is protected by a rule because it has outstanding natural features or outstanding natural landscapes

occupied building means a building that is, or is intended to be, regularly occupied by 1 or more people

operation means the use of a transmission line to convey electricity

overland flow path means the path that water takes over land if there is flooding

pole means a structure made of wood, concrete, steel, or other material that—

(a) supports conductors as part of a transmission line and—

(i) has no more than 3 vertical supports; and

(ii) is not a steel-lattice structure; and

(b) includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations

previous regulations means the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (which commenced on 14 January 2010)

sensitive land use includes the use of land for a childcare facility, school, residential building, or hospital

telecommunication cable—

(a) means a wire or cable used for telecommunications; and

(b) includes any hardware associated with the wire or cable

telecommunications device—

(a) means a device (for example, an antenna) that—

(i) facilitates the operation of a transmission line; and

(ii) receives or transmits telecommunication signals; and

(b) includes any hardware associated with the device; but

(c) does not include a telecommunication cable

temporary line deviation means the construction and use of a temporary section of transmission line to divert electricity transmission during the maintenance or upgrading of an existing section of transmission line

temporary structure—

(a) means a non-permanent structure, and any associated lighting, erected only for a specific maintenance or upgrading task; but

(b) does not include a transmission line that is part of a temporary line deviation

termination structure means a tower, pole, or gantry used for the transition between an overhead and an underground transmission line

tower—

(a) means a steel-lattice structure that supports conductors as part of a transmission line; and

(b) includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations

transmission line means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid, and—

(a) includes—

(i) conductors and submarine cables; and

(ii) facilities and structures required to transition lines between overhead and underground; and

(iii) transmission line support structures, telecommunication cables, and telecommunication devices used for, or associated with, the overhead or underground transmission of electricity in the national grid; but

(b) does not include electricity substations

transmission line support structure means a tower or pole

undergrounding—

(a) means replacing overhead transmission lines with underground transmission lines; and

(b) includes altering, relocating, or replacing a tower or pole at 1 or both ends of the underground transmission lines so that the tower or pole becomes a termination structure

upgrading means increasing the carrying capacity, efficiency, security, or safety of a transmission line.

(2) If a transmission line support structure is altered, relocated, or replaced after the commencement of this subpart, the altered, relocated, or replacement structure retains the base footprint, base height, base position, base width, envelope for anticipated activities, and envelope for permitted activities of the first structure.

Compare: SR 2009/397 r 3

13.4.3 Measuring height

When measuring height in relation to a transmission line support structure, conductors are to be included, but telecommunication devices, earth peaks, and lightning rods are to be excluded.

Other preliminary matters

13.4.4 Consent authority

(1) For the purpose of section 139 of the Act, regional councils are the consent authorities for the following:

(a) framework rules in this subpart so far as they relate to activities in the coastal environment or in or under the beds of rivers or lakes:

(b) framework rules in regulations 13.4.24 to 13.4.28 (about discharges from blasting or applying protective coatings):

(c) framework rules in regulations 13.4.35 to 13.4.36 (about discharging contaminants).

(2) For the purpose of section 139 of the Act, territorial authorities are the consent authorities for all other framework rules in this subpart (that is, other than those identified in subclause (1)(a) to (c)).

13.4.5 Person responsible for enforcing framework rules

(1) Regional councils are responsible for enforcing the following:

(a) framework rules in this subpart so far as they relate to activities in the coastal environment or in or under the beds of rives or lakes:

(b) framework rules in regulations 13.4.24 to 13.4.28 (about discharges from blasting or applying protective coatings):

(c) framework rules in regulations 13.4.35 to 13.4.36 (about discharging contaminants).

(2) Territorial authorities are responsible for enforcing all other framework rules in this subpart (that is, other than those identified in subclause (1)(a) to (c)).

Operation of transmission lines and use of access tracks: framework rules

13.4.6 Operating transmission lines and using access tracks: permitted activities

(1) The operation of an existing transmission line is a permitted activity.

(2) The use of an access track to an existing transmission line is a permitted activity.

Compare: SR 2009/397 r 5

Transmission lines activities: framework rules

13.4.7 Adding, replacing, or maintaining overhead conductors: permitted activities

(1) Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) is a permitted activity if—

(a) both the requirements in subclauses (4) and (5) are complied with; and

(b) all the applicable requirements in regulation 13.4.16 are complied with.

(2) Replacing an overhead conductor, or part of an overhead conductor, on an existing transmission line is a permitted activity if the requirement in subclause (6) is complied with.

(3) Maintaining an overhead conductor on an existing transmission line is a permitted activity.

Requirements

(4) The conductors must be configured so that there are no more than 2 conductors in the same phase (duplex configuration).

(5) The diameter of a new conductor, or a new part of a conductor, must not exceed 50 mm.

(6) The diameter of a replacement conductor, or a replacement part of a conductor, must not exceed—

(a) the diameter of the existing conductor or part; or

(b) 50 mm, if the diameter of the existing conductor or part is less than 50 mm.

Compare: SR 2009/397 r 6

13.4.8 Adding or replacing overhead conductor: anticipated activity

(1) Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) is an anticipated activity if—

(a) 1 or both of the requirements in regulation 13.4.7(4) and (5) are breached; but

(b) all the applicable requirements in regulation 13.4.16 are complied with.

(2) Replacing an overhead conductor, or part of an overhead conductor, on an existing transmission line is an anticipated activity if the requirement in regulation 13.4.7(6) is breached.

Matters over which control reserved

(3) The matters over which control is reserved are as follows:

(a) visual effects:

(b) the effects and timing of construction works:

(c) the effects on services and infrastructure.

Compare: SR 2009/397 r 9(1), (2)

13.4.9 Adding, replacing, or maintaining earth-wires and overhead telecommunication cables: permitted activities

(1) Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line is a

permitted activity if both requirements in subclauses (4) and (5) are complied with.

(2) Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on an existing transmission line is a permitted activity if the requirement in subclause (6) is complied with.

(3) Maintaining an earth-wire or overhead telecommunication cable on an existing transmission line is a permitted activity.

Requirements

(4) The number of wires and cables must not exceed—

(a) 3 earth-wires, or 2 earth-wires and 1 telecommunication cable, per transmission line support structure; or

(b) the existing number of wires and cables, if that number is more than is permitted by paragraph (a).

(5) The diameter of a new wire or cable, or a new part of a wire or cable, must not exceed 25 mm.

(6) The diameter of a replacement wire or cable, or a replacement part of a wire or cable, must not exceed—

(a) the diameter of the existing wire, cable, or part (as the case may be); or

(b) 25 mm, if the diameter of the existing wire, cable, or part (as the case may be) is less than 25 mm.

Compare: SR 2009/397 r 7

13.4.10 Adding or replacing earth-wire or overhead telecommunication cable: anticipated activity

(1) Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line is an anticipated activity if 1 or both of the requirements in regulation 13.4.9(4) and (5) are breached.

(2) Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on an existing transmission line is an anticipated activity if the requirement in regulation 13.4.6(6) is breached.

Matters over which control reserved

(3) The matters over which control is reserved are as follows:

(a) visual effects:

(b) the effects and timing of construction works:

(c) the effects on services and infrastructure.

Compare: SR 2009/397 r 9(3), (4)

13.4.11 Overhead circuits: permitted activities

(1) Adding an overhead circuit to an existing transmission line is a permitted activity if—

(a) the requirement in subclause (2) is complied with; and

(b) both of the requirements in regulation 13.4.7(4) and (5) are complied with; and

(c) all the applicable requirements in regulation 13.4.16 are complied with.

Requirement

(2) The transmission line support structures of the transmission line must have been designed and built, at the commencement of the previous regulations, to carry the additional circuit.

Compare: SR 2009/397 r 8

13.4.12 Overhead circuits: anticipated activity

(1) Adding an overhead circuit to an existing transmission line is an anticipated activity if—

(a) first,—

(i) the requirement in regulation 13.4.11(2) is breached; or

(ii) 1 or both of the requirements in regulation 13.4.7(4) and (5) are breached; and

(b) second, all the applicable requirements in regulation 13.4.16 are complied with.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) visual effects:

(b) the effects and timing of construction works:

(c) the effects on services and infrastructure.

Compare: SR 2009/397 r 9(5), (6)

13.4.13 Increasing voltage or current rating: permitted activity

Increasing the voltage or current rating of an existing transmission line is a permitted activity if all the applicable requirements in regulation 13.4.16 are complied with.

Compare: SR 2009/397 r 10(1)

13.4.14 Adding, replacing, or maintaining underground conductors: permitted activities

(1) Adding an underground conductor, or part of an underground conductor, to an existing transmission line is a permitted activity if all the applicable requirements in regulation 13.4.16 are complied with.

(2) Replacing an underground conductor, or part of an underground conductor, on an existing transmission line is a permitted activity.

(3) Maintaining an underground conductor on an existing transmission line is a permitted activity.

Compare: SR 2009/397 r 11

13.4.15 Undergrounding transmission lines: anticipated activity

(1) Undergrounding an existing transmission line is an anticipated activity if all the applicable requirements in regulation 13.4.16 are complied with.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the location of termination structures, and the route of underground cables, in relation to—

(i) visual, landscape, and ecological effects; and

(ii) the effects on cultural heritage:

(b) the extent and nature of earthworks and control of sediment:

(c) the effects and timing of construction works:

(d) the effects on services and infrastructure.

Compare: SR 2009/397 r 12

13.4.16 Requirements for relating to certain transmission line activities

(1) The electric and magnetic fields produced by the transmission of electricity at 50 Hz through overhead or underground alternating current transmission lines must, after being modelled in accordance with subclauses (3) to (6), be demonstrated to either—

(a) not exceed the following reference levels for public exposure:

(i) electric field strength of 5 kV/m; and

(ii) magnetic flux density of 200 mT; or

(b) not exceed the basic restriction level of 2 mA/m^2 for the density of electric current induced in the body.

(2) The static electric field strength produced by the transmission of electricity through overhead direct current transmission lines must be demonstrated to have no likely adverse human health effects after—

(a) modelling the field strength in accordance with subclauses (3) to (5) as if references to electric field strength were references to static electric field strength; and

(b) including the likely contribution to the field strength from the space charge around the transmission line caused by corona discharge.

(3) The electric field strength and magnetic flux density of a transmission line must be modelled at whichever of the following locations is closest to the line:

(a) 1 m above the ground in an area above, below, or next to the line that is reasonably accessible to the public; or

(b) 1 m above the highest floor level of an occupied building.

(4) The electric field strength and magnetic flux density of a transmission line may be modelled to take account of any shielding effect from buildings.

(5) The electric field strength and magnetic flux density of an overhead transmission line must be modelled to result in the highest electric and magnetic fields likely under normal operating conditions using the following climatic conditions to determine conductor position:

(a) ambient temperature of 20°C in winter and 30°C in summer:

(b) maximum solar radiation of 1,000 W/m^2:

(c) dry conditions:

(d) wind speed of 0.6 m/s.

(6) The magnetic flux density of an underground transmission line must be modelled to result in the highest magnetic field likely under normal operating conditions.

(7) The results of modelling the electric field strength, magnetic flux density, density of electric current induced in the body, or static electric field strength under this regulation must be provided to the relevant territorial authority if requested by the territorial authority.

(8) In subclauses (5) and (6), **normal operating conditions**—

(a) means the conditions associated with the highest load current; but

(b) does not include conditions in which a short-term increase in voltage or current is caused by a fault such as switching, a lightning strike, a short circuit, or an abnormal operating state of a direct current transmission line.

Compare: SR 2009/397 r 10(2)–(9)

13.4.17 When requirements of regulation 13.4.16 breached: discretionary activities

Each of the following activities is a discretionary activity if 1 or more of the applicable requirements in regulation 13.4.16 are breached:

(a) adding an overhead conductor, or part of an overhead conductor, to an existing transmission line:

(b) adding an overhead circuit to an existing transmission line:

(c) increasing the voltage or current rating of an existing transmission line:

(d) adding an underground conductor, or part of an underground conductor, to an existing transmission line:

(e) undergrounding an existing transmission line.

Compare: SR 2009/397 r 13(1)

13.4.18 Removing transmission lines: permitted activity

(1) Removing an existing transmission line, or part of an existing transmission line, is a permitted activity if the requirements in subclauses (2) and (3) are complied with.

Requirements

(2) The transmission line, or part of the transmission line, and any associated construction or demolition material must be removed from the land and the bed of any lake or river.

(3) Any ground that is disturbed from the removal must be restored in a way that minimises the risk of soil erosion, sediment run-off, and weed invasion.

Compare: SR 2009/397 r 19

13.4.19 Removing transmission lines: anticipated activity

(1) Removing an existing transmission line, or part of an existing transmission line, is an anticipated activity if either requirement in regulation 13.4.18 is breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) earthworks, clearance of trees and vegetation, and restoration of the land or any affected bed of a lake or river:

(b) the effects and timing of construction works.

Compare: SR 2009/397 r 20

Transmission line support structures: framework rules

13.4.20 Altering, relocating, or replacing transmission line support structures: permitted activities

(1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a permitted activity if all the applicable requirements in subclauses (3) to (6) are complied with.

(2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a permitted activity if all the applicable requirements in subclauses (3), (4), (7), and (8) are complied with.

Requirements

(3) If a transmission line support structure is increased in height (including by being replaced with another structure),—

(a) the structure may be made no more than 15% higher than its base height; and

(b) the additional height must comply with any height restrictions for airport purposes, or any public view shafts, specified in a rule.

(4) A transmission line support structure must not be relocated, or replaced with another transmission line support structure, so that any part of the structure at ground level is—

(a) within 12 m of an occupied building (measured horizontally); or

(b) any closer to an occupied building, if the existing structure is within 12 m of the building (measured horizontally).

(5) If a tower is widened (including by being replaced with another tower), each side of the tower's footprint may be made no longer than the total of—

(a) the length of that side of the tower's base footprint; and

(b) 25% of the tower's base width.

(6) A tower must not be relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for permitted activities.

(7) A pole must not be replaced with a tower.

(8) A pole must not be relocated, or replaced with another pole, more than 5 m from the pole's base position (measured horizontally).

Compare: SR 2009/397 r 14

13.4.21 Altering, relocating, or replacing transmission line support structures: anticipated activities

(1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is an anticipated activity if—

(a) all the applicable requirements in regulation 13.4.20(3) to (5) are complied with; and

(b) the requirement in regulation 13.4.20(6) is breached; but

(c) the tower is not relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for anticipated activities.

(2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is an anticipated activity if—

(a) all the applicable requirements in regulation 13.4.20(3), (4), and (7) are complied with; and

(b) the requirement in regulation 13.4.20(8) is breached; but

(c) the pole is not relocated, or replaced with another pole, more than 10 m from the pole's base position (measured horizontally).

(3) Altering, relocating, or replacing a tower or pole of an existing transmission line as part of undergrounding, so that the tower or pole becomes a termination structure, is an anticipated activity if all the applicable requirements in regulation 13.4.20(3), (4), and (7) are complied with.

Matters over which control reserved

(4) The matters over which control is reserved are as follows:

(a) visual, landscape, and ecological effects:

(b) the effects on cultural heritage:

(c) the effects and timing of construction works:

(d) the effects on services and infrastructure.

Compare: SR 2009/397 r 15

13.4.22 Altering, relocating, or replacing transmission line support structures: anticipated activities

(1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is an anticipated activity if—

(a) 1 or more of the requirements in regulation 13.4.20(3) to (5) are breached; or

(b) both of the following apply:

(i) the requirement described in regulation 13.4.21(1)(c) is breached; but

(ii) all the applicable requirements in regulation 13.4.16 are complied with.

(2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is an anticipated activity if—

(a) 1 or more of the requirements in regulation 13.4.20(3), (4), and (7) are breached; or

(b) both of the following apply:

(i) the requirement described in regulation 13.4.21(2)(c) is breached; but

(ii) all the applicable requirements in regulation 13.4.16 are complied with.

(3) Altering, relocating, or replacing a tower or pole of an existing transmission line as part of undergrounding, so that the tower or pole becomes a termination structure, is an anticipated activity if 1 or more of the requirements in regulation 13.4.20(3), (4), and (7) are breached.

Matters over which control reserved

(4) The matters over which control is reserved are as follows:

(a) the location and height of the transmission line support structures in relation to—

(i) visual, landscape, and ecological effects; and

(ii) the effects on cultural heritage; and

(iii) the effects on sensitive land uses:

(b) earthworks, clearance of trees and vegetation, and restoration of the land:

(c) the effects and timing of construction works.

Compare: SR 2009/397 r 16

13.4.23 Altering, relocating, or replacing transmission line support structures: discretionary activity

Altering, relocating, or replacing a transmission line support structure of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a discretionary activity if—

(a) the requirement described in 13.4.21(1)(c) or (2)(c) is breached; and

(b) 1 or more of the applicable requirements in 13.4.16 are breached.

Compare: SR 2009/397 r 13(2)

13.4.24 Blasting and protective coating preparation: permitted activities

(1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a permitted activity if all the applicable requirements in subclauses (2) to (8) are complied with.

Requirements

(2) Blasting must not be done within 50 m of a water body or the coastal marine area.

(3) Blasting must not be done—

(a) within 50 m of a public road; or

(b) within 100 m of an occupied building.

(4) Abrasive material used in abrasive blasting must contain no more than 5% free silica by dry weight.

(5) Waste and debris resulting from abrasive blasting must be removed from the site of the blasting to the extent practicable.

(6) Dry abrasive blasting—

(a) must be done no more than 1 m above ground level; and

(b) may be done only if covers or screens are used to mitigate the effects of any contaminants discharged by the blasting.

(7) If abrasive blasting is done on a tower coated with lead-based paint, the waste and debris (including abrasive material) resulting from the blasting must be captured and removed by using geotextile material of a filter quality or by any equivalent method.

(8) The following substances must not be used for surface preparation: paint strippers (unless used on a solvent rag to degrease a surface), fungicides, acids, alkalis, sodium hypochlorite, or any other oxidising agent.

Compare: SR 2009/397 r 25

Discharges from blasting or applying protective coatings: framework rules

13.4.25 Blasting and protective coating preparation: anticipated activities

(1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is an anticipated activity if—

(a) it is not done over a water body or the coastal marine area; and

(b) the applicable requirements in regulation 13.4.24(3) and (6) are complied with; and

(c) 1 or both of the following apply:

(i) it is done within 50 m of a water body or the coastal marine area:

(ii) 1 or more of the requirements in regulation 13.4.24(4), (5), (7), and (8) are breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the effects on water quality and ecologically-sensitive receiving environments:

(b) the effects on occupied buildings:

(c) the risk of contamination of soil:

(d) the effects on health.

Compare: SR 2009/397 r 26(1), (3)

13.4.26 Blasting and protective coating preparation: anticipated activities

(1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is an anticipated activity if—

(a) it is done over a water body or the coastal marine area; or

(b) either of the requirements in regulation 24(3) or (6) are breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the effects on water quality and ecologically-sensitive receiving environments:

(b) the effects on occupied buildings and use of public roads:

(c) the risk of contamination of soil:

(d) the effects on health.

Compare: SR 2009/397 r 27

13.4.27 Applying protective coatings: permitted activity

(1) Applying protective coatings to a transmission line support structure of an existing transmission line is a permitted activity if the requirement in subclause (2) is complied with.

Requirements

(2) Protective coatings must be applied—

(a) by hand; or

(b) by pressurised spray used no more than 1 m above ground level.

Compare: SR 2009/397 r 25(2)

13.4.28 Applying protective coatings: anticipated activity

(1) Applying protective coatings to a transmission line support structure of an existing transmission line is an anticipated activity if the requirement in regulation 13.4.27 is breached.

Matters over which control reserved

(2) The matters over which control reserved are as follows:

(a) the effects on water quality and ecologically-sensitive receiving environments:

(b) the effects on occupied buildings:

(c) the risk of contamination of soil:

(d) the effects on health.

Compare: SR 2009/397 r 26(2), (3)

Temporary structures and temporary line deviations: framework rules

13.4 29 Erecting or using temporary structures: permitted activity

(1) Erecting or using a temporary structure in relation to an existing transmission line (including as part of a temporary deviation) is a permitted activity if the requirement in subclause (2) is met.

Requirements

(2) Any temporary structure must—

(a) be erected no earlier than 60 working days before the start of the relevant maintenance or upgrade; and

(b) be removed no later than 60 working days after the end of the maintenance or upgrade.

Compare: SR 2009/397 r 17

13.4.30 Erecting or using temporary structures: anticipated activity

(1) Erecting or using a temporary structure in relation to an existing transmission line (including as part of a temporary deviation) is an anticipated activity if either requirement in regulation 13.4.29(2) is breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the duration of any works:

(b) the effects and timing of construction works.

Compare: SR 2009/397 r 18

Telecommunication devices: framework rules

13.4.31 Installing, modifying, or maintaining telecommunication device: permitted activities

(1) Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line is a permitted activity if both the requirements in subclauses (3) and (4) are complied with.

(2) Maintaining a telecommunication device on a transmission line support structure of an existing transmission line is a permitted activity.

Requirements

(3) The width of the telecommunication device must not exceed 1.8 m.

(4) The telecommunication device must extend no more than 2.5 m above the height of the structure.

Compare: SR 2009/397 r 21

13.4.32 Installing or modifying telecommunication device: anticipated activities

(1) Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line is an anticipated activity if either of the requirements in regulation 13.4.31(3) and (4) are breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the size, height, and number of telecommunication devices and associated telecommunication cables:

(b) visual and landscape effects.

Compare: SR 2009/397 r 22

Signs: framework rules

13.4.33 Installing or modifying signs: permitted activities

(1) Installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation, is a permitted activity if the applicable requirement in subclause (2) or (3) is complied with.

Requirements

(2) The signs on a transmission line support structure that are intended to identify the structure or its owner must together cover an area of no more than 1 m^2.

(3) The signs on a transmission line support structure that are intended to help with safety or navigation must together cover an area of no more than 6 m^2.

Compare: SR 2009/397 r 23

13.4.34 Installing or modifying sign: anticipated activities

(1) Installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation, is an anticipated activity if the applicable requirement in regulation 13.4.33(2) or (3) is breached.

(2) Installing or modifying a sign next to a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation, is an anticipated activity.

Matters over which control reserved

(3) The matters over which control is reserved are as follows

(a) visual effects:

(b) the effects on services and infrastructure.

Compare: SR 2009/397 r 24

Discharges to water: framework rules

13.4.35 Discharging contaminants: permitted activities

(1) In relation to an existing transmission line, discharging contaminants into water or onto land where the contaminants may enter water, is a permitted activity if, after the water and contaminants are reasonably mixed together, all the requirements in subclauses (2) to (6) are complied with.

Requirements

(2) The discharge must not produce conspicuous—

(a) films of oil or grease; or

(b) scums or foams; or

(c) floatable or suspended materials.

(3) The discharge must not create a conspicuous change in colour or visual clarity.

(4) The discharge must not emit an objectionable odour.

(5) The discharge must not make fresh water unsuitable for farm animals to drink.

(6) The discharge must not have adverse effects on aquatic life that are more than minor.

Compare: SR 2009/397 r 28

13.4.36 Discharging contaminants: anticipated activities

(1) In relation to an existing transmission line, discharging contaminants into water or onto land where the contaminants may enter water, is an anticipated activity if, after the water and contaminants are reasonably mixed together, 1 or more of the requirements in regulation 13.4.35(2) to (6) are breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the effects on water quality:

(b) the effects on aquatic life.

Compare: SR 2009/397 r 29

Trees and vegetation: framework rules

13.4.37 Trimming, felling, or removing: permitted activities

(1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a permitted activity if all the applicable requirements in subclauses (2) to (6) are complied with.

Requirements

(2) Any tree or vegetation must not be trimmed, felled, or removed if—

(a) a rule prohibits or restricts its trimming, felling, or removal (as the case may be); or

(b) it is in a natural area.

(3) Any tree or vegetation must not be felled or removed if a plan controls the use of the land, or the bed of the lake or river, for the purpose of—

(a) soil conservation; or

(b) avoiding or mitigating flooding.

(4) Any tree or vegetation must not be trimmed, felled, or removed if it is on land, or on the bed of a lake or river, administered by the Department of Conservation under the Conservation Act 1987 or an Act specified in Schedule 1 of that Act.

(5) The felling or removal of any tree or vegetation must not create or contribute to—

(a) instability of a slope or another land surface; or

(b) erosion of the bed or bank of a water body or the coastal marine area.

(6) Debris resulting from the trimming, felling, or removal must not enter a water body or the coastal marine area.

Compare: SR 2009/397 r 30

13.4.38 Trimming, felling, or removing: anticipated activities

(1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is an anticipated activity if—

(a) first,—

(i) the requirement in regulation 13.4.37(2) is breached because the tree or vegetation is in a natural area; but

(ii) the trimming, felling, or removal is done to reduce the risk to a transmission line; and

(b) second, all the applicable requirements in regulation 13.4.37(3) to (6) are complied with.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) replanting:

(b) disposal of trees and vegetation:

(c) visual, landscape, and ecological effects.

Compare: SR 2009/397 r 31

13.4.39 Trimming, felling, or removing: anticipated activities

(1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is an anticipated activity if—

(a) both,—

(i) the requirement in regulation 13.4.37(2) is breached; and

(ii) the exception in regulation 13.4.38(1)(a)(ii) is not satisfied; or

(b) 1 or more of the requirements in regulation 13.4.37(3) to (6) are breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) replanting:

(b) disposal of trees and vegetation:

(c) control of erosion and sediment:

(d) visual, landscape, and ecological effects:

(e) the effects on drainage, flooding, and overland flow paths.

Compare: SR 2009/397 r 32

Earthworks: framework rules

13.4.40 Earthworks: permitted activities

(1) Earthworks relating to an existing transmission line are a permitted activity if all of the requirements in subclauses (2) to (9) are complied with.

Requirements

(2) Earthworks in a natural area must not, in a calendar year, exceed—

(a) 50 m^3 per transmission line support structure; or

(b) 100 m^3 per access track.

(3) Erosion sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area.

(4) All areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks end to avoid the adverse effects of sediment on water bodies and the coastal marine area.

(5) The earthworks must not create or contribute to—

(a) instability or subsidence of a slope or another land surface; or

(b) erosion of the bed or bank of a water body or the coastal marine area; or

(c) drainage problems or flooding of overland flow paths.

(6) Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.

(7) Earthworks must not be carried out on the bed of a lake or river or in the coastal marine area.

(8) Earthworks must not be carried out in a cultural heritage area unless they are carried out on an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.

(9) Earthworks must not be carried out on land that a local authority has identified as containing, or possibly containing, contaminants that pose a risk to the environment.

Compare: SR 2009/397 r 33

13.4.41 Earthworks: anticipated activities

(1) Earthworks relating to an existing transmission line are an anticipated activity if—

(a) 1 or more of the requirements in regulation 13.4.40(2) to (7) are breached; but

(b) both the requirements in regulation 13.4.40(8) and (9) are complied with.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent and nature of any disturbance:

(b) management of the earthworks and the methods used to carry out the earthworks:

(c) control of erosion and sediment and restoration of the land or the bed of any affected lake or river:

(d) visual, landscape, and ecological effects:

(e) the effects on cultural heritage:

(f) the effects on drainage, flooding, and overland flow paths.

Compare: SR 2009/397 r 34

13.4.42 Earthworks affecting cultural heritage: anticipated activities

(1) Earthworks relating to an existing transmission line are an anticipated activity if the requirement in regulation 13.4.40(8) (about cultural heritage) is breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the extent and nature of any disturbance:

(b) management of the earthworks and the methods used to carry out the earthworks:

(c) control of erosion and sediment and restoration of the land and or the bed of any affected lake or river:

(d) visual, landscape, and ecological effects:

(e) the effects on cultural heritage:

(f) the effects on drainage, flooding, and overland flow paths.

Compare: SR 2009/397 r 35

13.4.43 Earthworks affecting potentially contaminated land: anticipated activities

(1) Earthworks relating to an existing transmission line are an anticipated activity if the requirement in regulation 13.4.40(9) (about potentially contaminated land) is breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) restoration of the land or the bed of any affected lake or river:

(b) management of the earthworks and the methods used to carry out the earthworks:

(c) the extent and nature of any disturbance in relation to ecological and health effects.

Compare: SR 2009/397 r 36

Noise and vibration from construction activity: framework rules

13.4.44 Construction activity: permitted activities

(1) A construction activity relating to an existing transmission line is a permitted activity if both the requirements in subclauses (2) and (3) are complied with.

Requirements

(2) The noise from the construction activity must comply with New Zealand Standard NZS 6803:1999 Acoustics—Construction Noise.

(3) The vibrations from the construction activity must comply with the peak particle velocity limits in table 1 of German Standard DIN 4150–3:1999 Structural vibration—Effects of vibration on structures.

Compare: SR 2009/397 r 37

13.4.45 Construction activity: anticipated activities

(1) A construction activity relating to an existing transmission line is an anticipated activity if either of the requirements in regulation 13.4.44(2) and (3) are breached.

Matters over which control reserved

(2) The matters over which control is reserved are as follows:

(a) the timing of the works:

(b) the effects on sensitive land uses:

(c) the giving of notice of the works to parties who may be affected.

Compare: SR 2009/397 r 38

Other transmission activities: framework rules

13.4.46 Activities not described elsewhere: discretionary activities

An activity to which this subpart applies (under regulation 13.4.2) is a discretionary activity if it is not described in these regulations as a permitted activity or anticipated activity.

Compare: SR 2009/397 r 39

Subpart 13.5—Telecommunication facilities rules

Application

13.5.1 Application of subpart to coastal marine area and rivers and lakes

(1) This subpart does not apply to anything done in the coastal marine area or in, on, under, or over the bed of a river or lake.

(2) However, the subpart does apply to anything done over a river or lake (such as on a bridge).

Compare: LI 2016/281 r 8

Interpretation

13.5.2 Definitions for subpart 13.5

In this subpart,—

ancillary equipment means telecommunication, radiocommunication, electrical, or similar equipment it is necessary to install with a facility to enable the facility to operate as intended, but not a self-contained power unit or a lightning rod

antenna means a device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit

baseline date has the meaning given in regulation 13.5.4

baseline pole has the meaning given in regulation 13.5.4

cabinet means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following:

(a) a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line:

(b) a casing that is wholly underground:

(c) a casing that is inside a building:

(d) a building

customer connection line means a telecommunication line that connects a telecommunications distribution network to premises for the purpose of enabling a facility operator to provide telecommunication services to a customer

facility means an antenna, cabinet, telecommunication line, or small cell unit

facility operator means—

(a) a network operator (as defined in section 5 of the Telecommunications Act 2001); or

(b) the Crown (as defined in section 2(1) of the Public Finance Act 1989); or

(c) a Crown agent (as defined in section 10(1) of the Crown Entities Act 2004)

headframe means a structure attached to a pole that—

(a) enables more than 1 antenna to be attached to the pole; and

(b) results in the notional envelope of the pole being larger than 0.7 m in diameter

installing and operating, in relation to a facility, has the meaning given in regulation 13.5.3

location, in relation to a facility that has not yet been installed, means the location where the facility will be once it has been installed

mount means equipment used to attach—

(a) an antenna to a building; or

(b) an antenna to a pole without a headframe; or

(c) an antenna to a headframe; or

(d) a headframe to a pole

non-dish antenna means an antenna that is not a dish antenna

notional envelope, for a pole, means the smallest notional cylindrical shape into which all non-dish antennas attached to the pole (including any shroud but not including any mount or ancillary equipment) would fit

pole means a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas

protrusion distance means the amount by which the outer edge of a dish antenna protrudes from the edge of the pole to which it is attached

residential zone means land zoned to predominantly provide for residential activities

RFG facility means—

(a) an antenna or a small cell unit, if it generates radiofrequency fields or will do so when it is in operation; or

(b) a cabinet, if the equipment in the cabinet generates radiofrequency fields or will do so when the equipment is in operation

road reserve means a formed legal road and any land next to it up to the legal boundary of the adjoining land

rural zone means land zoned to predominantly provide for primary production or rural lifestyle use

self-contained power unit means equipment installed with a facility for the purpose of generating power for that facility (such as solar panels), including cables connecting the equipment to the facility

small cell unit means a device—

(a) that receives or transmits radiocommunication or telecommunication signals; and

(b) the volume of which (including any antenna and ancillary equipment, but not including any cabling or fixtures used to attach the small cell unit to a structure or pole) is not more than 0.11 m^3

surface-mounted line means a telecommunication line that is mounted on the surface of a structure (such as a wall, fence, or paving)

telecommunication line means a wire, or conductor of any other kind (including a fibre optic cable), referred to in paragraph (a) of the definition of line in section 5 of the Telecommunications Act 2001.

Compare: LI 2016/281 r 4

13.5.3 What it means to install and operate a facility

(1) In this subpart, **installing and operating**, in relation to a facility, means—

(a) installing and operating the facility; and

(b) installing and operating any of the following:

(i) ancillary equipment for the facility:

(ii) in relation to an antenna attached to a pole, the pole and any headframe, mount, or shroud:

(iii) in relation to an antenna on a building, any mount or shroud:

(iv) in relation to a cabinet, the equipment in the cabinet:

(v) in relation to a telecommunication line, any structure supporting the line:

(vi) a lightning rod for the facility:

(vii) a plinth or other foundation supporting the facility or anything referred to in this paragraph; and

(c) carrying out repairs and maintenance of the facility or anything referred to in paragraph (b); and

(d) carrying out earthworks associated with anything referred to in paragraph (a), (b), or (c).

(2) However, **installing and operating** a facility does not include—

(a) installing and operating either of the following:

(i) a self-contained power unit:

(ii) a track that provides access to the facility; or

(b) carrying out repairs and maintenance on anything referred to in paragraph (a); or

(c) carrying out earthworks associated with anything referred to in paragraph (a) or (b).

Compare: LI 2016/281 r 5

13.5.4 Meaning of baseline pole and baseline date

(1) This regulation defines the terms **baseline pole** and **baseline date** in relation to pole A in regulation 13.5.21, pole C in regulation 13.5.25, and pole D in regulation 13.5.27 (the **relevant pole**).

(2) If the relevant pole was erected before 1 January 2017,—

(a) the baseline pole is the relevant pole; and

(b) the baseline date is 1 January 2017.

(3) If the relevant pole was erected after 1 January 2017 for a purpose other than the installation of an antenna,—

(a) the baseline pole is the relevant pole; and

(b) the baseline date is date A for regulation 13.5.21, date C for regulation 13.5.25, and date D for regulation 13.5.27.

(4) If the relevant pole was erected after 1 January 2017 for the purpose of installing 1 or more antennas on it, and is not a replacement for another pole,—

(a) the baseline pole is the relevant pole; and

(b) the baseline date is date A for regulation 13.5.21, date C for regulation 13.5.25, and date D for regulation 13.5.27.

(5) If the relevant pole was erected after 1 January 2017 for the purpose of installing 1 or more antennas on it, and is a replacement for another pole (**pole X**),—

(a) the baseline pole is,—

(i) if pole X was not a replacement for a previous pole, pole X; or

(ii) if the relevant pole is the latest in a series of 2 or more pole replacements, the first pole in that series to have an antenna installed on it after 1 January 2017; and

(b) the baseline date is immediately before work begins to install the first antenna that was installed on the baseline pole.

Compare: LI 2016/281 r 6

13.5.5 How to measure things

(1) The height of a cabinet is to be measured—

(a) from the bottom of the cabinet at its lowest point (not including any plinth or other foundation):

(b) to the highest point of the cabinet.

(2) The width of a pole is to be measured at the base of the pole (that is, where it connects to the plinth or foundation), but does not include the width of any antenna, headframe, mount, shroud, or ancillary equipment.

(3) The width of a headframe is to be measured at the widest point of the headframe and all antennas attached to it (not including any shroud or ancillary equipment).

(4) The width of a support structure for a telecommunication line is to be measured at the widest point of the structure (not including the line or any ancillary equipment).

(5) The width of a pole, headframe, or support structure means,—

(a) if it is circular, its diameter; or

(b) otherwise, its widest cross-sectional measurement.

(6) The height of a pole is to be measured—

(a) from the following (measured at the centre of the pole):

(i) if the pole is erected on the ground and with no plinth or other foundation, ground level; or

(ii) if the pole is erected on the ground with a plinth or other foundation, the top of the plinth or foundation; or

(iii) if the pole is erected on a structure (such as a bridge), the upper surface of the structure:

(b) to the highest point of the pole (not including any headframe, antennas, mount, shroud, or ancillary equipment).

(7) The height of a pole and all antennas is to be measured—

(a) from the point described in subclause (6)(a):

(b) to the highest point of the pole, any headframe, and all antennas (not including any mount, shroud, or ancillary equipment).

(8) All measurements are to be made not including any lightning rod.

(9) The distance between 2 things is to be measured at their closest point.

Compare: LI 2016/281 r 7

Other preliminary matters

13.5.6 If activity not permitted activity under this subpart

(1) If a framework rule in this subpart identifies an activity as a permitted activity, if the activity does not meet the applicable requirements in the relevant framework rule,—

(a) the activity has the status (that is, permitted, anticipated, discretionary, or prohibited) given to it by any plan rule administered by a territorial authority; or

(b) if there is no plan rule administered by a territorial authority relating to that activity, it is a discretionary activity.

(2) However, if the activity relates to an RFG facility, if the activity does not comply with regulation 13.5.38, the activity is prohibited, despite anything to the contrary in any plan rule administered by a territorial authority.

(3) If a plan rule administered by a territorial authority provides that an activity is an anticipated activity if the requirements of a permitted activity framework rule are not complied with, the matters over which control is reserved are only those matters referred to in the permitted activity framework rule that are not complied with.

Compare: LI 2016/281 Part 2

13.5.7 Plan rules about natural hazards

If a plan rule administered by a territorial authority prescribes measures to mitigate the effect of natural hazards in areas identified in a regional spatial strategy or plan as being subject to 1 or more natural hazards, the regional planning committee must not apply the rule to the activities described in this subpart as permitted activities.

Compare: LI 2016/281 r 57

13.5.8 Consent authority

For the purpose of section 139 of the Act, territorial authorities are the consent authorities for framework rules in this subpart.

13.5.9 Person responsible for enforcing framework rules

Territorial authorities are responsible for enforcing the framework rules in this subpart.

Stringency: framework rule

13.5.10 Stringency

(1) A plan rule may be more stringent, but not more lenient, than the framework rules in the following:

(a) regulation 13.5.17:

(b) regulation 13.5.30:

(c) regulation 13.5.37.

(2) A plan rule may be more lenient, but not more stringent, than any other framework rule in this subpart.

Compare: LI 2016/281 r 56

Cabinets: framework rules

13.5.11 Installing and operating cabinet: permitted activity

(1) The installation and operation of a cabinet by a facility operator is a permitted activity if it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) if the cabinet houses equipment the primary purpose of which is to service an antenna that is located on a building, regulation 13.5.13:

(a) if the cabinet does not house equipment the primary purpose of which is to service an antenna that is located on a building, regulation 13.5.12

(b) if the cabinet is in a road reserve, regulation 13.5.14 (subject to regulation 13.5.15) and regulation 13.5.16:

(c) if the cabinet is not in a road reserve, regulation 13.5.17:

(d) any applicable plan rules described in regulation 13.5.37:

(e) if the cabinet is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 19

13.5.12 Requirements for cabinet not servicing antenna on building

(1) The requirements in this regulation apply to any cabinet other than one to which regulation 13.5.13 applies.

(2) The requirements are that—

(a) the height, footprint, and grouping rules in subclause (3) are complied with; and

(b) one of the following applies:

(i) the cabinet's equipment does not require power:

(ii) power for the cabinet's equipment is provided by a self-contained power unit:

(iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.

(3) The **height, footprint, and grouping rules** are as follows:

(a) if the cabinet is in a road reserve that is in, or adjoins, a residential zone,—

(i) the height of the cabinet must not be more than 1.8 m; and

(ii) the footprint of the cabinet must not be more than 1.4 m^2; and

(iii) the group rules in regulation 13.5.14 must be complied with (subject to regulation 13.5.15):

(b) if the cabinet is in any other road reserve,—

(i) the height of the cabinet must not be more than 2 m; and

(ii) the footprint of the cabinet must not be more than 2 m^2; and

(iii) the group rules in regulation 13.5.14 must be complied with (subject to regulation 13.5.15):

(c) if the cabinet is not in a road reserve and is in a residential zone,—

(i) the height of the cabinet must not be more than 2 m; and

(ii) the footprint of the cabinet must not more than 2 m^2:

(d) if the cabinet is not in a road reserve and is not in a residential zone,—

(i) the height of the cabinet must not be more than 2.5 m; and

(ii) the footprint of the cabinet must not be more than 5 m^2.

(4) In this regulation, part of a road reserve **adjoins** a residential zone if that part of the road reserve adjoins, and is on the same side of the road as, land that is in a residential zone.

Compare: LI 2016/281 r 20

13.5.13 Requirements for cabinet servicing antenna on building

(1) The requirements in this regulation apply to a cabinet that houses equipment the primary purpose of which is to service an antenna that is located on a building.

(2) The requirements are that—

(a) the height, footprint, and grouping rules in subclause (3) are complied with; and

(b) for a cabinet that is on the ground, one of the following applies:

(i) the cabinet's equipment does not require power:

(ii) power for the cabinet's equipment is provided by a self-contained power unit:

(iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.

(3) The **height, footprint, and grouping rules** are as follows:

(a) if the cabinet is on the building,—

(i) the height of the cabinet must not be more than 2 m; and

(ii) the footprint of the cabinet must not be more than 2 m^2:

(b) if the cabinet is not on the building, the requirements set out in regulation 13.5.12(3) must be complied with.

Compare: LI 2016/281 r 21

13.5.14 Group rules for cabinets in road reserves

(1) The **group rules** for a cabinet in a road reserve are that, at the time a cabinet is installed,—

(a) the cabinet must be—

(i) at least 30 m away from any other cabinet that is on the same side of the road; or

(ii) in a group of cabinets; and

(b) if the cabinet is in a group,—

(i) each cabinet in the group must be at least 30 m away from any cabinet that is on the same side of the road and is not in the group; and

(ii) the total footprint of all cabinets in the group must not be more than 2 m^2.

(2) Two or more cabinets are in a **group** if the distance between each cabinet and the one nearest to it is not more than 0.5 m.

Compare: LI 2016/281 r 22

13.5.15 Temporary contravention of cabinet group rules

(1) This regulation applies if—

(a) a cabinet (the **new cabinet**) is installed for the purpose of housing equipment that will replace the equipment in an existing cabinet (the **old cabinet**); and

(b) the equipment in the new cabinet—

(i) is for the purposes of the same telecommunications network as the equipment in the old cabinet; or

(ii) relates to a telecommunications network that will replace the network to which the equipment in the old cabinet relates; and

(c) in the absence of this regulation, the group rules in regulation 13.5.14 would not be complied with in relation to the new cabinet.

(2) For the purposes of determining whether the group rules are complied with in relation to the new cabinet, compliance with the group rules—

(a) is not to be assessed when the new cabinet is installed; and

(b) is instead to be assessed at the expiry of 3 months from when,—

(i) if subclause (1)(b)(i) applies, the new cabinet is installed; or

(ii) if subclause (1)(b)(ii) applies, the old telecommunications network is discontinued.

(3) Until the expiry of the 3 months referred to in subclause (2)(b), the group rules are taken to be complied with.

Compare: LI 2016/281 r 23

13.5.16 Requirements relating to noise for cabinets in road reserve

(1) This regulation applies to a cabinet located in a road reserve.

(2) The requirements of this regulation are complied with if the noise from the cabinet does not exceed the noise limits set out in subclauses (3) and (4).

(3) If the cabinet is located in a residential zone or an adjoining road reserve, the noise limits for the cabinet are,—

(a) between 7 am and 10 pm, 50 dB $L_{Aeq(5min)}$; and

(b) between 10 pm and 7 am,—

(i) 40 dB $L_{Aeq(5min)}$; and

(ii) 65 dB L_{AFmax}.

(4) For any other cabinet, the noise limits for the cabinet are,—

(a) at any time, 60 dB $L_{Aeq(5min)}$; and

(b) between 10 pm and 7 am, 65 dB L_{AFmax}.

How noise to be measured

(5) The measurement of the noise from a cabinet must be—

(a) made in accordance with NZS 6801; and

(b) adjusted in accordance with NZS 6801 to a free field incident sound level; and

(c) assessed in accordance with NZS 6802.

Where noise to be measured

(6) If a building containing a habitable room is within 4 m of the road reserve where the cabinet is located, the noise must be measured at a point that is—

(a) 1 m from the side of the building; or

(b) on the vertical plane of the side of the building.

(7) In any other case, the noise must be measured at a point that is—

(a) at least 3 m from the cabinet; and

(b) within the boundaries of land adjoining the road reserve where the cabinet is located.

(8) In this regulation,—

adjoining road reserve, in relation to a zone in a plan, means that part of a road reserve that adjoins, and is on the same side of the road as, land that is in that zone

$L_{Aeq(5min)}$ has the same meaning as in NZS 6801

L_{AFmax} has the same meaning as in NZS 6801

NZS 6801 means NZS 6801:2008 Acoustics—Measurement of environmental sound

NZS 6802 means NZS 6802:2008 Acoustics—Environmental noise.

Compare: LI 2016/281 r 24

13.5.17 Requirement for cabinet not in road reserve

A cabinet that is not installed in a road reserve must comply with any plan rule that is—

(a) about noise from the facility that applies to the place where the cabinet is installed; and

(b) administered by a territorial authority

Compare: LI 2016/281 r 25

Antennas: framework rules

13.5.18 Antennas on buildings: permitted activity

(1) The installation and operation by a facility operator of an antenna on a building is a permitted activity if it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following are complied with:

(a) regulation 13.5.19:

(b) regulation 13.5.37:

(c) if the antenna is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 36

13.5.19 Requirement for antenna on building

(1) The requirement in regulation 13.5.18(2)(a) is complied with if,—

(a) for a dish or panel antenna, the size rules in subclause (2) are complied with; and

(b) the antenna is attached to the building in a way that complies with the attachment rules in subclause (3).

(2) The **size rules** are that,—

(a) if the antenna is a panel antenna, the front face width of the panel must not be more than 1.0 m; or

(b) if the antenna is a dish antenna, the diameter of the dish must not be more than 1.2 m.

(3) The **attachment rules** are that—

(a) the top of the antenna must not be more than 5 m above,—

(i) if the antenna is attached to a vertical surface, the top of that surface, directly above the point at which the antenna is attached to the building; or

(ii) otherwise, the point at which the antenna is attached to the building; and

(b) if the building is in a residential zone, the lowest point at which the antenna is attached to the building must be at least 15 m above the ground.

Compare: LI 2016/281 r 37

13.5.20 Antennas on existing poles in road reserve: permitted activity

(1) The installation and operation of an antenna (**antenna A**) by a facility operator is a permitted activity if,—

(a) before work to install antenna A begins (**date A**),—

(i) there is a pole (**pole A**) in a road reserve; and

(ii) if there are any antennas attached to pole A (whether operated by the same or a different facility operator), their installation and operation complies with the Act; and

(b) antenna A (alone or with 1 or more other antennas) is to be installed—

(i) on pole A in pole A's original location; or

(ii) on pole A after pole A is moved to a new location; or

(iii) on a new pole erected to replace pole A; and

(c) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.21:

(b) regulation 13.5.37:

(c) if the antenna is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 26

13.5.21 Requirement for antenna on existing pole in road reserve

(1) The requirement in regulation 13.5.20(2)(a) is complied with if, at the time antenna A is installed,—

(a) if pole A is moved or replaced, the location of the pole on which antenna A is installed (the **final pole**)—

(i) is in the road reserve; and

(ii) is not more than 5 m from pole A's location on date A; and

(b) the antenna size rules in subclause (2) or (3) are complied with; and

(c) the number of dish antennas attached to the final pole is not more than,—

(i) if more than 2 dish antennas were attached to pole A on date A, that number; or

(ii) otherwise, 2; and

(d) the pole height rules in subclause (4) are complied with; and

(e) the pole width rules in subclause (5) are complied with; and

(f) if the final pole has a headframe, the headframe rules in subclause (6) are complied with.

(2) If antenna A is a non-dish antenna, the **antenna size rules** are that,—

(a) if the final pole has a headframe, the width of antenna A must not be more than,—

(i) if antenna A is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or

(ii) otherwise, 0.7 m; or

(b) if the final pole does not have a headframe, the notional envelope for the final pole must not be larger than,—

(i) if pole A's notional envelope on date A was larger than 3.5 m in length and 0.7 m in diameter, the size of pole A's notional envelope on date A; or

(ii) otherwise, 3.5 m in length and 0.7 m in diameter.

(3) If antenna A is a dish antenna, the **antenna size rules** are that—

(a) the diameter of the dish must not be more than,—

(i) if antenna A is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or

(ii) otherwise, 0.38 m; and

(b) antenna A's protrusion distance must not be more than,—

(i) if antenna A is a replacement for an existing dish antenna that had a protrusion distance of more than 0.6 m, the protrusion distance of the replaced antenna; or

(ii) otherwise, 0.6 m.

(4) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—

(a) the height of the baseline pole on the baseline date plus 3.5 m; and

(b) the height of the baseline pole and all antennas on the baseline date.

(5) The **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—

(a) if 1 or more antennas were attached to the baseline pole on the baseline date, 1.3; or

(b) otherwise, 2.

(6) The **headframe rules** are that—

(a) the headframe was on pole A on date A; or

(b) the headframe—

(i) is a replacement for a headframe that was on pole A on date A; and

(ii) has a width that is not more than the width of the replaced headframe.

Compare: LI 2016/281 r 27

13.5.22 Antennas on new poles in road reserve: permitted activity

(1) The installation and operation of an antenna (**antenna B**) by a facility operator is a permitted activity if,—

(a) before work to install antenna B begins, a pole (**pole B**) is to be erected—

(i) at a location that—

(A) is in a road reserve; and

(B) is within 100 m of an existing pole in the road reserve; and

(ii) for the purpose of installing antenna B (alone or with 1 or more other antennas) on pole B; and

(b) pole B is not a replacement for an existing pole; and

(c) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.22:

(b) regulation 13.5.37:

(c) if the antenna is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 28

13.5.23 Requirement for antenna on new pole in road reserve

(1) The requirement in regulation 13.5.22(2)(a) is complied with if, at the time antenna B is installed,—

(a) pole B does not have a headframe; and

(b) the antenna size rules in subclause (2) are complied with; and

(c) no more than 2 dish antenna are attached to pole B; and

(d) the pole height rules in subclause (3) are complied with; and

(e) the pole width rules in subclause (4) are complied with.

(2) The **antenna size rules** are that,—

(a) if antenna B is a non-dish antenna, pole B's notional envelope must not be larger than 3.5 m in length and 0.7 m in diameter; or

(b) if antenna B is a dish antenna,—

(i) the diameter of the dish must not be more than 0.38 m; and

(ii) antenna B's protrusion distance must not be more than 0.6 m.

(3) The **pole height rules** are that the height of pole B and all antennas must not be more than,—

(a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the height of the neighbouring pole plus 3.5 m; or

(b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the heights of all the neighbouring poles plus 3.5 m.

(4) The **pole width rules** are that the width of pole B must not be more than,—

(a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the width of the neighbouring pole multiplied by,—

(i) if the neighbouring pole has 1 or more antennas attached to it, 1.3; or

(ii) otherwise, 2; or

(b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the widths of the neighbouring poles multiplied by,—

(i) if any of the neighbouring poles has 1 or more antennas attached to it, 1.3; or

(ii) otherwise, 2.

(5) In this regulation, a pole is a **neighbour** of pole B in a particular direction along the road reserve if the pole—

(a) is in the road reserve; and

(b) was erected before pole B; and

(c) is not more than 100 m from pole B; and

(d) is the pole nearest to pole B in that direction along the road reserve.

Compare: LI 2016/281 r 29

Antennas on existing poles with antennas not in road reserve but in residential zone: framework rules

13.5.24 Antennas on existing poles, not in road reserve but in residential zone: permitted activity

(1) The installation and operation of an antenna (**antenna C**) by a facility operator is a permitted activity if,—

(a) before work to install antenna C begins (**date C**), there is a pole (**pole C**) that—

(i) is not in a road reserve; and

(ii) is in a residential zone; and

(iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and

(b) the installation and operation of the existing antennas on pole C comply with the Act; and

(c) antenna C (alone or with 1 or more other antennas) is to be installed—

(i) on pole C in pole C's original location; or

(ii) on pole C after pole C is moved to a new location; or

(iii) on a new pole erected to replace pole C; and

(d) the pole on which antenna C is to be installed (the **final pole**) is—

(i) not in a road reserve; and

(ii) in a residential zone; and

(e) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.25:

(b) regulation 13.5.37:

(c) if the activity includes earthworks, regulation 13.5.30 (in addition to any plan rules about earthworks as referred to in regulation 13.5.37(2)(b)):

(d) if the antenna is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 30

13.5.25 Requirement for antenna on existing pole with antenna not in road reserve but in residential zone

(1) The requirement in regulation 13.5.24(2)(a) is complied with if, at the time antenna C is installed,—

(a) if pole C is moved or replaced, the location of the final pole—

(i) is not in a road reserve; and

(ii) is in a residential zone; and

(iii) is not more than 5 m from pole C's location on date C; and

(b) the antenna size rules in subclause (2) or (3) are complied with; and

(c) the number of dish antennas attached to the final pole is not more than,—

(i) if more than 2 dish antennas were attached to pole C on date C, that number; or

(ii) otherwise, 2; and

(d) the width of the final pole is not more than 1.3 times the width of the baseline pole on the baseline date; and

(e) the final pole does not have a headframe unless pole C had a headframe on date C; and

(f) if the final pole has a headframe, the headframe width rules in subclause (4) are complied with; and

(g) the pole height rules in subclause (5) are complied with.

(2) If antenna C is a non-dish antenna, the **antenna size rules** are that the width of antenna C must not be more than,—

(a) if antenna C is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or

(b) otherwise, 0.7 m.

(3) If antenna C is a dish antenna, the **antenna size rules** are that—

(a) the diameter of the dish must not be more than,—

(i) if antenna C is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or

(ii) otherwise, 0.38 m; and

(b) antenna C's protrusion distance must not be more than,—

(i) if antenna C is a replacement for an existing dish antenna the protrusion distance of which was more than 0.6 m, the protrusion distance of the replaced antenna; or

(ii) otherwise, 0.6 m.

(4) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—

(a) if the width of the headframe on pole C on date C was more than 6 m, the width of that headframe; or

(b) otherwise, the lesser of—

(i) 6 m; and

(ii) double the width of the headframe on pole C on date C.

(5) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—

(a) the height of the baseline pole on the baseline date plus 3.5 m; and

(b) the height of the baseline pole and all antennas on the baseline date.

Compare: LI 2016/281 r 31

13.5.26 Antennas on existing poles with antennas not in road reserve and not in residential zone: permitted activity

(1) The installation and operation of an antenna (**antenna D**) by a facility operator is a permitted activity if,—

(a) before work to install antenna D begins (**date D**), there is a pole (**pole D**) that—

(i) is not in a road reserve; and

(ii) is not in a residential zone; and

(iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and

(b) the installation and operation of the existing antennas on pole D complies with the Act; and

(c) antenna D (alone or with 1 or more other antennas) is to be installed—

(i) on pole D in pole D's original location; or

(ii) on pole D after pole D is moved to a new location; or

(iii) on a new pole erected to replace pole D; and

(d) the pole on which antenna D is to be installed (the **final pole**) is—

(i) not in a road reserve; and

(ii) not in a residential zone; and

(e) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.27:

(b) regulation 13.5.37:

(c) if the activity includes earthworks, regulation 13.5.30 (in addition to any plan rules about earthworks as referred to in regulation 13.5.37(2)(b)):

(d) if the antenna is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 32

13.5.27 Antenna on existing pole with antenna not in road reserve and not in residential zone

(1) The requirement in regulation 13.5.26(2)(a) is complied with if, at the time antenna D is installed,—

(a) if pole D is moved or replaced, the location of the final pole—

(i) is not in a road reserve; and

(ii) is not in a residential zone; and

(iii) is not more than 5 m from pole D's location on date D; and

(b) if the antenna is a dish or panel antenna, the antenna size rules in subclause (2) are complied with; and

(c) the pole width rules in subclause (3) or (4) are complied with; and

(d) if the final pole has a headframe, the headframe width rules in subclause (5) are complied with; and

(e) the pole height rules in subclause (6) are complied with.

(2) The **antenna size rules** are that,—

(a) if antenna D is a panel antenna, the width of the panel must not be more than,—

(i) if antenna D is a replacement for an existing panel antenna the front fact width of which was more than 0.7 m, the width of the replaced antenna; or

(ii) otherwise, 0.7 m; or

(b) if antenna D is a dish antenna, the diameter of the dish must not be more than,—

(i) if antenna D is a replacement for an existing dish antenna the diameter of which was more than 1.2 m, the diameter of the replaced antenna; or

(ii) otherwise, 1.2 m.

(3) If the final pole is in a rural zone, the **pole width rules** are that the width of the final pole must not be more than,—

(a) if the width of pole D on date D was more than 6 m, that width; or

(b) otherwise, the lesser of—

(i) 6 m; and

(ii) the width of pole D on date D multiplied by,—

(A) if the number of antennas attached to the final pole is more than the number that were attached to pole D on date D, 2; or

(B) otherwise, 1.3.

(4) If the final pole is not in a rural zone, the **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—

(a) if the number of antenna attached to the final pole is more than the number that were attached to the baseline pole on the baseline date, 2; or

(b) otherwise, 1.3.

(5) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—

(a) if pole D had a headframe on date D the width of which was more than 6 m, the width of that headframe; or

(b) otherwise, 6 m.

(6) The **pole height rules** are that the height of the final pole and all antennas must not be more than,—

(a) if the pole was installed without a resource consent in reliance on regulation 13.5.28, the lesser of—

(i) the height of pole D and all antennas on date D plus the permitted height increase; and

(ii) 25 m; or

(b) otherwise, the height of the baseline pole and all antennas on the baseline date plus the permitted height increase.

(7) In this regulation, the **permitted height increase** is,—

(a) if the facility operator for antenna D is the facility operator for all antennas attached to the final pole, 3.5 m; or

(b) otherwise, 5 m.

Compare: LI 2016/281 r 33

13.5.28 Antennas on new poles not in road reserve and in rural zone: permitted activity

(1) The installation and operation of an antenna (**antenna E**) by a facility operator is a permitted activity if,—

(a) before work to install antenna E begins, a pole (**pole E**) is to be erected—

(i) at a location that—

(A) is not in a road reserve; and

(B) is in a rural zone; and

(ii) for the purpose of installing antenna E (whether alone or with 1 or more other antennas) on pole E; and

(b) the new pole is not a replacement for an existing pole; and

(c) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.29:

(b) regulation 13.5.37:

(c) if the activity includes earthworks, regulation 13.5.30 (in addition to any plan rules about earthworks as referred to in regulation 13.5.37(2)(b)):

(d) if the antenna is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 34

13.5.29 Antenna on new pole not in road reserve and in rural zone

The requirement in regulation 13.5.28(2)(a) is complied with if, at the time antenna E is installed,—

(a) the height of pole E and all antennas is not more than 25 m; and

(b) the width of pole E is not more than 6 m; and

(c) if pole E has a headframe, the width of the headframe is not more than 6 m; and

(d) pole E is at least 50 m away from any building used for residential or educational purposes; and

(e) if antenna E is a panel antenna, the width of the panel is not more than 1.0 m; and

(f) if antenna E is a dish antenna, the diameter of the dish is not more than 1.2 m.

Compare: LI 2016/281 r 35

13.5.30 Earthworks associated with antennas not in road reserve

(1) This regulation applies to a regulated activity if it—

(a) is a permitted activity under regulation 13.5.24, 13.5.26, or 13.5.28; and

(b) includes earthworks (as referred to in regulation 13.5.3(1)(d)).

(2) This regulation is complied with if—

(a) all special place earthworks are carried out in accordance with the district rules about earthworks that apply to earthworks carried out at that place; and

(b) each time rural earthworks are carried out in relation to the facility,—

(i) the volume of the earthworks is not more than 450 m^3; and

(ii) the management plan requirements in subclause (3) are complied with.

(3) The **management plan requirements** are that,—

(a) before commencing the earthworks, the facility operator must prepare a management plan in accordance with subclauses (4) and (5); and

(b) the earthworks must be carried out in accordance with that management plan; and

(c) the facility operator must give a copy of the management plan to the local authority if requested by the local authority at any time before the expiry of 6 months from the completion of the earthworks.

(4) An earthworks management plan must set out the following:

(a) where the earthworks will be carried out:

(b) the nature and scale of the earthworks:

(c) when the earthworks will be started and completed:

(d) the measures that will be taken to ensure that the earthworks do not, as far as practicable, cause or contribute to any of the following:

(i) sediment run-off from the site:

(ii) soil or debris from the works entering any water body or the coastal marine area:

(iii) instability or subsidence of a slope or another land surface:

(iv) erosion of the bed or bank of a water body or the coastal marine area:

(v) drainage problems, flooding, or the diversion of overland flow paths:

(vi) dust problems on adjoining land:

(e) the measures that will be taken to complete the earthworks in a way that will, as far as practicable,—

(i) restore the site to its previous condition; and

(ii) stabilise the site against subsequent erosion.

(5) The management plan must be set out in a level of detail that is reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).

(6) The measures referred to in subclause (4)(d) and (e) must be—

(a) designed to minimise the effect on the environment of the earthworks; and

(b) reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).

(7) In this regulation,—

rural earthworks means earthworks that—

(a) are carried out in a rural zone and not in a road reserve; and

(b) are not special place earthworks

special place earthworks means earthworks that are carried out at a place referred to in regulation 13.5.37(1)(b) to (g).

Compare: LI 2016/281 r 53

Small cell units: framework rules

13.5.31 Small cell units: permitted activity

(1) The installation and operation of a small cell unit by a facility operator is a permitted activity if—

(a) it is installed on an existing structure; and

(b) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.37:

(b) if the small cell unit is an RFG facility, regulation 13.5.38.

Compare: LI 2016/281 r 38

Telecommunication lines: framework rules

13.5.32 Customer connection lines: permitted activity

(1) The installation and operation of a customer connection line by a facility operator is a permitted activity if it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.33:

(b) regulation 13.5.37(1)(a) and (b), if applicable:

(c) in relation to any part of the customer connection line that is a surface-mounted line, regulation 13.5.37:

(d) in relation to any earthworks undertaken at a place that is not in a road reserve, regulation 13.5.37.

Compare: LI 2016/281 r 39

13.5.33 Requirement for customer connection line

The requirement in regulation 13.5.24(2)(a) is complied with if,—

(a) for any part of the customer connection line that is a surface-mounted line,—

(i) the diameter of the line is not more than 30 mm; and

(ii) if the line is enclosed in a conduit, the diameter of the conduit is not more than 32 mm; and

(iii) the line (and any conduit) is supported solely by existing structures; and

(b) for any part of the customer connection line that is an aerial line,—

(i) the diameter of the line is not more than 30 mm; and

(ii) the line is supported solely by existing structures.

Compare: LI 2016/281 r 40

13.5.34 Aerial telecommunication lines along same routes as existing telecommunication or power lines: permitted activity

(1) The installation and operation of a telecommunication line (**line A**) by a facility operator is a permitted activity if—

(a) line A is not a customer connection line; and

(b) before line A is installed, there is an existing aerial power line or telecommunication line (the **current line**); and

(c) line A is supported only by 1 or more of the following:

(i) existing support structures in their original locations:

(ii) existing support structures after they have been moved to new locations:

(iii) new structures erected to replace existing support structures; and

(d) line A is supported by those structures in the same order as the current line; and

(e) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) regulation 13.5.35:

(b) regulation 13.5.37(1)(a) and (b), if applicable.

(3) In this regulation, **existing support structure** means a structure that supported the current line before the installation of line A.

Compare: LI 2016/281 r 41

13.5.35 Requirement for aerial telecommunication line along same route as existing telecommunication or power line

(1) The requirement in regulation 13.5.33(2)(a) is complied with if—

(a) the diameter of line A is not more than 30 mm; and

(b) the total volume of ancillary equipment for line A on each support structure (not including any spare line) is not more than 0.4 m^3; and

(c) if an existing support structure (as defined in regulation 13.5.34) is moved or replaced, the location of the moved or replacement structure is not more than 3 m from the existing support structure's original location; and

(d) if an existing support structure is moved or replaced, the structure size rules in subclauses (2) and (3) are complied with.

(2) The **structure size rules** are that—

(a) the height of the replacement structure must not be more than the height of the existing support structure plus 1 m; and

(b) the width of the replacement structure must not be more than 1.5 times the width of the existing support structure.

(3) However, if the minimum road clearance height for the replacement structure is greater than the height permitted under subclause (2)(a), the **structure size rules** are that—

(a) the height of the replacement structure must not be more than the minimum road clearance height; and

(b) the width of the replacement structure must not be more than is reasonably necessary for a structure of that height.

(4) The **minimum road clearance height** for a support structure means the minimum height necessary to enable the facility operator to meet its obligations under the Telecommunications Act 2001 relating to the height of line A.

Compare: LI 2016/281 r 42

13.5.36 Underground telecommunication lines: permitted activity

(1) The installation and operation of a telecommunication line by a facility operator is a permitted activity if—

(a) the line is not a customer connection line; and

(b) the line is an underground line; and.

(c) it meets the requirements in subclause (2).

Requirements

(2) The requirements are that the following must be complied with:

(a) to the extent that the activity is carried out in a road reserve, regulation 13.5.37(1)(a):

(b) to the extent that the activity is carried out at a place that is not in a road reserve, regulation 13.5.37(1)(b) to (g):

(c) regulation 13.5.37(2)(b).

Compare: LI 2016/281 r 43

Generic requirements: framework rules

13.5.37 Requirement to comply with relevant plan rules

Plan rules administered by territorial authority

(1) If a requirement for a permitted activity is that the activity must comply with this subclause, or specific paragraphs in this subclause, if there is a plan rule administered by a territorial authority about any of the following, the activity must comply with the plan rule:

(a) a plan rule that requires a person to obtain a resource consent for activities in a road reserve and within the drip line of a tree or other vegetation:

(b) a plan rule about the protection of significant trees that are not in a road reserve:

(c) a plan rule for the protection of cultural heritage:

(d) a plan rule about the protection of landscape features (such as view shafts or ridge lines) that are identified as having special visual amenity values:

(e) a plan rule for the protection of significant biodiversity areas:

(f) a plan rule for the protection of outstanding natural features or outstanding natural landscapes:

(g) a plan rule for the protection of areas adjoining the coastal marine area.

Plan rules administered by regional council

(2) If a requirement for a permitted activity is that the activity must comply with this subclause, or specific paragraphs in this subclause, if there is a plan rule administered by a regional council about either of the following, the activity must comply with the plan rule:

(a) a plan rule relating to activities carried out over a river or lake (as referred to in regulation 13.5.1(2)):

(b) a plan rule relating to earthworks (so far as they could apply to the installation and operation of a facility).

Compare: LI 2016/281 Part 3 subpart 5

13.5.38 Requirement about radiofrequency fields that applies to RFG facilities

(1) An RFG facility complies with this regulation if—

(a) the facility is installed and operated in accordance with NZS 2772.1; and

(b) before the facility becomes operational, the facility operator gives the local authority—

(i) written or electronic notice of the facility's location; and

(ii) a pre-commencement report that complies with subclause (2); and

(c) either—

(i) the facility operator gives the local authority a post-commencement report that complies with subclause (3) within 3 months after the facility becomes operational; or

(ii) under subclause (4), the facility operator is not required to give a post-commencement report.

(2) A pre-commencement report must—

(a) be prepared in accordance with AS/NZS 2772.2; and

(b) take into account exposures arising from other telecommunication facilities in the vicinity of the facility; and

(c) predict whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772.1.

(3) A post-commencement report must—

(a) be prepared in accordance with AS/NZS 2772.2; and

(b) provide evidence that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772.1.

(4) The facility operator is not required to give a post-commencement report if the prediction referred to in subclause (2)(c) was that the radiofrequency field levels will not reach 25% of the maximum level authorised by NZS 2772.1 for exposure of the general public.

(5) In this regulation,—

AS/NZS 2772.2 means AS/NZS 2772.2:2016 Radiofrequency fields—Part 2: Principles and methods of measurement and computation—3 kHz to 300 GHz

NZS 2772.1 means NZS 2772.1:1999 Radiofrequency fields—Maximum exposure levels—3 kHz to 300 GHz.

Compare: LI 2016/281 r 55

Part 14
Form of regional spatial strategies and plans

Subpart 14.1—Preliminary provisions

Framework outcome

14.1.1 Framework outcome for Part 14

The **spatial strategies and plans framework outcome** is that the efficiency and effectiveness of the planning system is improved by having consistency across regional spatial strategies and plans.

Interpretation

14.1.2 References to iwi, hapū, and other Māori groups

(1) Although this Part uses the term "iwi, hapū, and other Māori groups", every regional planning committee must decide the term or terms that are the appropriate equivalent to use in its regional spatial strategy.

(2) The decision must be made through engagement with affected groups, and the term used may vary depending on context.

(3) If agreement on appropriate terminology cannot be reached through engagement, the regional planning committee must use the term "tangata whenua".

14.1.3 Iwi, hapū, and other Māori groups content

All content relating to tangata whenua or mana whenua must be integrated throughout a regional spatial strategy as determined by the regional planning committee.

14.1.4 Terms and definitions

(1) If a regional spatial strategy or plan uses a term that is defined in section 11(1) of the Act or regulation 1.1.2 of this national planning framework, the term has the meaning given by that definition, unless the term is defined in the Act or this national planning framework for use in a particular context and the term is used in a different context in the regional spatial strategy or plan (for example, the Act defines "bed" in relation to water bodies, whereas a regional spatial strategy or plan may use "bed" in relation to a sleeping place).

(2) If a term listed in clause 1 of Schedule PS1 is used in a regional spatial strategy or plan it has the meaning given in the regulation of this national planning framework that is identified in that list.

(3) If a regional spatial strategy or plan uses a term defined in clause 2 of Schedule PS1, the term has the meaning given in that clause.

(4) A regional spatial strategy or plan may defines terms used in it, in which case—

(a) the definitions may include cross-references to definitions given in the Act or this national planning framework (provided the cross-reference is to the definition as at the date this regulation comes into force); and

(b) if the term relates to a term defined in the Act or this national planning framework, the definition must not be inconsistent with the definition in the Act or national planning framework; and

(c) the definitions may include diagrams to illustrate definition, or instructions on how definitions relate to each other (for example, by nesting tables for Venn diagrams).

Subpart 14.2—Spatial strategies: content and arrangement

14.2.1 Overall arrangement

Every regional spatial strategy must include the following material, under the headings given (subject to other regulations in this subpart) and in the order shown:

(a) Introductory matters:

(b) How the strategy works:

(c) Regional context:

(d) Vision for the region:

(e) Objectives:

(f) Key actions:

(g) Appendices.

14.2.2 Introductory matters

(1) The introductory matters must specify whether the document is a draft regional spatial strategy or an adopted regional spatial strategy and, if adopted, the date on which it was adopted.

(2) The introductory matters must include a list of the contents of the regional spatial strategy that identifies, at a minimum, each heading.

(3) A regional planning committee may include a foreword or mihi, and any other matters it considers appropriate, with the introductory matters.

14.2.3 How the strategy works heading

The following are examples of matters that may be included under the heading How the strategy works:

(a) a description of any cross-regional planning committees and strategies:

(b) an explanation of different local authority functions in relation to the regional spatial strategy:

(c) a list of the instruments the regional planning committee has had regard to as required by section 23 of the Spatial Planning Act 2023:

(d) information about, or reference to, any relevant Treaty of Waitangi settlement legislation:

(e) how the implementation plans and evaluation reports required by Schedule 4 of the Spatial Planning Act 2023 relate to the strategy.

14.2.4 Regional context heading

(1) If a regional spatial strategy includes contextual information and issues about a region that are relevant from a spatial planning perspective, they must be under the Regional context heading.

(2) The context about iwi, hapū, and other Māori groups of the region (which must be determined in collaboration with iwi, hapū, and other Māori groups) may be included under the Regional context heading.

14.2.5 Vision for the region heading

(1) The vision for the region, as required under section 16 of the Spatial Planning Act 2023, must be under the Vision for the region heading.

(2) However, a regional planning committee may adapt the wording of this heading.

14.2.6 Objective headings

The objectives for the region, as required under section 16 of the Spatial Planning Act 2023, must be set out under headings that identify the subject matter of the objectives, such as—

(a) Natural environment objectives:

(b) Infrastructure objectives.

14.2.7 Key actions headings

The key actions for the region, as referred to in section 16 of the Spatial Planning Act 2023, must be set out under headings that identify the subject matter of the key actions.

14.2.8 Appendices

A regional spatial strategy may include appendices, and may group them under appropriate headings.

Subpart 14.3—Electronic accessibility and functionality

14.3.1 Introduction

(1) This standard sets out the accessibility and functionality requirements for electronic versions of regional spatial strategies.

(2) Regional planning committees are responsible for ensuring compliance with this standard.

14.3.2 General requirements

(1) Regional spatial strategies must be accessible from the Internet site of each relevant local authority by no more than 3 clicks (3 pages or pop-ups) from the local authority's home page on that Internet site.

(2) Regional spatial strategies must have keyword search functionality.

(3) Each regional planning committee must provide to the Ministry for the Environment the up-to-date Internet site address of its regional spatial strategy.

14.3.3 Data standards

(1) Publicly accessible digital datasets used in the preparation of a regional spatial strategy, available under Creative Commons attribution CC BY 4.0 licensing, must be listed or uploaded to data.govt.nz in machine readable, non-proprietary format.

(2) Datums and projections must comply with the New Zealand Geodetic Datum (NZGD2000 and New Zealand Transverse Mercator 2000 (NZTM2000).

(3) New information incorporated in a regional policy statement through a review, change, or variation using a vertical datum must be compliant with New Zealand Vertical Datum 2016 (NZVD2016).

14.3.4 Online interactive versions of regional spatial strategies

Every online interactive version of a regional spatial strategy must enable users to submit on the regional spatial strategy, either via the platform itself or in some other electronic submission tool.

Subpart 14.4—Noise and vibration metrics standards

Preliminary provisions

14.4.1 Introduction

This subpart sets out the standards to be used in plans to manage noise emissions and damage to structures from construction vibration.

Standards

14.4.2 Required noise measurement methods and symbols

Plan rules to manage noise emissions must be in accordance with the noise measurement methods and symbols in the following applicable New Zealand Standards:

(a) New Zealand Standard NZS 6801:2008 Acoustics—Measurement of environmental sound:

(b) New Zealand Standard NZS 6802:2008 Acoustics—Environmental noise:

(c) New Zealand Standard NZS 6803:1999 Acoustics—Construction noise:

(d) New Zealand Standard 6807:1994 Noise management and land use planning for helicopter landing areas (excluding 4.3 Averaging).

14.4.3 Noise assessment methods

A plan rule to manage noise emissions must be consistent with the mandatory assessment methods in section 6 Rating Level and section 7 LMAX of New Zealand Standard NZS 6802:2008 Acoustics—Environmental noise, provided the type of noise emitted is within the scope of New Zealand Standard NZS 6802:2008.

14.4.4 Construction vibration

A plan rule to manage damage to structures from construction vibration must be consistent with the metrics for peak particle velocity in ISO 4866:2010—Mechanical vibration and shock — Vibration of fixed structures — Guidelines for the measurement of vibrations and evaluation of their effects on structures.

Schedule 1
Index of terms defined in definition regulations

r 1.1.3

The following terms are defined in definition regulations as indicated.

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accessory building — 1.1.2

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Act — 1.1.2

active retreading business — 4.3.3

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aquatic offset — 2.3.1

aquatic compensation — 2.5.2

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wetlands effects management framework — 2.5.2

wetland maintenance — 2.5.2

wetland restoration, maintenance, or biosecurity — 2.5.2

wetland utility structure — 2.5.2

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Schedule E1
Exemptions under section 115 of Act

r 1.2.16

[To be populated as required.]

Schedule FW1
Freshwater values

r 2.1.4

Part 1
Compulsory values

1 Ecosystem health

(1) This refers to the extent to which an FMU or part of an FMU supports an ecosystem appropriate to the type of water body (for example, river, lake, wetland, or aquifer).

(2) There are 5 biophysical components that contribute to freshwater ecosystem health, and all of them must be managed. They are—

Water quality—the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients, and toxicants; and

Water quantity—the extent and variability in the level or flow of water; and

Habitat—the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater; and

Aquatic life—the abundance and diversity of biota including microbes, invertebrates, plants, fish, and birds; and

Ecological processes—the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling, and trophic connectivity.

(3) In a healthy freshwater ecosystem, all 5 biophysical components are suitable to sustain the indigenous aquatic life expected in the absence of human disturbance or alteration (before providing for other values).

2 Human contact

(1) This refers to the extent to which an FMU or part of an FMU supports people's ability to connect with water bodies through a range of activities such as swimming, waka, boating, fishing, mahinga kai, and water skiing, in a range of different flows or levels.

(2) Matters to take into account include pathogens, water clarity, deposited sediment, plant growth (from macrophytes to periphyton to phytoplankton), cyanobacteria, other toxicants, and litter.

3 Threatened species

This refers to the extent to which an FMU or part of an FMU that supports a population of threatened species has the critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of the threatened species. All the components of ecosystem health must be managed, as well as (if appropriate) specialised habitat or conditions needed for only part of the life cycle of the threatened species.

4 Mahinga kai

(1) Mahinga kai—kai is safe to harvest and eat.

(2) Mahinga kai generally refers to freshwater species that have traditionally been used as food, tools, or other resources. It also refers to the places those species are found and to the act of catching or harvesting them. Mahinga kai provide food for the people of the rohe and these sites give an indication of the overall health of the water. For this value, kai would be safe to harvest and eat. Transfer of knowledge about the preparation, storage, and cooking of kai can take place. In FMUs or parts of FMUs that are used for providing mahinga kai, the desired species are plentiful enough for long-term harvest, and the range of desired species is present throughout all life stages.

(3) Mahinga kai—Kei te ora te mauri (the mauri of the place is intact).

(4) In FMUs or parts of FMUs that are valued for providing mahinga kai, customary resources are available for use, customary practices can be exercised to the extent desired, and tikanga Māori and preferred methods can be practised.

Part 2
Other freshwater values that must be considered

5 Natural form and character

(1) The FMU or part of the FMU has particular natural qualities that people value. Natural qualities may include exceptional, natural, or iconic aesthetic features.

(2) Matters contributing to the natural form and character of an FMU are its biological, visual and physical characteristics that are valued by the community, including the following:

- (a) its biophysical, ecological, geological, geomorphological, and morphological aspects:
- (b) the natural movement of water and sediment, including hydrological and fluvial processes:
- (c) the natural location of a water body and course of a river:
- (d) the relative dominance of indigenous flora and fauna:
- (e) the presence of culturally significant species:
- (f) the colour of the water:
- (g) the clarity of the water.

6 Drinking water supply

(1) The FMU or part of the FMU can meet people's drinking water needs. Water quality and quantity are sufficient for water to be taken and used for drinking water supply.

(2) Matters affecting the suitability of water for drinking include:

- (a) physical, chemical, and microbiological contamination (for example, bacteria and cyanotoxins, viruses, protozoa and other pathogens):
- (b) any other contaminants identified in drinking water standards issued under the Health Act 1956 or any other legislation:
- (c) the effects of contamination on drinking water treatment processes and the safety of drinking water, and its aesthetic value (that is, appearance, taste, and smell).

7 Wai tapu

(1) Wai tapu represent the places in an FMU or part of an FMU where rituals and ceremonies are performed, or where there is special significance to tangata whenua.

(2) Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations).

(3) In providing for this value, the wai tapu are free from human and animal waste, contaminants, and excess sediment, and valued features and unique properties of the wai are protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.

8 Transport and tauranga waka

(1) The FMU or part of the FMU is navigable for identified means of transport.

(2) Transport and tauranga waka generally refers to places to launch waka and water craft, and appropriate places for waka to land (tauranga waka).

9 Fishing

(1) The FMU or part of the FMU supports fisheries of species that are allowed to be caught and eaten.

(2) For FMUs or parts of FMUs valued for fishing, the numbers of fish are sufficient, and the fish are suitable for human consumption. In some areas, fish abundance and diversity provide a range in species and size of fish, and algal growth, water clarity, and safety are satisfactory for fishers. Attributes will need to be specific to fish species such as salmon, trout, tuna, lamprey, or whitebait.

10 Hydro-electric power generation

(1) The FMU or part of the FMU is suitable for hydro-electric power generation.

(2) Water quality and quantity and the physical qualities of the FMU or part of the FMU, including hydraulic gradient and flow rate, can provide for hydro-electric power generation.

11 Animal drinking water

(1) The FMU or part of the FMU meets the needs of farmed animals.

(2) Water quality and quantity meet the needs of farmed animals, including whether it is palatable and safe.

12 Irrigation, cultivation, and production of food and beverages

(1) The FMU or part of the FMU meets irrigation needs for any purpose.

(2) Water quality and quantity are suitable for irrigation needs, including supporting the cultivation of food crops, the production of food from farmed animals, non-food crops such as fibre and timber, pasture, sports fields, and recreational areas. Attributes will need to be specific to irrigation and food production requirements.

13 Commercial and industrial use

(1) The FMU or part of the FMU provides economic opportunities for people, businesses and industries.

(2) Water quality and quantity can provide for commercial and industrial activities. Attributes will need to be specific to commercial or industrial requirements.

Compare: National Policy Statement for Freshwater Management 2020 Appendixes 1A, 1B

Schedule FW2
Attributes for freshwater values

r 2.2.12

Part 1
Attributes requiring controls on resource use

Table 1—Phytoplankton (trophic state)

Value (and component)	Ecosystem health (aquatic life)
Relevant limit	Ecological integrity
Freshwater body type	Lakes
Attribute unit	mg chl-*a*/ m^3 (milligrams chlorophyll-*a* per cubic metre)

	Numeric attribute state	
Attribute band and description	**Annual median**	**Annual maximum**
A		
Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤2	≤10
B		
Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.	>2 and ≤5	>10 and ≤25
C		
Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions. Reduced water clarity is likely to affect habitat available for native macrophytes.	>5 and ≤12	>25 and ≤60
National bottom line	**12**	**60**
D		
Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>12	>60

For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Table 2—Periphyton (trophic state)

Value (and component)	Ecosystem health (aquatic life)
Relevant limit	Ecological integrity
Freshwater body type	Rivers
Attribute unit	mg chl-*a*/m^2 (milligrams chlorophyll-*a* per square metre)

Attribute band and description	**Numeric attribute state (default class)** *Exceeded no more than 8% of samples*	**Numeric attribute state (default class)** *Exceeded no more than 17% of samples*
A		
Rare blooms reflecting negligible nutrient enrichment and/or alteration of the natural flow regime or habitat.	≤50	≤50
B		
Occasional blooms reflecting low nutrient enrichment and/or alteration of the natural flow regime or habitat.	>50 and ≤120	>50 and ≤120
C		
Periodic short-duration nuisance blooms reflecting moderate nutrient enrichment and/or moderate alteration of the natural flow regime or habitat.	>120 and ≤200	>120 and ≤200
National bottom line	**200**	**200**
D		
Regular and/or extended-duration nuisance blooms reflecting high nutrient enrichment and/or significant alteration of the natural flow regime or habitat.	>200	>200

At low-risk sites monitoring may be conducted using visual estimates of periphyton cover. Should monitoring based on visual cover estimates indicate that a site is approaching the relevant periphyton abundance threshold, monitoring should then be upgraded to include measurement of chlorophyll-*a*.

Classes are streams and rivers defined according to types in the River Environment Classification (**REC**). The Productive periphyton class is defined by the combination of REC "Dry" Climate categories (that is, Warm-Dry (**WD**) and Cool-Dry (**CD**)) and REC Geology categories that have naturally high levels of nutrient enrichment due to their catchment geology (that is, Soft-Sedimentary (**SS**), Volcanic Acidic (**VA**) and Volcanic Basic (**VB**)). Therefore the productive category is defined by the following REC defined types: WD/SS, WD/VB, WD/VA, CD/SS, CD/VB, CD/VA. The Default class includes all REC types not in the Productive class.

Based on a monthly monitoring regime. The minimum record length for grading a site based on periphyton (chlorophyll-*a*) is 3 years.

Table 3—Total nitrogen (trophic state)

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Lakes
Attribute unit	mg/m^3 (milligrams per cubic metre)

	Numeric attribute state	
Attribute band and description	**Annual median** *Seasonally stratified and brackish*	**Annual median** *Polymictic*
A		
Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤160	≤300
B		
Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.	>160 and ≤350	>300 and ≤500
C		
Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.	>350 and ≤750	>500 and ≤800
National bottom line	**750**	**800**
D		
Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>750	>800

For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Table 4—Total phosphorus (trophic state)

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Lakes
Attribute unit	mg/m^3 (milligrams per cubic metre)

Attribute band and description	**Numeric attribute state** **Annual median**
A Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤10
B Lake ecological communities are slightly impacted by additional algal and plant growth arising from nutrient levels that are elevated above natural reference conditions.	>10 and ≤20
C Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.	>20 and ≤50
National bottom line	**50**
D Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>50

For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Table 5—Ammonia (toxicity)

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Rivers and lakes
Attribute unit	mg NH_4-N/L (milligrams ammoniacal-nitrogen per litre)

	Numeric attribute state	
Attribute band and description	**Annual median**	**Annual 95th percentile**
A		
99% species protection level: No observed effect on any species tested.	≤0.03	≤0.05
B		
95% species protection level: Starts impacting occasionally on the 5% most sensitive species.	>0.03 and ≤0.24	>0.05 and ≤0.40
National bottom line	**0.24**	**0.40**
C		
80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species).	>0.24 and ≤1.30	>0.40 and ≤2.20
D		
Starts approaching acute impact level (that is, risk of death) for sensitive species.	>1.30	>2.20

Numeric attribute state is based on pH 8 and temperature of 20°C. Compliance with the numeric attribute states should be undertaken after pH adjustment.

Table 6—Nitrate (toxicity)

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Rivers
Attribute unit	mg NO_3 – N/L (milligrams nitrate-nitrogen per litre)

	Numeric attribute state	
Attribute band and description	**Annual median**	**Annual 95th percentile**
A		
High conservation value system. Unlikely to be effects even on sensitive species.	≤1.0	≤1.5
B		
Some growth effect on up to 5% of species.	>1.0 and ≤02.4	>1.5 and ≤3.5
National bottom line	**2.4**	**3.5**
C		
Growth effects on up to 20% of species (mainly sensitive species such as fish). No acute effects.	>2.4 and ≤6.9	>3.5 and ≤9.8
D		
Impacts on growth of multiple species, and starts approaching acute impact level (that is, risk of death) for sensitive species at higher concentrations (>20 mg/L).	>6.9	>9.8

This attribute measures the toxic effects of nitrate, not the trophic state. Where other attributes measure trophic state, for example, periphyton, freshwater outcomes, controls or methods for those attributes may be more stringent.

Table 7—Dissolved oxygen

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Rivers (below point sources only)
Attribute unit	mg/L (milligrams per litre)

	Numeric attribute state	
Attribute band and description	**7-day mean minimum**	**1-day minimum**
A		
No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.	≥8.0	≥7.5
B		
Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	≥7.0 and <8.0	≥5.0 and <7.5
C		
Moderate stress on a number of aquatic organisms caused by dissolved oxygen levels exceeding preference levels for periods of several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.	≥5.0 and <7.0	≥4.0 and <5.0
National bottom line	**5.0**	**4.0**
D		
Significant, persistent stress on a range of aquatic organisms caused by dissolved oxygen exceeding tolerance levels. Likelihood of local extinctions of keystone species and loss of ecological integrity.	<5.0	<4.0

The 7-day mean minimum is the mean value of 7 consecutive daily minimum values.

The 1-day minimum is the lowest daily minimum during the whole summer period (1 November to 30 April).

Table 8—Suspended fine sediment

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Rivers
Attribute unit	Visual clarity (metres)

Attribute band and description	**Numeric attribute state by suspended sediment class**			
	Median			
	1	**2**	**3**	**4**
A				
Minimal impact of suspended sediment on instream biota. Ecological communities are similar to those observed in natural reference conditions.	≥1.78	≥0.93	≥2.95	≥1.38
B				
Low to moderate impact of suspended sediment on instream biota. Abundance of sensitive fish species may be reduced.	<1.78 and ≥1.55	<0.93 and ≥0.76	<2.95 and ≥2.57	<1.38 and ≥1.17
C				
Moderate to high impact of suspended sediment on instream biota. Sensitive fish species may be lost.	<1.55 and >1.34	<0.76 and >0.61	<2.57 and >2.22	<1.17 and >0.98
National bottom line	**1.34**	**0.61**	**2.22**	**0.98**
D				
High impact of suspended sediment on instream biota. Ecological communities are significantly altered and sensitive fish and macroinvertebrate species are lost or at high risk of being lost.	<1.34	<0.61	<2.22	<0.98

Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.

Councils may monitor turbidity and convert the measures to visual clarity.

See tables 23 and 26 in this Schedule for the definition of suspended sediment classes and their composition.

The following are examples of **naturally occurring processes** relevant for suspended sediment:

- naturally highly coloured brown-water streams:
- glacial flour-affected streams and rivers:
- selected lake-fed REC classes (particularly warm climate classes) where low visual clarity may reflect autochthonous phytoplankton production.

Table 9—Escherichia coli (E. coli)

Value	Human contact (water quality)
Relevant limit	Human health
Freshwater body type	Lakes and rivers
Attribute unit	*E. coli*/100 mL (number of *E. coli* per hundred millilitres)

Attribute band and description	**Numeric attribute state**			
Description of risk of *Campylobacter* infection (based on *E. coli* indicator)	**% exceedances over 540/100 mL**	**% exceedances over 260/100 mL**	**Median concentration /100 mL**	**95th percentile of *E. coli*/ 100 mL**
A (Blue)				
For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk). The predicted average infection risk is 1%.	<5%	<20%	≤130	≤540
B (Green)				
For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk). The predicted average infection risk is 2%.	5–10%	20–30%	≤130	≤1,000
C (Yellow)				
For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk). The predicted average infection risk is 3%.	10–20%	20–34%	≤130	≤1,200
D (Orange)				
20-30% of the time the estimated risk is ≥50 in 1,000 (>5% risk). The predicted average infection risk is >3%.	20–30%	>34%	>130	>1,200
E (Red)				
For more than 30% of the time the estimated risk is ≥50 in 1,000 (>5% risk). The predicted average infection risk is >7%.	>30%	>50%	>260	>1200

Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.

Attribute band must be determined by satisfying all 4numeric attribute states (ie, all 4 columns in any one row) or, if that is not possible, according to the worst numeric attribute state.

The predicted average infection risk is the overall average infection to swimmers based on a random exposure on a random day, ignoring any possibility of not swimming during high flows or when a surveillance advisory is in place (assuming that the *E. coli* concentration follows a log-normal distribution). Actual risk will generally be less if a person does not swim during high flows.

Table 10—Cyanobacteria (planktonic)

Value	Human contact
Relevant limit	Human health
Freshwater body type	Lakes and lake-fed rivers
Attribute unit	Biovolume mm^3/L (cubic millimetres per litre)

Attribute band and description	**Numeric attribute state** **80th percentile**
A (Blue)	
Risk exposure from cyanobacteria is no different to that in natural conditions (from any contact with freshwater).	≤0.5 mm^3/L biovolume equivalent for the combined total of all cyanobacteria
B (Green)	
Low risk of health effects from exposure to cyanobacteria (from any contact with freshwater).	>0.5 and ≤1.0 mm^3/L biovolume equivalent for the combined total of all cyanobacteria
C (Yellow)	
Moderate risk of health effects from exposure to cyanobacteria (from any contact with freshwater).	>1.0 and ≤1.8 mm^3/L biovolume equivalent of potentially toxic cyanobacteria OR >1.0 and ≤10 mm^3/L total biovolume of all cyanobacteria
National bottom line	**1.8 mm^3/L biovolume equivalent of potentially toxic cyanobacteria** **OR** **10 mm^3/L total biovolume of all cyanobacteria**
D (Orange/Red)	
High health risks (for example, respiratory, irritation, and allergy symptoms) exist from exposure to cyanobacteria (from any contact with freshwater).	>1.8 mm^3/L biovolume equivalent of potentially toxic cyanobacteria OR >10 mm^3/L total biovolume of all cyanobacteria

The 80th percentile must be determined using a minimum of 12 samples collected over 3 years. Thirty samples collected over 3 years is recommended.

Part 2
Attributes not requiring controls on resource use

Table 11—Submerged plants (natives)

Value (and component)	Ecosystem health (aquatic life)
Relevant limit	Ecological integrity
Freshwater body type	Lakes
Attribute unit	Lake Submerged Plant (Native Condition Index)

Attribute band and description	**Numeric attribute state (% of maximum potential score)**
A	
Excellent ecological condition. Native submerged plant communities are almost completely intact.	>75%
B	
High ecological condition. Native submerged plant communities are largely intact.	>50 and ≤75%
C	
Moderate ecological condition. Native submerged plant communities are moderately impacted.	≥20 and ≤50%
National bottom line	**20%**
D	
Poor ecological condition. Native submerged plant communities are largely degraded or absent.	<20%

Monitoring to be conducted, and numeric attribute state to be determined, following the method described in Clayton J and Edwards T 2006. *LakeSPI: A method for monitoring ecological condition in New Zealand lakes. User Manual Version 2*. National Institute of Water and Atmospheric Research.

Lakes in a devegetated state receive scores of 0.

Table 12—Submerged plants (invasive species)

Value (and component)	Ecosystem health (aquatic life)
Relevant limit	Ecological integrity
Freshwater body type	Lakes
Attribute unit	Lake Submerged Plant (Invasive Impact Index)

Attribute band and description	**Numeric attribute state (% of maximum potential score)**
A	
No invasive plants present in the lake. Native plant communities remain intact.	0%
B	
Invasive plants having only a minor impact on native vegetation. Invasive plants will be patchy in nature co-existing with native vegetation. Often major weed species not present or in early stages of invasion.	>1 and ≤25%
C	
Invasive plants having a moderate to high impact on native vegetation. Native plant communities likely displaced by invasive weed beds particularly in the 2–8 m depth range.	>25 and ≤90%
National bottom line	**90%**
D	
Tall dense weed beds exclude native vegetation and dominate entire depth range of plant growth. The species concerned are likely hornwort and Egeria.	>90%

Monitoring to be conducted, and numeric attribute state to be determined, following the method described in Clayton J and Edwards T 2006. *LakeSPI: A method for monitoring ecological condition in New Zealand lakes. User Manual Version 2*. National Institute of Water and Atmospheric Research.

Table 13—Fish (rivers)

Value (and component)	Ecosystem health (aquatic life)
Relevant limit	Ecological integrity
Freshwater body type	Wadeable rivers
Attribute unit	Fish Index of Biotic Integrity (F-IBI)

Attribute band and description	**Numeric attribute state (average)**
A	
High integrity of fish community. Habitat and migratory access have minimal degradation.	≥34
B	
Moderate integrity of fish community. Habitat and/or migratory access is reduced and shows some signs of stress.	<34 and ≥28
C	
Low integrity of fish community. Habitat and/or migratory access is considerably impairing and stressing the community.	<28 and ≥18
D	
Severe loss of fish community integrity. There is substantial loss of habitat and/or migratory access, causing a high level of stress on the community.	<18

Sampling is to occur at least annually between December and April (inclusive) following the protocols for at least 1 of the backpack electrofishing method, spotlighting method, or trapping method in Joy M, David B, and Lake M. 2013. *New Zealand Freshwater Fish Sampling Protocols (Part 1): Wadeable rivers and streams*. Massey University: Palmerston North.

The F-IBI score is to be calculated using the general method defined by Joy MK, and Death RG, 2004. Application of the Index of Biotic Integrity Methodology to New Zealand Freshwater Fish Communities. *Environmental Management*, 34(3), 415-428.

Table 14—Macroinvertebrates (1 of 2)

Value (and component)	Ecosystem health (aquatic life)
Relevant limit	Ecological integrity
Freshwater body type	Wadeable rivers
Attribute unit	Macroinvertebrate Community Index (MCI) score; Quantitative Macroinvertebrate Community Index (QMCI) score

	Numeric attribute states	
Attribute band and description	**QMCI**	**MCI**
A		
Macroinvertebrate community, indicative of pristine conditions with almost no organic pollution or nutrient enrichment.	≥6.5	≥130
B		
Macroinvertebrate community indicative of mild organic pollution or nutrient enrichment. Largely composed of taxa sensitive to organic pollution/nutrient enrichment.	≥5.5 and <6.5	≥110 and <130
C		
Macroinvertebrate community indicative of moderate organic pollution or nutrient enrichment. There is a mix of taxa sensitive and insensitive to organic pollution/nutrient enrichment.	≥4.5 and <5.5	≥90 and <110
National bottom line	**4.5**	**90**
D		
Macroinvertebrate community indicative of severe organic pollution or nutrient enrichment. Communities are largely composed of taxa insensitive to inorganic pollution/nutrient enrichment.	<4.5	<90

MCI and QMCI scores to be determined using annual samples taken between 1 November and 30 April with either fixed counts with at least 200 individuals, or full counts, and with current state calculated as the 5-year median score. All sites for which the deposited sediment attribute does not apply, whether because they are in river environment classes shown in Table 25 Part 3 of this Schedule or because they require alternate habitat monitoring under regulation 2.3.4 are to use soft sediment sensitivity scores and taxonomic resolution as defined in table A1.1 in Clapcott et al. 2017 *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute: Nelson.

MCI and QMCI to be assessed using the method defined in Stark JD and Maxted, JR 2007 A user guide for the Macroinvertebrate Community Index. Cawthron Institute, except for sites for which the deposited sediment attribute does not apply, which require use of the soft-sediment sensitivity scores and taxonomic resolution defined in table A1.1 in Clapcott et al. 2017 *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute.

Table 15—Macroinvertebrates (2 of 2)

Value (and component)	Ecosystem health (aquatic life)
Relevant limit	Ecological integrity
Freshwater body type	Wadeable rivers
Attribute unit	Macroinvertebrate Average Score Per Metric (ASPM)

Attribute band and description	**Numeric attribute states ASPM score**
A	
Macroinvertebrate communities have high ecological integrity, similar to that expected in reference conditions.	≥0.6
B	
Macroinvertebrate communities have mild-to-moderate loss of ecological integrity.	<0.6 and ≥0.4
C	
Macroinvertebrate communities have moderate-to-severe loss of ecological integrity.	<0.4 and ≥0.3
National bottom line	**0.3**
D	
Macroinvertebrate communities have severe loss of ecological integrity.	<0.3

ASPM scores to be determined using annual samples taken between 1 November and 30 April with either fixed counts with at least 200 individuals, or full counts, and with current state calculated as the 5-year median score. All sites for which the deposited sediment attribute does not apply, whether because they are in river environment classes shown in Table 25 in Part 3 of this Schedule or because they require alternate habitat monitoring under regulation 2.3.4, are to use soft-sediment sensitivity scores and taxonomic resolution as defined in table A1.1 in Clapcott et al. 2017. *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute.

When normalising scores for the ASPM, use the following minimums and maximums: %EPT-abundance (0-100), EPT-richness (0-29), MCI (0-200) using the method of Kevin J Collier (2008). Average score per metric: An alternative metric aggregation method for assessing wadeable stream health. *New Zealand Journal of Marine and Freshwater Research*, 42:4, 367-378, DOI: 10.1080/00288330809509965.

Table 16—Deposited fine sediment

Value (and component)	Ecosystem health (Physical habitat)
Relevant limit	Ecological integrity
Freshwater body type	Wadeable rivers
Attribute unit	% fine sediment cover

Attribute band and description	**Numeric attribute state by deposited sediment class** **Median**			
	1	**2**	**3**	**4**
A				
Minimal impact of deposited fine sediment on instream biota. Ecological communities are similar to those observed in natural reference conditions.	≤7	≤10	≤9	≤13
B				
Low-to-moderate impact of deposited fine sediment on instream biota. Abundance of sensitive macroinvertebrate species may be reduced.	>7 and ≤14	>10 and ≤19	>9 and ≤18	>13 and ≤19
C				
Moderate-to-high impact of deposited fine sediment on instream biota. Sensitive macroinvertebrate species may be lost.	>14 and <21	>19 and <29	>18 and <27	>19 and <27
National bottom line	**21**	**29**	**27**	**27**
D				
High impact of deposited fine sediment on instream biota. Ecological communities are significantly altered and sensitive fish and macroinvertebrate species are lost or at high risk of being lost.	>21	>29	>27	>27

The indicator score is percentage cover of the streambed in a run habitat determined by the SAM2 method (ie, the method described in Sediment Assessment Method 2 as defined in p 17–20 of Clapcott JE, Young RG, Harding JS., Matthaei CD, Quinn JM. and Death RG. 2011 *Sediment Assessment Methods: Protocols and guidelines for assessing the effects of deposited fine sediment on in-stream values* 2011; Cawthron Institute, Nelson, New Zealand).

Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.

See Tables 24 and 26 in Part 3 of this Schedule for deposited sediment classes and their composition.

This attribute does not apply in river environment classes shown in Table 25, or where regulation 2.3.4 requires freshwater habitat monitoring.

Table 17—Dissolved oxygen

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Rivers
Attribute unit	mg/L (milligrams per litre)

	Numeric attribute state	
Attribute description band and description	**7-day mean minimum**	**1-day minimum**
A		
No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.	≥8.0	≥7.5
B		
Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	≥7.0 and <8.0	≥5.0 and <7.5
C		
Moderate stress on a number of aquatic organisms caused by dissolved oxygen levels exceeding preference levels for periods of several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.	≥5.0 and <7.0	≥4.0 and <5.0
National bottom line	**5.0**	**4.0**
D		
Significant, persistent stress on a range of aquatic organisms caused by dissolved oxygen exceeding tolerance levels. Likelihood of local extinctions of keystone species and loss of ecological integrity.	<5.0	<4.0

The 7-day mean minimum is the mean value of 7 consecutive daily minimum values.

The 1-day minimum is the lowest daily minimum during the summer period (1 November to 30 April).

Table 18—Lake-bottom dissolved oxygen

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Lakes
Attribute unit	mg/L (milligrams per litre)

Attribute description band and description	**Numeric attribute state** **Measured or estimated annual minimum**
A	
No risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥7.5
B	
Minimal risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥2.0 and <7.5
C	
Risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥0.5 and <2.0
National bottom line	**0.5**
D	
Likelihood from lake-bottom dissolved oxygen of biogeochemical conditions resulting in nutrient release from sediments.	<0.5

To be measured less than 1 m above sediment surface at the deepest part of the lake using either continuous monitoring sensors or discrete dissolved oxygen profiles.

Table 19—Mid-hypolimnetic dissolved oxygen

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Seasonally stratifying lakes
Attribute unit	mg/L (milligrams per litre)

Attribute description band and description	**Numeric attribute state** **Measured or estimated annual minimum**
A	
No stress caused to any fish species by low dissolved oxygen.	≥7.5
B	
Minor stress on sensitive fish seeking thermal refuge in the hypolimnion. Minor risk of reduced abundance of sensitive fish and macro-invertebrate species.	≥5.0 and <7.5
C	
Moderate stress on sensitive fish seeking thermal refuge in the hypolimnion. Risk of sensitive fish species being lost.	≥4.0 and <5.0
National bottom line	**4.0**
D	
Significant stress on a range of fish species seeking thermal refuge in the hypolimnion. Likelihood of local extinctions of fish species and loss of ecological integrity.	<4.0

To be measured using either continuous monitoring sensors or discrete dissolved oxygen profiles.

Table 20—Dissolved reactive phosphorus

Value (and component)	Ecosystem health (water quality)
Relevant limit	Ecological integrity
Freshwater body type	Rivers
Attribute unit	DRP mg/L (milligrams per litre)

	Numeric attribute state	
Attribute band and description	**Median**	**95th percentile**
A		
Ecological communities and ecosystem processes are similar to those of natural reference conditions. No adverse effects attributable to dissolved reactive phosphorus (**DRP**) enrichment are expected.	≤0.006	≤0.021
B		
Ecological communities are slightly impacted by minor DRP elevation above natural reference conditions. If other conditions also favour eutrophication, sensitive ecosystems may experience additional algal and plant growth, loss of sensitive macroinvertebrate taxa, and higher respiration and decay rates.	>0.006 and ≤0.010	>0.021 and ≤0.030
C		
Ecological communities are impacted by moderate DRP elevation above natural reference conditions. If other conditions also favour eutrophication, DRP enrichment may cause increased algal and plant growth, loss of sensitive macro-invertebrate and fish taxa, and high rates of respiration and decay.	> 0.010 and ≤0.018	>0.030 and ≤0.054
D		
Ecological communities impacted by substantial DRP elevation above natural reference conditions. In combination with other conditions favouring eutrophication, DRP enrichment drives excessive primary production and significant changes in macroinvertebrate and fish communities, as taxa sensitive to hypoxia are lost.	>0.018	>0.054

Based on a monthly monitoring regime where sites are visited on a regular basis regardless of weather and flow conditions. Record length for grading a site based on 5 years.

Table 21—Ecosystem metabolism (both gross primary production and ecosystem respiration)

Value (and component)	Ecosystem health (Ecosystem processes)
Freshwater body type	Rivers
Attribute unit	g O_2 m^{-2} d^{-1} (grams of dissolved oxygen per square metre per day)

Derived from at least 7 days of continuous dissolved oxygen monitoring to be collected at least once during the summer period (1 November to 30 April), using the method of Young RG, Clapcott JE, Simon K. 2016. Ecosystem functions and stream health. *Advances in New Zealand Freshwater Science*. NZ Freshwater Sciences Society, NZ Hydrological Society.

Table 22—Escherichia coli (E. coli) (primary contact sites)

Value	Human contact
Relevant limit	Human health
Freshwater body type	Primary contact sites in lakes and rivers (during the bathing season)
Attribute unit	95th percentile of *E. coli*/100 mL (number of *E. coli* per hundred millilitres)

Attribute band and description	**Numeric attribute state**
Excellent	
Estimated risk of *Campylobacter* infection has a <0.1% occurrence, 95% of the time.	≤130
Good	
Estimated risk of *Campylobacter* infection has a 0.1–1.0% occurrence, 95% of the time.	>130 and ≤260
Fair	
Estimated risk of *Campylobacter* infection has a 1–5% occurrence, 95% of the time.	>260 and ≤540
National bottom line	**540**
Poor	
Estimated risk of *Campylobacter* infection has a >5% occurrence, at least 5% of the time.	>540

The narrative attribute state description assumes "% of time" equals "% of samples".

Part 3
Sediment classification tables

Table 23—Suspended sediment class composition

Suspended sediment class	**Suspended sediment clustered river environment classification groups**
1	CD_Low_HS; WW_Low_VA; WW_Hill_VA; CD_Low_Al; CW_Hill_SS; CW_Mount_SS; CW_Hill_VA; CD_Hill_SS; CD_Hill_VA; CD_Low_VA; CW_Low_VA; CW_Mount_VA; CW_Mount_HS; CD_Mount_Al; CW_Hill_Al; CW_Mount_Al; WD_Low_Al

Suspended sediment class	Suspended sediment clustered river environment classification groups
2	CD_Low_SS; WW_Low_HS; WW_Low_SS; WW_Hill_HS; WW_Hill_SS; WW_Low_Al; WD_Low_SS; WD_Lake_Any; WD_Low_HS; WD_Low_VA
3	CW_Hill_HS; CW_Lake_Any; CD_Lake_Any; WW_Lake_Any; CW_Low_HS; CW_Low_Al; CD_Hill_HS; CD_Hill_Al; CD_Mount_HS; CD_Mount_SS; CD_Mount_VA
4	CW_Low_SS

Table 24—Deposited sediment class composition

Deposited sediment class	Deposited sediment clustered river environment classification groups
1	WD_Low_HS; WW_Lake_Any
2	CD_Hill_Al; CD_Low_HS; CD_Low_VA; WW_Low_HS; WW_Low_VA; CD_Hill_SS; CD_Lake_Any; CW_Lake_Any; CW_Low_Al; CD_Hill_HS; CW_Hill_VA; CW_Low_SS; CW_Low_VA
3	CD_Low_Al; CD_Low_SS; WW_Hill_SS; WW_Low_SS
4	CD_Hill_VA; CW_Mount_VA; WW_Hill_HS; CW_Mount_SS; CD_Mount_Al; CD_Mount_HS; CD_Mount_SS; CD_Mount_VA; CW_Hill_Al; CW_Hill_HS; CW_Hill_SS; CW_Low_HS; CW_Mount_Al; CW_Mount_HS; WW_Hill_VA

Table 25—Clustered river environment classification groups that are naturally soft-bottomed

WD_Low_Al; WD_Low_VA; WD_Lake_Any; WD_Low_SS; WW_Low_Al

Table 26—Further clustering of river environment classification groups specific to this appendix

REC variable	REC groups	Clustered REC groups
Climate	Warm-Wet	Warm-wet (WW)
	Warm-extremely wet	
	Warm-Dry	Warm-Dry (WD)
	Cold-Wet	Cold-Wet (CW)
	Cold-Extremely Wet	
	Cold-Dry	Cold-Dry (CD)
Topography (Source of flow)	Lowland	Lowland (Low)
	Lakefed	Lakefed (Lake)
	Hill	Hill (Hill)
	Mountain	Mountain (Mount)
	Glacial Mountain	
Geology	Soft Sedimentary	Soft sedimentary (SS)
	Plutonic Volcanic	

REC variable	REC groups	Clustered REC groups
	Miscellaneous	
	Hard Sedimentary	Hard Sedimentary (HS)
	Alluvium	Alluvium (Al)
	Volcanic Basic	Volcanic (VA)
	Volcanic Acidic	

Compare: National Policy Statement for Freshwater Management 2020 Appendixes 2A, 2B

Schedule FW3
National target for primary contact

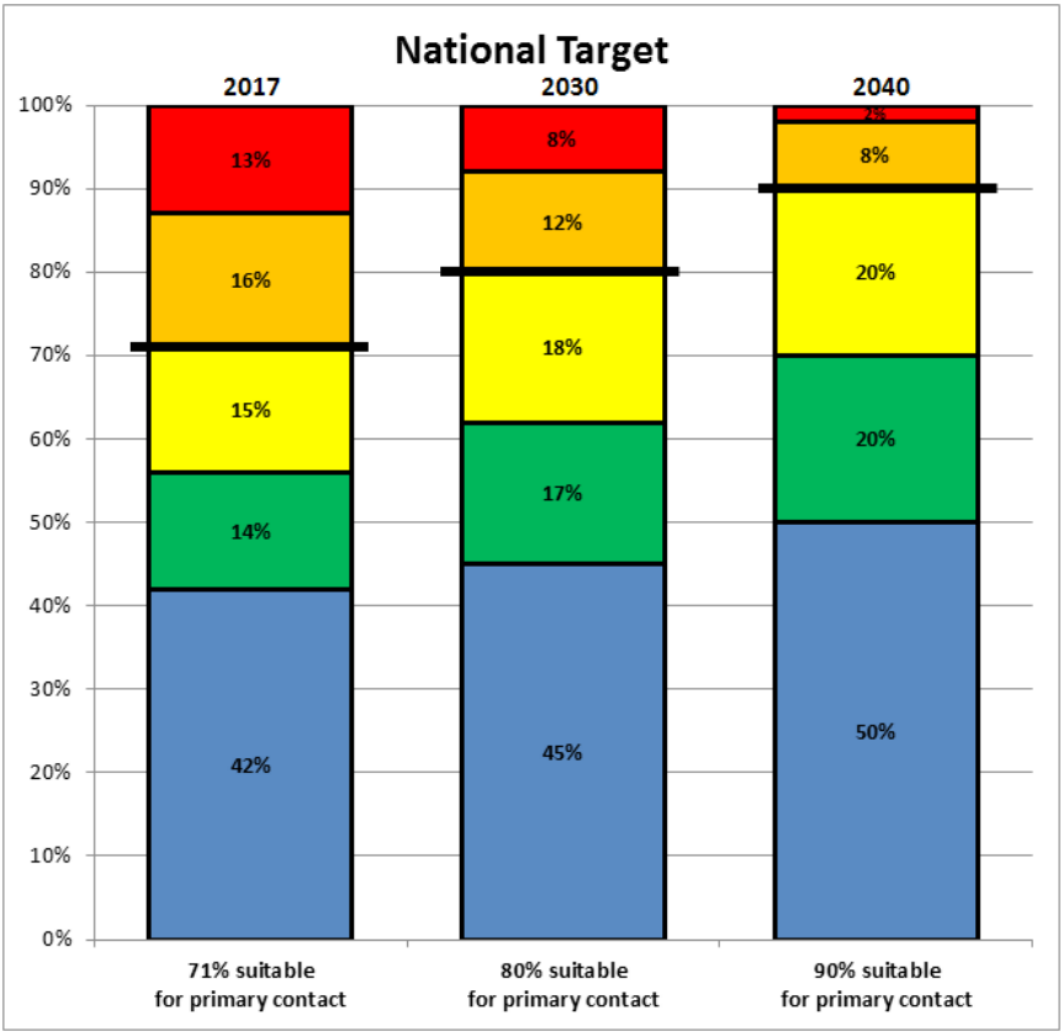
r 2.1.3

The national target is to increase proportions of specified rivers and lakes that are suitable for primary contact (that is, that are in the blue, green, and yellow categories) to at least 80% by 2030, and 90% no later than 2040, but also to improve water quality in all categories.

In this schedule, **specified rivers and lakes** means—

(a) rivers that are fourth order or greater, using the methods outlined in Snelder T, Biggs B, Weatherhead M; *New Zealand River Environment Classification User Guide* Version 1 (2010) Ministry for the Environment, Wellington, New Zealand; and

(b) lakes with a perimeter of 1.5 km or more.



The categories above represent combined improvements in all regions. For each region, this means reducing the length of specified rivers and lakes in the red and orange categories, and increasing the length of specified rivers and lakes in the yellow, green, and blue categories.

The categories are based on water quality in terms of the 2 human contact attributes, *E. coli* and cyanobacteria (planktonic), in tables 9 and 10 in Schedule FW2.

For rivers and lakes, the target categories are same as the *E. coli* table attribute states. However, the categories do not include the 95th percentile of *E. coli*/100 mL numeric attribute state if there is insufficient monitoring data to establish the 95th percentile.

For lakes, the categories are also based on the cyanobacteria (planktonic) attribute states. However, to provide additional granularity for tracking improvements over time, the D band has been split into 2 categories (orange and red) as follows:

(a) **orange** means the lake has between 1.8 and 3.0 mm^3/L biovolume of cyanobacteria (planktonic), using an 80th percentile:

(b) **red** means the lake has more than 3.0 mm^3/L biovolume of cyanobacteria (planktonic), using an 80th percentile.

For lakes, the lowest category for either *E. coli* or cyanobacteria (planktonic) applies.

Compare: National Policy Statement for Freshwater Management 2020 Appendix 3

Schedule FW4
Exceptions to regulation 2.2.16

r 2.2.16

Part 1
Exception for large hydro-electric generation schemes

1 Large hydro-electric generation schemes

(1) This Part of this schedule applies to the following 5 hydro-electricity generation schemes (referred to as Schemes):

(a) Waikato Scheme:

(b) Tongariro Scheme:

(c) Waitaki Scheme:

(d) Manapouri Scheme:

(e) Clutha Scheme.

(2) When implementing Part to of this national planning framework as it applies to an FMU or part of an FMU affected by a Scheme, a regional planning committee must have regard to the importance of the Scheme's—

(a) contribution to meeting New Zealand's emissions targets; and

(b) contribution to maintaining the security of New Zealand's electricity supply; and

(c) generation capacity, storage, and operational flexibility.

(3) Subclause (4) applies if—

(a) an FMU or part of an FMU is adversely affected by an existing structure that forms part of a Scheme; and

(b) the best state of an attribute in the FMU or part of the FMU is below the national bottom line for the attribute; and

(c) achieving the national bottom line for the attribute would have a significant adverse effect on the Scheme, having regard to the matters in subclause (2).

(4) When this subclause applies, the regional planning committee—

(a) may set a target attribute state that is below the national bottom line for the attribute, despite regulation 2.2.14(4); but

(b) must still, as required by regulation 2.2.14(2) and (3), set the target attribute state to achieve an improved attribute state to the extent practicable without having a significant adverse effect on the Scheme, having regard to the matters in subclause (2).

(5) In this regulation, existing structure means a structure that was operational on or before 1 August 2019, and includes any structure that replaces it, provided the effects of the replacement are the same or similar in character, intensity and scale, or have a lesser impact.

Part 2
Exception for specified vegetable growing areas

2 Specified vegetable growing areas

(1) This Part of this schedule applies only to the 2 specified vegetable growing areas identified in regulations 3 and 4 of this Schedule.

(2) When implementing Part 2 of this national planning framework as it applies to an FMU or part of an FMU that is in, or includes, all or part of a specified vegetable growing area, a regional planning committee must have regard to the importance of the contribution of the specified growing area to—

(a) the domestic supply of fresh vegetables; and

(b) maintaining food security for New Zealanders.

(3) Subclause (4) applies if—

(a) an FMU or part of an FMU is adversely affected by vegetable growing in a specified vegetable growing area; and

(b) the best state of an attribute specified in regulation 5 of this schedule in the FMU or part of the FMU where all or part of the specified vegetable growing area is located is below the national bottom line for the attribute; and

(c) achieving the national bottom line for the attribute would compromise the matters in subclause (2).

(4) When this subclause applies, the regional planning committee—

(a) may set a target attribute state that is below the national bottom line for the attribute, despite regulation 2.2.14(4); but

(b) must still, as required by regulation 2.2.14(2) and (3), set the target attribute state to achieve an improved attribute state without compromising the matters in subclause (2).

(5) When implementing regulations 2.2.17 to 2.2.19 in relation to FMUs that include all or part of a specified vegetable growing area, regional planning committees and local authorities must ensure that vegetable growers in the area are not exempt from any requirements (such as in controls on resource use, action plans, and conditions on resource consents) aimed at achieving target attribute states.

(6) This regulation ceases to apply to a specified vegetable growing area on the earlier of the following dates:

(a) 3 September 2030 (which is 10 years after the commencement date of the National Policy Statement for Freshwater Management 2020):

(b) the date on which any regulations made under the Act (including regulations in this national planning framework) come into force that—

(i) apply to the specified vegetable growing area; and

(ii) are made for the purpose of avoiding, remedying, or mitigating the adverse effects of vegetable growing on freshwater.

3 Pukekohe specified vegetable growing area

Western boundary

(1) From the point that the Waiuku River meets the Waiuku Stream at NZTM2000 1753472 5876259, up the Waiuku Stream to Waiuku Road to the boundary at NZTM2000 1755854 5875779.

Southern boundary

(2) The north bank of the Waikato River, from the end of Crouch Road at NZTM2000 1756420 5868522 to the end of Bluff Road at NZTM2000 1778986 5871955.

Eastern boundary

(3) From the arm of the Pahurehure inlet at NZTM2000 1771949 5896064, eastwards along Elliot Street until it becomes Broadway, along Clevedon Road which becomes Papakura-Clevedon Road until the point at which the national grid transmission lines cross the road at NZTM2000 1778853, 5900012. Following in a southward direction the transmission line to the Auckland Council and Waikato Regional Council regional boundary at NZTM2000 1788858, 5882363.

Northern boundary

(4) From the mouth of the Waiuku river NZTM2000 1753472 5876259 to the north following the coastline of the Manukau Harbour to the eastern most arm of Pahurehure Inlet at NZTM2000 1771949 5896064.

4 Horowhenua specified vegetable growing area

Lake Horowhenua (Hoki_1a) Water Management Subzone

(1) Whole lake catchment above Lake Horowhenua outlet (at approximately NZTM2000 1789400 5502450). From the lake outlet, crossing Moutere Road to the north-west, and as far west as the eastern edge of the Waitarere Forest, and as far north as Waitarere Beach Road. As far east as Gladstone Road, near Gladstone Reserve, crossing Roslyn Road, Denton Road. To the south as far as Tararua Road, and crossing Kimberley Road, Buller Road, Hokio Sand Road, then north to Lake Horowhenua outlet.

Hokio (Hoki_1b) Water Management Subzone

(2) Hokio Stream catchment downstream of Lake Horowhenua outlet (approximately NZTM2000 1789400 5502450). Extending north to cross the Moutere Road, north of the bridge that crosses the Hokio Stream, and extending south to south of the landfill off Hokio Beach Road. Excluding the mainstem of the Hokio Stream from the cross-river Coastal Marine Area boundary at NZTM2000 1784949 5504086, at the western end of Muaupoko Street, and seawards.

5 Attributes in specified vegetable growing areas

The attributes for the purpose of Part 2 of this Schedule are as follows (the tables referred to are tables in Schedule FM2):

(a) phytoplankton (table 1):

(b) periphyton (table 2):

(c) total nitrogen (trophic state) (table 3):

(d) ammonia (toxicity) (table 5):

(e) nitrate (toxicity) (table 6):

(f) dissolved oxygen (tables 7, 17, 18, and 19):

(g) cyanobacteria (table 10):

(h) macroinvertebrates (tables 14 and 15).

Compare: National Policy Statement for Freshwater Management 2020 Appendix 5

Schedule FW5
Principles for aquatic offsetting

rr 2.3.1, 2.5.2

These principles apply to the use of aquatic offsets for the loss of extent or values of natural inland wetlands and rivers (**extent or values**).

1 **Adherence to effects management framework**: An aquatic offset is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.

2 **When aquatic offsetting is not appropriate**: Aquatic offsets are not appropriate in situations where, in terms of conservation goals, the extent or values cannot be offset to achieve no net loss, and preferably a net gain, in the extent and values. Examples of an offset not being appropriate would include where—

(a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the extent or values affected:

(b) effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:

(c) there are no technically feasible options by which to secure proposed no net loss and preferably a net gain outcome within an acceptable time frame.

3 **No net loss and preferably a net gain**: This is demonstrated by a like-for-like quantitative loss and gain calculation, and is achieved when the extent or values gained at the offset site (measured by type, amount, and condition) are equivalent to or exceed those being lost at the impact site.

4 **Additionality**: An aquatic offset achieves gains in extent or values above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

5 **Leakage**: Aquatic offset design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the offset site).

6 **Long-term outcomes**: An aquatic offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring.

7 **Landscape context**: An aquatic offset action is undertaken where it will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action takes into account the landscape context of both the impact site and the offset site, and considers interactions between spe-

cies, habitats and ecosystems, spatial and hydrological connections, and ecosystem function.

8 **Time lags**: The delay between the loss of extent or values at the impact site and the gain or maturity of extent or values at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

9 **Science and mātauranga Māori**: The design and implementation of an aquatic offset is a documented process informed by science where available, and mātauranga Māori at place.

10 **Tangata whenua or stakeholder participation**: Opportunity for the effective and early participation of tangata whenua or stakeholders is demonstrated when planning aquatic offsets, including their evaluation, selection, design, implementation, and monitoring.

11 **Transparency**: The design and implementation of an aquatic offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

Compare: National Policy Statement for Freshwater Management 2020 Appendix 6

Schedule FW6
Principles for aquatic compensation

rr 2.3.1, 2.5.2

These principles apply to the use of aquatic compensation for the loss of extent or values of natural inland wetlands and rivers (**extent or values**).

1 **Adherence to effects management framework**: Aquatic compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.

2 **When aquatic compensation is not appropriate**: Aquatic compensation is not appropriate where, in terms of conservation goals, the extent or values are not able to be compensated for. Examples of aquatic compensation not being appropriate would include where—

(a) the affected part of the natural inland wetland or river bed, or its values, including species, are irreplaceable or vulnerable:

(b) effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:

(c) there are no technically feasible options by which to secure gains within an acceptable time frame.

3 **Scale of aquatic compensation**: The extent or values to be lost through the activity to which the aquatic compensation applies are addressed by positive effects that outweigh the adverse effects.

4 **Additionality**: Aquatic compensation achieves gains in extent or values above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity.

5 **Leakage**: Aquatic compensation design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the compensation site).

6 **Long-term outcomes**: Aquatic compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring.

7 **Landscape context**: An aquatic compensation action is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action takes into account the landscape context of both the impact site and the compensation site, and considers inter-

actions between species, habitats and ecosystems, spatial and hydrological connections, and ecosystem function.

8 **Time lags**: The delay between the loss of extent or values at the impact site and the gain or maturity of extent or values at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

9 **Trading up**: When trading up forms part of aquatic compensation, the proposal demonstrates that the aquatic extent or values gained are demonstrably of greater or higher value than those lost. The proposal also shows that the values lost are not to indigenous species listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System, or to species considered vulnerable or irreplaceable.

10 **Financial contribution**: A financial contribution is only considered if it directly funds an intended aquatic gain or benefit that complies with the rest of these principles.

11 **Science and mātauranga Māori**: The design and implementation of aquatic compensation is a documented process informed by science where available, and mātauranga Māori at place.

12 **Tangata whenua or stakeholder participation**: Opportunity for the effective and early participation of tangata whenua or stakeholders is demonstrated when planning aquatic compensation, including its evaluation, selection, design, implementation, and monitoring.

13 **Transparency**: The design and implementation of aquatic compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.

Compare: National Policy Statement for Freshwater Management 2020 Appendix 7

Schedule FW7
Detailed information on instream structures

r 2.4.6

Part 1
Required information

1 Structures

For all structures—

(a) geographical co-ordinates of the structure:

(b) date and time of survey:

(c) flow when survey was completed (no flow, low, normal, high, or unknown):

(d) whether the stream is tidal where structure is located (yes, no, or unknown):

(e) the width of the river at the water's surface and the width of the bed of the river:

(f) structure type:

(g) photos viewed upstream and downstream at both ends of the structure.

2 Culverts

For all culverts—

(a) number of culvert barrels:

(b) culvert shape, length, width, and height or diameter:

(c) mean water velocity through the culvert:

(d) whether low velocity recirculation zones are present (yes, no, or unknown):

(e) culvert water depth:

(f) culvert substrate:

(g) whether wetted margins present in the culvert:

(h) structure outlet drop height:

(i) structure outlet undercut length (if applicable):

(j) whether add-ons are present, and add-on type.

3 Weirs

For all weirs—

(a) weir type:

(b) weir crest shape:

(c) weir height:

(d) weir substrate:

(e) whether wetted margins are present:

(f) weir slope (in degrees):

(g) whether add-ons are present, and add-on type.

4 Fords

For all fords—

(a) ford drop height:

(b) ford substrate:

(c) whether add-ons are present, and add-on type.

5 Dams

For all dams—

(a) dam height:

(b) whether spillway is present:

(c) whether add-ons present and add-on type.

6 Aprons

For all aprons—

(a) apron drop height:

(b) apron water depth:

(c) apron substrate type.

7 Ramps

For all ramps—

(a) ramp surface:

(b) ramp length:

(c) ramp slope (in degrees):

(d) whether wetted margins are present on the ramp.

8 Gates

For all gates—

(a) gate type:

(b) number of flap gates on the structure:

(c) whether add-ons are present, and add-on type.

Part 2
Additional optional information

9 Additional for all structures

For all structures—

(a) owner of the structure (New Zealand Transport Agency, KiwiRail, Department of Conservation, regional council, territorial authority, private, other, or unknown):

(b) asset identification (if known):

(c) any fish passage observations (for example, does the structure protect desired species or their habitats):

(d) effectiveness of fish passage remediation if any fish passage improvements are present (for example, rock ramp, artificial ramp, or fish passage):

(e) risk of structure to fish passage class (if known) (very low, low, medium, high, very high, or not assessed).

10 Additional for all culverts

For all culverts—

(a) structure slope:

(b) structure alignment with the stream:

(c) structure material:

(d) number of flap gates (if present):

(e) flap gate type and material.

11 Additional for all weirs

For all weirs—

(a) weir width:

(b) backwater distance:

(c) weir material.

12 Additional for all fords, aprons, and gates

(1) For all fords—

(a) ford width:

(b) ford length:

(c) ford material.

(2) For all aprons—

(a) apron material:

(b) apron length:

(c) apron water velocity.

(3) For all gates—

(a) gate height and width:

(b) gate material.

Compare: National Policy Statement for Freshwater Management 2020 Appendix 4

Schedule FW8
Restoration plans for natural inland wetlands

r 2.5.7(4)

1 Details of activity site and natural inland wetland

The following information:

(a) the physical address of the site of the activity:

(b) the names of the owners of the site:

(c) the contact details for the owners:

(d) the legal description of the site, including the estate or interest held by the owners and any legal status or designation that applies to the site:

(e) a map showing the location and boundaries of the natural inland wetland:

(f) the details of the legal status of the natural inland wetland under any enactment or plan:

(g) the details of any management partners, including tangata whenua or key stakeholders, involved in the restoration plan.

Compare: LI 2020/174 Schedule 2 cl 1

2 Features and values of natural inland wetland

A description of the features and values of the natural inland wetland that are relevant to a restoration plan, including the following information:

(a) the type of natural inland wetland:

(b) the vegetation in the natural inland wetland, including the dominant types of vegetation and any species of note (for example, rare species, invasive weeds, or unusual plant communities):

(c) the hydrology of the natural inland wetland, including—

(i) its water sources and flows (for example, streams, rivers, seeps, or solely rain):

(ii) its water levels (for example, permanent open water of more than 1 m depth, shallow water of 5 cm to 1 m depth, or conditions of being saturated with water of -5 to +5 cm depth, seasonally saturated, generally dry, or dry):

(iii) any modifications (for example, drains, weirs, culverts, canals, or stop banks):

(d) the types of soil in the natural inland wetland:

(e) any artificial features in the natural inland wetland (for example, roads, electricity lines, buildings, and access points):

(f) any fauna known to use the natural inland wetland or its surrounding area:

(g) any special features of the natural inland wetland (for example, sites of cultural significance such as archaeological features, areas of cultural harvest, historic sites, or recreational areas).

Compare: LI 2020/174 Schedule 2 cl 2

3 Issues with natural inland wetland

The following information:

(a) a description of the current state or condition of the features and values of the natural inland wetland:

(b) a discussion of the threats to the natural inland wetland and the opportunities for restoring its features and values.

Compare: LI 2020/174 Schedule 2 cl 3

4 Management objectives for natural inland wetland

The specific objectives for managing the natural inland wetland based on its features, values, and issues, and taking into account—

(a) its legal status under any enactment or plan; and

(b) any existing or required resource consents or agreements with landowners or other relevant persons.

Compare: LI 2020/174 Schedule 2 cl 4

5 Operational details for achieving management objectives

An outline of the activities that will be carried out to achieve the objectives for managing the natural inland wetland, including the following:

(a) the timelines for the activities and the persons responsible for resourcing and delivering them:

(b) scale plans showing the operational areas:

(c) the planting to be done, including—

(i) a diagram showing the general areas for planting:

(ii) the species to be used within specific areas (for example, areas of standing water, wetter margin areas, or drier areas):

(iii) the spacing of the plants:

(iv) the sources of the plants (for example, local native plant nurseries or locally sourced seed):

(v) the approach to releasing the plants (including how often, for how many years, and by what method weeding will be done around the plants):

(d) any vegetation to be removed, including species and methods of removal (for example, cutting, digging, or spraying):

(e) any machinery to be used and the purpose of its use:

(f) a description of the approach to water management, including—

(i) any changes to water levels or movement of water during and after the restoration works:

(ii) if water will be dammed or diverted,—

(A) how that will restore or enhance the natural inland wetland:

(B) any structures that will be installed:

(C) the time of year when the works will be carried out:

(D) the methods to be used to minimise effects on flora and fauna:

(g) the approach to managing erosion and sediment to be used during all of the works:

(h) any animal pest control to be carried out, including—

(i) which animal pests are present:

(ii) how often, and for how many years, the animal pest control will be carried out:

(iii) the method by which the animal pest control will be carried out:

(i) a description of the actions to be taken to minimise any adverse effects on fauna or to enhance values for fauna.

Compare: LI 2020/174 Schedule 2 cl 5

6 Review and reporting

A description of the approach for assessing progress against the restoration plan and reporting that progress to the consent authority, including—

(a) timelines for reporting progress; and

(b) how any requirement to report under a resource consent will be met.

Compare: LI 2020/174 Schedule 2 cl 6

Schedule FW9
Sphagnum moss harvesting plans

r 2.5.55

1 Property and natural inland wetland details

The required information is as follows:

(a) the physical address of the site of the activity:

(b) the names of the owners of the site:

(c) the contact details for the owners:

(d) the name of the harvest operator:

(e) the contact details for the harvest operator:

(f) the legal description of the site, including the estate or interest held by the owners and any legal status or designation that applies to the site:

(g) a map showing the location and boundaries of the natural inland wetland where the sphagnum is to be harvested:

(h) photographs of the harvest area:

(i) the details of the legal status of the natural inland wetland under any enactment or plan.

Compare: LI 2020/174 Schedule 3 cl 1

2 Operational details

The required information is as follows:.

(a) an outline of the activities to occur in undertaking the sphagnum harvesting (including maps showing the operational areas):

(b) timelines for the harvesting:

(c) confirmation that each requirement specified in the checklist of conditions for harvesting in Schedule FW10 will be met.

Compare: LI 2020/174 Schedule 3 cl 2

Schedule FW10
Form for assessing natural inland wetlands after harvest of sphagnum moss

r 2.5.55

Form

Assessment of natural inland wetland after harvest of sphagnum moss

General information

1 Today's date:

2 Name of harvesting organisation/company:

3 Name of harvest operator:

4 Name and identification number of natural inland wetland (if any):

5 Address/location of harvesting site:

6 Legal description of area that includes site:

7 Map reference for site:

8 Harvested area: [*attach map*]

9 Dates of harvesting:

Checklist of conditions for harvesting

1	Natural hydrological processes have been maintained because—		
	(a)	the post-harvest moss surface is near but above the water level	□
	(b)	the hydrological regime of the area has not been altered in any way	□
	(c)	only existing formed accessways were used to access the harvested area [*attach map showing accessways*]	□
	(d)	drains and weirs were not used to manipulate water levels	□
2	Machinery or vehicles that entered the natural inland wetland were modified or supported to prevent them from damaging the natural inland wetland (for example, by widening the tracks of a track-driven vehicle or using platforms for the machinery to sit on)		□
3	Vegetation was crushed only for the purpose of maintaining sphagnum dominance and only during harvesting, as a component of the harvesting, or after harvesting to rehabilitate the sphagnum moss in the natural inland wetland area		□
4	Only the living portion (acrotelm) of the moss was removed		□
5	All machinery, vehicles, and equipment were cleaned before entering the natural inland wetland (to avoid introducing pests, unwanted organisms, or exotic plants)		□
6	No moss or plant was removed from the margins of a water body		□

7	Only containers of 20 litres or less were used to refuel machinery, vehicles, and equipment within a natural inland wetland	□
8	Fertiliser was not dispersed in the natural inland wetland	□
9	No breeding, roosting, or nesting site of an indigenous, a rare, or a threatened bird species was disturbed	□
10	Debris, materials, and equipment relating to the harvesting were removed from the site, and the site was free from litter, after the harvesting was finished	□
11	The harvested area and its accessways were disturbed only to the extent necessary to carry out harvesting	□

Detailed information on particular conditions

1 Describe how the harvesting was undertaken:

2 Describe how any vehicle or machinery used for harvesting was modified or supported to prevent it from damaging the natural inland wetland: [*attach photos of vehicles or machinery*]

3 Provide any other information that you think is relevant:

4 Attach dated photos showing the site before, during, and after the harvesting.

Note about site visit

After compliance staff receive this form, they will organise a visit to the site to assess the information contained in the form.

Compare: LI 2020/174 Schedule 4

Schedule CE1
Environmental limits: coastal environment

r 3.1.4

Table 4: Saltmarsh extent (estuaries, coastal water, indigenous biodiversity)

Value	**Ecological integrity**
Aspect(s)	Estuaries, Coastal water, Indigenous biodiversity
Attribute name	**Saltmarsh extent**
Applies to	Coastal environment
Attribute unit	ha
Measurement and monitoring	At representative areas within a management unit, saltmarsh extent must be derived from mapping conducted at least once every 5 years. Saltmarsh is a collective term for species of salt-tolerant plants including rushes, glasswort, and herb field species. For the purposes of this attribute it excludes mangrove (*Avicennia marina*) and seagrass (*Zostera muelleri*).
Environmental limit	The baseline attribute state at the commencement of the Act is the environmental limit. The baseline state must be derived using measurements and monitoring data (as described above), or **best available information**, taking into account likely natural variability within and between years.

Table 5: Seagrass (Zostera muelleri) extent (estuaries, coastal water, indigenous biodiversity)

Value	**Ecological integrity**
Aspect(s)	Estuaries, Coastal water, Indigenous biodiversity
Attribute name	**Seagrass** (*Zostera muelleri*) **extent**
Applies to	Coastal environment
Attribute unit	ha
Measurement and monitoring	At representative areas within a management unit, seagrass extent must be derived from mapping conducted at least once every 3 years, at the same time of year each year.
Environmental limit	The baseline attribute state at the commencement of the Act is the environmental limit. The baseline state must be derived using measurements and monitoring data (as described above), or **best available information**, taking into account likely natural variability within and between years.

Table 6: Sediment mud content (estuaries)

Value	**Ecological integrity**
Aspect(s)	Estuaries
Attribute name	**Sediment mud content**
Applies to	Estuaries (intertidal areas only)
Attribute unit	% (by dry weight)
Measurement and monitoring	At representative sites in a management unit, samples must be collected from the top 2 cm of estuarine sediment and analysed for sediment grain size by wet sieving.

Value	**Ecological integrity**
	Median mud content for each site must be derived from monitoring conducted at least once per year, at the same time of year each year, for 3 years.
	"Mud" is defined as the sediment grain size fraction < 63 μm.
Environmental limit	The baseline attribute state at the commencement of the Act is the environmental limit.
	The baseline state must be derived using measurements and monitoring data collected over 3 years (as described above), or **best available information**, taking into account likely natural variability within and between years.
	The baseline state for the management unit must be calculated as the average (ie, mean) sediment mud content across the representative monitoring sites.

Table 7: Sediment accretion rate (estuaries)

Value	**Ecological integrity**
Aspect(s)	Estuaries
Attribute name	**Sediment accretion rate**
Applies to	Estuaries (intertidal areas only)
Attribute unit	mm/year
Measurement and monitoring	At representative sites in a management unit, sediment accretion rate must be measured at least once per year, at the same time of the year each year.
	Sediment accretion rate at each site must be calculated from a linear trend fitted to 5 years of monitoring data
Environmental limit	The baseline attribute state at the commencement of the Act is the environmental limit.
	The baseline state must be derived using measurements and monitoring data collected over 5 years (as described above), or **best available information**, taking into account likely natural variability within and between years.
	The baseline state for the management unit must be calculated as the average (ie, mean) sediment accretion rate across the representative monitoring sites.

Table 8: Nuisance macroalgae (estuaries)

Value	**Ecological integrity**
Aspect(s)	Estuaries
Attribute name	**Nuisance macroalgae**
Applies to	Estuaries (intertidal areas only)
Attribute unit	OMBT-EQR
Measurement and monitoring	At representative areas within a management unit, the Ecological Quality Rating (EQR) must be calculated using the Opportunistic Macroalgal Blooming Tool (OMBT; WFD-UKTAG 2014) and method improvements for New Zealand outlined in Plew et al. (2020) and Stevens et al. (2022). The EQR must be derived from monitoring undertaken in late spring to summer. Monitoring must be conducted at least once every 3 years, except at low-risk sites (e.g., where EQR is ≥ 0.8) where monitoring frequency can be reduced to at least once every 5 years. **Citations**: WFD-UKTAG. 2014. *UKTAG Transitional and Coastal Water Assessment Method Macroalgae Opportunistic Macroalgal Blooming Tool*. Water Framework Directive – United Kingdom Technical Advisory Group. Plew DR, Zeldis JR, Dudley BD, Whitehead AL, Stevens LM, Robertson BM, & Robertson BP. 2020. *Assessing the Eutrophic Susceptibility of New Zealand Estuaries*. Estuaries and Coasts, 43(8), 2015-2033. U, Haddadchi A, Roberts KL. 2022. *Use of a multi-metric macroalgal index to document severe eutrophication in a New Zealand estuary*. New Zealand Journal of Marine and Freshwater Research, 56(3), 410-429.
Environmental limit	The baseline attribute state at the commencement of the Act is the environmental limit. The baseline state is to be derived using measurements and monitoring data (as described above), or **best available information**, taking into account likely natural variability within and between years.

Schedule CE2
Offshore marine farms

r 3.3.3

Offshore marine farm	Coastal permit number(s)	Co-ordinates—WGS84 Latitude	Longitude
Bay of Plenty, off the coast of Ōpōtiki	RC63737	37°54.505′S	177°12.899′E
	RC63736	37°52.343′S	177°12.883′E
	RC61600	37°52.311′S	177°19.362′E
	RC61599	37°54.473′S	177°19.380′E
	RC61235		
	RC61234		
Hawke's Bay	CL000499Cc	39°18.167′S	177°02.853′E
	CL000500Oc	39°17.988′S	177°07.891′E
		39°19.955′S	177°04.319′E
		39°19.775′S	177°09.359′E
Marlborough, west of Rangitoto ki e Tonga/D'Urville Island	U000361	40°54.792′S	173°41.181′E
	MPE933	40°55.144′S	173°42.528′E
		40°56.113′S	173°41.313′E
		40°55.761′S	173°39.966′E
Marlborough, in Clifford Bay	U991634	41°39.061′S	174°09.956′E
	MPE931	41°39.048′S	174°10.102′E
		41°38.150′S	174°10.297′E
		41°38.245′S	174°11.079′E
		41°39.092′S	174°10.896′E
		41°39.989′S	174°11.038′E
		41°40.133′S	174°10.075′E
Canterbury, in Pegasus Bay	CRC171532	43°19.639′S	172°52.782′E
	CRC171533	43°19.662′S	172°56.699′E
		43°22.411′S	172°56.670′E
		43°22.388′S	172°52.751′E

Compare: LI 2020/170 Schedule 2

Schedule CE3
Aquaculture: definitions of harbours and other areas

r 3.3.3

Harbour or other area	Location
Akaroa	Inside a straight line from Timutimu Head to Truini Point.
Aotea Harbour	Inside a straight line from Potahi Point to Kahua Point.
Auckland	Within that area enclosed by straight lines from Rangitoto Island to the opposite shore in a 270° direction through Rangitoto beacon; from the northern point of Motutapu Island to the northern point of Rakino Island; from the north-eastern point of Rakino Island to the northern point of Owhanake Bay; from Waiheke Island to Pakatoa Island across the eastern entrance to Waiheke Channel at its narrowest point; from Pakatoa Island to Rotoroa Island at their nearest points; from Rotoroa Island to Ponui Island (Chamberlins Island) at their nearest points and from Ponui Island in a 180° direction to Raukura Point on the opposite shore.
Awanui	Inside straight lines from Blackney Point to the outer Motutara Rocks, from there in a 260° direction to the opposite shore.
Bay of Islands	Inside straight lines joining the north points of Wairoa Bay, the eastern Black Rocks, Motuarohia Island, Moturua Island, Motukiekie Island, the west point of Urupukapuka Island (Te Areako Point) and from the point on Urupukapuka Island nearest to Round Island to Orerewai Point through Te Hue Point.
Bluff Harbour	Inside a straight line from Stirling Point to Tiwai Rocks.
Catlins River	Inside a straight line from Haywards Point in a 067° direction to the opposite shore.
Charles Sound	Inside a straight line from Hawes Head in a 090° direction to the opposite shore.
Clutha River/Mata-Au	Inside the Clutha River / Mata-Au entrances.
Coromandel	Inside straight lines commencing at the southernmost tip of Tokotarea Point, from there 239° for 4.4 nautical miles, and from there 170° to the shore at Deadmans Point.
Croisilles Harbour	Inside a straight line from Cape Soucis to Pakiaka Point.
Doubtful Sound/Patea and Te Awa-O–Tū / Thompson Sound	Inside straight lines from Febrero Point to South West Point, Secretary Island, and from Colonial Head to Shanks Head.
Firth of Thames	Inside a straight line from Cave Point to Waimango Point.
Gisborne	Inside the area of a circle of 1.4 nautical miles radius centred on the outer breakwater lighthouse.
Golden Bay / Mohua	Inside a straight line from the Farewell Spit lighthouse and Separation Point.
Great Barrier Island (Aotea Island)— (a) Port Fitzroy (b) Tryphena Harbour	(a) inside straight lines joining Maunganui Point (Separation Point), Wellington Head, False Head, Pyramid Rock, and the south point of Junction Islands, from there in a 000° direction to the shore of Great Barrier Island (Aotea Island). (b) inside a straight line from Shag Point to South Point, Ross Bay.
Greville Harbour / Whararikī	Inside a straight line from Ragged Point to Two Bay Point.
Greymouth	Inside a straight line joining the seaward ends of the breakwaters.

Harbour or other area	Location
Havelock	Inside straight lines from Te Akaroa (West Entry Point) to Goat Point and from Yellow Point in a 110° direction to the opposite shore.
Hāwea / Bligh Sound	Inside a straight line from Tommy Point to Chasland Head.
Herekino Harbour	Inside a straight line from the north-west point of the south head in 000° direction to the opposite shore.
Hokianga	Inside a straight line from North Head to South Head.
Hokitika	Inside a straight line across the entrance to the Hokitika River.
Houhora	Inside a straight line from Perpendicular Point (Ruakoura) in a 250° direction to the opposite shore.
Invercargill	Inside a straight line from Entrance Point to Steep Head.
Kaiapoi	Inside a straight line across the entrance to the Waimakariri River.
Kaipara	Inside a straight line from North Head in a 125° direction to the opposite shore.
Kawau	Inside straight lines from Mullet Point to Elizabeth Point, and from Kawati Point lighthouse in a 000° direction to the opposite shore.
Kawhia Harbour	Inside a straight line from Tauratahi Point to Urawhitiki Point.
Lyttelton	Inside a line from Sumner Head to the position 045° half a mile from Sumner Head, to the position 045° half a mile from Baleine Point, to Baleine Point.
Mahurangi	Inside straight lines from Sadler Point to the north point of Te Haupa Island and from the south point of Te Haupa Island to South Head.
Maketu	Inside the entrance to the Kaituna River and the Maketu Estuary.
Manawatu	Inside the entrance to the Manawatu River.
Mangawhai	Inside a straight line from the point on Mangawhai North Head nearest to Sentinel Rock lighthouse in a 180° direction to the opposite shore.
Mangonui	Inside a straight line from Rangitoto Point to Rangikapiti Head.
Manuhakapakapa	Inside a straight line from Ōkārewa Point to Cone Island.
Manukau	Inside a straight line from the south point of Paratutae Island in a 120° direction to the shore.
Milford Sound/Piopiotahi	Inside a straight line from Saint Anne Point lighthouse in a 078° direction to the opposite shore.
Mokau	Inside the entrance to the Mokau River.
Nancy Sound	Inside a straight line from Burnett Point to Anxiety Point.
Napier	Inside a straight line from the northern extremity of the east breakwater in a 270° direction to the shore.
Nelson	Inside straight lines joining the outer ends of the main entrance moles and from the south point of Haulashore Island in a 135° direction to the opposite shore.
Ngunguru	Inside the entrance to the Ngunguru River.
Oamaru	Inside a straight line joining the seaward ends of the breakwater and the north mole.
Ohiwa	Inside a straight line across Ohiwa Harbour entrance at its narrowest point.
Ōpōtiki	Inside a straight line across the Ōpōtiki harbour entrance from the western extremity of Hikuwai Beach in a 240° direction.
Parengarenga	Inside a straight line from Ngamaru Point in a 200° direction to the opposite shore.

Harbour or other area	Location
Patea	Inside a straight line joining the seaward extremities of the Patea River breakwaters.
Picton	Inside straight lines from East Head to West Head, Tory Channel and from Cooper Point to Kempe Point.
Porirua	Inside a straight line from the west point of Onehunga Bay in a 042° direction to the opposite shore.
Port Adventure	Inside a straight line from Stirling Head across to Shelter Point.
Port Chalmers	Inside a straight line from Taiaroa Head to the seaward end of the North Mole.
Port Pegasus / Pikihatiti	Inside a straight line across Whole Passage at its narrowest width, and from Smooth Point, Pearl Island to the south point of Nobel Island, and across South Passage at its narrowest width.
Port Taranaki	Inside a straight line joining the north ends of the main and lee breakwaters.
Port William / Potirepo	Inside a straight line from Peters Point to the easternmost extremity of the headland enclosing the northern end of Port William / Potirepo.
Raglan	Inside a straight line from Rangitoto Point in a 180° direction to the opposite shore.
Rakituma / Preservation Inlet	Inside straight lines from Gulches Head to Lee Point, Coal Island and across Otago Retreat at its narrowest width.
Riverton/Aparima	Inside a straight line from Talls Point in a 000° direction to the opposite shore.
Stewart Island/Rakiura	Inside straight lines commencing at the southern extremity of West Head, Port William / Potirepo, from there 110° for 3.2 nautical miles, and from there 160° to Bullers Point (Anglem).
Sumner	Inside a straight line from Cave Rock in a 330° direction to the opposite shore.
Taiari / Chalky Inlet	Inside a straight line from Cape Providence in a 100° direction to Chalky Island, and from Red Head to Chalky Point, Chalky Island.
Tairua	Inside a straight line from Te Huruhuru Point in a 230° direction to the opposite shore.
Taitetimu / Caswell Sound	Inside a straight line from Hansard Point in a 270° direction to the opposite shore.
Tamatea / Dusky Sound and Te Puaitaha / Breaksea Sound	Inside straight lines from the north point of Resolution Island near Stevens Cove in a 033° direction to the opposite shore, and from South Point to Five Fingers Point, Resolution Island.
Tasman Bay / Te Tai-o-Aorere	Inside a straight line from Guilbert Point to Pepin Island.
Tauranga	Inside straight lines across Katikati Entrance at its narrowest point and from Northwest Rock in a 270° direction to Matakana Island.
Te Aumiti / French Pass	Inside straight lines from Clay Point to Half Way Point and from Okuri Point to Sauvage Point.
Te Hāpua / Sutherland Sound	Inside a straight line from Jagged Rocks in a 060° direction to the opposite shore.
Te Houhou / George Sound	Inside a straight line from the west head at George Sound entrance in a 090° direction to the opposite shore.
Te Rā / Dagg Sound	Inside a straight line from Castoff Point in a 180° direction to the opposite shore.
Te Whanga Lagoon (Chatham Islands)	Inside a straight line across the banks at Hikurangi Channel.

Harbour or other area	Location
Te Whanganuui / Port Underwood	Inside a straight line from Robertson Point to the south point of Ocean Bay.
Timaru	Inside a straight line joining the seaward ends of the outer north mole and the eastern extension mole.
Tutukaka	Inside a straight line from the southern extremity of Tutukaka Head (South Gable) in 220° direction to the opposite shore.
Waikato	Inside a straight line from Trig 71 on the Waikato River entrance south head in a 350° direction to the opposite shore.
Wairau	Inside a straight line across the entrance to the Wairau River.
Waitara	Inside a straight line joining the seaward ends of the breakwaters.
Wellington	Inside a straight line from Pencarrow Head lighthouse to Palmer Head.
Westport	Inside a straight line joining the seaward ends of the breakwaters.
Whakatāne	Inside a straight line across the Whakatāne River entrance at its narrowest point.
Whanganui	Inside a straight line joining the seaward ends of the north and south moles.
Whanganui Inlet	Inside a straight line from Bar Point to South Head Cone.
Whangamatā	Inside a straight line from the southern point at Te Karaka Point in a 250° direction to the opposite shore.
Whangape	Inside a straight line from Tuapeke Point in a 320° direction to the opposite shore.
Whangapoua Harbour	Inside a straight line from Te Rehutae Point to Omara Spit.
Whangārei	Inside a straight line from Marsden Point to Busby Head.
Whangaroa	Inside straight lines commencing at Karaui Point, from there to the north point of Cone Island, and from there to Karaka Island.
Whangaruru	Inside straight lines commencing at North Head, from there to the north point of Motutara Island (Henry Island), and from there to the south point of Oakura Bay.
Wharekahika / Hicks Bay	Inside a straight line from Matakaoa Point to Haupara Point.
Whitianga	Inside a straight line from Whakapenui Point lighthouse in a 270° direction to the opposite shore.

Compare: LI 2020/170 Schedule 3

Schedule CE4
Aquaculture activities: tangata whenua views on draft applications

r 3.3.10

1 Interpretation

In this schedule,—

applicant means a person intending to apply for a replacement coastal permit for an existing marine farm

customary marine title group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

protected customary rights group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011.

2 Information to be provided to regional council

(1) If an applicant chooses to seek the views of tangata whenua on the draft application, the applicant must provide the following information to the regional council with jurisdiction in the region in which the farm is located:

(a) a description of the marine farming activity for which a replacement coastal permit is sought; and

(b) the co-ordinates of the area within which that marine farming is to be undertaken.

(2) The applicant must provide the required information not later than 40 working days before the date on which the applicant proposes to lodge an application with the regional council.

3 Written information to be provided by regional council

Not later than 10 working days after the regional council receives the information under regulation 2, the council must provide the following to the applicant—

(a) the contact details of any iwi and hapū with interests in the area to which the application relates; and

(b) the contact details of any customary marine title groups and protected customary rights groups with interests in the area to which the application relates.

4 Informing of intention to make application

Not later than 25 working days before the date on which the applicant proposes to lodge an application for a replacement coastal permit, the applicant must—

(a) inform in writing the iwi, hapū, customary marine title groups, and protected customary rights groups identified by the regional council under

regulation 3, that the applicant is intending to lodge an application for a replacement coastal permit; and

(b) provide those informed with a copy of the draft application; and

(c) request a response within 20 working days from the persons or groups, advising on—

(i) the sites or areas that they identify as being of significance; and

(ii) the values that make the site or area significant; and

(iii) the cultural effects of the translocation of taonga species, if that is proposed as part of an application under Part 4.

5 Applicant's report to regional council

(1) When applying for a replacement coastal permit the applicant must provide a report setting out the following information:

(a) the persons and groups informed by the applicant under regulation 4:

(b) how and on what date those persons and groups were informed:

(c) the name and contact details of every person or group who responded on the information provided by the applicant:

(d) any sites or areas identified as being of significance to the persons or groups informed under regulation 4 that may be affected by the marine farm proposal in the application:

(e) any sites or areas identified as being of significance to tangata whenua in a plan that may be affected by the marine farm proposal in the application:

(f) a description of any adverse effects of the marine farm on the values that make the site or area of significance to tangata whenua:

(g) the cultural effects of the translocation of taonga species, if that is proposed as part of an application to change species:

(h) proposals to avoid, mitigate, or remedy the adverse effects (if any) identified under paragraphs (f) and (g):

(i) any other information provided to the applicant on the values of tangata whenua in relation to the location of the marine farm:

(j) details of any change to the application that the applicant proposes as a result of the discussions (if any) entered into with the persons and groups informed under regulation 4.

(2) The report required by subclause (1) must be provided, at the same time, to both—

(a) the regional council as part of the application for a resource consent; and

(b) the persons or groups identified under regulation 3.

Schedule LS1
Environmental limits: soil

r 4.1.2

Table 2: Erodible soil stabilisation (soil)

Value	**Ecological integrity**
Aspect	Soil
Attribute name	**Erodible soil stabilisation**
Applies to	Anthropogenically modified land at high risk of mass movement erosion
Attribute unit	Area (ha)
Measurement and monitoring	The attribute's limit (baseline state) must be established and subsequently monitored by— 1 Using slope and geology, identifying modified land that is at high risk of mass movement erosion: 2 At least once every 5 years, measure and report the area of this modified land that has been stabilised using adequate protective vegetation as per existing land management monitoring programmes: 3 Ground-truthing of additional erodible soil stabilisation identified in available aerial photography or spatial data layers to determine if it qualifies as stabilised.
Environmental limit	The baseline attribute state at the commencement of the Act is the environmental limit. The baseline state must be derived using measurements and monitoring data as described above, or **best available information**.

Schedule IB1
Environmental limits: indigenous biodiversity

r 6.1.7

Table 1: Indigenous Vegetation Cover (Indigenous biodiversity)

Value	**Ecological integrity**
Aspect(s)	Indigenous biodiversity
Attribute name	**Indigenous vegetation cover**
Applies to	Land
Attribute unit	% IVC by land environment
Measurement and monitoring	Indigenous vegetation cover must be determined using the Land Cover Database (LCDB) and must be calculated as the percent of indigenous vegetation cover within Land Environments of New Zealand level II (or equivalent) contained in a management unit. Land cover types in LCDB are assigned either indigenous or exotic following Appendix 1 in the Threatened Environment Classification (2015). Areas that are in a natural state but are not under indigenous vegetation (such as permanent snow or ice, gravel or sand, or landslip) are not considered as indigenous vegetation and are excluded from the assessment of this attribute. Similarly, vegetation types that are primarily freshwater, estuarine, or coastal are excluded. Monitoring of IVC must be done at least every 5 years in conjunction with updates to the LCDB.
Environmental limit	The baseline attribute state at the commencement of the Act is the environmental limit. The baseline indigenous vegetation cover must be determined using the LCDB version 6 (or best available information, if not available) and must be calculated as the percent of indigenous vegetation cover within Land Environments of New Zealand level II (or equivalent) contained in a management unit.

Schedule IB2
Significant biodiversity area (SBA) criteria

r 6.2.8

1 What qualifies as an SBA

(1) An area qualifies as an SBA if it meets any one of the attributes of the following four criteria:

(a) representativeness:

(b) diversity and pattern:

(c) rarity and distinctiveness:

(d) ecological context.

(2) If an area would qualify as an SBA solely on the grounds that it provides habitat for a single indigenous fauna species that is At Risk (declining), and that species is widespread in at least three other regions, the area does not qualify as an SBA unless—

(a) the species is rare within the region or ecological district where the area is located; or

(b) the protection of the species at that location is important for the persistence of the species as a whole.

(3) If an area would qualify as an SBA solely on the grounds that it contains 1 or more indigenous flora species that are listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System, and those species are widespread in at least three other regions, the area does not qualify as an SBA unless—

(a) the species is rare within the region or ecological district where the area is located; or

(b) the protection of the species at that location is important for the persistence of the species as a whole.

2 Context for assessment

The context for an assessment of an area is—

(a) its ecological district; and

(b) for the rarity assessment only, its ecological district, its region and the national context.

3 Manner and form of assessment

(1) Every assessment must include at least—

(a) a map of the area; and

(b) a general description of its significant attributes, with reference to relevant criteria (as specified below); and

(c) a general description of the indigenous vegetation, indigenous fauna, habitat, and ecosystems present; and

(d) additional information, such as the key threats, pressures, and management requirements; and

(e) for SBAs in areas of Crown-owned land referred to in regulation 6.2.8, the conservation management strategy or plan or national park management plan that applies to the area.

(2) An assessment under this appendix must be conducted by a suitably qualified ecologist (which, in the case of an assessment of a geothermal ecosystem, requires an ecologist with geothermal expertise).

A Representativeness criterion

(1) Representativeness is the extent to which the indigenous vegetation or habitat of indigenous fauna in an area is typical or characteristic of the indigenous biodiversity of the relevant ecological district.

Key assessment principles

(2) Significant indigenous vegetation has ecological integrity typical of the indigenous vegetation of the ecological district in the present-day environment. It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance, provided species composition is typical of that type of indigenous vegetation.

(3) Significant indigenous fauna habitat is that which supports the typical suite of indigenous animals that would occur in the present-day environment. Habitat of indigenous fauna may be indigenous or exotic.

(4) Representativeness may include commonplace indigenous vegetation and the habitats of indigenous fauna, which is where most indigenous biodiversity is present. It may also include degraded indigenous vegetation, ecosystems and habitats that are typical of what remains in depleted ecological districts. It is not restricted to the best or most representative examples, and it is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the ecological district.

(5) When considering the typical character of an ecological district, any highly developed land or built-up areas should be excluded.

(6) The application of this criterion should result in identification of indigenous vegetation and habitats that are representative of the full range and extent of ecological diversity across all environmental gradients in an ecological district, such as climate, altitude, landform, and soil sequences. The ecological character and pattern of the indigenous vegetation in the ecological district should be described by reference to the types of indigenous vegetation and the landforms on which it occurs.

Attributes of representativeness

(7) An area that qualifies as an SBA under this criterion has at least one of the following attributes:

(a) indigenous vegetation that has ecological integrity that is typical of the character of the ecological district:

(b) habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and retains at least a moderate range of species expected for that habitat type in the ecological district.

B Diversity and pattern criterion

(1) Diversity and pattern is the extent to which the expected range of diversity and pattern of biological and physical components within the relevant ecological district is present in an area.

Key assessment principles

(2) **Diversity of biological components** is expressed in the variation of species, communities, and ecosystems. Biological diversity is associated with variation in physical components, such as geology, soils/substrate, aspect/exposure, altitude/depth, temperature, and salinity.

(3) **Pattern** includes changes along environmental and landform gradients, such as ecotones and sequences.

(4) **Natural areas** that have a wider range of species, habitats or communities or wider environmental variation due to ecotones, gradients, and sequences in the context of the ecological district, rate more highly under this criterion.

Attributes of diversity and pattern

(5) An area that qualifies as an SBA under this criterion has at least one of the following attributes:

(a) at least a moderate diversity of indigenous species, vegetation, habitats of indigenous fauna or communities in the context of the ecological district:

(b) presence of indigenous ecotones, complete or partial gradients or sequences.

C Rarity and distinctiveness criterion

(1) Rarity and distinctiveness is the presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems.

Key assessment principles

(2) **Rarity** is the scarcity (natural or induced) of indigenous elements: species, habitats, vegetation, or ecosystems. Rarity includes elements that are uncommon or threatened.

(3) **Threatened and At Risk species** The significance of species that are listed as listed Threatened and At Risk in the New Zealand Threat Classification System should not be downgraded just because the species are common within a region or ecological district.

(4) **Depletion of indigenous vegetation or ecosystems** is assessed using ecological districts and land environments.

(5) **Distinctiveness** includes distribution limits, type localities, local endemism, relict distributions, and special ecological or scientific features.

Attributes of rarity and distinctiveness

(6) An area that qualifies as an SBA under this criterion has at least one of the following attributes:

(a) provides habitat for an indigenous species that are listed as Threatened or At Risk in the New Zealand Threat Classification System:

(b) an indigenous vegetation type or an indigenous species that is uncommon within the region or ecological district:

(c) an indigenous species or plant community at or near its natural distributional limit:

(d) indigenous vegetation that has been reduced to less than 20% of its pre-human extent in the ecological district, region, or land environment:

(e) indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystems:

(f) the type locality of an indigenous species:

(g) the presence of a distinctive assemblage or community of indigenous species:

(h) the presence of a special ecological or scientific feature.

D Ecological context criterion

(1) Ecological context is the extent to which the size, shape, and configuration of an area within the wider surrounding landscape contributes to its ability to maintain indigenous biodiversity or affects the ability of the surrounding landscape to maintain its indigenous biodiversity.

Key assessment principles

(2) Ecological context has two main assessment principles:

(a) the characteristics that help maintain indigenous biodiversity (such as size, shape, and configuration) in the area; and

(b) the contribution the area makes to protecting indigenous biodiversity in the wider landscape (such as by linking, connecting to or buffering other natural areas, providing ‘stepping stones’ of habitat or maintaining ecological integrity).

Attributes of ecological context

(3) An area that qualifies as an SBA under this criterion has at least one of the following attributes:

(a) at least moderate size and a compact shape, in the context of the relevant ecological district:

(b) well-buffered relative to remaining habitats in the relevant ecological district:

(c) provides an important full or partial buffer to, or link between, 1 or more important habitats of indigenous fauna or significant natural areas:

(d) important for the natural functioning of an ecosystem relative to remaining habitats in the ecological district.

4 Glossary of terms used in this Schedule

In this Schedule, the following terms have the meanings given:

(a) **Ecotone**: Ecotone refers to a transition area between two or more ecosystems. Ecotones may be sharp transitions or gradients.

(b) **Gradient**: Gradient refers to a gradual transition from one ecosystem to another over 1 or more environmental variables.

(c) **Irreplaceability**: Irreplaceability is a measure of the uniqueness, replaceability and conservation value of biodiversity and the degree to which the biodiversity value of a given area adds to the value of an overall network of areas. It interacts with vulnerability, complexity and rarity to indicate the biodiversity value and level of risk for a given area.

(d) **Land environment**: Land environment refers to a land environment identified in the Land Environments of New Zealand (LENZ) Classification System (Leathwick et al., 2003, as maintained by Manaaki Whenua Landcare Research).

(e) **Leakage**: Leakage, also referred to as environmental leakage, occurs when interventions aimed at reducing adverse environmental impacts at one site may be locally successful, but increase pressures or adverse impacts elsewhere. For example, displacing the causes of biodiversity loss in an offset area to another location.

(f) **Like-for-like**: Like-for-like is the degree of similarity in biodiversity values between impact and offset sites across; the type of biodiversity; amount of biodiversity; biodiversity condition; equivalence over time; and spatial context. Biodiversity offsets are designed to ensure biodiversity impacts are offset with biodiversity that is very similar to the biodiversity that is being impacted in that it has the same ecosystems, vegetation, habitats and species.

(g) **Sequence**: Sequence means the change in ecosystem composition along environmental gradients. Sequences can contain many gradients and

ecosystem transitions. They can encompass a full range of alpine to coastal ecosystems, including dunes, wetlands and forests.

(h) **Vulnerability**: Vulnerability is an estimate of the degree of threat of destruction or degradation that indigenous biodiversity faces from change, use or development. It is the degree to which an ecosystem, habitat or species is likely to be affected by, is susceptible to or able to adapt to harmful impacts or changes. It interacts with the irreplaceability, complexity and rarity to indicate the biodiversity value and level of risk for a given area.

Schedule IB3
Specified highly mobile fauna

r 6.1.3

Scientific name	Common name
Anarhynchus frontalis	ngutu parore/wrybill
Anas chlorotis	pāteke/brown teal
Anas superciliosa superciliosa	pārera/grey duck
Anthus novaeseelandiae novaeseelandiae	pīhoihoi/NZ pipit
Apteryx australis ‘northern Fiordland’	northern Fiordland tokoeka
Apteryx australis	southern Fiordland tokoeka
Apteryx haastii	roa/great spotted kiwi
Ardea modesta	kotuku/white heron
Botaurus poiciloptilus	matuku/bittern
Bowdleria punctate stewartiana	mātātā/Stewart Island fernbird
Bowdleria punctata punctata	koroātito/South Island fernbird
Bowdleria punctata vealeae	koroātito/South Island fernbird
Calidris canutus rogersi	huahou/lesser knot
Chalinolobus tuberculatus	pekapeka/long-tailed bat
Charadrius bicinctus bicinctus	pohowera/banded dotterel
Charadrius obscurus aquilonius	tūtiriwhatu/northern NZ dotterel
Charadrius obscurus obscurus	tūtiriwhatu/southern NZ dotterel
Chlidonias albostriatus	tara pirohe/black-fronted tern
Egretta sacra sacra	matuku moana/reef heron
Falco novaeseelandiae ferox	kārearea/bush falcon
Falco novaeseelandiae novaeseelandiae	kārearea/eastern falcon
Falco novaeseelandiae ‘southern’	kārearea/southern falcon
Gallirallus australis greyi	North Island weka
Gallirallus philippensis assimilis	moho pererū/banded rail
Haematopus finschi	tōrea/South Island pied oystercatcher
Haematopus unicolor	tōrea tai/variable oystercatcher
Himantopus novaezelandiae	kakī/black stilt
Hydroprogne caspia	taranui/Caspian tern
Hymenolaimus malacorhynchos	whio/blue duck
Larus bulleri	tarāpukā/black-billed gull
Larus novaehollandiae scopulinus	tarāpunga/red-billed gull
Limosa lapponica baueri	kuaka/eastern bar-tailed godwit
Mystacina tuberculata aupourica	pekapeka/northern short-tailed bat
Mystacina tuberculata rhyacobia	pekapeka/central short-tailed bat
Mystacina tuberculata tuberculata	pekapeka/southern short-tailed bat
Nestor meridionalis meridionalis	kākā/South Island kākā
Nestor meridionalis septentrionalis	kākā/North Island kākā
Nestor notabilis	kea
Petroica australis australis	kakariwai/South Island robin
Phalacrocorax varius varius	kāruhiruhi/pied shag

Scientific name	Common name
Podiceps cristatus australis	kāmana/southern crested grebe
Poliocephalus rufopectus	weweia/NZ dabchick
Porzana pusilla affinis	koitareke/marsh crake
Porzana tabuensis	pūweto/spotless crake
Sterna striata striata	tara/white-fronted tern
Sternula nereis davisae	tara iti/NZ fairy tern
Thinornis novaeseelandiae	tuturuatu/NZ shore plover
Xenicus gilviventris ‘northern’	pīwauwau/northern rock wren
Xenicus gilviventris ‘southern’	pīwauwau/southern rock wren

Schedule IB4
Regional biodiversity strategies

r 6.2.23

(1) The purpose of a regional biodiversity strategy is to promote the landscape-scale restoration of the region's indigenous biodiversity.

(2) To achieve its purpose, every regional biodiversity strategy, either alone or when read with related documents, must—

- (a) set out a landscape-scale vision for the restoration of the region's indigenous biodiversity; and
- (b) provide for resilience to biological and environmental changes, including those associated with climate change; and
- (c) recognise biological and physical connections within, and between, the terrestrial environment, water bodies, and the coastal marine area; and
- (d) support the achievement of any national priorities for indigenous biodiversity protection; and
- (e) record—
  - (i) the actions and methods intended to promote the maintenance and restoration of indigenous biodiversity, and increase in indigenous vegetation cover, in the region; and
  - (ii) actions that will be undertaken by local or central government; and
  - (iii) actions that the community, including tangata whenua, will be supported or encouraged to undertake; and
  - (iv) how those actions will be resourced; and
- (f) specify milestones for achieving the strategy's purpose; and
- (g) specify how progress on achieving the strategy's purpose is to be monitored and reported on and measures to be taken if milestones are not being met.

(3) A regional biodiversity strategy may also—

- (a) include measures that are intended to implement other objectives, such as biosecurity, climate mitigation, amenity, or freshwater outcomes, where those measures also contribute to protection and restoration of indigenous biodiversity; and
- (b) identify areas intended for restoration in accordance with regulation 6.2.21; and
- (c) identify areas in which indigenous vegetation cover is proposed to be increased, in accordance with regulation 6.2.22.

(4) The following must be taken into account when developing a regional biodiversity strategy:

(a) any National Biodiversity Strategy issued by the Department of Conservation:

(b) opportunities to engage the community, including tangata whenua, in conservation and, in particular, to connect urban people and communities to indigenous biodiversity:

(c) opportunities for partnerships with the Queen Elizabeth II National Trust, Ngā Whenua Rāhui and others:

(d) considering incentive opportunities specific to specified Māori land :

(e) co-benefits, including for water quality and freshwater habitats, carbon sequestration and hazard mitigation:

(f) alignment with strategies under other legislation.

Schedule UD1
Tier 1 and tier 2 urban environments and local authorities

r 1.1.2

[Appendix — National Policy Statement on Urban Development 2020]

Table 1

Tier 1 urban environment	Tier 1 local authorities
Auckland	Auckland Council
Hamilton	Waikato Regional Council, Hamilton City Council, Waikato District Council, Waipā District Council
Tauranga	Bay of Plenty Regional Council, Tauranga City Council, Western Bay of Plenty District Council
Wellington	Wellington Regional Council, Wellington City Council, Porirua City Council, Hutt City Council, Upper Hutt City Council, Kāpiti Coast District Council
Christchurch	Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Waimakariri District Council

Table 2

Tier 2 urban environment	Tier 2 local authorities
Whangārei	Northland Regional Council, Whangārei District Council
Rotorua	Bay of Plenty Regional Council, Rotorua District Council
New Plymouth	Taranaki Regional Council, New Plymouth District Council
Napier Hastings	Hawke's Bay Regional Council, Napier City Council, Hastings District Council
Palmerston North	Manawatū-Whanganui Regional Council, Palmerston North City Council
Nelson Tasman	Nelson City Council, Tasman District Council
Queenstown	Otago Regional Council, Queenstown Lakes District Council
Dunedin	Otago Regional Council, Dunedin City Council

Compare: National Policy Statement on Urban Development 2020 Appendix

Schedule UD2
Medium density residential standards

r 10.3.2

Part 1
Medium density residential standards

1 Plan outcomes and policies to be included in plans

(1) The plan outcomes that a relevant regional planning committee must include in its plans for relevant residential areas are:

(a) Outcome 1: relevant residential areas have well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural well-being, and for their health and safety, now and into the future:

(b) Outcome 2: relevant residential areas provide for a variety of housing types and sizes that respond to—

(i) housing needs and demand; and

(ii) the neighbourhood's planned urban built character, including 3-storey buildings.

(2) The plan policies that a relevant regional planning committee must include in its plans for its relevant residential areas are:

(a) Policy 1: relevant residential areas enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:

(b) Policy 2: The MDRS are applied across all relevant residential areas except in circumstances where a qualifying matter is relevant (including matters of significance such as cultural heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga):

(c) Policy 3: plans encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance:

(d) Policy 4: plans enable housing to be designed to meet the day-to-day needs of residents:

(e) Policy 5: plans provide for developments not meeting permitted activity status, while encouraging high-quality developments.

2 Required plan rules

(1) Plan rules must require that, in relevant residential areas,—

(a) constructing or using a building is a permitted activity if the activity complies with density standards in the plan:

(b) constructing or using 1 or more residential units on a site is an anticipated activity if the residential units do not comply with density standards in the plan:

(c) the subdivision of land is an anticipated activity if it is for the purpose of constructing or using residential units where the construction and use is a permitted activity referred to in paragraph (a) or an anticipated activity referred to in paragraph (b).

(2) There must be no other density standards included in a district plan additional to those set out in Part 2 of this schedule relating to a permitted activity for a residential unit or building.

(3) In this clause, and in any plan giving effect to this clause, **construction** includes the conversion or alteration of, and the addition to, an existing building.

Notification requirements

(4) Public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of the density standards (except the standard about the number of residential units per site).

(5) Public and limited notification of an application for resource consent is precluded if the application is for the construction and use of 4 or more residential units that comply with the density standards (except the standard about the number of residential units per site).

(6) Public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of residential units described in subclauses (3) or (4).

3 Subdivision matters in plans

(1) Any subdivision provisions (including rules and standards) in a plan relating to relevant residential areas must be consistent with the level of development permitted under the other provisions of the MDRS, and provide for subdivision applications as an anticipated activity.

(2) There must be no minimum lot size, shape size, or other size-related subdivision requirements for the following:

(a) an allotment with an existing residential unit, if either—

(i) the subdivision does not increase the degree of any non-compliance with the relevant density standards, or a land use consent has been granted; and

(ii) no vacant allotments are created; or

(b) an allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently, if the applicant for the resource consent can demonstrate that—

(i) it is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit; and

(ii) each residential unit complies with the density standards in the plan; and

(iii) no vacant allotments are created.

(3) For the purposes of subclause (2)(b))i), if a subdivision is proposed between residential units that share a common wall, the requirements as to height in relation to boundary in the plan do not apply along the length of the common wall.

Part 2
Specified density standards

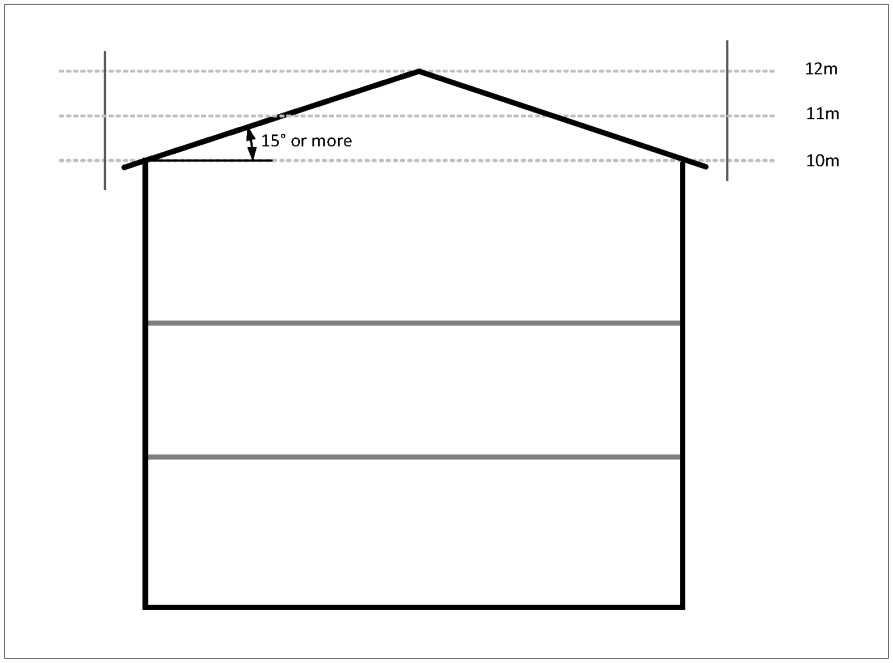
4 Number of residential units per site

There must be no more than 3 residential units per site.

5 Building height

Buildings must not exceed 11 m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may

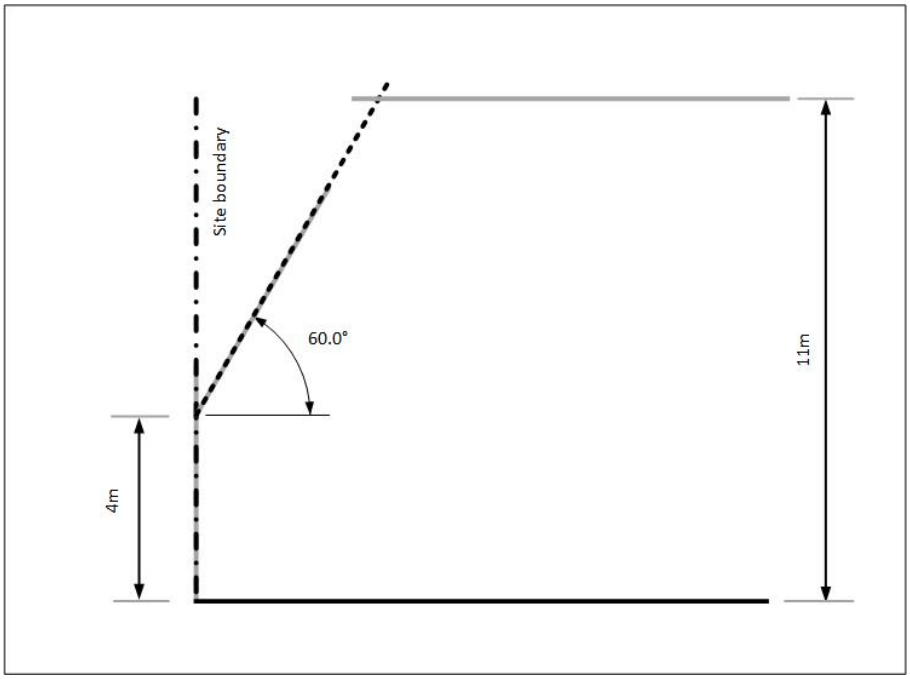
exceed this height by 1 m, where the entire roof slopes 15° or more, as shown on the following diagram:



6 Height in relation to boundary

(1) Buildings must not project beyond a 60° recession plane measured from a point 4 m vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to

boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.



(2) This standard does not apply to—

(a) a boundary with a road:

(b) existing or proposed internal boundaries within a site:

(c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

7 Setbacks

(1) Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:

Yard	Minimum depth
Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

(2) This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

8 Building footprint

The building footprint must not exceed 50% of the net site area.

9 Outdoor living space (per unit)

(1) A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that,—

(a) where located at ground level, has no dimension less than 3 m; and

(b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 m; and

(c) is accessible from the residential unit; and

(d) may be—

(i) grouped cumulatively by area in 1 communally accessible location; or

(ii) located directly adjacent to the unit; and

(e) is free of buildings, parking spaces, and servicing and manoeuvring areas.

(2) A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—

(a) is at least 8 square metres and has a minimum dimension of 1.8 m; and

(b) is accessible from the residential unit; and

(c) may be—

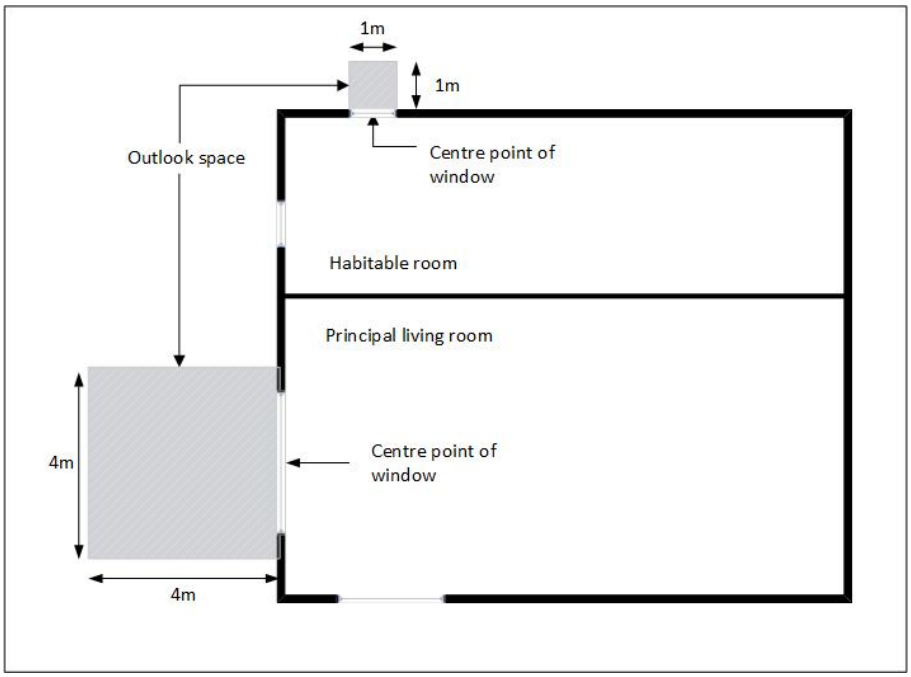
(i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or

(ii) located directly adjacent to the unit.

10 Outlook space (per unit)

(1) An outlook space must be provided for each residential unit as specified in this clause.

(2) An outlook space must be provided from habitable room windows as shown in the diagram below:



(3) The minimum dimensions for a required outlook space are as follows:

(a) a principal living room must have an outlook space with a minimum dimension of 4 m in depth and 4 m in width; and

(b) all other habitable rooms must have an outlook space with a minimum dimension of 1 m in depth and 1 m in width.

(4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

(5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.

(6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

(7) Outlook spaces may be under or over a balcony.

(8) Outlook spaces required from different rooms within the same building may overlap.

(9) Outlook spaces must—

(a) be clear and unobstructed by buildings; and

(b) not extend over an outlook space or outdoor living space required by another dwelling.

11 Windows to street

Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

12 Landscaped area

(1) A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.

(2) The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.

Schedule Infra1
Accidental discover protocol

r 12.3.1

1 Definitions for this schedule

In this clause and clause 2—

discovery means the accidental discovery of material that is or may be any of the following:

(a) human remains or kōiwi:

(b) an archaeological site:

(c) taonga

relevant infrastructure activities has the meaning given in regulation 12.3.x

site supervisor means the person on site who is responsible for the relevant infrastructure activities.

2 Response to accidental discovery

(1) On making a discovery in the course of relevant infrastructure works, the site supervisor—

(a) must immediately halt all work within 20 m of any part of the material, including (in particular) shutting down all earth-disturbing machinery and earth-moving activities; and

(b) must secure the area of the discovery, along with any additional buffer required to ensure the material is undisturbed (the **discovery site**); and

(c) may continue or resume works outside the discovery site.

(2) As soon as practicable after the discovery the site supervisor must—

(a) if the material is or may be human remains or koiwi, notify the New Zealand police; and

(b) in all cases, notify—

(i) the regional archaeologist at Heritage New Zealand Pouhere Taonga; and

(ii) either—

(A) any relevant iwi authority, group that represents hapū or Māori group with interests that is identified in a plan rule or consent; or

(B) if no such group is identified, a relevant iwi authority, a group that represents hapū, or a Māori group with interest, as directed by the relevant local authority.

(3) If the material is or may be human remains or kōiwi, the site supervisor must ensure that the discovery site remains secure and undisturbed until the New Zealand Police confirm that they have no further interest in the material.

(4) When any person, or a representative of a person, referred to in subclause (2) attends the site to inspect it, the site supervisor must assist the person to locate the material and must comply with any reasonable request relating to the conduct of the inspection.

(5) If a discovery is confirmed, by a qualified archaeologist appointed by Heritage New Zealand Pouhere Taonga, to be archaeological, the person responsible for the infrastructure works must—

(a) commission an archaeological assessment; and

(b) make any notification required under the Protected Objects Act 1975 (if required); and

(c) not allow work at the discovery site to resume—

(i) until an archaeological authority is obtained from Heritage New Zealand Pouhere Taonga, or Heritage New Zealand Pouhere Taonga confirms in writing that an archaeological authority is not required; and

(ii) if the site is of Māori origin and an archaeological authority from Heritage New Zealand Pouhere Taonga is not required, until—

(A) any kōiwi have either been retained where discovered or removed, in accordance with the appropriate tikanga Māori as advised by the iwi authority, group that represents hapū or Māori group with interests notified under subclause (2)(b)(ii); and

(B) revisions to the planned work are made in order to address any adverse effects on Māori cultural values identified by the iwi authority, group that represents hapū or Māori group with interests notified under subclause (2)(b)(ii).

Schedule Infra2
Best practice principles for temporary works in water bodies

r 12.3.5

1 Application to temporary works for infrastructure

The best practice principles in this Part of this schedule apply to temporary works undertaken in water bodies, where the work relates to the construction, operation, maintenance, upgrade, replacement, or removal of infrastructure.

2 Best-practice principles

The best-practice principles for temporary works for infrastructure in water bodies are as follows (the order does not denote hierarchy):

(a) avoid as far as practicable permanent habitat loss:

(b) avoid as far as practicable loss of rare ecosystem types and habitats for threatened, at-risk, taonga and mahinga kai species:

(c) avoid as far as practicable impacts on habitat connectivity, including barriers to fish passage:

(d) avoid as far as practicable impacts on threatened, at-risk, taonga and mahinga kai species:

(e) create safe habitats, especially for threatened, at-risk, taonga and mahinga kai species:

(f) avoid as far as practicable effects on water quality and sediment, including for mahinga kai and mauri:

(g) avoid as far as practicable altering natural hydrology patterns:

(h) avoid as far as practicable the potential for spread and/or establishing pest plants or animals in freshwater habitats (including riparian margins):

(i) avoid as far as practicable impacts on important habitats for the life cycle and ecology of freshwater fauna:

(j) avoid as far as practicable disturbing archaeological sites or wāhi tapu sites, noting that disturbing an archaeological site requires an archaeological authority from Heritage New Zealand Pouhere Taonga Act 2014.

3 Best-practice consent conditions

Timing of works

(1) Where the activity occurs in an ephemeral water body, or where there is the ability to cease flows, works must as far as practicable be undertaken when then there are no visible flows.

(2) In all other instances, the activity must as far as practicable be undertaken outside the wetted bed of the watercourse.

Mitigation

(3) When undertaking works—

(a) ensure that sediment losses to natural water are avoided where practicable, and that silt control measures are in place:

(b) ensure that all machinery operates from the banks of the water body as far as reasonably practicable, only enter the bed of the water body when necessary to carry out required works, and use one corridor for entering and exiting:

(c) as far as practicable, avoid disturbing natural pools.

Fish and other fauna passage

(4) The activity must be undertaken in a manner that provides for the—

(a) passage of fish both upstream and downstream, including past any structure:

(b) free movement of other aquatic life along the stream corridor.

Fish recovery protocol

(5) The activity must be undertaken in accordance with the best practice for fauna relocation and salvage, under the supervision of a suitably qualified ecologist.

Works during spawning seasons

(6) The activity must as far as practicable be undertaken outside of aquatic fauna spawning seasons.

(7) Note: Refer to the National Works in Waterways Hub16 for the spawning seasons for each species.

Erosion and sediment control

(8) Prior to any earthworks beginning, best-practice erosion and sediment controls in line with the construction and environmental management plan, or relevant erosion and sediment control guidelines, must be put in place to avoid sediment loss to the water body.

Biosecurity

(9) All reasonable precautions must be taken to avoid the spread of pest plants and aquatic weeds, including, but not limited to—

(a) water blast all machinery to remove any visible dirt and/or vegetation prior to being brought onsite, to reduce the potential for pest species being introduced to the bed of the water body. Machinery and equipment that has worked in watercourses must, before entering the site, also be cleaned with suitable chemicals or agents to kill Didymosphenia geminate, commonly known as didymo:

(b) avoid working in areas where aquatic weeds are known to be present:

(c) to avoid the spread of the Didymosphenia geminata or any other pest plant, not use machinery in the berm or bed of the river that has been

used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless the machinery has been thoroughly cleansed with a decontamination solution:

(d) remove any vegetation caught on the machinery at the completion of work and before leaving the site:

(e) after finishing the works and before leaving the site, waterblast all machinery, to reduce the potential for pest species being spread from the bed of the water body.

Contamination

(10) All practicable measures must be undertaken to prevent the spill of fuel, hydraulic fluid, or other potential liquid contaminants, including, but not limited to—

(a) no fuel may be stored, or vehicles or machinery refuelled, within 20 m of the water body:

(b) where refuelling cannot be undertaken more than 20 m from the water body, appropriate controls must be put in place to avoid potential spills while refuelling:

(c) fuel, hydraulic fluid and other potential liquid contaminants must be stored securely or are removed from site overnight.

Cement use

(11) All practical measures must be taken to prevent cement and cement products entering flowing water, including but not limited to—

(a) avoiding flowing water coming into contact with the concrete until the concrete is firmly set:

(b) using boxing or other similar devices to contain wet cement during construction of the structure:

(c) if any concrete is spilled beyond the boxing, pouring of concrete must stop immediately and all concrete must be removed from the watercourse:

(d) no equipment used in the pouring of concrete may be washed out onsite.

Rehabilitation

(12) Following the completion of works, the site must be restored as follows:

(a) the banks and riparian margins left in a stable condition and revegetated with preference to native woody vegetation:

(b) all exposed earthworks rehabilitated with native plants:

(c) all rubbish, leftover materials and debris must be removed from the site and disposed of appropriately:

(d) all equipment and signs associated with the works must be removed.

Stream clearance works

(13) Where works are associated with stream clearance or removal of vegetation and alluvium:

(a) ensure that vegetation and alluvium from the bed of the watercourse is removed by progressively moving in one direction:

(b) limit the distance of continuous clearance to the extent practicable:

(c) maintain a distance proportionate to 30 per cent of any continuous length of clearance in flowing water, to provide refuge and recovery habitat for aquatic ecosystems:

(d) ensure there is no significant change to the cross-sectional area of the streambed.

Schedule Infra3— Noise level design specifications

r 12.4.20

1 Table 1: Indoor design noise levels

Indoor design noise levels resulting from the road or railway not exceeding maximum values:

Occupancy/activity	Maximum road noise level $L_{Aeq(24h)}$	Maximum railway noise level $L_{Aeq(1h)}$
Building type: Residential		
Sleeping spaces	40 dB	35 dB
All other habitable rooms	40 dB	40 dB
Building type: Education		
Lecture rooms/theatres, music studios, assembly halls	35 dB	35 dB
Teaching areas, conference rooms, drama studios, sleeping areas	40 dB	40 dB
Libraries	45 dB	45 dB
Building type: Health		
Overnight medical care, wards	40 dB	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB	45 dB
Building type: Cultural		
Places of worship, marae	35 dB	35 dB

2 Design assumptions for table 1

If a building is designed and constructed to meet the noise levels in table 1, the design must be based on the following assumptions:

(a) railway noise is assumed to be 70 LAeq(1h) at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; and

(b) road noise is based on measured or predicted noise levels plus 3 dB.

3 Table 2: Construction schedule

The following are the minimum requirements necessary to achieve an external sound insulation level of DnT,w + Ctr > 30 dB.

Building element	Minimum construction requirement	
External walls of habitable rooms	Stud walls: exterior cladding	20 mm timber or 9 mm compressed fibre cement sheet over timber frame (100 mm x 50 mm)*
	Cavity infill	Fibrous acoustic blanket (batts or similar of a minimum mass of

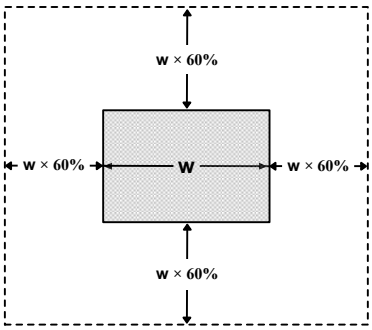
Building element	Minimum construction requirement	
		9 kg/m^3) required in cavity for all exterior walls. Minimum 90 mm wall cavity
	Interior lining	One layer of 12 mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25 kg/m^2 (eg, brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard
	Combined superficial density	Minimum not less than 25 kg/m^2 being the combined density: mass of external and internal linings excluding structural elements (eg, window frames or wall studs) with no less than 10 kg/m^2 on each side of structural elements
	Mass walls	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall
Glazed areas of habitable rooms	Glazed areas up to 10% of floor area	6 mm glazing single float
	Glazed areas between 10% and 35% of floor area	6 mm laminated glazing
	Glazed areas greater than 35% of floor area	Require a specialist acoustic report to show conformance with the insulation rule
	Frames to be aluminium window frames with compression seals	
Skillion roof	Cladding	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15 mm thick ply, or concrete or clay tiles
	Sarking	17 mm plywood (no gaps)
	Frame	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m^3)
	Ceiling	Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m^3)
	Combined superficial density	Combined mass of cladding and lining of not less than 25 kg/m^2 with no less than 10 kg/m^2 on each side of structural elements
Pitched roof (all roofs other than skillion roofs)	Cladding	0.5 mm profiled steel or tiles, or membrane over 15 mm thick ply
	Frame	Timber truss with 100 mm fibrous acoustic blanket (batts or similar of a

Building element	Minimum construction requirement	
		minimum mass of 9 kg/m³) required for all ceilings
	Ceiling	12 mm gypsum plaster board
	Combined superficial density	Combined mass with cladding and lining of not less than 25 kg/m^2
Floor areas open to outside	Cladding	Under-floor areas of non-concrete slab type floors to outside exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply
	Combined superficial density	Floors to attain a combined mass not less than 25kg/m^2 for the floor layer and any external cladding (excluding floor joists or bearers)
External door to habitable rooms	Solid core door (min 25 kg/m^2) with compression seals (where the door is exposed to exterior noise)	

Schedule Infra4
Envelopes for activities relating to towers

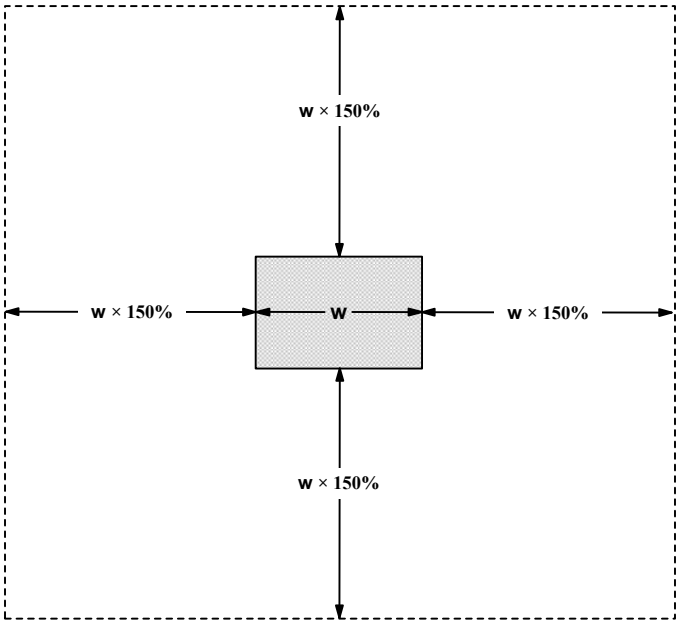
r 13.4.2

Envelope for permitted activities



where—
w is the base width
the inner rectangle is the base footprint
the outer rectangle (dashed) is the envelope for permitted activities.

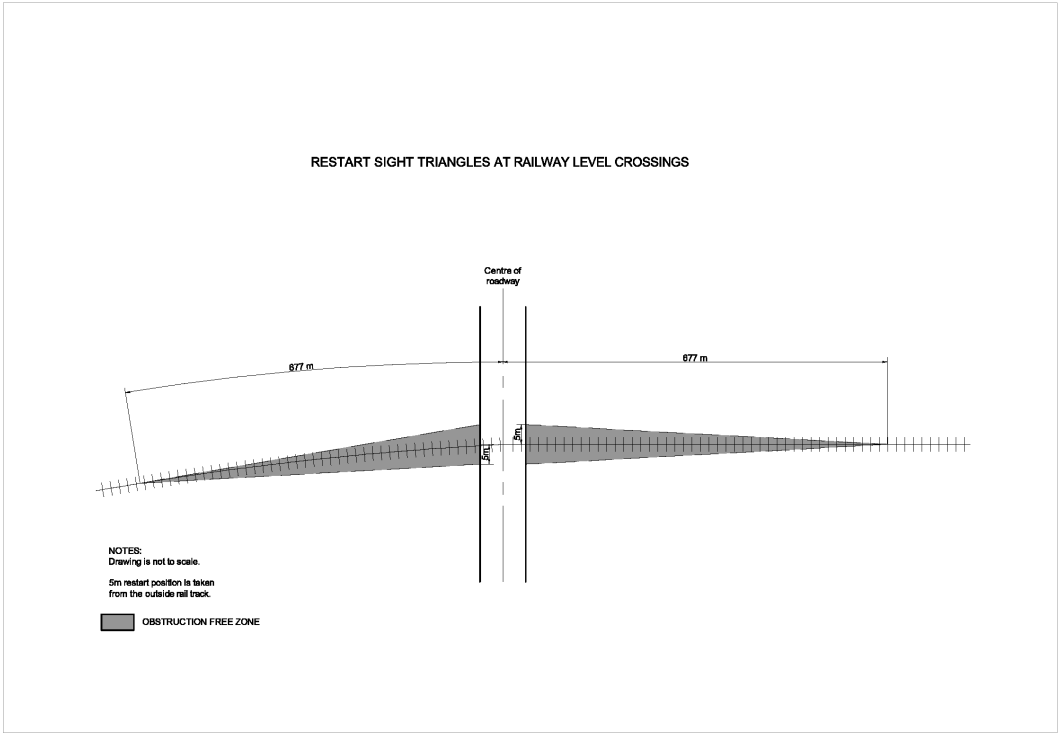
Envelope for anticipated activities

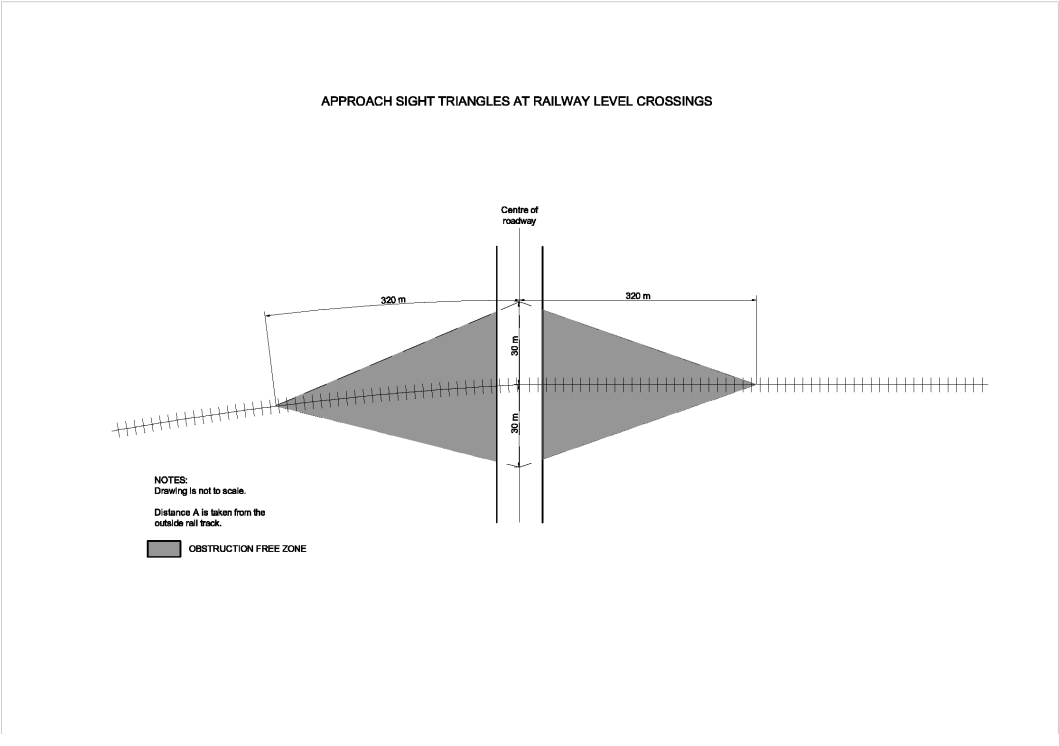


where—
w is the base width
the inner rectangle is the base footprint
the outer rectangle (dashed) is the envelope for anticipated activities.

Schedule Infra5
Level crossing sight triangles

r 12.4.18





Schedule PS1
Definitions for terms used in regional spatial strategies and plans

r 14.1.4

1 Terms with definitions given elsewhere in national planning framework

The following terms have the meanings given in the relevant regulation of this national planning framework:

- Biosecurity activities (2.5.2):
- Blasting (13.4.2):
- Building footprint (11.3.2):
- CO_2 reduction plan (10.3.4):
- Habitable room (1.1.2):
- Heat device (10.3.4):
- Industrial process heat (10.3.4):
- LAFmax (13.5.16):
- Medium density standards, or MDRS (11.3.2):
- Natural hazard response works (2.5.2):
- Net site area (11.3.2):
- Outdoor living space (11.3.2):
- Residential unit (11.3.2):
- Restoration, in relation to a natural inland wetland (2.5.2):
- River effects management framework (2.3.1):
- Specified (NIW) infrastructure (2.5.2):
- Values, in relation to a river (2.3.1):
- Wetland effects management framework (2.5.2):
- Wetland maintenance (2.5.2):
- Wetland restoration, maintenance, or biosecurity (2.5.2).

2 Definitions of terms not defined elsewhere in national planning framework

If the following terms are used in a regional spatial strategy or plan, the terms have the following meanings:

community corrections activity means the use of land and buildings for non-custodial services for safety, welfare, and community purposes, including—

(a) probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and administration; and

(b) as a meeting point for community works groups

education facility means land or buildings used for teaching or training by child-care services, schools, or tertiary education services; and includes ancillary activities

gross floor area means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells, or stairwells), measured as follows:

(a) where there are exterior walls, from the exterior faces of those exterior walls:

(b) where there are walls separating two buildings, from the centre lines of the walls separating the two buildings:

(c) where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor

defence purpose means any purpose for which a defence force may be raised and maintained under section 5 of the Defence Act 1990

home business means a commercial activity that is—

(a) undertaken or operated by at least one resident of the site; and

(b) incidental to the use of the site for a residential activity

intensive indoor primary production means primary production activities that principally occur within buildings and involve—

(a) growing fungi; or

(b) keeping or rearing livestock (other than calf-rearing for a specified time period) or poultry

Ldn has the meaning given in the "Day night level, or day-night average sound level" in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound

net floor area means the sum of any gross floor area, and—

(a) includes—

  (i) both freehold and leased areas; and

  (ii) any stock storage or preparation areas; but

(b) does not include any of the following:

  (i) void areas such as liftwells and stair wells, including landing areas:

  (ii) shared corridors and mall common spaces:

  (iii) entrances, lobbies, and plant areas within a building:

  (iv) open or roofed outdoor areas, and external balconies, decks, porches, and terraces:

  (v) off street loading areas:

  (vi) building service rooms:

(vii) parking areas and basement areas used for parking, manoeuvring, or access:

(viii) non-habitable floor spaces in rooftop structures

noise rating level means a derived noise level used for comparison with a noise limit

official sign means any sign required or provided for under any statute or regulation, or are otherwise related to aspects of public safety

retirement village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people, and may include any of the following provided for residents within the complex:

(a) recreation and leisure facilities:

(b) supported residential care:

(c) welfare and medical facilities (including hospital care):

(d) non-residential activities

rural industry means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on, primary production

sign means any device, character, graphic or electronic display, whether temporary or permanent, that—

(a) is for any of the following purposes:

(i) identification or provision of information about any activity, property, structure, or aspect of public safety:

(ii) providing directions:

(iii) promoting goods, services, or events; and

(b) is projected onto, or fixed or attached to, any structure or natural object; and

(c) includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice

special audible characteristic has the meaning given in section 6.3 of New Zealand Standard 6802:2008 Acoustics – Environmental Noise

temporary military training activity means a temporary activity undertaken for the training of any component of the New Zealand Defence Force and any allied forces for any defence purpose.

Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

These regulation are the transitional national planning framework required by clause 34 of Schedule 5 of the Natural and Built Environment Act 2023 (**Schedule 5**). They carry over the policy of national directions in Resource Management Act 1991 (as defined in clause 37(2) of Schedule 5) to the extent that they are compatible with the Act, provide direction for the development of regional strategies, and include other material permitted or required by the Act. Each Part, other than Part 1, includes at least 1 framework outcome relating to that Part, and most Parts include some direction about what is required in regional spatial strategies. Environmental limits and targets are given for freshwater, the coastal environment, soil, and indigenous biodiversity. Parts 12 and 13 contain new content, mainly framework rules, about infrastructure.

Part 1—Overarching matters

Part 1 contains preliminary provisions and general directions that apply to the whole national planning framework.

The associated schedules are—

Schedule 1—Index of terms defined in definition regulations

Schedule E1—Exemptions under section 115 of Act

Part 2—Freshwater

Part 2 carries over the policy from the following national directions:

- National Policy Statement for Freshwater Management 2020:
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020:
- Resource Management (Stock Exclusion) Regulations 2020:
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

The associated schedules are—

Schedule FW1—Freshwater values

Schedule FW2—Attributes for freshwater values

Schedule FW3—National target for primary contact

Schedule FW4—Exceptions to regulation 2.2.16

Schedule FW5—Principles for aquatic offsetting

Schedule FW6—Principles for aquatic compensation

Schedule FW7—Detailed information on instream structures

Schedule FW8—Restoration plans for natural inland wetlands

Schedule FW9—Sphagnum moss harvesting plans

Schedule FW10—Form for assessing natural inland wetlands after harvest of sphagnum moss

Part 3—Coastal environment

Part 3 carries over the policy from the following national directions:

- New Zealand Coastal Policy Statement 2010:
- Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020.

The associated schedules are—

Schedule CE1—Environmental limits: estuaries

Schedule CE2—Offshore marine farms

Schedule CE3—Aquaculture: definitions of harbours and other areas

Schedule CE4—Aquaculture activities: tangata whenua on draft application

Part 4—Land and soil

Part 4 carries over the policy from the following national directions:

- National Policy Statement on Highly Productive Land 2021:
- Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021:
- Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

The associated schedule is—

Schedule LS1—Environmental limits: soil

Part 5—Air

Part 5 carries over the policy from the following national direction:

- Resource Management (National Environmental Standards for Air Quality) Regulations 2004

Part 6—Indigenous biodiversity

Part 6 carries over the policy from the following national direction:

- National Policy Statement for Indigenous Biodiversity 2023:

The associated schedules are—

Schedule IB1—Environmental limits: indigenous biodiversity

Schedule IB2—Significant biodiversity area (SBA) criteria

Schedule IB3—Specified highly mobile fauna

Schedule IB4—Regional biodiversity strategies

Part 7—Outstanding natural features and outstanding natural landscaped

Part 7 contains new directions.

Part 8—Cultural heritage

Part 8 contains new directions.

Part 9—Natural hazards

Part 9 contains new directions.

Part 10—Greenhouse gasses

Part 10 carries over the policy from the following national direction and contains new directions:

- National Policy Statement on Greenhouse Gas Emissions Industrial Process Heat 2023:
- Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023.

Part 11—Urban development

Part 11 carries over the policy from the following national directions, as well as providing new direction on urban trees and green spaces:

- National Policy Statement on Urban Development 2020:
- The medium-density residential standards set out in Schedule 3A of the Resource Management Act 1991.

The associated schedules are—

Schedule UD1—Tier 1 and tier 2 urban environments and local authorities

Schedule UD2—Medium density residential standards

Part 12—Infrastructure

Part 12 sets out new content, in the form of framework rules, for infrastructure generally.

The associated schedules are—

Schedule Infra1—Accidental discovery protocol

Schedule Infra2—Best-practice principles for temporary works for infrastructure in water bodies

Schedule Infra3—Noise level design specifications

Part 13—Network utility rules

Part 13 carries over the policy from the following national directions, and contains new framework rules relating to the infrastructure of network utility operators:

- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009:

- Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

The associated schedules are—

Schedule Infra4—Envelopes for activities relating to towers

Schedule Infra5—Level crossing sight triangles

Part 14—Form of regional spatial strategies and plans

Part 14 provides direction on the form and content of regional spatial strategies.

The associated schedule is—

Schedule PS1—Definitions for terms used in regional spatial strategies and plans

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*:
These regulations are administered by the Ministry for the Environment.