

Excerpts from legislation, regulations and planning documents to assist reading of Section 87 Report by Hannah Goslin For Otago Regional Council

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The Regional Plan: Water for Otago (RPW)
Chapter 5 – Natural and Human Use Values of Lakes and Rivers
<p>5.3 Objectives</p> <p>5.3.1 To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago’s lakes and rivers.</p> <p>Explanation Otago’s lakes and rivers contain significant natural and human use values, which vary throughout the region. These are identified for specific lakes and rivers, or groups of such water bodies, in Schedules 1A, 1B and 1C of this Plan. These schedules are not exhaustive, but reflect the level of knowledge of individual water bodies during the Plan-making process and may be amended through a Plan Change. This objective not only seeks to avoid the loss or degradation of the specified values but also provides for their enhancement.</p> <p>Principal reasons for adopting This objective is adopted to ensure that water use and land use activities are managed so that the natural and human use values supported by Otago’s lakes and rivers can continue to exist. These values are significant due to the opportunity for enjoyment or appreciation by the region’s people and communities, and their own intrinsic value.</p> <p><i>Policies: 5.4.1, 5.4.2, 5.4.5, 5.4.8, 5.4.9, 5.4.11, 5.4.12, 5.4.13, 8.5.1</i></p> <p>5.3.2 To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago’s lakes and rivers.</p> <p>Explanation Chapter 4 of this Plan identifies the issues of concern to Kai Tahu. The issues reflect the strong relationship Kai Tahu have with Otago’s lakes and rivers through their spiritual and cultural beliefs, values and uses associated with water. These beliefs, values and uses are identified for specific lakes and rivers in Schedule 1D of this Plan. This objective seeks to avoid their loss or degradation and, where possible, enhance them. These schedules are not exhaustive, but reflect the level of knowledge of individual water bodies during the Plan-making process and may be amended through a Plan Change.</p> <p>Principal reasons for adopting This objective is adopted to protect the relationship Kai Tahu have with Otago’s water resources. It is intended to ensure that Kai Tahu spiritual and cultural beliefs, values and uses associated with water can continue. The importance of this</p>

provision is recognised by Section 6(e) of the Resource Management Act and the Regional Policy Statement for Otago.

Policies: 5.4.1, 5.4.2, 5.4.4, 5.4.6; Policies in Chapters 6 to 10

5.3.3 To protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development.

Explanation

The natural character of Otago's lakes and rivers and their margins is made up of a range of physical, ecological and cultural qualities. These relate to the lake's or river's topography, including the setting and bed form, natural flow and level characteristics, ecology, and the extent of development within the catchment. The degree of natural character and what is considered to be inappropriate subdivision, use and development, will vary from place to place.

Principal reasons for adopting

This objective is adopted to ensure that the effects of activities that use land or water do not reduce the natural character of lakes and rivers and their margins. Otago's people and communities value this natural character and its protection is a matter of national importance under Section 6(a) of the Resource Management Act.

Policies: 5.4.2, 5.4.5, 5.4.8, 5.4.11 to 5.4.13

5.3.4 To maintain or enhance the amenity values associated with Otago's lakes and rivers and their margins.

Explanation

The amenity values associated with Otago's lakes and rivers and their margins are the natural and physical qualities and characteristics that contribute to people's appreciation and enjoyment of the water body. This appreciation and enjoyment relates to the pleasantness, aesthetic coherence and cultural and recreational attributes of a lake or river. The ability to appreciate amenity values may be facilitated by physical development such as structures and through access provisions.

Principal reasons for adopting

This objective is adopted to ensure that activities that use land or water do not remove or reduce opportunities for the enjoyment or appreciation of Otago's lakes and rivers, and where appropriate to provide for the enhancement of amenity values. This reflects the importance of amenity values to the region's people and communities.

Policies: 5.4.2, 5.4.5, 5.4.9, 5.4.11 to 5.4.13

5.3.5 To maintain or enhance public access to and along the margins of Otago's lakes and rivers.

Explanation

Public access to and along the margins of lakes or rivers provides the opportunity for recreational use and aesthetic appreciation of Otago's water bodies. This public access may be gained through legal access provisions or through informal arrangements. Existing public access shall be maintained or enhanced, subject to consideration of the effect on public access, and the agreement of landholders. There may be situations where it is necessary to restrict access as defined in Policy 6.5.10 of the Regional Policy Statement.

Principal reasons for adopting

This objective is adopted to provide for the management of water, and bed or margin activities consistent with Section 6(d) of the Resource Management Act and the Regional Policy Statement for Otago, which seek to maintain or enhance public access.

Policies: 5.4.6, 5.4.7, 5.4.13

5.3.6 To provide for the sustainable use and development of Otago's water bodies, and the beds and margins of Otago's lakes and rivers.

Explanation

The primary function of the Plan is to provide for the sustainable use, development, and protection of water bodies and the beds and margins of lakes and rivers. This objective recognises that traditionally people have made extensive use of Otago's water resources and the ability to continue to sustainably use these resources is important.

Principal reasons for adopting

This objective is adopted to ensure continued access to Otago's water and associated resources for a range of existing and new uses. This recognises the need for Otago's people and communities to provide for their economic, social and cultural well being including existing use rights.

Policies: 5.4.3, 5.4.11 to 5.4.13

5.3.8 To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago's lakes and rivers.

Explanation

People and communities rely on existing standards of protection from natural hazards, such as flooding, to be maintained or enhanced. Any activity that results in a hazard such as flooding, erosion, land instability or sedimentation, or in property damage could adversely affect the health, safety and well being of people

and communities. In controlling activities that could affect the behaviour of a hazard associated with lakes or rivers, it is important to prevent the exacerbation of the effects from a hazard or the creation of a hazard, on Otago's people, communities, and infrastructure, and natural and human use values.

Principal reasons for adopting

This objective is adopted to ensure that the use or development of water or water body resources does not result in new hazards, or in natural hazards leading to greater adverse effects.

Policies: 5.4.2, 5.4.13

5.4 Policies identifying and protecting natural and human use values of lakes and rivers

5.4.2 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating:

- (1) Adverse effects on:
 - (a) Natural values identified in Schedule 1A;
 - (b) Water supply values identified in Schedule 1B;
 - (c) Registered historic places identified in Schedule 1C, or archaeological sites in, on, under or over the bed or margin of a lake or river;
 - (d) Spiritual and cultural beliefs, values and uses of significance to Kai Tahu identified in Schedule 1D;
 - (e) The natural character of any lake or river, or its margins;
 - (f) Amenity values supported by any water body; and
- (2) Causing or exacerbating flooding, erosion, land instability, sedimentation or property damage.

Explanation

The natural and human use values of Otago's lakes and rivers can be adversely affected by the following activities:

- (a) Taking, damming and diversion of surface water;
- (b) Taking of groundwater where there is a close connection to surface water;
- (c) Discharges to water, and to land in circumstances which may result in a contaminant entering water;
- (d) Activities in, on, under or over the bed or margins of lakes or rivers.

Some activities can cause or exacerbate hazards and lessen the ability of people and communities to prevent, or protect themselves from the hazard.

When considering these activities, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them, on the identified values of Otago's lakes and rivers. The opportunity to do so will arise when preparing or reviewing plans under the Resource Management Act and when considering

applications for resource consents. The avoidance of adverse effects on the identified values will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied or mitigated. In the case of diversion, reclamation or damming, appropriate compensation may be required as provided for by Policies 6.5.6 and 8.4.2.

With respect to heritage values covered by this policy, archaeological sites are protected under Section 10 of the Historic Places Act from being destroyed, damaged, or modified.

Principal reasons for adopting

This policy is adopted to ensure that the natural and human use values of Otago's lakes and rivers are maintained or enhanced. It is important to retain these values due to their significance to the region's communities, including Kai Tahu, and their intrinsic value. Activities that can affect water, lakes and rivers need to be managed so that any adverse effects on the values identified in this Plan are avoided, and where adverse effects are unavoidable they shall be remedied, mitigated or, in the case of diversion, reclamation or damming, appropriately compensated for. Similarly, some activities require management to ensure that the health and safety of Otago's people and communities, and natural values are not adversely affected through causing or exacerbating a hazard.

Rules: 12.1.3.1, 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.4.1, 15.2.4.2, 15.2.5.1, 15.2.6.1 to 15.2.6.3, 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.2.9.1, 15.3.2.1, 15.3.3.1, 15.3.3.2, 15.3.4.1, 15.4.2.1, 15.4.2.2, 15.5.1.1, 15.9.1.1 to 15.9.1.4

5.4.2A The loss of river extent and values is avoided, unless the council is satisfied:

- (a)** That there is a functional need for the activity in that location; and
- (b)** The effects of the activity are managed by applying the effects management hierarchy.

Advice note: Refer to clause 3.21 of the National Policy Statement for Freshwater Management 2020 for definitions on "loss of value", "functional need" and "effects management hierarchy".

5.4.3 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding adverse effects on:

- (a) Existing lawful uses; and
- (b) Existing lawful priorities for the use, of lakes and rivers and their margins

Explanation

The existing lawful uses of Otago's lakes and rivers and their margins can be adversely affected by the following activities:

- (a) Taking, damming and diversion of surface water;
- (b) Taking of groundwater (where there is a close connection to surface water);
- (c) Discharges to water, and to land in circumstances which may result in a contaminant entering water; and
- (d) Activities in, on, under or over the bed or margins of lakes or rivers.

When considering these activities, regard must be had to avoiding adverse effects on existing lawful uses of Otago's lakes and rivers and their margins. The avoidance of adverse effects on existing lawful uses will be sought in the first instance. Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, be subject to conditions requiring the adverse effects be remedied or mitigated.

Recognition will also be given to the existence of existing lawful priorities for the use of water.

This policy is intended to provide a measure of protection for existing lawful use rights regarding lakes and rivers and their margins, that may be affected by any other activity under consideration. It is not intended to mean that each existing lawful use right is to be preserved unchanged, but recognises that lawfully established uses should have a reasonable expectation to continue, without being affected by new activities. The review, renewal or replacement of any existing lawful use right will be subject to the requirements of this policy, Policy 5.4.2 and other relevant objectives and policies in this Plan.

Principal reasons for adopting

This policy is adopted to ensure that existing lawful uses of Otago's lakes and rivers and their margins are recognised and that a reasonable level of ongoing security is provided. Activities that can affect the lawful uses of lakes and rivers and their margins need to be managed so that any adverse effects are avoided in preference to remedied or mitigated.

Rules: 12.1.4.2 to 12.1.5.1, 12.2.3.1A to 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.2.9.1, 15.3.1.1, 15.4.2.1, 15.4.2.2, 15.5.1.1, 15.6.1.1, 15.7.1.1, 15.8.1.1, 15.9.1.1, 15.9.1.3, 15.9.1.4

5.4.4 To recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing.

Explanation

In terms of processes under the Resource Management Act, with respect to the use of water, this policy intends that Kai Tahu will be treated as an affected party regarding non-notified consents, and be notified of any notified resource consent application. This will allow Kai Tahu to assess the implications of each resource consent application on their spiritual and cultural beliefs, values and uses. Kai Tahu's beliefs, values and uses, as they relate to lakes and rivers, are identified in Schedule 1D of this Plan.

Rules: All rules except prohibited activity rules and permitted activity rules

Other methods: 15.2.8.3, 15.2.9.1, 15.9.1.1 to 15.9.1.4

5.4.5 To recognise the Water Conservation (Kawarau) Order 1997 by:

- (a) Preserving, as far as possible, the waters set out in Schedule 1 of the Water Conservation Order in their natural state;
- (b) Protecting the outstanding characteristics of waters set out in Schedule 2 of the Water Conservation Order; and
- (c) Sustaining the outstanding amenity and intrinsic values set out in Schedules 1 and 2 of the Water Conservation Order.

Explanation

The Water Conservation (Kawarau) Order 1997 restricts or prohibits the Otago Regional Council's functions and powers under Section 30(1)(e) and (f) (as they relate to water) to:

- (a) Retain, as far as possible, in their natural state, water bodies preserved by the Order; and
- (b) Sustain and protect the outstanding characteristics of the identified water bodies.

The values identified within the Order are included in Schedule 1A of this Plan.

Principal reasons for adopting

This policy is adopted to give effect to the Water Conservation (Kawarau) Order 1997.

Rules: 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.1.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.5.1, 15.2.6.1 to 15.2.6.3, 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.4.2.1, 15.4.2.2

5.4.5A To recognise the Water Conservation (Mataura River) Order 1997 by ensuring that the grant or exercise of any water permit or discharge permit,

in respect of any parts of the protected waters that lie within Otago, does not contravene the provisions of the Order.

Explanation

The Water Conservation (Mataura River) Order 1997 restricts or prohibits the Otago Regional Council's functions and powers under Section 30(1)(e) and (f) (as they relate to water) to prevent:

- (a) The reduction of the rate of flow below the minimum rate of flow specified in the Order; and
- (b) The damming of protected waters, which includes the Mokoreta River and each of its tributaries, if the dam would harm salmonid fish spawning or prevent the passage of salmonid fish; and
- (c) The discharge into the protected waters if the effect of the discharge would be to breach the provisions and standards of the Order. Values of the Mokoreta River, the upper reaches of which lie in Otago, are included in Schedule 1A of this Plan.

Principal reasons for adopting

This policy is adopted to give effect to the Water Conservation (Mataura River) Order 1997.

5.4.6 Legal public access to and along the margins of lakes and rivers will only be restricted where necessary:

- (a) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- (b) To protect Kai Tahu spiritual and cultural beliefs, values and uses;
- (c) To protect the health or safety of people and communities;
- (d) To ensure a level of security consistent with the purposes of a resource consent; or
- (e) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Explanation

This policy recognises that it may be necessary to restrict legal public access in certain circumstances. Legal public access provision includes legal roads, marginal strips, esplanade reserves, esplanade strips, access strips and Walkways. Existing legal public access should not be restricted unless the circumstances are exceptional and can be justified when measured against the maintenance and enhancement of public access as a matter of national importance. Exceptional circumstances may include protecting heritage values including historic places and archaeological sites.

Landholders have the right to restrict access on and across their land. Access across land is often available where the landholder has been consulted and grants permission.

Principal reasons for adopting

This policy is adopted to ensure that existing legal public access is maintained or enhanced. It also recognises that it may be necessary to restrict public access to protect values supported by the water body, to protect public health or safety or to ensure a level of security consistent with the purpose of a resource consent. The policy implements Policy 6.5.10 of the Regional Policy Statement for Otago.

Rules: 12.3.3.1, 12.3.4.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.7.1, 15.2.8.1, 15.4.1.1, 15.4.2.1

5.4.8 To have particular regard to the following features of lakes and rivers, and their margins, when considering adverse effects on their natural character:

- (a) The topography, including the setting and bed form of the lake or river;
- (b) The natural flow characteristics of the river;
- (c) The natural water level of the lake and its fluctuation;
- (d) The natural water colour and clarity in the lake or river;
- (e) The ecology of the lake or river and its margins; and
- (f) The extent of use or development within the catchment, including the extent to which that use and development has influenced matters (a) to (e) above.

Explanation

The features of lakes and rivers which can contribute to their natural character are identified above. Policy 5.4.2 gives priority to avoiding adverse effects on natural character, in accordance with Section 6(a) of the Resource Management Act. Therefore, these features will need to be taken into account when preparing plans under the Act, and when considering applications for resource consents. Lakes and rivers with a high degree of natural character can be more significantly affected by activities than those which have already been substantially modified.

Principal reasons for adopting

This policy is adopted to ensure that features contributing to the natural character of Otago's lakes and rivers are recognised. In this way, the natural character of Otago's lakes and rivers and their margins, which is enjoyed and appreciated by Otago's people and communities, can be protected from inappropriate subdivision, use and development.

Rules: 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.B.3.1, 12.A.2.1, 12.B.2.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.6.1.1, 15.9.1.1 to 15.9.1.4

5.4.9 To have particular regard to the following qualities or characteristics of lakes and rivers, and their margins, when considering adverse effects on amenity values:

- (a) Aesthetic values associated with the lake or river; and

(b) Recreational opportunities provided by the lake or river, or its margins.

Explanation

The qualities and characteristics of lakes and rivers which can contribute to amenity values and their appreciation are identified above. These reflect the existing character of these water bodies, as may have been modified by resource use and development. It is also recognised that the nature of amenity values can change over time. The recreational opportunities provided by Otago's lakes and rivers and their margins can include angling for sports fish, hunting game birds and a range of other active and passive recreation.

Policy 5.4.2 gives priority to avoiding adverse effects on amenity values. Therefore these qualities and characteristics will need to be taken into account when preparing plans under the Resource Management Act and when considering applications for resource consents.

Principal reasons for adopting

This policy is adopted to ensure those elements that contribute to the amenity values of Otago's lakes and rivers and their margins are recognised. In this way, these values, which are enjoyed and appreciated by Otago's people and communities, can be protected from inappropriate use and development.

Rules: 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.4.1.1, 15.6.1.1, 15.9.1.1, 15.9.1.2

Chapter 7 – Water Quality

7.A Objectives

7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.

7.A.2 To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.

7.A.3 To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

7.B Policies general

7.B.2 Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them.

7.B.3 Allow discharges of water or contaminants to Otago lakes, rivers, wetlands and groundwater that have minor effects or that are short-term discharges with short-term adverse effects.

7.B.6 When assessing any consent to discharge contaminants to water, consider the need for and the extent of any zone for physical mixing, within which water will not meet the characteristics and limits described in Schedule 15, by taking account of:

- (a) The sensitivity of the receiving environment; and
- (b) The natural and human use values, including Kāi Tahu values; and
- (c) The natural character of the water body; and
- (d) The amenity values supported by the water body; and
- (e) The physical processes acting on the area of discharge; and
- (f) The particular discharge, including contaminant type, concentration and volume; and
- (g) The provision of cost-effective community infrastructure; and
- (h) Good Quality Water as described in Schedule 15.

7.C Policies for discharges of human sewage, hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams

7.C.1 When considering applications for resource consents to discharge contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

Explanation

There is the opportunity, particularly with new resource consents for existing discharges, to achieve an enhancement in water quality. This can occur when the consent holder re-examines the discharge activity and makes use of technological advances in the reduction, reuse, recycling, or treatment of contaminants. The Otago Regional Council will have regard to these opportunities when considering resource consents to discharge contaminants to water.

This policy applies to any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

Principal reasons for adopting

This policy is adopted to ensure that opportunities are taken to achieve improved water quality in Otago's lakes and rivers. The policy reflects the importance of enhancing water quality to the region's people and communities.

Rules: 12.A.2.1, 12.B.2.1, 12.B.3.1.

7.C.2 When considering applications for resource consents to discharge contaminants to water, or onto or into land in circumstances which may result in any contaminant entering water, to have regard to:

- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;
- (b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and
- (c) The current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied.

Explanation

When considering the avoidance, remedy or mitigation of the adverse effects of the discharge of contaminants to land or water under a resource consent, the Otago Regional Council will consider matters identified in (a) to (c) in the policy. This ensures the recognition of any financial or technical constraint upon the adoption of alternative treatment or discharge methods, given the sensitivity of the receiving environment to the discharge.

Principal reasons for adopting

This policy is adopted to ensure that consideration is given to appropriate means for avoiding, remedying or mitigating the adverse effects of contaminants on water or land, to enable the most environmentally sound means to be adopted.

Rules: 12.A.2.1, 12.B.2.1, 12.B.3.1.

7.C.3 When considering any resource consent to discharge a contaminant to water, to have regard to any relevant standards and guidelines in imposing conditions on the discharge consent.

Explanation

The primary concern for the Otago Regional Council, in considering resource consents, is protecting the natural and human use values supported by water bodies. Guidelines applicable to Otago may assist in this task in terms of the development of resource consent conditions controlling the effects of any particular contaminant in the receiving waters.

This Plan does not set generic numerical standards for particular contaminants. Instead the Plan identifies specific natural and human use values and, prior to granting a discharge consent, Council must be satisfied that those values will not be compromised. Guidelines will be used when applicable to the type of discharge and the nature of the receiving environment. These will be considered on a case by case basis.

Principal reasons for adopting This policy is adopted to signal that standards and guidelines will be used as appropriate in imposing conditions on discharge consents in order to achieve the Plan's objectives. The application of standards will provide certainty to the person proposing to undertake the discharge as to the requirements for avoiding, remedying or mitigating adverse effects on the natural and human use values supported by the receiving water body.

Rules: 12.A.2.1, 12.B.2.1, 12.B.3.1.

7.C.4 The duration of any new resource consent for an existing discharge of contaminants will take account of the anticipated adverse effects of the discharge on any natural and human use value supported by an affected water body, and:

- (a) Will be up to 35 years where the discharge will meet the water quality standard required to support that value for the duration of the resource consent;
- (b) Will be no more than 15 years where the discharge does not meet the water quality standard required to support that value but will progressively meet that standard within the duration of the resource consent;
- (c) Will be no more than 5 years where the discharge does not meet the water quality standard required to support that value; and
- (d) No resource consent, subsequent to one issued under (c), will be issued if the discharge still does not meet the water quality standard required to support that value.

Explanation

Resource consents to discharge contaminants may be issued for up to 35 years under the Resource Management Act. The duration of new resource consents for existing discharges under this Plan will be set having regard to the effect of the discharge on the natural and human use values supported by any affected water body, in accordance with (a) to (d) of this policy.

The maximum duration of any resource consent will be 35 years. Where the discharge is adversely affecting any natural and human use value that the water body supports, the duration will be less. This encourages the resource consent holder to investigate alternatives, that will improve the discharge, in order to meet the standards required to support the natural and human use value.

In recognition of financial and technical constraints on those proposing to undertake the discharge, a short duration resource consent, which does not exceed 5 years, may be granted in accordance with (c), in which time they must comply with the relevant water quality standards. Discharges that do not comply by the time the resource consent has expired will not be granted a further resource consent for the discharge. Another option is to make a commitment to meet the water quality standard required to support the affected value progressively within

the duration of the resource consent. The duration of such resource consents would not exceed 15 years, in accordance with (b).

Principal reasons for adopting This policy is adopted to give guidance for determining the appropriate duration of any resource consent to continue discharging contaminants. It will enable proper consideration of changes over time in the receiving environment, and to encourage, within technical and financial constraints, a reduction in the adverse effects of point source discharges on Otago's water bodies. This will assist in achieving the maintenance or enhancement of existing water quality.

Rules: 12.A.2.1, 12.B.2.1, 12.B.3.1

7.C.5 Avoid significant adverse environmental effects and minimise other adverse effects on water bodies, with respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, by requiring:

- (a) The separation of sewage and stormwater; and
- (b) Measures to prevent contamination of the receiving environment by industrial or trade waste; and
- (c) The use of appropriate techniques to trap debris, sediments and nutrients present in runoff; and
- (d) Consideration of appropriate measures to reduce and/or attenuate stormwater being discharged from rain events; and
- (e)** Consideration of appropriate measures for discharging to land, in preference to discharging directly to water, to address adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses.

Explanation

In terms of the Plan's rules for permitted and discretionary activities for new discharges, or extensions to the catchment area of existing discharges from reticulated stormwater systems, the requirements of (a) to (c) will apply, as required.

Principal reasons for adopting

This policy is adopted to reduce the potential for adverse effects arising from contaminants present in new stormwater discharges. This is intended to mitigate the impact on the water quality of receiving water bodies in urbanised areas or other areas served by a stormwater reticulation system.

Rules: 12.B.3.1

Other methods: 15.2.5.1, 15.4.2.1, 15.4.2.2.

7.C.6 Reduce the adverse environmental effects from existing stormwater reticulation systems by:

- (a) Requiring the implementation of appropriate measures to progressively reduce sewage entering the stormwater reticulation system; and
- (b) Requiring consideration of appropriate measures to progressively improve the quality of water discharged from existing stormwater reticulation systems, including:
 - (i) Measures to prevent contamination of the receiving environment by industrial or trade waste; and
 - (ii) The use of techniques to trap debris, sediments and nutrients present in runoff; and
 - (iii) Measures to reduce and/or attenuate stormwater being discharged from rain events; and
 - (iv) Measures for discharging to land, in preference to discharging directly to water, to address adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses.

Explanation

The Otago Regional Council will require the operator of any existing stormwater reticulation system to improve the quality of stormwater discharged from the system.

Priority will be given to improving discharges to those water bodies where natural and human use values are adversely affected. Such measures may not be necessary where an existing discharge is having no more than a minor adverse effect on any natural or human use value supported by an affected water body.

Principal reasons for adopting

This policy is adopted to reduce adverse effects arising from the level of contaminants present in existing stormwater discharges. This is intended to mitigate the impact on the water quality of receiving water bodies in urbanised areas or other areas served by a stormwater reticulation system.

Rules: 12.B.3.1

Other methods: 15.2.5.1, 15.4.2.1, 15.4.2.2.

7.C.7 To require that all practical alternative locations for the storage of hazardous substances have been considered before such storage occurs in close proximity to any lake or river or to mean high water springs; and, if it is not practical to locate elsewhere, to require that appropriate risk management contingencies are put in place.

Explanation

Although the use of hazardous substances may provide benefits to the community, the storage of such substances close to surface water also represents a risk of

contamination through spillage or leakage. Any person intending to store hazardous substances in close proximity to any lake or river, or to mean high water springs, will require land use consent from the relevant city or district council. The district plan rules of those councils will specify the land to which the above requirements will apply.

When considering the location of new facilities for the storage of hazardous substances in close proximity to any lake, river or mean high water springs, the applicant should demonstrate that there are no other, more suitable, less sensitive locations available. If a less sensitive location is not practical, then appropriate design, construction and management practices must be established to minimise the risk of any hazardous substance entering water. For existing facilities where it would be unreasonable to require relocation, appropriate spill containment measures must be established to ensure the lake, river or coastal environment is safeguarded.

Principal reasons for adopting

This policy is adopted to avoid the discharge into water where hazardous substances are inappropriately stored. There is an increased likelihood of such contamination where the storage occurs in close proximity to surface water bodies. Such discharges will adversely affect water quality and the ability of the water body to support natural and human use values.

Other methods: 15.2.7.1, 15.4.2.2

7.C.8 To promote the use of contingency plans for the prevention, containment and recovery of the accidental spill of any hazardous substance which may adversely affect water quality.

Explanation

In the development or modification of any industrial, commercial or agricultural facility where there is potential for the spillage of substances which could contaminate water, the Otago Regional Council will promote the adoption of a spills contingency plan. Such plans will involve four key elements:

- (a) Appropriate handling procedures will be encouraged to avoid accidental spills;
- (b) Mechanisms, such as bunding, will be encouraged to contain spills;
- (c) Appropriate clean-up and dispersal actions will be identified to remedy the effects where containment is not achieved; and
- (d) Proactive education.

The use of contingency plans will be promoted to city and district councils, industry groups, and the developers or owners of the identified facilities.

Principal reasons for adopting

This policy is adopted to reduce the incidence and severity of accidental spills of contaminants into, upstream of, or adjacent to, any water. This is important as such spills may undermine all previous efforts to maintain or enhance water quality.

Other methods: 15.2.4.1, 15.2.7.1, 15.3.4.1, 15.4.2.2, 15.5.1.1.

7.C.9 To support the coordination of measures to remedy or mitigate the adverse effects associated with accidental spills which could potentially contaminate water.

Explanation

The accidental spill of any contaminant that may adversely affect water quality will be remedied or mitigated by the clean-up and dispersal of the spilled contaminant. City and district councils, the Fire Service and others may be involved in spill clean-up operations. The Otago Regional Council will support the coordination of the appropriate response to any accidental spill through the provision of advice on possible disposal or treatment options.

Principal reasons for adopting

This policy is adopted to ensure the appropriate agencies become involved in clean-up operations in the event of a spill of contaminants and that the clean-up operations themselves do not lead to the contamination of water.

Other methods: 15.2.4.1, 15.2.7.1, 15.3.4.1, 15.4.2.2, 15.5.1.1

7.C.10 Except in the case of a dam constructed to store contaminants, to avoid the damming or diversion of water over contaminated land where it would result in contamination of water or, where avoidance is not practicable, to require the removal or treatment of the contaminated land.

Explanation

There is the potential for adverse effects on water quality where land contaminated by hazardous substances comes into contact with water. Such effects may occur:

- (a) Within a reservoir created by the damming of a water body;
- (b) Within diverted water where the water passes over contaminated land; or
- (c) Downstream of that reservoir or diverted water.

When considering any resource consent for new proposals for damming or diversion of water, the Otago Regional Council must be satisfied that the activity would not result in water being contaminated by its coming into contact with contaminated land. The Council maintains a register of contaminated sites in Otago.

One practical method of managing potential adverse effects from contaminants in a dam constructed to store contaminants, such as a mine tailings dam, is to

immerse the contaminants beneath water in a controlled environment. This policy therefore does not apply and Policy 7.C.11 provides for such activities.

Principal reasons for adopting

This policy is adopted to prevent degradation of water quality caused by contaminated land coming into contact with water as a result of the damming or diversion of water. Mining tailings dams are exempt from this policy because that activity sometimes needs to immerse contaminants under water as one practicable method of managing potential adverse effects.

Rules: 12.3.4.1

7.C.11 To require the holder of any consent for a dam constructed for the storage of contaminants to completely remedy any adverse effect of the failure or overtopping of the dam structure, either during or after its construction.

Explanation

Where a resource consent is required for either:

- (a) the damming of water; or
- (b) the storage of hazardous substances,

for the purpose of establishing a tailings dam, the consent authority will require the person erecting the dam to plan for and provide measures, including bonds under Section 108 of the Resource Management Act, for the complete remediation of any loss or damage caused by the uncontrolled release of contaminants. There is a risk of such releases where the tailings dam constructed to store the contaminants fails or is overtopped, either during or after its construction.

Principal reasons for adopting

This policy is adopted to provide for the complete remediation of adverse effects arising from the failure or overtopping of a tailings dam.

Rules: 13.2.3.1, 13.3.2.1

Other methods: 15.2.4.1, 15.2.7.1, 15.3.4.1, 15.4.2.2, 15.5.1.1.

7.C.12 Reduce the adverse effects of discharges of human sewage from existing reticulated wastewater systems, including extensions to those systems, by:

- (a) Preferring discharges to land over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water; and
- (b) Requiring systems to be operated, maintained and monitored in accordance with recognised industry standards; and
- (c) Promoting the progressive upgrading of existing systems; and
- (d) Requiring the implementation of appropriate:

- (i) Measures to progressively reduce the frequency and volume of wet weather overflows; and
- (ii) Measures to minimise the likelihood of dry weather overflows occurring; and
- (iii) Contingency measures to minimise the effects of discharges of wastewater as a result of system failure or overloading of the system; and
- (e) Recognising and providing for the relationship of Kāi Tahu with the water body, and having particular regard to any adverse effects on Kāi Tahu cultural and spiritual beliefs, values, and uses.

Chapter 8 – The Beds and Margins of Lakes and Rivers

8.1 Introduction

The beds and margins of Otago's lakes and rivers are complex and dynamic natural systems. These systems provide diverse habitats for plants and animals, valued mahika kai, and opportunities for recreational use. Their outstanding natural features and landscapes are an integral part of the natural character of the region. The many waahi taonga and waahi tapu sites found on Otago's lake and river margins are of considerable spiritual significance to Kai Tahu. Many pre-European sites may be of archaeological importance. Beds and margins of lakes and rivers also contain a wealth of post-1840 heritage values and resources.

The beds and margins of lakes and rivers are currently used by Otago's people and communities for recreational activities, primary production, navigation, hydro-electric power generation and flood mitigation. Mineral resources contained within these areas, particularly aggregate and gold, are extracted. Residential, commercial and industrial uses may occur in or close to the beds of lakes and rivers. Development also occurs in relation to the need for roads, rail, energy transmission, tele-communications and other services to cross them.

The potential exists for conflicts in resource use on the beds and margins of Otago's lakes and rivers because of the dynamic nature of water flow, sediment transport and flooding, and the diverse range of human activities occurring in these areas. There is therefore a need for management of human activities on the beds and margins of lakes and rivers to avoid, remedy or mitigate their adverse effects, including cumulative effects.

This Plan provides policy and rules in relation to the bed of any lake or river for:

- the use, erection, alteration, extension, removal or demolition of structures;
- bed disturbance;
- the introduction of vegetation;
- the deposition of any substance;
- drainage or reclamation; and
- the removal of any plants.

Appropriate use and management of riparian areas is of importance in the achievement of better water quality and aquatic habitats, and for the maintenance and enhancement of amenity values of lake and river environments. The Plan provides for an integrated approach to riparian management through application of the complementary roles of the regional council and city and district councils.

District plans provide for the integrated management and control of any actual or potential effects of the use, development or protection of land. As such they make an important contribution to riparian management, through esplanade and access provisions relating to land subdivision, and in the control of land use activities. The Regional Policy Statement for Otago and this Plan provide policy guidance to city and district councils in their management of the effects of activities in riparian areas. The Otago Regional Council also has the option of introducing controls on land use where its policy objectives are not otherwise met.

Note: 1. The provisions in this chapter are in addition to those in Chapter 5, which seek to maintain or enhance the natural and human use values supported by lakes and rivers.

2. Chapter 10 provides for the management of wetlands

8.2 Issues

8.2.1 Changes in the nature of the flow of water and sediment caused by activities in, on, under or over the bed or margin of a lake or river, can adversely affect:

- (a) The stability and function of existing structures;**
- (b) The bedform of the lake or river;**
- (c) Bed and bank stability; and**
- (d) Flood carrying capacity.**

Explanation

The following activities in, on, under or over the bed or margin of a lake or river may alter the hydrological or sediment processes which act within a lake or river:

- (a) The use, erection, alteration, extension, removal or demolition of structures;
- (b) Bed disturbance;
- (c) The introduction, disturbance or removal of vegetation;
- (d) The deposition of any substance; and (e) Drainage or reclamation of the bed.

Such alteration can arise through the obstruction or redirection of water flow or sediment movement. These changes may exacerbate flooding by reducing channel efficiency, or may cause or worsen bed and bank instability by accelerating erosion or sedimentation. The stability or function of structures downstream on the bed or bank may also be compromised as a consequence, particularly where erosion threatens the supports of a structure. The activities may

also lead to a change in the physical nature of the water body's bed (bedform), which may be undesirable if it adversely affects other uses.

Objectives: 8.3.1, 8.3.3

Policies: 8.3.2, 8.4.1, 8.6.1, 8.6.2, 8.6.4, 8.7.1, 8.8.1

8.2.2 The disturbance of the bed of lakes and rivers has the potential to degrade water quality by reducing the clarity of water.

Explanation

Bed disturbance includes any excavation, dredging, drilling, tunnelling, and any intentional widening, deepening or alteration of the course of a water body. Intensive use by livestock can also disturb the bed and degrade water quality. Where the bed disturbance occurs in the wet bed, that part of the bed of a lake or river which is covered by water, sediment will be mobilised. The mobilisation of sediment, depending on the scale of the activity, can reduce the clarity of the water by increasing its turbidity. Reduced clarity of water can adversely affect natural and human use values supported by the lake or river, or other users of the water body.

Objectives: 8.3.2

Policies: 8.6.1 to 8.6.3

8.2.3 The erection of a dam in, or the reclamation of, the bed of a lake or river can result in the loss of natural and human use values through their inundation or burial.

Explanation

Lakes and rivers are dammed for a number of reasons ranging from the supply of stock drinking water to the generation of hydro-electric power. Although it can lead to positive community benefits, the damming of water drowns the existing natural and human use values upstream of the dam structure, with the scale of the inundation being dependent on the size of the dam structure and the topography of the surrounding land. Similarly, although the infilling of a bed of a lake or river provides reclaimed land, which may lead to community benefits, it causes similar loss of values through burial. Given the importance of these values to Otago's people and communities, their loss through inundation or displacement may be of concern.

Objectives: 5.3.1 to 5.3.7

Policies: 5.4.10, 8.4.2, 8.5.2, 8.8.1

8.2.4 The failure or overtopping of a dam in the bed of a lake or river can result in the loss of or damage to:

- (a) The health and safety of people and communities;**
- (b) Property and infrastructure; and**

(c) Natural and human use values, should it occur during or after the dam's erection.

Objectives: 8.3.4

Policies: 8.5.3

Explanation

Although dams lead to positive benefits to people and communities, they often hold large quantities of water which can lead to extensive damage if there is an uncontrolled release. Such a release could occur through a failure of the structure, or an overtopping caused by, for example, a landslide into the reservoir. The damage, which occurs largely downstream of the dam, may include loss of life, property, infrastructure, or the natural and human use values supported by the affected water bodies. The risk of damage depends on the size of the dam structure, the volume of water impounded and topography.

8.2.5 Otago's people and communities are subject to a significant flood hazard, which can be exacerbated by land use activities in, on, under or over the bed and margins of lakes and rivers.

Explanation

Significant flooding can occur during periods of very high flow in many of Otago's lakes and rivers. Defences against water have been constructed to protect the region's people and communities from this flooding hazard for over a century. Such works are ongoing and involve the construction of new defences, such as stopbanks, and the maintenance or repair of those that already exist. Land use activities undertaken in close proximity to defences against water have the potential to adversely affect the manner in which they were designed to function, increasing the flooding risk.

Objectives: 8.3.1, 8.3.3

Policies: 8.4.1, 8.5.4 to 8.5.6

8.3 Objectives

8.3.1 To maintain:

- (a) The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;**
- (b) The stability of the bed and bank of any lake or river; and**
- (c) The flood and sediment carrying capacity of any lake or river.**

Explanation

Activities in, on, under or over the beds and margins of lakes and rivers have the potential to modify hydrological and fluvial processes through the obstruction or redirection of water or sediment flow. Such changes have the potential to

exacerbate flooding, erosion or sedimentation hazards, and adversely affect the stability or function of structures.

Principal reasons for adopting

This objective is adopted to recognise that activities occurring in, on, under or over the bed or margins of lakes and rivers can exacerbate or create hazards by changing hydrological or fluvial processes. It is important that such hazards are avoided due to their potential threat to structures located in close proximity to the bed, and to Otago's people and communities generally.

Policies: 8.4.1, 8.5.3 to 8.5.6, 8.6.2, 8.6.4, 8.7.1, 8.7.2, 8.8.1

8.3.2 To minimise reduction in water clarity caused by bed disturbance.

Explanation

Activities in the bed or margins of lakes and rivers which involve disturbance of the bed can increase the turbidity of the water. This occurs where sediments in the bed are mobilised and are suspended in the water, thereby reducing water clarity. Any reduction in water quality caused by bed disturbance can adversely affect the natural and human use values supported by the water body and other users of water.

Principal reasons for adopting

This objective is adopted to ensure that activities involving bed disturbance are managed to minimise reductions in water clarity. Such reductions are generally undesirable due to the potential to adversely affect the values and uses supported by the water body.

Policies: 8.6.1 to 8.6.3

8.3.3 To maintain the integrity of existing defences against water.

Explanation

Defences against water, such as stopbanks, have been used extensively throughout Otago to reduce the threat of flooding. These defences are an integral component of the community's response to flood events. It is important that these works are able to continue to operate effectively. Principal reasons for adopting This objective is adopted to avoid or minimise the risk of flooding which adversely affects Otago's people and communities. This risk may be increased where land use activities threaten the integrity or function of existing defences against water.

Policies: 8.5.5, 8.5.6

8.4 General policies

8.4.1 When managing activities in, on, under or over the bed or margin of any lake or river, to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects:

- (a) On the stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;**
- (b) Arising from associated erosion or sedimentation of the bed or margin of any lake or river, or land instability; or**
- (c) Arising from any reduction in the flood carrying capacity of any lake or river.**

Explanation

This policy recognises that activities in, on, under or over the bed or margins of a lake or river may obstruct or redirect the flow of water or sediment, thereby adversely affecting structures or exacerbating a natural hazard, such as flooding, erosion, land instability or sedimentation. The potential for such effects needs to be taken into account when preparing or reviewing plans under the Resource Management Act and when considering applications for resource consents for activities in, on, under or over the bed or margins of lakes and rivers. Where changes in flow and sediment processes are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied or mitigated. In the case of diversion, reclamation or damming, appropriate compensation may be required as provided for by Policies 6.5.6 and 8.4.2.

Principal reasons for adopting

This policy is adopted to ensure that the natural and physical resources of the beds and margins of lakes and rivers are protected from the adverse effects of the modification of flow and sediment processes.

Rules: 13.1.2.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1
Other methods: 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.4.2.1

8.3.5 To maintain the passage of fish, or improve the passage of fish, 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.

8.4 General policies

8.4.1 When managing activities in, on, under or over the bed or margin of any lake or river, to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects:

- (a) On the stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;
- (b) Arising from associated erosion or sedimentation of the bed or margin of any lake or river, or land instability; or
- (c) Arising from any reduction in the flood carrying capacity of any lake or river.

Explanation

This policy recognises that activities in, on, under or over the bed or margins of a lake or river may obstruct or redirect the flow of water or sediment, thereby adversely affecting structures or exacerbating a natural hazard, such as flooding, erosion, land instability or sedimentation. The potential for such effects needs to be taken into account when preparing or reviewing plans under the Resource Management Act and when considering applications for resource consents for activities in, on, under or over the bed or margins of lakes and rivers. Where changes in flow and sediment processes are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied or mitigated. In the case of diversion, reclamation or damming, appropriate compensation may be required as provided for by Policies 6.5.6 and 8.4.2.

Principal reasons for adopting

This policy is adopted to ensure that the natural and physical resources of the beds and margins of lakes and rivers are protected from the adverse effects of the modification of flow and sediment processes.

Rules: 13.1.2.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1

Other methods: 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.4.2.1

8.4.2 Financial contributions, or works or services may be required to offset, remedy or mitigate any unavoidable adverse effect of damming or reclamation on:

- (a) Any natural or human use value identified in Schedule 1;
- (b) The natural character of the water body;
- (c) Any amenity value supported by the water body; or
- (d) Any heritage value associated with any affected water body.

Explanation

The damming or reclamation of the bed or margins of Otago's lakes and rivers can result in unavoidable adverse effects on the natural and human use values supported by the water body. Where such effects occur, financial contributions, or works or services, may be required as a condition of a resource consent to offset, remedy or mitigate the effects. The amount and type of financial contribution, or the type of work or service, will depend on the nature of the activity and will relate to the adverse effects on the natural and human use values. Financial contributions are detailed in Chapter 17 of this Plan. Recognition will be given to the extent to which resource use and development has modified the water body,

and the positive effects of the proposed activity will be taken into account, when assessing any requirement for financial contributions, or works or services.

Principal reasons for adopting

This policy is adopted to ensure provision is made to either offset, remedy or mitigate any unavoidable adverse effect of damming or reclamation activities on the beds and margins of lakes and rivers.

Rules: 12.3.3.1, 12.3.4.1, 13.2.3.1, 13.3.2.1, 13.5.3.1

See also: Chapter 17; Policies 6.5.6, 10.4.2A

8.5 Policies applying to structures

8.5.1 To require, where necessary, desirable and practicable, any structure in or on the bed of any lake or river to provide for fish migration through or past it, or alternative remedial measures where fish migration is not practicable.

Explanation

Where the Otago Regional Council requires a resource consent for a structure, it will consider requiring the person erecting or placing the structure to provide means for the upstream and downstream passage of fish. This requirement is only necessary where the structure is likely to restrict fish passage. There are situations where passage may not be necessary or desirable, for a variety of reasons, and these need to be assessed on a case-by-case basis. Although it will be sought in the first instance, it may not always be possible to provide an effective fish pass given the nature of the structure. In such circumstances, the Council may require remedial actions. Those structures erected under a permitted activity rule of this Plan will still have to comply with the requirements of the Freshwater Fisheries Regulations 1983 with respect to fish passage, administered by the Department of Conservation.

Principal reasons for adopting

This policy is adopted to provide for the unimpeded migration of fish, where necessary, desirable and practicable, or alternative remedial measures where fish migration is not practicable. Many of the region's native fish species, for example eels, and introduced trout and salmon, migrate to or from the sea, or up and down water bodies. Because these fish species require different aquatic habitats at different life stages, unimpeded access is essential to the survival of local fish populations.

Rules: 13.2.2.1, 13.2.3.1

8.5.2 To prohibit the erection of a dam on the bed of lakes or rivers in parts of the following catchments in accordance with Schedule 6:

(a) Kawarau River;

- (b) Lake Wanaka and Upper Clutha River/Mata-Au;
- (c) Pomahaka River;
- (d) Waipahi River; and
- (e) Lower Clutha River/Mata-Au.

Explanation

This policy provides for the prohibition of damming in the identified catchments. Schedule 6 provides further detail in respect of the water bodies within these catchments on which dams will be prohibited. Regarding the Pomahaka River and Waipahi River catchments, and the Lower Clutha River/Mata-Au, the prohibition on damming does not extend to damming for stockwater supply purposes.

Principal reasons for adopting

The Water Conservation (Kawarau) Order and the Lake Wanaka Preservation Act prohibit the damming of water. The Pomahaka River and Tributaries and Lower Clutha River/Mata-Au Local Water Conservation Notice, deleted by this Plan, also prohibited the damming of water. It is therefore appropriate, for consistency, to prohibit the damming of the same waters within this Plan.

Rules: 12.3.1.1 to 12.3.1.3

8.5.3 To require the holder of any resource consent for a dam on the bed of a lake or river to remedy any adverse effect attributable to the failure or overtopping of the dam structure, either during or after its construction.

Explanation

Where the Otago Regional Council requires a resource consent for:

- (a) The damming of water; or
- (b) The erection of a dam;

it will require the person erecting the dam to plan for and provide appropriate measures to remedy any loss or damage caused by the failure or overtopping of the dam at any stage.

These measures may include:

- (i) Bonds, as provided for by Section 108 of the Resource Management Act;
- (ii) Insurance; or
- (iii) Other appropriate means.

Remedial action will be required only where adverse effects of any failure or overtopping can be attributed to the dam, as opposed to those that may have occurred in the absence of the dam.

Required remediation may be assessed as appropriate having regard to the necessity and practicability of reinstating prior conditions, and alternative options that may compensate for losses suffered by the affected community.

Principal reasons for adopting

This policy is adopted to provide for the remediation of adverse effects arising from the failure or overtopping of a dam. The policy also provides an incentive for dam owners to undergo ongoing risk management.

Rules: 12.3.3.1, 12.3.4.1, 13.2.3.1, 13.3.2.1

8.5.4 To consider the removal of any abandoned structure in, on, under or over the bed of a lake or river which can be shown to significantly:

- (a) Exacerbate the effects of flooding or erosion;
- (b) Impede or prevent fish passage, where such passage is desirable;
- (c) Threaten the health or safety of people or communities; or
- (d) Degrade amenity values.

Explanation

The holder of the relevant resource consent authorising an abandoned structure, or its owner, may be required to remove the structure where it is shown to be:

- (i) Unable to withstand expected hazard events, such as floods or erosion;
- (ii) Capable of significantly worsening flood or erosion situations, including bank instability, either directly or because of lack of maintenance;
- (iii) Impeding or preventing fish passage where such passage is required, given the vulnerability of some isolated populations of native fish;
- (iv) Unstable, or significantly threatening public health and safety in some other way; or
- (v) Degrading scenic values associated with, or recreational opportunities provided by, the water body.

This removal will be required either through a condition of a resource consent, or through an enforcement order where there is no such condition or resource consent. Such removal will be subject to this Plan's provisions concerning discharges and bed and margin disturbance. The community may need to be consulted about abandoned structures prior to their removal.

Where such structures are of heritage value and are causing adverse effects associated with flooding, erosion, or threats to the health and safety of people and communities, their removal may not be necessary as long as those effects are adequately remedied or mitigated.

Principal reasons for adopting

This policy is adopted to avoid any of the adverse effects caused by abandoned structures within the bed of a lake or river through their removal. The removal of sites, buildings, places or areas of significant heritage value, such as historic wing dams and revetments may not be required, as they are significant cultural resources and are valued for their amenity.

Rules: 13.4.2.1

8.5.5 In considering the construction, reconstruction or modification of defences against water, to have regard to:

- (a) The effectiveness of the proposed work;
- (b) The need for the defence; and
- (c) Any effect on existing defences.

Explanation

Defences against water are important in Otago as they mitigate flood and erosion hazards. Prior to constructing any new defence, or reconstructing or modifying an existing defence, consideration must be given to whether hazard mitigation is actually required, and how the structure will perform in relation to existing defences against water.

Principal reasons for adopting

This policy is adopted to ensure that flood or erosion protection structures are constructed in a coordinated and integrated manner, and do not compromise any other flood or erosion response. This will result in the effective performance of such structures and a reduction in the potential adverse effects of any flood or erosion event.

Rules: 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.6.3.1, 14.3.2.1, 14.4.2.1

Other methods: 15.2.7.1, 15.2.8.1, 15.2.8.2, 15.3.3.1, 15.3.3.2

8.5.6 To manage activities that have the potential to adversely affect existing defences against water.

Explanation

Defences against water are often located in or on the bed or margins of lakes and rivers to protect Otago's people and communities from the adverse effects of flooding. Activities undertaken on, or in close proximity to such works have the potential to adversely affect the manner in which they were designed to function.

Principal reasons for adopting

This policy is adopted to maintain the integrity of defences against water located in or on the bed or margins of lakes and rivers. If these works are able to operate as intended, the risk of flooding adversely affecting Otago's people and communities will be reduced.

Rules: 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 13.7.2.1

Other methods: 15.2.7.1, 15.2.8.1, 15.2.8.2, 15.3.3.1, 15.3.3.2

8.6 Policies applying to bed or margin disturbance

8.6.1 In managing the disturbance of the bed or margin of any lake or river, to have regard to any adverse effect on:

- (a) The spawning requirements of indigenous fauna, and trout or salmon;
- (b) Bed and bank stability;
- (c) Water quality;
- (d) Amenity values caused by any reduction in water clarity; and
- (e) Downstream users.

Explanation

Bed disturbance can lead to a change in bedform, or a reduction in clarity downstream, and may consequently adversely affect fish spawning, bed and bank stability, water quality, amenity values and downstream users. When considering activities that would result in bed disturbance, it is important to have regard to the potential for these adverse effects. Policy 5.4.2 manages any adverse effects on natural and human use values.

Principal reasons for adopting

This policy is adopted to provide recognition that there are natural and human use values and other uses of water that are particularly susceptible to the physical changes caused by disturbance of the bed. Such values and uses will be maintained where the adverse effects of bed disturbance are avoided, remedied or mitigated.

Rules: 13.5.2.1, 13.5.3.1, 13.6.3.1, 13.7.2.1

Other methods: 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.4.2.1, 15.4.2.2, 15.5.1.1

See also: Chapter 7

8.6.2 To promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers in order to avoid, remedy or mitigate any adverse effect.

Explanation

A variety of land use activities can occur within or adjacent to the beds of lakes and rivers including grazing, cultivation, forestry, river works and pest control. Due to their proximity to such water bodies, these activities have the potential to adversely affect the natural and human use values supported by them. The Otago Regional Council has prepared best management practices, in conjunction with Federated Farmers, the forestry industry, government departments and the Otago Fish and Game Council, for the above activities. Some of these are included in the Council's "Riparian Management" document. The Otago Regional Council will encourage the adoption of these and other best management practices that avoid, remedy or mitigate any adverse effects on the environment.

Principal reasons for adopting

This policy is adopted to encourage the voluntary use of best management practices by those undertaking activities within the bed or margins of lakes and rivers. The best management practices bring together the best information available on how to minimise the impact of such activities on water resources.

Other methods: 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.4.2.1, 15.4.2.2, 15.5.1.1
See also: Chapter 7

8.6.3 To provide for small suction dredge mining operations in rivers without the need for a resource consent, except in those water bodies identified in Schedule 7.

Explanation

Suction dredge mining involves the disturbance of sand and gravel in the wet bed of rivers and can cause significant adverse effects. Suction dredging operations that comply with Rule 13.5.1.7 will not give rise to any significant bed disturbance. However, some Otago rivers, identified in Schedule 7 of this Plan, have a unique value for fish spawning and rearing, are important for water supply purposes or are particularly sensitive to bed damage.

Principal reasons for adopting

This policy is adopted to avoid unnecessary constraint on suction dredging operations that involve minimal bed disturbance, while recognising that tighter restriction should apply where water bodies are particularly sensitive to such disturbance.

Rules: 13.5.1.7

8.6.4 To ensure that any extraction of bed material from the bed of any lake or river is within the sustainable yield of the lake or river system.

Explanation

Bed material, particularly sand and gravel, is an important resource of Otago's lakes and rivers. Over-extraction of such material can result in changes in river morphology and lead to adverse effects. Over-extraction occurs where the total quantity of bed material removed exceeds the quantity naturally replenished. Therefore, when considering the extraction of bed material, regard will be had to the location of the extraction and the cumulative volume of material removed from a particular water body, to ensure that extraction is at a sustainable level.

Principal reasons for adopting

This policy is adopted to ensure that the extraction of bed material from a lake or river is sustainable. This will ensure that long term effects caused by overextraction, such as lowering the level of the bed and bank erosion, are avoided.

Rules: 13.5.1.6, 13.5.2.1, 13.5.3.1
Other methods: 15.2.8.3

8.6.5 With respect to the Kakanui-Kauru Alluvium and Shag Alluvium groundwater aquifers, to require that any extraction of material from the bed of a lake or river does not adversely affect the aquifer.

Explanation

When considering the extraction of bed material from the Kakanui and Shag Rivers, or other surface water bodies in close proximity to the Kakanui-Kauru Alluvium and Shag Alluvium Aquifers, regard must be had to the effect of that extraction on the groundwater resource. The Kakanui-Kauru Alluvium and Shag Alluvium Aquifers are identified on Maps C17, C18 and C19.

Principal reasons for adopting

This policy is adopted to maintain the volume and yield of groundwater from the Kakanui-Kauru Alluvium and Shag Alluvium Aquifers. Extraction of bed material from surface water bodies can lower the watertable of these aquifers due to the close hydrological connection between the surface water and groundwater. This will adversely affect groundwater users.

Rules: 13.5.1.6, 13.5.2.1, 13.5.3.1

See also: Chapter 9

8.7 Policies applying to vegetation

8.7.1 To promote the creation, retention and enhancement of appropriate riparian vegetation where it will:

- (a) Maintain or enhance water quality, through the interception of nonpoint source contamination from adjacent land;
- (b) Enhance the aquatic ecosystems within a water body, and the habitat for flora and fauna on the margins;
- (c) Maintain or enhance the natural character of lakes and rivers and their margins;
- (d) Maintain or enhance amenity values;
- (e) Avoid, remedy or mitigate the adverse effects arising from flooding or erosion;
- (f) Be unlikely to have a significant adverse effect on desirable species already present, or adjacent to, and downstream from, that riparian vegetation;
- (g) Be unlikely to restrict existing public access along the beds and margins of Otago's lakes and rivers;
- (h) Be unlikely to have a significant adverse effect on the heritage value of any site, building, place or area;
- (i) Be unlikely to impose any significant operational constraints on existing network utilities; or
- (j) Enhance mahika kai values.

Explanation

Appropriate riparian vegetation includes:

- (a) Any plant indigenous to the region;
- (b) Any introduced non-invasive plant, planted for flood or erosion control;
- (c) Any traditional mahika kai plant used by Kai Tahu for any purpose; and (d) Any introduced non-invasive plant, that contributes to the natural character of the lake or river.

This vegetation does not include plants identified in the Pest Management Strategy for Otago 2009, or crack or grey willow which are likely to increase the risk of flooding through impeding flood waters.

This policy will be implemented through district planning mechanisms and through this Plan promoting riparian land occupiers and others to assess opportunities for the creation, retention and enhancement of riparian vegetation. To this end, the Otago Regional Council has released guidelines, in the document “Riparian Management”, which provide information on planning a revegetation programme, fencing and site preparation, species selection and planting methods.

Principal reasons for adopting

This policy is adopted to encourage Otago’s people and communities to retain and plant riparian vegetation where it will achieve the specified outcomes. Appropriate riparian vegetation acts as a buffer between a lake or a river and the adjacent land uses by reducing the amount of nutrients and other contaminants entering the water, through filtration, and plant and microbial uptake. It also contributes to habitat values as an integral component of the natural character of many Otago lakes and rivers, and can assist bank stability and the mitigation of flooding or erosion hazards.

Other methods: 15.2.8.1 to 15.2.8.3, 15.6.1.1

See also: Chapter 7

8.7.2 To prohibit the introduction of any plant included in any pest management strategy in force in Otago, to any part of the bed or water of any Otago lake or river.

Explanation

The following aquatic plants are undesirable in or on the beds, or in the water of Otago’s lakes and rivers and are identified as requiring management in the Pest Management Strategy for Otago 2009:

- (a) Lagarosiphon *Lagarosiphon major*
- (b) Eel Grass *Vallisneria spiralis*
- (c) Egeria *Egeria densa*
- (d) Hornwort *Ceratophyllum demersum*
- (e) Hydrilla *Hydrilla verticillata*
- (f) Sagittaria *Sagittaria graminea* ssp *platyphylla*
- (g) Spartina *Spartina anglica*
- (h) Salvinia *Salvinia molesta*
- (i) Water Hyacinth *Eichhornia crassipes*

(j) Water Lettuce *Pistia stratiotes*

This Plan prohibits the introduction of any of the identified species to the bed or water of any lake or river.

Principal reasons for adopting

This policy is adopted to provide for the management of aquatic pest plants consistent with the Pest Management Strategy for Otago 2009. This will assist in protecting the natural character of water bodies where the identified aquatic pest plants are not already present.

Rules: 13.6.1.1

8.8 Policies applying to reclamation and deposition

8.8.1 To consider practical alternatives to:

- (a) The reclamation of the bed of any lake or river; and
- (b) The deposition of any substance in, on or under, the bed or margin of any lake or river.

Explanation

When considering the reclamation of the bed, or activities that would result in deposition, it is important to have regard to alternatives, including use of other land or deposition away from the bed or margin of the lake or river.

Principal reasons for adopting

This policy is adopted to ensure that reclamation or the deposition of substances in or on the beds or margins of lakes and rivers only takes place where it is necessary. This approach recognises that reclamation or deposition should be discouraged wherever possible, as these activities can have significant adverse effects on the natural and human use values of lakes and rivers, or create or exacerbate hazards.

Rules: 13.5.3.1

Other methods: 15.2.8.1 to 15.2.8.3, 15.4.2.1, 15.4.2.2

8.8.2 To require only cleanfill be used to create any reclamation of the bed of a lake or river.

Explanation

The Otago Regional Council will only allow cleanfill to be used to create a reclamation of the bed of a lake or river. Cleanfill includes natural and other materials which are not subject to biological or chemical breakdown. Even where cleanfill is used, the reclamation may still result in temporary discharges to water. These discharges will be subject to the provisions of this Plan.

Principal reasons for adopting

This policy is adopted to reduce the discharge of contaminants from material used to create reclamations. This is best achieved by requiring that material be cleanfill, as this reduces the contaminants which are likely to, or have the potential to, adversely affect water quality in Otago's lakes and rivers.

Rules: 13.5.3.1

See also: Chapter 7

8.9 Anticipated environmental results

8.9.1 Activities which alter the existing nature of natural physical processes do not exacerbate natural hazards or threaten the integrity of structures.

8.9.2 Physical changes to bedform of lakes and rivers and water clarity caused by bed disturbance are minimised.

8.9.3 Existing fish passage in lakes and rivers is not inhibited by structures.

8.9.4 Otago's people and communities are protected from the adverse effects of flooding.

8.9.5 The water quality of lakes and rivers is not adversely affected by the disturbance and reclamation of the bed.

8.9.6 Gravel extraction occurs within the sustainable yield.

8.9.7 Existing areas of riparian vegetation are retained or enhanced, and areas of new riparian vegetation are created, where they provide an environmental benefit.

8.9.8 The habitat of threatened indigenous aquatic fauna and flora is protected.

8.9.9 Hazard mitigation works, depositions, or reclamations associated with the beds of lakes or rivers occur only where they are necessary.

8.9.10 The unavoidable adverse effects of inundation resulting from the damming of water are remedied.

8.9.11 Any damage caused by failure or overtopping of a dam structure is remedied.

8.9.12 Damming of water does not occur in the following catchments except as provided for by legislation or Rule 12.3.1.3 of this Plan:

(a) Kawarau River;

- (b) Lake Wanaka and the Upper Clutha River/Mata-Au;
- (c) Pomahaka River;
- (d) Waipahi River; and
- (e) Lower Clutha River/Mata-Au.

8.9.13 Waahi taonga and waahi tapu sites are not adversely affected by activities on the beds or margins of lakes or rivers.

Monitoring of the achievement of these anticipated environmental results will be carried out as outlined in Chapter 19.

Chapter 12 - Rules: Water Take, Use and Management

12.A Discharge of human sewage

12.A.A General Rules for section 12.A

12.A.A.1 The discharge rules in section 12.A apply where a discharge contains human sewage.

Note: The approval of particular technologies for the on-site treatment of human sewage under particular land conditions will usually require the involvement of the relevant city or district council, under the Building Act 2004 or the Health Act 1956. This Plan deals only with the effect of the discharge on the environment, and does not promote any particular technology or treatment method.

12.A.1 Permitted activities: No resource consent required

12.A.1.1 The discharge of human sewage into land from an existing long-drop toilet is a ***permitted*** activity, providing:

- (a) The discharge was lawfully carried out without resource consent prior to 28 February 1998; and
- (b) There is no direct discharge of human sewage, or effluent derived from it, to water in any water body, drain, water race, or the coastal marine area.

12.A.1.2 The discharge of human sewage into land from any long-drop toilet constructed after 28 February 1998 is a ***permitted*** activity, providing:

- a) The toilet is sited more than 50 metres from any surface water body or mean high water springs; and
- b) The toilet is sited more than 50 metres from any bore which:

- (i) Existed before the commencement of the discharge associated with the long-drop toilet; and
- (ii) Is used to supply water for domestic needs or drinking water for livestock; and
- c) The discharge does not occur within any Groundwater Protection Zone, as identified on the C-series maps, nor in the area of the Lake Hayes catchment as identified on Map B6; and;
- d) There is no direct discharge of human sewage, or effluent derived from it, to water in any drain or water race, or to groundwater; and
- e) The toilet is constructed so that no runoff enters the hole.

12.A.1.3 The discharge of human sewage through any existing on-site waste water treatment system onto or into land is a **permitted** activity, providing:

- a) The discharge was lawfully carried out without resource consent prior to 28 February 1998; and
- b) There is no direct discharge of human sewage, or effluent derived from it, to water in any water body, drain, water race, or the coastal marine area; and
- c) Effluent from the system does not run off to any other person's property; and
- d) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage.

12.A.1.4 The discharge of human sewage through any on-site waste water treatment system, installed after 28 February 1998, onto or into land is a **permitted** activity, providing:

- a) The discharge does not exceed 2000 litres per day (calculated as a weekly average); and
- b) The discharge does not occur within the A zone of any Groundwater Protection Zone, as identified on the C-series maps, nor in the area of the Lake Hayes catchment, as identified on Map B6; and
- c) The system's disposal field is sited more than 50 metres from any surface water body or mean high water springs; and (d) The system's disposal field is sited more than 50 metres from any bore which:
 - I. Existed before the commencement of the discharge activity; and
 - II. Is used to supply water for domestic needs or drinking water for livestock; and
- d) There is no direct discharge of human sewage, or effluent derived from it, to water in any drain or water race, or to groundwater; and
- e) Effluent from the system does not run off to any other person's property; and
- f) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage

12.A.2 Discretionary activities: Resource consent required

12.A.2.1 Except as provided for by Rules 12.A.1.1 to 12.A.1.4, the discharge of human sewage to water, or onto or into land in circumstances where it may enter water, is a **discretionary** activity.

Principal reasons for adopting

The discharge of human sewage to water can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, by a resource consent, or by regulation (Section 15(1) of the Resource Management Act). The discharge of human sewage to land (under conditions that ensure it does not enter water) cannot be carried out in a manner that contravenes a rule in a regional plan or proposed regional plan (Section 15(2) of the Resource Management Act).

The discharge of human sewage to land under Rules 12.A.1.1 to 12.A.1.4, will have no more than minor adverse effects on the natural and human use values supported by water bodies, or on any other person, because contaminants are unlikely to reach water bodies. These rules are adopted to enable human sewage to be discharged while providing protection for those values and the interests of those people. Any other activity involving the discharge of human sewage, is a discretionary activity in order that any adverse effects can be assessed.

12.B.1.6 The discharge of sullage, cooling water or water from any drinking water supply reservoir, water supply pipeline or swimming pool to water, or onto or into land in circumstances where it may enter water, is a permitted activity, providing:

- a) The discharge does not contain:
 - I. A greater concentration of faecal coliforms than that of the receiving water, or a concentration that could cause the faecal coliform concentration of the receiving water, after reasonable mixing, to exceed 150 CFU per 100 mls; or
 - II. Any disinfectant, antiseptic or pesticide; or
 - III. Any residual flocculant, except for aluminium at acid soluble aluminium concentrations less than 0.1 grams per cubic metre; or
 - IV. Any free or residual chlorine at the point where the discharge enters water in any surface water body or mean high water springs; or
 - V. Human sewage; or
 - VI. Any hazardous substance; and
- b) The discharge does not increase the natural temperature of the receiving water, after reasonable mixing, by more than 3o Celsius, and does not cause the temperature of the receiving water, after reasonable mixing, to rise above 25 o Celsius; and
- c) The discharge does not increase the suspended solids levels in the receiving water, after reasonable mixing, by more than 10 grams per cubic metre; and
- d) The discharge does not change the pH of the receiving water, after reasonable mixing, by more than 0.5 pH units; and
- e) The discharge does not, after reasonable mixing, give rise to any significant adverse effect on aquatic life; and

- f) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and
- g) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- h) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

12.B.1.7 The discharge of water which has been used for the purpose of holding live organisms to water, or onto or into land in circumstances where it may enter water, is a permitted activity, providing:

- a) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- b) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- c) No contaminant has been added that is toxic to the aquatic life of the receiving water body; and
- d) The discharge contains no pest plant material (as identified in the Pest Management Strategy for Otago 2001); and
- e) The discharge does not increase the natural temperature of the receiving waters, after reasonable mixing, by more than 3o Celsius, and does not cause the temperature of the receiving water, after reasonable mixing, to rise above 25o Celsius; and
- f) The discharge does not increase the suspended solids levels in the receiving water, after reasonable mixing, by more than 10 grams per cubic metre; and
- g) The discharge does not, after reasonable mixing, give rise to any significant adverse effect on aquatic life; and
- h) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage

12.B.1.10 The discharge of any contaminant, excluding settled sediment, present in water impounded by a dam that is not permitted by Rule 13.2.1.3, to water in a lake or river, is a permitted activity, providing:

- a) The purpose of the dam is not for the storage of contaminants; and
- b) The dam operator has not caused the contaminant to be discharged into the dam from which it is discharged; and
- c) The discharge, after reasonable mixing does not give rise to all or any of the following effects:
 - I. The production of any conspicuous oil or grease films, scum or foams, or floatable or suspended materials; or
 - II. Any conspicuous change in colour or visual clarity; or
 - III. Any emission of objectionable odour; or
 - IV. The rendering of fresh water unsuitable for consumption by farm animals; or
 - V. Any significant adverse effect on aquatic life; and
- d) The discharge ceases when an enforcement officer of the Otago Regional Council requires the discharge to cease to provide for clean-up operations and prevent adverse effects on the environment.

12.B.1.11 Except as provided for by Rule 12.B.1.10, the discharge of a trace amount of any contaminant, originating from within a hydro-electric power structure, into water, is a permitted activity.

12.B.4 Discretionary activities: Resource consent required

12.B.4.1 The discharge of water (excluding stormwater) or any contaminant from an industrial or trade premises or a consented dam to water or to land is a discretionary activity, unless it is permitted by Rule 12.B.1.6, 12.B.1.7, 12.B.1.10 or 12.B.1.11.

12.C.3 Discretionary activities: Resource consent required

12.C.3.1 The discharge of water from one catchment to water in another catchment is a discretionary activity.

12.C.3.2 The discharge of water or any contaminant:

- i. To water; or
- ii. Onto or into land in circumstances which may result in a contaminant entering water,

is a **discretionary** activity, unless it is:

- a) Prohibited by a rule in 12.C.0; or
- b) Permitted by a rule in 12.C.1; or
- c) Provided for by a rule in 12.C.2.

12.3.2 Permitted activities: No resource consent required

12.3.2.1 Unless prohibited by Rules 12.3.1.1 to 12.3.1.4, the damming or diversion of water is a **permitted** activity, providing:

- a) The size of the catchment upstream of the dam, weir or diversion is no more than 50 hectares in area; and
- b) In the case of damming, the water immediately upstream of the dam is no more than 3 metres deep, and the volume of water stored by the dam is no more than 20,000 cubic metres; and
- c) In the case of diversion, the water is conveyed from one part of any lake or river, or its tributary, to another part of the same lake, river or tributary; and
- d) No lawful take of water is adversely affected as a result of the damming or diversion; and
- e) Any damming or diversion within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and
- f) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- g) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- h) The damming or diversion does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and
- i) The damming or diversion is not within the Waitaki catchment.

12.3.2.2 The diversion of water, for the purpose of land drainage, is a **permitted** activity, providing:

- a) Any diversion within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and
- b) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- c) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- d) The diversion does not result in the lowering of the level of water in any lake or river; and
- e) The diversion does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage.

12.3.2.3 Unless prohibited by Rules 12.3.1.1 to 12.3.1.4, the diversion of water carried out for the purposes of allowing the erection, placement, repair or maintenance of a lawful structure, is a **permitted** activity, providing:

- a) The course of the water always remains within the bed of the lake or river; and
- b) The course of the water is returned to its normal course following the completion of the repair or maintenance, and no more than one month after the diversion occurs; and
- c) No lawful take of water is adversely affected as a result of the diversion; and
- d) Any structure within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and
- e) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- f) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- g) The diversion does not cause any erosion, land instability, sedimentation or property damage.

12.3.4 Discretionary activities: Resource consent required

12.3.4.1

- I. 12.3.4.1 Except as provided for by Rules 12.3.1.1 to 12.3.3.1 and except in the Waitaki catchment, the damming or diversion of water is a discretionary activity.
- II. Unless covered by Rule 12.3.1A.1, the damming or diversion of water in the Waitaki catchment, except in Welcome Creek to which this rule applies is a discretionary activity provided that by itself or in combination with any other take, use, dam, or diversions, the sum of the annual volumes authorised by resource consent, does not exceed the allocation to activities set out in Table 12.1.4.2. In considering an application to which this rule applies the consent authority will have regard, among other matters, to Policies 6.6A.1 to 6.6A.5

13.1 The use of a structure

13.1.1 Permitted activities: No resource consent required

13.1.1.1 The use of any structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a ***permitted*** activity, providing:

- (a) The structure is lawfully established; and
- (b) In the case of a change in use, the effects of the new use of the structure are the same or similar in character, intensity and scale as the preceding use; and
- (c) Measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and
- (d) The structure is maintained in good repair.

13.2 The erection or placement of a structure

Note: Any alteration of the bed of a lake or river, or of any Regionally Significant Wetland, in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

13.2.1 Permitted activities: No resource consent required.

13.2.1.1 The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, or a Regionally Significant Wetland, is a ***permitted*** activity, providing:

- (a) The fence, pipe, line or cable does not cross a lake or river identified in Schedule 1A as being an “Outstanding natural feature or landscape” unless it is attached to an existing lawfully established support structure; and
- (b) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river unless it is attached to an existing lawfully established support structure; and
- (c) No part of any pipe, line or cable is less than two metres above the 1 percent probability flood level, unless it is attached to an existing lawful structure; and
- (d) Where it is attached to an existing lawful structure, no part of any pipe, line or cable extends below the underside of the existing structure; and
- (e) Any fence over the bed of a lake or river, or a wetland, does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river, or of a wetland; and
- (f) The fence, pipe, line or cable does not interfere with navigation; and
- (g) For existing overhead network utility services over the bed of a lake or river, there is no reduction in the height of clearance above the waterway; and
- (h) The fence, pipe, line or cable is maintained in good repair.

13.2.1.2 The placement of any pipe, line, or cable on or under the bed of a lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:

- (a) The pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and
- (b) The location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and
- (c) The pipe, line, or cable is maintained in good repair.

13.2.1.3 The erection or placement of any structure for the damming of water that is fixed in or on the bed of any lake or river is a **permitted** activity, providing:

- (a) The conditions of Rule 12.3.2.1 are met; and
- (b) The Otago Regional Council is notified of the location and nature of the dam, at least seven working days prior to commencing the erection or placement; and
- (c) The structure is maintained in good repair; and (d) The site is left tidy following the erection or placement.

Note: The erection of a dam structure is a different activity to the damming of water. The damming of water is covered by rules under 12.3 of this Plan.

13.2.1.4 The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure, that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a permitted activity, providing:

- a) The structure does not exceed 2 square metres in area provided that in respect of any flow or level recording device any catwalk to the nearest bank shall be excluded from the area calculation; and
- b) The structure, or its erection or placement, does not cause any flooding or erosion; and
- c) The Otago Regional Council is notified of the location and nature of the structure, at least seven working days prior to commencing the erection or placement; and
- d) Except in the case of a navigational aid, or the sight board of any gauge, any visible part of the structure is of a neutral colour to blend in with the surroundings; and
- e) The structure is maintained in good repair; and
- f) The site is left tidy following the erection or placement.

13.2.1.5 The erection or placement of any maimai that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:

- (a) The structure does not exceed 10 square metres in area; and
- (b) The structure is open piled; and
- (c) The structure is at least 90 metres from any adjacent maimai; and
- (d) The site is left tidy following the erection or placement.

13.2.1.6 The erection or placement of any whitebait stand or eel trap that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:

- (a) The structure is open piled; and
- (b) The structure does not exceed three square metres in area; and
- (c) The dimension of the structure perpendicular to the flow of water is no more than 10 percent of the width of the bed of the lake or river, or no more than three metres, whichever is the lesser; and
- (d) The structure is at least 20 metres from any neighbouring structure, flood gate, confluence or culvert located within the bed of a lake or river; and
- (e) In the case of a whitebait stand, the structure is erected or placed in or on the bed of the Clutha River/Mata-Au, or its branches; and
- (f) The site is left tidy following the erection or placement.

13.2.1.7 The erection or placement of any single span bridge including for pipes over the bed of a lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:

- (a) The bridge or its erection or placement, does not cause any flooding, nor cause any erosion of the bed or banks of the lake or river, or Regionally Significant Wetland, or property damage; and
- (b) No more than 20 metres of bridge occurs on any 250 metre stretch of any lake or river; and
- (c) There is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and
- (d) The bridge soffit is no lower than the top of the higher river bank; and
- (e) The bridge and its abutments are secured against bed erosion, flood water and debris loading; and
- (f) Where the bridge is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and
- (g) If the bridge is situated over or on public land, then public access over the public land is maintained.

13.2.1.7A The erection or placement of any boardwalk in, on or over a Regionally Significant Wetland, is a **permitted** activity, providing the erection or placement, or the boardwalk, does not cause any flooding, nor any erosion.

13.2.1.7B Unless covered by Rule 13.2.1.7 or 13.2.1.7A, the erection or placement of any crossing in or on the bed of a lake or river, or any Regionally Significant Wetland, is a **permitted** activity, providing:

- (a) The crossing, or its erection or placement, does not cause any flooding, nor cause erosion of the bed or banks of the lake, river or Regionally Significant Wetland, or property damage; and
- (b) The top of the crossing is no higher than:
 - (i) 2 metres above the lowest part of the bed where it is located; or
 - (ii) 3.5 metres above the lowest part of the bed where it is located, if the catchment upstream of the crossing is 50 hectares or less in area

and there is a culvert with a minimum diameter of 1.2 metres (or equivalent crosssectional area); and

- (c) No more than 24 metres of crossing occurs on any 250 metre stretch of any lake or river, with a minimum separation distance between any two crossings in or on the same lake or river of 12 metres; and
- (d) There is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and
- (e) The crossing and any ancillary structures are stable under flood conditions, and secured against bed erosion and debris loading; and
- (f) Fish passage is retained; and
- (g) Movement of bed material is not impeded; and
- (h) Where the crossing is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and
- (i) If the crossing is situated over or on public land, then public access over the public land is maintained.

13.2.1.8 The placement of a floating boom in, on or over the bed of a lake, or any Regionally Significant Wetland, is a ***permitted*** activity, providing that for the bed of any lake:

- (a) The boom is securely fixed to the bed or margins of the lake; and
- (b) The boom is not more than 850 metres upstream of a lawfully established hydro-electric dam or control structure or within 200 metres of any other lawfully established dam or control structure; and
- (c) The boom is maintained at all times in a safe condition, good repair and substantially free of debris; and
- (d) The boom and all associated equipment are clearly visible.

13.2.2 Restricted discretionary activities: Resource consent required

13.2.2.1 Except as provided for by Rules 13.2.1.1, 13.2.1.2 and 13.2.1.5 to 13.2.1.7B, the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, single span bridge or crossing in, on, under, or over the bed of any lake or river, or the erection or placement of any fence, pipe, line, cable, jetty, bridge, crossing or boardwalk in, on, under or over any Regionally Significant Wetland, is a ***restricted discretionary*** activity.

In considering any resource consent for the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, single span bridge or crossing in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body; and
 - (ii) The natural character of any affected water body; and

- (iii) Any amenity value supported by any affected water body; and
- (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Flow and sediment processes; and
- (d) Any adverse effect on a defence against water; and
- (e) Any adverse effect on existing public access; and
- (f) Fish passage; and
- (g) The method of construction; and
- (h) Any measures to avoid animal waste entering the lake, river, or Regionally Significant Wetland; and
- (i) The duration of the resource consent; and
- (j) The information and monitoring requirements; and
- (k) Any existing lawful activity associated with any affected water body; and
- (l) Any bond; and
- (m) The review of conditions of the resource consent; and
- (n) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

13.2.3 Discretionary activities: Resource consent required

13.2.3.1 Except as provided for by Rules 13.2.1.1 to 13.2.2.1, the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a **discretionary** activity.

Principal reasons for adopting

The erection or placement of a structure that is fixed in, on, under, or over the bed of any lake, river or Regionally Significant Wetland can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 13(1) of the Resource Management Act).

The erection or placement of structures under Rules 13.2.1.1 to 13.2.1.7B will have no more than minor adverse effects on the natural and human use values supported by water bodies, or on any other person, since the structures are suspended clear of the lake or river, or are small or open piled. These rules are adopted to enable such structures to be erected or placed while providing protection for those values and the interests of those people. Any other activity involving the erection or placement of any structure, that is fixed in, on, under, or over the bed of any lake or river is either a restricted discretionary or a discretionary activity in order that any adverse effects can be assessed.

13.5.1 Permitted activities: No resource consent required

13.5.1.1 The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, and any resulting discharge or deposition of bed material associated with:

- I. The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure that is fixed in, on, under or over the bed of any lake or river, or the wetland; or
- II. The clearance of debris or alluvium from within, or immediately surrounding, any structure in order to safeguard the function or structural integrity of the structure; or
- III. The maintenance or reinstatement of a water intake, in order to enable the exercise of a lawful take of water,

is a **permitted** activity, providing:

- a) Except in the case of the demolition or removal of a structure, the structure is lawfully established; and
- b) Except in the case of (i), there is no increase in the scale of the existing structure; and
- c) If work is undertaken between 1 May and 30 September inclusive, the Department of Conservation and the relevant Fish and Game Council will be notified as soon as reasonably practicable in advance; and
- d) The bed or wetland disturbance is limited to the extent necessary to undertake the work; and
- e) The bed or wetland disturbance does not cause any flooding or erosion; and The time necessary to carry out and complete the whole of the work within the wetted bed of the lake or river does not exceed 10 hours in duration; and
- f) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and
- g) No lawful take of water is adversely affected as a result of the bed or wetland disturbance; and
- h) The site is left tidy following completion of the activity; and
- i) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- j) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and
- k) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.5.1.2 The disturbance of the bed of any river for the purpose of clearing any material that has accumulated as a result of a storm event, excluding alluvium, in order to maintain the flood carrying capacity of the bed of the river, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing:

- a) The bed disturbance is limited to the extent necessary to clear the debris; and
- b) The bed disturbance does not cause any flooding or erosion; and
- c) The time necessary to carry out and complete the whole of the work within the wetted bed does not exceed 10 hours in duration; and
- d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and
- e) No lawful take of water is adversely affected as a result of the bed disturbance; and
- f) The site is left tidy following completion of the activity

13.5.1.3 The disturbance or reclamation of, or the deposition of any substance in, on or under, either the bed of any lake or river, or any Regionally Significant Wetland, and any resulting discharge of bed material, for the purpose of

- I. The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure carried out under Rules 13.2.1.1 to 13.2.1.7B, 13.3.1.1, 13.3.1.2 or 13.4.1.1; or
- II. The repair or maintenance of any defence against water constructed or placed by artificial means,

is a **permitted** activity providing:

- a) The structure or defence against water is lawfully established; and
- b) There is no change to the original scale of the structure or defence against water; and
- c) The time necessary to carry out and complete the whole of the work within the wetted bed of the lake or river does not exceed 10 hours in duration; and
- d) All reasonable steps are taken to minimise the release of sediment to the lake, river or wetland during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the activity; and
- e) No lawful take of water is adversely affected as a result of the activity; and
- f) In the case of reclamation or deposition, only cleanfill is used; and
- g) The site is left tidy following completion of the activity; and
- h) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- i) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.5.1.4 The disturbance or reclamation of, or the deposition of any substance in, on or under, the bed of any lake or river, for the purpose of the reinstatement of any bank of a lake or river which has been eroded by a flood event, and any resulting discharge of bed material, is a **permitted** activity providing:

- a) There is no change to the scale of the bank existing before the flood event; and

- b) The activity is carried out within twelve months of the flood event that caused the erosion; and
- c) The time necessary to carry out and complete the whole of the work within the wetted bed does not exceed 10 hours in duration; and
- d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the activity; and
- e) No lawful take of water is adversely affected as a result of the repair or maintenance; and
- f) In the case of reclamation or deposition, only cleanfill is used; and
- g) The site is left tidy following completion of the activity.

13.5.1.5 The disturbance of the bed of any lake or river associated with the control of aquatic pest plants, and any resulting discharge or deposition of bed material, is a **permitted** activity providing:

- a) The control is carried out under Rule 13.7.1.1, or under a resource consent; and
- b) The bed disturbance is limited to that which is necessary for the removal of the plant material.

13.5.1.5A The alteration of any Regionally Significant Wetland, associated with the introduction, planting, removal or clearance of plant material is a **permitted** activity providing:

- (a) The introduction, planting, removal or clearance is carried out under Rule 13.6.2.0 or 13.7.1.2, or
- (b) The introduction, planting, removal or clearance is carried out under a resource consent.

13.5.1.5B The disturbance of any Regionally Significant Wetland, for the purpose of drain maintenance, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing:

- (a) The disturbance is limited to that necessary to address water accumulating on land outside of any Regionally Significant Wetland; and
- (b) The drain was lawfully constructed on or before 2 July 2011; and
- (c) The drain has been maintained within the preceding 15 years; and
- (d) There is no increase in the drain dimensions from the last maintenance; and
- (e) All reasonable measures are taken to minimise the release of sediment to any water body during the disturbance, and there is no conspicuous change in the colour or visual clarity of any water body beyond a distance of 100 metres downstream of the disturbance; and
- (f) All reasonable steps are taken to minimise damage to fauna and New Zealand native flora; and
- (g) At least ten working days prior to commencing the maintenance, the Otago Regional Council is given notice of the location and date of the drain maintenance; and

- (h) Within ten working days after the drain maintenance is carried out, the Otago Regional Council is provided with:
 - (i) Photographs of:
 - (a) The drain immediately before and after maintenance; and
 - (b) The wetland adjoining the drain being maintained, showing vegetation cover; and
 - (ii) Dimensions (longitude and cross-section) of the drain immediately before and after maintenance; and (iii) A map or line diagram identifying the location and course of the drain.

13.5.1.8A The disturbance of the bed of any lake or river, or any Regionally Significant Wetland by livestock, excluding intentional driving of livestock, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing it does not:

- a) Involve feeding out on that bed or wetland; or
- b) Cause or induce noticeable slumping, pugging or erosion; or
- c) Result in a visual change in colour or clarity of water; or
- d) Damage fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

Advice Note: For regulations on stock exclusion from waterways refer to the Resource Management (Stock Exclusion) Regulations 2020.

Advice Note: The proposed Land and Water Regional Plan, when notified in December 2023, may introduce provisions regulating stock exclusion in a Freshwater Management Unit, or any part of a Freshwater Management Unit in addition to Resource Management (Stock Exclusion) Regulations 2020.

13.5.1.8B The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, by livestock where they are being intentionally driven, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing there is no:

- a) Existing structure available for use; or
- b) Visual change in colour or clarity of water, after the disturbance ceases; or
- c) Noticeable slumping, pugging or erosion.

13.5.2 Restricted discretionary activities: Resource consent required

13.5.2.1 Except as provided for by Rules 13.5.1.1 and 13.5.1.6, the extraction of alluvium within the bed of a lake or river, or within any Regionally Significant Wetland, is a **restricted discretionary** activity.

In considering any resource consent for the extraction of alluvium in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected;
- (d) Any adverse effect on a defence against water; and
- (e) The quantity of alluvium to be extracted, and the location and the method of removal; and
- (f) Any adverse effect on existing public access; and
- (g) The duration of the resource consent; and
- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any bond; and
- (k) The review of conditions of the resource consent.

Except in the case of extraction from the wet bed of a lake or river, or within a Regionally Significant Wetland, the Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

13.5.3 Discretionary activities: Resource consent required

13.5.3.1 Except as provided for by Rules 13.5.1.1 to 13.5.2.1 the alteration of the bed of any lake or river is a discretionary activity.

13.5.3.2 Unless covered by Rules 13.5.1.1, 13.5.1.3, 13.5.1.5A, 13.5.1.5B, 13.5.1.8A, 13.5.1.8B or 13.5.2.1, the alteration of any Regionally Significant Wetland, is a discretionary activity.

Chapter 16 – Information Requirements

16.3.13 The erection, placement, extension, alteration, replacement, reconstruction, demolition or removal of a defence against water

1. A description of the defence against water's dimensions, whether existing or proposed, including an assessment of any percentage change in size of the defence against water.

Regional Plan: Air for Otago (RPA)

Part 16: Rules

16.3.7 Waste management

16.3.7.1 Discharges from the storage, transfer, treatment and disposal of liquid-borne municipal, industrial or trade waste - permitted activity

The discharge of contaminants into air from the storage, transfer, treatment or disposal (including land application of treated effluent and sludge, but excluding the burning of sludge and associated solids) of liquid-borne municipal, industrial or trade waste, where the influent liquid waste does not exceed a BOD5 of 850 kg per day;

is a **permitted activity**, providing:

- (a) Ponds constructed after 1 January 2002 are located at least 150 metres from the closest part of the boundary of the property; and
- (b) Land application does not occur within:
 - (i) 150 metres from any residential dwelling on a neighbouring property or from a building used for employment purposes on a neighbouring property; and
 - (ii) 20 metres from a formed public road; and
 - (iii) 150 metres from any public amenity area or place of public assembly, excluding formed public roads, and
- (c) Any discharge of odour, particulate matter, droplets or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

16.3.7.3 Other discharges from waste management – discretionary activity

Except as provided for by Rule 16.3.7.1 or 16.3.7.2, the discharge of contaminants into air from waste management is a discretionary activity.

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (“NES-SHDW”)

7 Granting of water permit or discharge permit upstream of abstraction point where drinking water meets health quality criteria

A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point where the drinking water concerned meets the health quality criteria if the activity is likely to—

- (a) introduce or increase the concentration of any determinands in the drinking water, so that, after existing treatment, it no longer meets the health quality criteria; or
- (b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

8 Granting of water permit or discharge permit upstream of abstraction point where drinking water not tested or does not meet health quality criteria

(1) A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point where the drinking water concerned is not tested in accordance with the compliance monitoring procedures in the Drinking-water Standard if the activity is likely to—

- (a) increase the concentration of any determinands in the water at the abstraction point by more than a minor amount; or
- (b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

(2) A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point where the drinking water concerned does not meet the health quality criteria if the activity is likely to—

- (a) increase, by more than a minor amount, the concentration of any determinands in the water at the abstraction point that in the drinking water already exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard; or
- (b) increase the concentration of any determinands in the water at the abstraction point that in the drinking water do not exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard to the

extent that the drinking water, after existing treatment, exceeds the maximum acceptable values for more than the allowable number of times as set out in the table in relation to those determinands; or

(c) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

Resource consents in respect of activities with potential to affect certain drinking-water supplies

11 Type of activity to which regulation 12 applies

[Regulation 12](#) only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year.

12 Condition on resource consent if activity may significantly adversely affect registered drinking-water supply

(1) When considering a resource consent application, a consent authority must consider whether the activity to which the application relates may—

(a) itself lead to an event occurring (for example, the spillage of chemicals) that may have a significant adverse effect on the quality of the water at any abstraction point; or

(b) as a consequence of an event (for example, an unusually heavy rainfall) have a significant adverse effect on the quality of the water at any abstraction point.

(2) If the consent authority considers that the circumstances in subclause (1) apply, and it grants the application, it must impose a condition on the consent.

(3) The condition must require the consent holder to notify, as soon as reasonably practicable, the registered drinking-water supply operators concerned and the consent authority, if an event of the type described in subclause (1) occurs that may have a significant adverse effect on the quality of the water at the abstraction point.

National policy Statement for Freshwater Management (NPS-FM)
1.3 Fundamental concept – Te Mana o te Wai
<p>1.3 Fundamental concept – Te Mana o te Wai</p> <p><i>Concept</i></p> <ul style="list-style-type: none"> (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 National Policy Statement. <p><i>Framework</i></p> <ul style="list-style-type: none"> (3) 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 these principles inform this National Policy Statement and its implementation. (4) The 6 principles are: <ul style="list-style-type: none"> (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 obligations 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 obligations 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 (5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises: <ul style="list-style-type: none"> (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.
Part 2: Objective and policies
2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources 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.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

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

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.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

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

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Policy 13: 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. National Policy Statement for Freshwater Management 2020 11

Policy 14: 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.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

Te Runanga o Ngāi tahu Freshwater policy 1999 (FPS)

Part 2

PART 2

6.0 NGĀI TAHU'S FRESHWATER POLICY STATEMENT

This part of the Policy Statement describes a framework that would deliver for Ngāi Tahu an active role in the management of freshwater bodies within its rohe. It identifies:

- four priority areas that need to be addressed by natural resource managers;
- goals and objectives for each of the priority areas; and
- suggested strategies for achieving these goals and objectives.

6.1 PRIORITY	WĀHI TAPU
OBJECTIVE	To afford total protection to waters that are of particular spiritual significance to Ngāi Tahu.
	POLICIES <ol style="list-style-type: none"> 1. Identify sites for immediate protection because of their significance as wāhi tapu. 2. Agree with resource management agencies objectives, policies and methods that protect the sites identified by Papatipu Rūnanga.

STRATEGIES

1. Papatipu Rūnanga will advise councils of waterbodies or parts of waterbodies that are of particular spiritual significance and therefore in need of protection⁵. Sites of particular significance are likely to include:
 - water burials sites;
 - waters that are used for healing, spiritual or baptismal rituals;
 - sources of pounamu; and
 - hot springs.

2. Councils and Papatipu Rūnanga need to agree to:
 - the activities that are to be prohibited because of their unacceptable adverse effects; and
 - an action plan for addressing unacceptable existing uses.
3. Papatipu Rūnanga and resource management agencies should discuss the means by which the council can ensure that a spiritual Rāhui is observed. Practical means of support could include:
 - discussing how traditional management techniques, such as Rāhui, can be complemented by rules in statutory planning documents;
 - assisting Ngāi Tahu to educate resource users and the wider public of the existence of rāhui, its purpose and the means by which the restriction is to be observed;
 - the formulation of policy provisions that recognise and support traditional management techniques, including the observance of rāhui; and
 - information and training for resource management staff and the general public on the importance of rāhui to cultural and environmental outcomes.

6.2 PRIORITY		MAURI
	OBJECTIVE	Restore, maintain and protect the mauri of freshwater resources
		POLICIES <ol style="list-style-type: none"> 1. Identify freshwater resources where: <ul style="list-style-type: none"> • mauri is unaffected by modification and human activity so that these waterbodies can be afforded total protection; and • mauri is adversely affected, and the activities that cause such effects. 2. Accord priority to ensuring the availability of sufficient quantities of water of appropriate water quality to restore, maintain and protect the mauri of a waterbody, in particular priority is to be accorded when developing water allocation regimes. 3. Adopt catchment management planning as one of the means of achieving integrated management. 4. Protect the opportunities for Ngāi Tahu's uses of freshwater resources in the future.

STRATEGIES

Baseline information

1. Councils could contract Papatipu Rūnanga to identify freshwater bodies where mauri is adversely affected, the activities that cause the effects and the priorities for restoration and enhancement.
2. Councils and Papatipu Rūnanga should develop and implement strategies that will restore and maintain the mauri.
3. Resource management agencies could then facilitate the participation of iwi and other resource users to implement the plan.
4. Resource management agencies should develop detailed policies in their statutory planning documents that show explicitly how issues of concern to Ngāi Tahu will be addressed.

Point source discharges

31. Councils should prohibit the direct discharge of contaminants, particularly human effluent, to waterways. Discharges to land should be encouraged.
32. Papatipu Rūnanga will endeavour to identify the person, company or organisation responsible for water pollution with the expectation that those responsible will be required to restore the affected area.

6.4 PRIORITY		KAITIAKITANGA
	OBJECTIVE	To promote collaborative management initiatives that enable the active participation of Ngāi Tahu in freshwater management.
		POLICIES To encourage agencies to: <ol style="list-style-type: none">1. Ensure Ngāi Tahu has access to information about the status of resources and the activities of resource users so that it is able to anticipate the effects of activities on customary values and uses.2. Assist with the development of Ngāi Tahu's capacity to conduct formal cultural impact assessments and require such assessments as part of an assessment of environmental effects.3. Facilitate effective Ngāi Tahu participation in:<ul style="list-style-type: none">• Policy formulation;• Decision making;• Operational management activities; and• Monitoring activities.4. Improve the integration of western science and traditional local knowledge in order to develop a better understanding of all water use planning related matters.5. Increase the ability of Papatipu Rūnanga to understand and participate in all aspects of research and to influence the setting of research priorities.

The Marine and Coastal Area (tūkūtai Moana) Act 2011 (as at 25 October 2025)

85 Planning document

- (1) A customary marine title group has a right to prepare a planning document in accordance with its tikanga.
- (2) The purposes of the planning document are—
- (a) to identify issues relevant to the regulation and management of the customary marine title area of the group; and
 - (b) to set out the regulatory and management objectives of the group for its customary marine title area; and
 - (c) to set out policies for achieving those objectives.
- (3) A planning document may include any matter that can be regulated under the enactments specified in subsection (5), including matters that are relevant to—
- (a) promoting the sustainable management of the natural and physical resources of the customary marine title area; and
 - (b) the protection of the cultural identity and historic heritage of the group.
- (3A) [Repealed]
- (4) A planning document may relate—
- (a) only to the customary marine title area of the group; or
 - (b) if it relates to areas outside the customary marine title area, only to the part of the common marine and coastal area where the group exercises kaitiakitanga.
- (5) The planning document may include only matters that may be regulated under—
- (a) the [Conservation Act 1987](#) or the Acts listed in [Schedule 1](#) of that Act;
 - (b) the [Heritage New Zealand Pouhere Taonga Act 2014](#);
 - (c) the [Local Government Act 2002](#);
 - (d) the [Resource Management Act 1991](#).

Section 85(2)(b): amended, on 23 December 2023, by [section 6](#) of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 85(2)(c): replaced, on 23 December 2023, by [section 6](#) of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 85(3): replaced, on 23 December 2023, by [section 6](#) of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 85(3A): repealed, on 23 December 2023, by [section 6](#) of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 85(5): amended, on 23 December 2023, by [section 6](#) of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 85(5)(b): amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 85(5)(d): amended, on 23 December 2023, by [section 6](#) of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Water Services Act 2021(as at 27 August 2025)

Subpart 2—Interpretation

General

5 Interpretation

In this Act, unless the context otherwise requires,—

abstraction point means the location at which source water is abstracted for use in a drinking water supply (for example, the location at which water is abstracted from a river, stream, lake, or aquifer)

acceptable solution or verification method means a drinking water acceptable solution or verification method issued under [section 50](#)

agent includes a contractor

approved form means a form provided by the Water Services Authority

associate coroner means a person who holds office as an associate coroner under the [Coroners Act 2006](#)

backflow means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system

backflow prevention device means a device that prevents backflow

chief executive means the chief executive of the Water Services Authority

compliance, monitoring, and enforcement strategy means the compliance, monitoring, and enforcement strategy developed under [section 136](#)

compliance officer means a compliance officer appointed under [section 98](#)

compliance rules means compliance rules made under [section 49](#)

consumer means a person who consumes or uses drinking water supplied by a drinking water supplier

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the [Coroners Act 2006](#)

Crown organisation has the same meaning as in [section 4](#) of the Crown Organisations (Criminal Liability) Act 2002

department means a department listed in [Part 1](#) of Schedule 2 of the Public Service Act 2020

domestic dwelling has the meaning set out in [section 10](#)

domestic self-supply has the meaning set out in [section 10](#)

drinking water has the meaning set out in [section 6](#)

drinking water safety plan means the drinking water safety plan required by [section 30](#)

drinking water standards means the standards made under [section 47](#)

drinking water supplier has the meaning set out in [section 8](#)

drinking water supply has the meaning set out in [section 9](#)

end-point treatment means treatment of drinking water at the final point of the supply at which the consumer can consume, use, or collect drinking water

end-point treatment device means a device used for end-point treatment as part of an acceptable solution or verification method

green water services infrastructure—

**Water services (Wastewater environment performance standards)
Regulations 2025 (WEPS)**

Exceptions

43 General exceptions for discharging treated wastewater

(1) Despite anything in these regulations, the standards specified in this Part do not apply to the discharge of treated wastewater in any of the following circumstances:

- (a) discharge into an aquifer, a cave or karst system, or geothermal water:
- (b) discharge from a point of discharge less than 1,000 metres upstream from a registered drinking water abstraction point in a river:
- (c) discharge from a point of discharge less than 100 metres downstream from a registered drinking water abstraction point in a river:
- (d) discharge from a point of discharge less than 500 metres from a registered drinking water abstraction point in a lake:
- (e) discharge from a point of discharge into a tributary if—
 - (i) the point of discharge is less than 1,000 metres upstream from where the tributary flows into a lake; and
 - (ii) the tributary flows into the lake less than 500 metres from a registered drinking water abstraction point in the lake:
- (f) discharge from a bypass from a wastewater treatment plant:
- (g) discharge into a water body that—
 - (i) meets the attributes of band A in each table in Appendix 2A of the NPSFM; or
 - (ii) meets the attributes referred to in subparagraph (i) except for any that the water body does not meet as a result of a naturally occurring process:
- (h) discharge into a wetland that is not used as part of the wastewater treatment process.

(2) In this regulation,—

attribute has the meaning set out in clause 1.4(1) of the NPSFM

NPSFM means the National Policy Statement for Freshwater Management 2020.

Proposed Otago Regional Policy Statement (P-ORPS 2021)

MW-O1 – Principles of Te Tiriti o Waitangi

The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and papatipu rūnaka to ensure that what is valued by mana whenua is actively protected in the region.

Policies

MW-P1 – Treaty obligations

Promote awareness and understanding of the obligations of local authorities in regard to the principles of Te Tiriti o Waitangi, tikaka Māori and kaupapa Māori

MW-P2 – Treaty principles

Local authorities exercise their functions and powers in accordance with the principles of Te Tiriti o Waitangi, by:

- (1) recognising the status of Kāi Tahu as mana whenua and facilitating Kāi Tahu involvement in decision-making as a partner under Te Tiriti o Waitangi,
- (2) including Kāi Tahu in resource management processes, implementation and decision-making to the extent desired by mana whenua,
- (3) recognising and providing for Kāi Tahu values and addressing resource management issues of significance to Kāi Tahu, as identified by mana whenua, in resource management decision-making processes and plan implementation,
- (4) recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, and waters, encompassing wai māori and wai tai, significant sites, wāhi tūpuna, wāhi tapu and wāhi taoka, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them,
- (5) ensuring that regional plans and district plans recognise and provide for Kāi Tahu relationships with Statutory Acknowledgement Areas, tōpuni, nohoaka and customary fisheries identified in the NTCSA, including by actively protecting the mauri of these areas,
- (6) having particular regard to the responsibility of Kāi Tahu to exercise their role as kaitiaki, as an expression of mana and rakatirataka,
- (7) actively pursuing opportunities for:
 - (a) delegation or transfer of functions to Kāi Tahu, and
 - (b) partnership or joint management arrangements, taking into account iwi management plans when making resource management decisions,
- (8) regional plans and district plans recognising and providing for aquaculture settlement outcomes identified under the Māori Commercial Aquaculture Claims Settlement Act 2004,
- (9) recognising and providing for mātauraka and tikaka in environmental and resource management, and

- (10) recognising and providing for rights and interests of owners of Māori land

MW-P3 – Supporting Kāi Tahu hauora

The natural environment is managed to support Kāi Tahu hauora by:

- (1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and coastal waters within their takiwā,
- (2) protecting customary uses, Kāi Tahu values and relationships as identified by Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities,
- (3) safeguarding the mauri and life-supporting capacity of natural resources, recognising the whakapapa connections of Kāi Tahu with these resources as taoka, and the connections to practices such as mahika kai, and
- (4) working with Kāi T

IM - Integrated Management

Objectives IM-O1 – Long term vision (mō tatou, ā, mō kā uri ā muri ake nei)

The management of natural and physical resources, by and for the people of Otago, in partnership with Kāi Tahu, achieves a healthy and resilient natural environment, including the ecosystem services it provides and supports the well-being of present and future generations.

IM-O2 – Ki uta ki tai

The management of natural and physical resources embraces ki uta ki tai, recognising that the environment is an interconnected system which depends on its connections to flourish and must be managed as an interdependent whole.

IM-O3 – Sustainable impact

Otago's communities provide for their social, economic, and cultural well-being by using, developing or protecting natural and physical resources in ways that support or restore the life-supporting capacities of air, water, soil, and ecosystems for future generations

Policies

IM-P3 – Providing for mana whenua cultural values in achieving integrated management Recognise and provide for the relationship of Kāi Tahu with natural resources by:

- (1) enabling mana whenua to exercise rakatirataka and kaitiakitaka,
- (2) facilitating active participation of mana whenua in resource management processes and decision making,
- (3) incorporating mātauraka Māori in processes and decision-making, and
- (4) ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, wai māori (including awa [rivers] and roto [lakes] and wai tai (including te takutai moana [coastal marine area]) and mahika kai and habitats of taoka species

IM-P5 – Managing environmental interconnections

Manage the use and development of interconnected *natural and physical resources* by recognising:

- (1) situations where the value and function of a natural or physical resource extends beyond the immediate, or directly adjacent, area of interest,
- (2) situations where effects of an activity extend to a different part of the environment, and
- (3) the impacts of management of one natural or physical resource on the values of another, or on the environment.

IM-P6 – Managing uncertainties

In resource management decision-making, manage uncertainties by using the best information available at the time, including scientific data and mātauraka Māori, and:

- (1) taking all practicable steps to reduce uncertainty, and
 - (a) in the absence of complete and scientifically robust data, using information obtained from modelling, reliable partial data, and local knowledge, with preference for sources of information that provide the greatest level of certainty, and
 - (b) avoiding unreasonable delays in making decisions because of uncertainty about the quality or quantity of the information available, and
- (2) adopting a precautionary approach towards activities whose effects are uncertain, unknown, or a little understood, but potentially significantly adverse, which may include the use of adaptive management where appropriate.

IM-P13 – Managing cumulative effects

In resource management decision-making, recognise and manage the impact of cumulative effects on the form, functioning and resilience of Otago's environment (including resilience to climate change) and the opportunities available for future generations.

IM-P15 – Management of natural and physical resources

When preparing regional plans and district plans, recognise and provide for the role and use of natural and physical resources in a way or at a rate that supports the social, cultural and economic well-being of Otago's communities now and in the future

AIR – Air**AIR-O2 – Discharges to air**

The localised adverse effects of discharges to air do not compromise human health, amenity values, mana whenua values and the life-supporting capacity of ecosystems.

Policies

AIR-P1 – Maintain ambient air quality

Ambient air quality is, at a minimum, maintained across Otago by:

- (1) ensuring discharges to air comply with ambient air quality limits, including ambient air quality standards and guidelines, where those have been set as limits, and
- (2) where limits, including ambient air quality standards and guidelines, have not been set, only allowing discharges to air if the adverse effects on ambient air quality are avoided, remedied or mitigated.

AIR-P4 – Managing certain discharges

Manage the adverse *effects* of discharges to air by:

- (1) avoiding noxious or dangerous effects,
- (2) managing discharges to air so they do not cause offensive or objectionable effects,
- (3) avoiding, remedying or mitigating other adverse effects from discharges to air, including but not limited to discharges arising from:
 - (a) outdoor burning of organic material,
 - (b) agrichemical and fertiliser applications,
 - (c) primary production activities,
 - (d) activities that produce dust, and
 - (e) industrial and trade activities.
- (4) locating new sensitive activities to avoid potential reverse sensitivity effects from existing consented or permitted discharges to air, unless these can be appropriately managed.

LF-FW – Fresh Water**LF-WAI-O1 – Te Mana o te Wai**

Otago's water bodies and their health and well-being are protected, and restored or improved where they are degraded, so that the mauri of those water bodies is protected, and the management of land and water recognises and reflects that:

- (1) water is the foundation and source of all life – *nā te wai ko te hauora o kā mea katoa*,
- (2) there is an integral kinship relationship between water and Kāi Tahu *whānui*, and this relationship endures through time, connecting past, present and future,
- (3) each water body has a unique *whakapapa* and characteristics,
- (4) Fresh water, land, and coastal water have a connectedness that supports and perpetuates life,
- (4A) protecting the health and well-being of water protects the wider environment,
- (5) Kāi Tahu exercise *rakatirataka*, *manaakitaka* and their *kaitiakitaka* duty of care and attention over *wai* and all the life it supports, and (6) all people and communities have a responsibility to exercise stewardship, care, and respect in the management of fresh water.

LF-FW-O1A – Visions set for each FMU and rohe

In each FMU and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM-O2 to LF-VM-O6:

- (1) healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,
- (2) the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,
- (3) fish passage within and between catchments is provided for 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,
- (4) the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,
- (5) the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,
- (6) the health of the water supports the health of people and their connections with water bodies,
- (7) sustainable land and water management practices:
 - (a) support food and fibre production and the continued social, economic, and cultural well-being of Otago's people and communities, and
 - (b) improve the resilience of communities to the effects of climate change, and
 - (c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure,
- (8) direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and
- (9) freshwater is managed as part of New Zealand's integrated response to climate change and renewable electricity generation activities are provided for

LF-VM-O2 – Clutha Mata-au FMU vision

In the Clutha Mata-au FMU, and in addition to the matters in LF-FW-O1A:

- (1) management of the FMU recognises that:
 - (a) the Clutha Mata-au is a single connected system ki uta ki tai, and
 - (b) the source of the wai is pure, coming directly from Tāwhirimātea to the top of the mauka and into the awa,
- (1A) sustainable abstraction occurs from lakes, river main stems or groundwater in preference to tributaries, to the extent reasonably practicable,
- (6) the national significance of the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme, including its generation capacity, storage and operational flexibility and its contribution to climate change mitigation, is recognised, provided for and protected, and potential further development of the scheme in Lake Hāwea, on the Hāwea River, and on the Clutha River/Mata-au mainstem, upstream of Roxburgh

(within existing consented upper operating levels as at the date this Regional Policy Statement is made operative) is provided for.

- (6A) water bodies support a range of outdoor recreation opportunities,
- (7) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, and if degraded are improved recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,
- (7A) in the Lower Clutha rohe, opportunities to restore the natural form and function of water bodies are promoted wherever practicable, and
- (8) the outcomes sought are to be achieved within the following timeframes:
 - (a) by 2030 in the Upper Lakes rohe,
 - (b) by 2045 in the Dunstan and Roxburgh rohe, and
 - (c) by 2050 in the Manuharekia and Lower Clutha rohe.

LF-FW-O8 – Fresh water

In Otago's water bodies and their catchments, the significant and outstanding values of Otago's outstanding water bodies are identified and protected.

LF-FW-O10 – Natural character

The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.

LF-WAI-P1 – Prioritisation

In all decision-making affecting fresh water in Otago, prioritise:

- (1) first, the health and well-being of water bodies and freshwater ecosystems (te hauora o te wai) and the exercise of mana whenua to uphold this, 87
- (2) second, the health needs of people, (te hauora o te tangata) interacting with water through:
 - (a) ingestion (such as drinking of water and consuming resources harvested from the water body),
 - (b) immersive activities (such as harvesting resources and primary contact), and
 - (c) personal hygiene activities (such as food preparation, utensil washing, oral hygiene, showering and flushing the toilet), and
- (3) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

LF-WAI-P2 – Mana whakahaere

Recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water by:

- (1) facilitating partnership with, and the active involvement of, mana whenua in freshwater management and decision-making processes,
- (2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with water bodies,
- (3) providing for a range of customary uses, including mahika kai, specific to each water body,

- (4) incorporating mātauraka into decision making, management and monitoring processes, and
- (5) managing wai and its connections with whenua in a holistic and interconnected way – ki uta ki tai.

LF-WAI-P3 – Integrated management/ki uta ki tai

Manage the use of fresh water and land, using an integrated approach that is consistent with tikaka and kawa, that:

- (1) sustains and, to the greatest extent practicable, restores or improves:
 - (a) the natural connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),
 - (b) the natural connections and interactions between land and water, from the mountains to the sea,
 - (c) the habitats of mahika kai and indigenous species, including taoka species associated with the water bodies,
- (4) manages the effects of the use and development of land to maintain or enhance the health and well-being of freshwater, coastal water and associated ecosystems,
- (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,
- (6) has regard to foreseeable climate change risks, and the potential effects of climate change on water bodies, including on their natural functioning,
- (7) has regard to cumulative effects, and
- (8) applies a precautionary approach where there is limited available information or uncertainty about potential adverse effects, in accordance with IM-P6.

LF-WAI-P4 – Giving effect to Te Mana o te Wai

All persons exercising functions and powers under this RPS and all persons who use, develop or protect resources to which this RPS applies must recognise that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding Te Mana o te Wai, and must be given effect to when making decisions affecting fresh water, including when interpreting and applying the provisions of the LF chapter.

LF-FW-P7 – Fresh water

Environmental outcomes, attribute states (including target attribute states), environmental flows and levels, and limits ensure that:

- (1) the health and well-being of water bodies and freshwater ecosystems is maintained or, if degraded, improved,
- (2) the habitats of indigenous species with life stages dependent on water bodies are protected and sustained,
- (2A) the habitats of trout and salmon are protected insofar as this is consistent with (2),

- (2B) fish passage is provided for, 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,
- (3) specified rivers and lakes are suitable for primary contact within the following timeframes:
 - (a) by 2030, 90% of rivers and 98% of lakes, and
 - (b) by 2040, 95% of rivers and 100% of lakes, and
- (4) resources harvested from water bodies including mahika kai and drinking water are safe for human consumption.

LF-FW-P11 – Otago’s outstanding water bodies

Otago’s outstanding water bodies are:

- (1) the Kawarau River and tributaries described in the Water Conservation (Kawarau) Order 1997,
- (2) Lake Wānaka and the outflow and tributaries described in the Lake Wanaka Preservation Act 1973, and
- (3) any other water bodies identified in accordance with APP1.

LF-FW-P12 –Identifying and managing outstanding water bodies

Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values.

LF-FW-P13 – Preserving natural character and instream values

Preserve the natural character and instream values of lakes and rivers and the natural character of their beds and margins by:

- (1) avoiding the loss of values or extent of a river, unless:
 - (a) there is a functional need for the activity in that location, and
 - (b) the effects of the activity are managed by applying the effects management hierarchy (in relation to natural inland wetlands and rivers),
- (2) not granting resource consent for activities in (1) unless the consent authority is satisfied that:
 - (a) the application demonstrates how each step of the effects management hierarchy (in relation to natural inland wetlands and rivers) will be applied to the loss of values or extent of the river, and
 - (b) any consent is granted subject to conditions that apply the effects management hierarchy (in relation to natural inland wetlands and rivers) in respect of any loss of values or extent of the river,
 - (c) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in APP4A and APP4B, and has had to regard to the remaining principles in APP4A and APP4B, as appropriate, and
 - (d) if aquatic offsetting or aquatic compensation is applied, any consent granted is subject to conditions that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes,

- (3) establishing environmental flow and level regimes and water quality standards that support the health and well-being of the water body,
- (4) to the extent practicable, sustaining the form and function of a water body that reflects its natural behaviours,
- (5) recognising and implementing the restrictions in Water Conservation Orders,
- (6) preventing the impounding or control of the level of Lake Wānaka,
- (7) (7) preventing modification that would permanently reduce the braided character of a river,
- (8) controlling the use of water and land that would adversely affect the natural character of the water body, and
- (9) maintaining or enhancing the values of riparian margins to support habitat and biodiversity, reduce contaminant loss to water bodies and support natural flow behaviour.

LF-FW-P16 – Discharges of wastewater, animal effluent, sewage, greywater and industrial and trade waste

Minimise the adverse effects of direct and indirect discharges of wastewater, animal effluent, sewage, greywater and industrial and trade waste to fresh water by:

- (1) phasing out existing discharges of wastewater, sewage or industrial and trade waste directly to freshwater to the extent practicable,
- (2) requiring:
 - a) new discharges of wastewater, sewage or industrial and trade waste to be to land, unless:
 - (i) the adverse effects associated with a discharge to land are demonstrably greater than a discharge to fresh water, or
 - (ii) the adverse effects associated with a discharge to water are significantly less than, and replace, an existing discharge(s), or
 - (iii) the discharge is to a constructed water body from which there is no discharge of water or contaminants.
 - b) discharges of animal effluent from land-based primary production to be to land,
 - c) that all discharges containing sewage or industrial and trade waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water,
 - d) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated wastewater systems,
 - e) on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,
 - f) that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe,
- (3) to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and

- (4) promoting source control as a method for reducing contaminants in discharges.

ECO – Ecosystems and indigenous biodiversity

Objectives:

ECO-O1 – Indigenous biodiversity

Otago's indigenous biodiversity is healthy and thriving and any overall decline in condition, quantity and diversity is halted.

ECO-O3 – Kaitiakitaka and stewardship

Mana whenua exercise their role as kaitiaki of Otago's indigenous biodiversity, and Otago's communities are recognised as stewards, who are responsible for:

- (1) te hauora o te koiora (the health of indigenous biodiversity), te hauora o te taoka (the health of species and ecosystems that are taoka), and te hauora o te taiao (the health of the wider environment), while
- (2) providing for te hauora o te takata (the health of the people)

Policies:

ECO-P1 – Kaitiakitaka

Enable Kāi Tahu to exercise their role as kaitiaki of Otago's indigenous biodiversity by:

- (1) partnering with Kāi Tahu in the management of indigenous biodiversity to the extent desired by mana whenua,
- (1A) working with Kāi Tahu to identify indigenous species and ecosystems that are taoka,
- (2) incorporating the use of mātauraka Māori in the management and monitoring of indigenous biodiversity, and
- (3) facilitating access to and use of indigenous biodiversity by Kāi Tahu, including mahika kai, according to tikaka.

ECO-P4 – Provision for new activities

Outside of the coastal environment, maintain Otago's indigenous biodiversity by following the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity) when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas, or where they may adversely affect indigenous species and ecosystems that are taoka that have been identified by mana whenua as requiring protection:

- (1) the development, operation, maintenance or upgrade of specified infrastructure that provides significant national or regional public benefit that has a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations,

- (1A) the development, operation and maintenance of mineral extraction activities that provide a significant national public benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations,
- (1B) the development, operation and maintenance of aggregate extraction activities that provide a significant national or regional benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka,
- (1C) the operation or expansion of any coal mine that was lawfully established before August 2023 that has a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal,
- (2) the development of papakāika, marae and ancillary facilities associated with customary activities on Native reserves and Māori land,
- (2A) the sustainable use of mahika kai and kaimoana (seafood) by mana whenua,
- (3) the use of Native reserves and Māori land to enable mana whenua to maintain their connection to their whenua and enhance social, cultural or economic well-being,
- (4) activities that are for the purpose of protecting, maintaining, restoring or enhancing a significant natural area or indigenous species or ecosystems that are taoka,
- (5) activities that are for the purpose of addressing a severe or immediate risk to public health or safety,
- (6) activities that are for the purpose of developing a single residential dwelling on an allotment that was created before 4 August 2023, and can demonstrate there is no practicable location within the allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed, or
- (7) activities that are for the purpose of harvesting indigenous tree species from a significant natural area carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949.

EIT – Energy, Infrastructure and transport

Objectives

EIT-INF-O4 – Provision of infrastructure

Effective, efficient, safe and resilient infrastructure, nationally significant infrastructure and regionally significant infrastructure enables the people and communities to provide for their social and cultural well-being, their health and

safety, and supports sustainable economic development and growth in the region, while adverse effects are managed.

Policies

EIT-INF-P10 – Recognising resource requirements

Decision making on the allocation or use of natural and physical resources must take into account the functional needs and operational needs of nationally significant infrastructure and regionally significant infrastructure.

EIT-INF-P12 – Upgrades and development

Provide for upgrades to existing, and development of new, nationally significant infrastructure or regionally significant infrastructure while ensuring that:

- (1) it is designed and located, as far as practicable, to maintain functionality during and after natural hazard events,
 - (1A) it is resilient, to the extent reasonably practicable, to the current and future effects of sea level rise and climate change,
- (2) it is, as far as practicable, co-ordinated with long-term land use planning, and
- (3) its delivery, operation or use is efficient.

EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment When providing for new infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment:

- (1) avoid, as the first priority, locating infrastructure in all of the following:
 - (a) significant natural areas,
 - (b) outstanding natural features and landscapes,
 - (c) natural inland wetlands and rivers,
 - (d) outstanding water bodies,
 - (f) areas or places of significant or outstanding historic heritage, and
 - (g) wāhi tupuna, and
- (2) if it is not reasonably practicable to avoid locating in the areas listed in (1) above because of the functional needs or operational needs of the infrastructure, nationally significant infrastructure and regionally significant infrastructure manage adverse effects as follows:
 - (a) for nationally significant infrastructure, regionally significant infrastructure, or electricity distribution networks:
 - (i) in significant natural areas, in accordance with ECO-P3, ECO-P4, and ECO-5A,
 - (ii) in natural inland wetlands or rivers, in accordance with LF-FW-P10A and LF-FW-P13,
 - (iii) in outstanding water bodies, in accordance with LF-FW-P12,
 - (iiiia) in relation to wāhi tupuna, in accordance with HCV-WT-P2,

- (iv) in other areas listed in EIT-INF-P13 (1) above, the adverse effects of the infrastructure on the values that contribute to the area's importance shall be:
 - (I) remedied or mitigated to the extent practicable, and
 - (II) where they cannot be practicably remedied or mitigated, regard shall be had to offsetting and/or compensation of more than minor residual adverse effects, and
- (b) for all infrastructure that is not nationally significant infrastructure, regionally significant infrastructure or electricity distribution networks, avoid adverse effects on the values that contribute to the area's outstanding nature or significance except in relation to historic heritage which is not significant or outstanding, then HCV-HH-P5(3) will apply.

EIT-INF-P13A – Managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment When managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment the provisions of the CE – Coastal environment chapter apply.

EIT-INF-P14 – Decision making considerations

When considering proposals to develop or upgrade infrastructure:

- (1) require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, and
- (1A) require consideration of the current and future effects of sea level rise and climate change, and
- (2) recognise that upgrades of infrastructure may provide opportunities to reduce adverse effects of the existing infrastructure.

EIT-INF-P15 – Protecting nationally significant infrastructure and regionally significant infrastructure

Protect the efficient and effective operation, maintenance, upgrading and development of nationally significant infrastructure and regionally significant infrastructure by:

- (1) to the extent reasonably possible, managing activities, to ensure that of the operation, maintenance, upgrading and development of nationally significant infrastructure or regionally significant infrastructure, is not compromised,
- (2) to the extent reasonably possible, managing activities to avoid reverse sensitivity effects on nationally significant infrastructure or regionally significant infrastructure, and
- (3) identifying areas where sensitive activities are to be avoided.

HCV – Historical and Cultural values

HCV-WT-P2 – Management of effects on wāhi tupuna

Wāhi tūpuna are protected by:

- (1) avoiding significant adverse effects on the cultural values of identified wāhi tūpuna, (1A) avoiding, as the first priority, other adverse effects on the cultural values of identified wāhi tūpuna,
- (2) where other adverse effects demonstrably cannot be completely avoided, then either remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna

HCV-WT-P2A – Management of wāhi tūpuna

Wāhi tūpuna are protected by:

- (3) managing identified wāhi tūpuna in accordance with tikaka Māori, and
- (5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tūpuna

HCV-HH – Historic heritage

Objective

HCV-HH-O3 – Historic heritage resources

Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, and people's understanding and appreciation of it is enhanced, and it is protected for future generations against inappropriate subdivision, use and development.

5.2 OVERALL OBJECTIONS KA WHAIKA MATUA

These overall objectives apply to the whole of the Otago Region.

- I. The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.
- II. Ki Uta Ki Tai management of natural resources is adopted within the Otago region.
- III. The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region.
- IV. Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.
- V. The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.

5.3.3 Wai Māori General Objectives

- I. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.
- II. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.
- III. There is no discharge of human waste directly to water.
- IV. Contaminants being discharged directly or indirectly to water are reduced.
- V. Flow regimes and water quality standards are consistent with the cultural values of Kāi Tahu ki Otago and are implemented throughout the Otago Region and lower Waitaki Catchment.
- VI. The unresolved issues surrounding water ownership are addressed

Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ)

Resource consents for discharges of PM

17 Certain applications must be declined unless other PM₁₀ discharges reduced

- (1) A consent authority must decline an application for a resource consent (the **proposed consent**) to discharge PM₁₀ if the discharge to be expressly allowed by the consent would be likely, at any time, to increase the concentration of PM₁₀ (calculated as a 24-hour mean under [Schedule 1](#)) by more than 2.5 micrograms per cubic metre in any part of a polluted airshed other than the site on which the consent would be exercised.
- (2) However, subclause (1) does not apply if—
 - a. the proposed consent is for the same activity on the same site as another resource consent (the **existing consent**) held by the applicant when the application was made; and
 - b. the amount and rate of PM₁₀ discharge to be expressly allowed by the proposed consent are the same as or less than under the existing consent; and
 - c. discharges would occur under the proposed consent only when discharges no longer occur under the existing consent.
- (3) Subclause (1) also does not apply if—
 - a. the consent authority is satisfied that the applicant can reduce the PM₁₀ discharged from another source or sources into each polluted airshed to which subclause (1) applies by the same or a greater amount than the amount likely to be discharged into the relevant airshed by the discharge to be expressly allowed by the proposed consent; and
 - b. the consent authority, if it intends to grant the proposed consent, includes conditions in the consent that require the reduction or reductions to take effect within 12 months after the consent is granted and to then be effective for the remaining duration of the consent.
- (4) For the purposes of this regulation,—
 - a. an airshed becomes a polluted airshed on and from 1 September 2012 or any later day if, for the immediately prior 5-year period,—
 - (i) the airshed has meaningful PM₁₀ data for at least a 12-month period; and

(ii) the airshed's average exceedances of PM₁₀ (as calculated under [regulation 16D](#)) was more than 1 per year; and

b. an airshed stops being a polluted airshed on and from any day if the PM₁₀ standard was not breached in the airshed in the immediately prior 5-year period.

(5) If an airshed is established by notice in the Gazette, the data (if any) that best applies to the new airshed from the 1 or more airsheds from which the new airshed derived must be treated as if it were the new airshed's data to determine, under subclause (4),—

- a. whether the new airshed immediately becomes a polluted airshed; or
- b. whether the new airshed later becomes or stops being a polluted airshed.

(6) To avoid doubt,—

- a. a polluted airshed to which subclause (1) applies may or may not be an airshed in the region of the consent authority considering an application; and
- b. if an airshed stops being a polluted airshed under subclause (4)(b), it may later become a polluted airshed again under subclause (4)(a).

Example

An airshed's average exceedances of PM₁₀ per year is 1.2 for the 5-year period from 1 September 2007 to 31 August 2012. The airshed therefore becomes a polluted airshed on 1 September 2012.

15 March 2020 is the first day after the end of a 5-year period in which the PM₁₀ standard was not breached in the airshed. The airshed therefore stops being a polluted airshed on 15 March 2020.

Regulation 17: substituted, on 1 June 2011, by regulation 10 of the Resource Management (National Environmental Standards for Air Quality) Amendment Regulations 2011 (SR 2011/103).

Resource consents for discharges of other contaminants

20 Resource consents for discharge of carbon monoxide, oxides of nitrogen, and volatile organic compounds

- (1) A consent authority must decline an application for a resource consent to discharge carbon monoxide into air if the discharge to be expressly allowed by the resource consent—

- (a) is likely, at any time, to cause the concentration of that gas in the airshed to breach its ambient air quality standard; and
- (b) is likely to be a principal source of that gas in the airshed.
- (2) A consent authority must decline an application for a resource consent to discharge oxides of nitrogen or volatile organic compounds into air if the discharge to be expressly allowed by the resource consent—
 - (a) is likely, at any time, to cause the concentration of nitrogen dioxide or ozone in the airshed to breach its ambient air quality standard; and
 - (b) is likely to be a principal source of oxides of nitrogen or volatile organic compounds in the airshed.
- (3) In this regulation, **volatile organic compound**—
 - (a) means a hydrocarbon based compound with a vapour pressure greater than 2 millimetres of mercury (0.27 kilopascals) at a temperature of 25°C; but
 - (b) does not include methane.

Regulation 20 heading: amended, on 25 August 2005, by regulation 7(1) of the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Amendment Regulations 2005 (SR 2005/214).

Regulation 20(1): amended, on 1 June 2011, by regulation 12(1) of the Resource Management (National Environmental Standards for Air Quality) Amendment Regulations 2011 (SR 2011/103).

Regulation 20(1): amended, on 25 August 2005, by regulation 7(2) of the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Amendment Regulations 2005 (SR 2005/214).

Regulation 20(2): added, on 25 August 2005, by regulation 7(3) of the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Amendment Regulations 2005 (SR 2005/214).

Regulation 20(2): amended, on 1 June 2011, by regulation 12(2) of the Resource Management (National Environmental Standards for Air Quality) Amendment Regulations 2011 (SR 2011/103).

Regulation 20(3): added, on 25 August 2005, by regulation 7(3) of the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Amendment Regulations 2005 (SR 2005/214).

21 Resource consents for discharge of sulphur dioxide

A consent authority must decline an application for a resource consent to discharge sulphur dioxide into air if the discharge to be expressly allowed by the resource consent is likely, at any time, to cause the concentration of sulphur dioxide in the airshed to breach its ambient air quality standard.

Regulation 21: amended, on 1 June 2011, by [regulation 13](#) of the Resource Management (National Environmental Standards for Air Quality) Amendment Regulations 2011 (SR 2011/103).

**Reprint
as at 12 December 2013**



**Water Conservation (Kawarau)
Order 1997
(SR 1997/38)**

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 17th day of March 1997

Present:
His Excellency the Governor-General in Council

Pursuant to sections 214 of the Resource Management Act 1991, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry for the Environment.

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Order

1 Title and commencement

- (1) This order may be cited as the Water Conservation (Kawarau) Order 1997.
- (2) This order comes into force on the 28th day after the date of its notification in the *Gazette*.

2 Interpretation

In this order, unless the context otherwise requires,—

Act means the Resource Management Act 1991

preserved waters means the waters set out in Schedule 1

protected waters means the waters set out in Schedule 2.

3 Preservation in natural state

- (1) It is declared that the waters described in Schedule 1 contain 1 or more of the following outstanding amenity and intrinsic values which are afforded by waters in their natural state:
 - (a) natural and physical qualities and characteristics that contribute to—
 - (i) people's appreciation of pleasantness of waters:
 - (ii) aesthetic coherence:
 - (iii) cultural and recreational attributes:
 - (b) biological and genetic diversity of ecosystems:
 - (c) essential characteristics that determine the ecosystem's integrity, form, functioning, and resilience.

- (2) Because of the outstanding amenity and intrinsic values recognised in subclause (1), these outstanding values shall be sustained.
- (3) Because of the outstanding amenity and intrinsic values recognised in subclause (1), it is declared that the water bodies set out in Schedule 1 are outstanding in their natural state.
- (4) Because the water bodies set out in Schedule 1 are recognised to be outstanding in their natural state, they must be preserved as far as possible in their natural state.
- (5) Except as provided in clauses 5 and 6, the exercise by a regional council of its functions and powers under section 30(1)(e) and (f) of the Act (as they relate to water) are restricted or prohibited so as to retain the preserved waters as far as possible in their natural state.

4 Protection of characteristics

- (1) It is declared that the waters set out in Schedule 2 which are no longer in their natural state contain 1 or more amenity and intrinsic values which warrant protection because they are considered outstanding.
- (2) Because of the outstanding amenity and intrinsic values recognised in subclause (1), these outstanding values shall be sustained.
- (3) Because of the outstanding amenity and intrinsic values recognised in subclause (1), it is declared that the water bodies described in Schedule 2 contain 1 or more of the following outstanding characteristics, as set out in Schedule 2:
 - (a) as a habitat for terrestrial and aquatic organisms:
 - (b) as a fishery:
 - (c) for its wild, scenic, and other natural characteristics:
 - (d) for scientific values:
 - (e) for recreational, or historical purposes:
 - (f) for significance in accordance with tikanga Maori.
- (4) Because of the outstanding characteristics specified in subclause (3), the characteristics of the waters, as set out in Schedule 2, are protected.
- (5) Except as provided in this order the exercise by a regional council of its functions and powers under section 30(1)(e) and

(f) of the Act (as they relate to water) are restricted or prohibited as set out in Schedule 2.

5 Exemptions

The restrictions and prohibitions in clauses 3(5) and 4(5) and Schedule 2 do not limit the regional council's functions or powers to grant a resource consent or to make a rule for any part of the preserved waters or protected waters for all or any of the following purposes:

- (a) maintenance or protection of any network utility operation (as defined in section 166 of the Act) or any public or private road or any bridge;
- (b) maintenance of soil conservation and river protection works;
- (c) research into, protection of, enhancement of, or restoration of, values and characteristics for which the water bodies are being preserved or protected, as the case may be;
- (d) on the same or similar conditions for any lawful use of water being undertaken immediately before the date on which this order came into force.

6 Further exemptions

(1) This clause applies to—

- (a) the Dart River mainstem from Lake Wakatipu to its confluence with the Beans Burn; and
- (b) the Rees River mainstem from Lake Wakatipu to its confluence with Hunter Stream; and
- (c) the Shotover River from the present State highway bridge (NZTopo50 CC11 657 082) to its confluence with the Kawarau River.

(2) The restrictions and prohibitions in clause 4(5) and Schedule 2 do not limit the regional council's functions and powers to grant a resource consent or to make a rule for the waters referred to in subclause (1) for all or any of the following purposes:

- (a) the construction, maintenance, and protection of roads and bridges except for the water body referred to in subclause (1)(c):

- (b) any exercise of the powers of a Catchment Board under the Soil Conservation and Rivers Control Act 1941:
 - (c) any exercise of the powers of a River Board or local authority under the River Boards Act 1908:
 - (d) any exercise of the powers of a Land Drainage Board or local authority under the Land Drainage Act 1908.
- (3) The purposes in subclause (2) include—
- (a) the undertaking of work necessary to prevent or control soil erosion and flooding affecting properties adjacent to the above water bodies and any connected water bodies including work in the riverbed such as (but not by way of limitation) the diversion of water and damming of water to construct river training works, groynes, and other flood protection works:
 - (b) the maintenance of existing flood protection and erosion control works both in and adjacent to the above water bodies:
 - (c) action taken in accordance with section 330 of the Resource Management Act 1991 to carry out any of the works referred to in paragraphs (a) and (b).

Clause 6(1)(b): amended, on 15 December 2011, by clause 4(1) of the Water Conservation (Kawarau) Amendment Order 2011 (*Gazette* 2011, p 5046).

Clause 6(1)(c): added, on 15 December 2011, by clause 4(2) of the Water Conservation (Kawarau) Amendment Order 2011 (*Gazette* 2011, p 5046).

Clause 6(2)(a): amended, on 15 December 2011, by clause 4(3) of the Water Conservation (Kawarau) Amendment Order 2011 (*Gazette* 2011, p 5046).

Clause 6(3)(a): amended, on 15 December 2011, by clause 4(4) of the Water Conservation (Kawarau) Amendment Order 2011 (*Gazette* 2011, p 5046).

7 Provisions for Nevis River

[Revoked]

Clause 7: revoked, on 12 December 2013, by clause 4 of the Water Conservation (Kawarau) Amendment Order 2013 (SR 2013/450).

8 Existing permits may be replaced

The restrictions and prohibitions in clauses 3(5) and 4(5) and Schedule 2 do not limit the regional council's functions in respect of any part of the preserved or protected waters to replace any existing resource consent or grant any resource consent in substitution for an expiring resource consent if the new re-

source consent is granted on substantially the same terms and conditions as the existing or expiring resource consent.

9 Lake Dunstan not affected

Nothing in this order affects the levels of Lake Dunstan or the operation of the Clyde power station.

10 Scope

Nothing in this order limits the effect of sections 14(3)(b) and 14(3)(e) of the Act relating to the use of water for an individual's reasonable domestic needs, the reasonable needs of an individual's animals for drinking water, and for firefighting purposes.

Schedule 1

cl 2

Waters to be preserved

All map references NZMS 1

Waters	Outstanding amenity and intrinsic values
Dart River mainstem above the Beans Burn confluence to source (S113:226162 to S114:465360):	a, b, c, e, f
All tributaries of the Dart River within the boundaries of the Mount Aspiring National Park, excluding Route Burn, but including the sections of the Rock Burn and Beans Burn within the boundary of the Mount Aspiring National Park:	a, b, c, e, f
Parts of tributaries of the Dart River not within the Mount Aspiring National Park; Rock Burn (S113:237131 to S113:234129); Beans Burn (S113:226162 to S113:221170):	a, b, c, e, f
Route Burn from confluence with Dart River to source, and all its tributaries, including Left Branch and North Branch (S122:245058 to S122:125093 and S113:135145):	a, b, c, d, e, f
Rees River mainstem about Hunter Stream confluence to source (S114:363204 to S114:451273):	a, b
All tributaries of the Rees River within the boundaries of the Mount Aspiring National Park:	a, b

Waters	Outstanding amenity and intrinsic values
Greenstone River mainstem from Lake Wakatipu to source, including Lake McKellar and its tributaries (S122:292812 to S122:112927 and S122:084929):	a, d, f
Caples River mainstem from Greenstone River confluence to source (S122:260812 to S122:128960 and S122:135901):	a, d, f
Lochnagar and Lake Creek (at or about S114:490230; and S114:526193 to S114:503230):	f
Nevis wetland (all water bodies upstream of S143:768240 on a tributary of Roaring Lion Creek).	f

Key:

Amenity values:

- (a) natural and physical qualities and characteristics that contribute to people's appreciation of pleasantness of waters:
- (b) natural and physical qualities and characteristics that contribute to aesthetic coherence:
- (c) natural and physical qualities and characteristics that contribute to cultural attributes:
- (d) natural and physical qualities and characteristics that contribute to recreational attributes.

Intrinsic values:

- (e) biological and genetic diversity of ecosystems:
- (f) essential characteristics that determine the ecosystem's integrity, form, functioning, and resilience.

Schedule 2

cl 2

Waters to be protected

All map references are NZMS 1 unless otherwise stated

Waters	Outstanding characteristics	Restrictions and prohibitions
Kawarau River mainstem from Scrubby Stream to Lake Wakatipu control gates (S133:940715 to S132:615707)	<ul style="list-style-type: none"> (c) wild and scenic characteristics; (c) natural characteristics, in particular the return flow in the upper section when the Shotover River is in high flood; (d) scientific values, in particular the return flow in the upper section when the Shotover River is in high flood; (e) recreational purposes, in particular rafting, jetboating, and kayaking. 	<ul style="list-style-type: none"> (i) no damming allowed; (ii) water quality to be managed to Class CR standard.
Nevis River mainstem gorge from Nevis Crossing to Kawarau River confluence (NZTM: 5002690.6 N, 1287862.0 E to 4989927.5 N, 1285354.6 E)	<ul style="list-style-type: none"> (a) native fishery habitat (non-migratory galaxiids); (c) wild and scenic characteristics; (e) recreational purposes, in particular fishing and kayaking. 	<ul style="list-style-type: none"> (i) no damming or diversion allowed; (ii) water quality to be managed to Class CR, Class F, and Class FS standards.

Waters

Nevis River mainstem above Nevis Crossing to source (NZTM: 4989927.5 N, 1285354.6 E to 4959907.3 N, 1269995.5 E)

Nevis River tributaries

Shotover River mainstem (at or about S132:645720 to S114:542262)

Outstanding characteristics

- (a) native fishery habitat (non-migratory galaxiids);
- (c) scenic characteristics;
- (d) scientific – biogeographic river capture;
- (e) recreational purposes, in particular fishing.
- (a) native fishery habitat (non-migratory galaxiids).
- (c) wild and scenic characteristics;
- (c) natural characteristics, in particular the high natural sediment load and active delta at confluence with Kawarau River;
- (d) scientific value, in particular the high natural sediment load and active delta at confluence with Kawarau River;
- (e) recreational purposes, in particular rafting, kayaking, and jetboating;

Restrictions and prohibitions

- (i) no damming or diversion allowed;
- (ii) water quality to be managed to Class F and Class FS standards.
- (i) no damming allowed;
- (ii) water quality to be managed to Class CR standard.

Waters**Outstanding characteristics****Restrictions and prohibitions**

	(f)	historical purposes, in particular goldmining.		
Dart River mainstem from Lake Wakatipu to confluence with Beans Burn (at or about S122:291916 to S113:226162)	(a)	habitat for wildlife;	(i)	no damming allowed;
	(c)	scenic characteristics;	(ii)	braiding of water to be maintained.
	(c)	natural characteristics, in particular natural turbidity;		
	(d)	scientific value, in particular natural turbidity;		
	(g)	significance in accordance with tikanga Maori, in particular sites at the mouth of the river.		
Rees River mainstem from Lake Wakatipu to confluence with Hunter (at or about S123:301915 to S114:363204)	(a)	habitat for wildlife;	(i)	no damming allowed;
	(c)	scenic characteristics;	(ii)	braiding of water to be maintained.
	(g)	significance in accordance with tikanga Maori, in particular sites at the mouth of the river.		
Diamond Lake, Diamond Creek, and Reid Lake (at or about S122:290050; S122:299036 to S123:305987)	(a)	habitat for wildlife and quinnat salmon;	(i)	no damming allowed;
	(b)	fishery.	(ii)	fish passage to be maintained;
			(iii)	water quality to be managed to Class F and Class FS standards.

Waters	Outstanding characteristics	Restrictions and prohibitions
Lake Wakatipu (from outlet at control gates (S132:615707) to confluences of Dart River (at or about S122:291916) and Rees River (at or about S123:301915) and including whole lake)	(b) fishery; (c) scenic characteristics; (d) scientific value, in particular water clarity, and bryophyte community; (e) recreational purposes, in particular boating; (g) significance in accordance with tikanga Maori, in particular sites at the head of the lake, and the legend of the lake itself.	(i) fish passage to be maintained; (ii) water quality to be managed to Class AE, Class CR, Class F, and Class FS standards.
Lochy River mainstem (S132:592511 to S142:328409 and S142:307380)	(b) fishery; (e) recreational purposes, in particular fishing.	(i) fish passage to be maintained; (ii) water quality to be managed to Class F and Class FS standards.
Von River mainstem (S132:353629 to S141:288380 and S131:216620)	(b) fishery; (e) recreational purposes, in particular fishing.	(i) fish passage to be maintained; (ii) water quality to be managed to Class F and Class FS standards.
Key: Outstanding characteristics (s 199(2)(b) and (c) of Act): (a) as habitat for terrestrial or aquatic organisms: (b) as a fishery:		

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- (c) for its wild, scenic or other natural characteristics:
 - (d) for scientific and ecological values:
 - (e) for recreational purposes:
 - (f) for historical purposes:
 - (g) for significance in accordance with tikanga Maori.

Restrictions and prohibitions:

References to classes are Water quality classes as in Schedule 3 of the Act.

Schedule 2: amended, on 12 December 2013, by clause 5 of the Water Conservation (Kawarau) Amendment Order 2013 (SR 2013/450).

Reprinted as at
12 December 2013 **Water Conservation (Kawarau) Order 1997**

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 20 March 1997.

Reprints notes**1 *General***

This is a reprint of the Water Conservation (Kawarau) Order 1997 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Water Conservation (Kawarau) Amendment Order 2013 (SR 2013/450)

Water Conservation (Kawarau) Amendment Order 2011 (*Gazette* 2011, p 5046)

87F Consent authority's subsequent processing

- (1) If the consent authority does not grant the applicant's request under [section 87D](#), the consent authority must continue to process the application.
- (2) If the consent authority grants the applicant's request under [section 87D](#), the consent authority must continue to process the application and must comply with subsections (3) to (7).
- (3) The consent authority must prepare a report on the application within the longer of the following periods:
 - (a) the period that ends 20 working days after the date on which the period for submissions on the application closes;
 - (b) the period that ends 20 working days after the date on which the authority decides to grant the request.
- (4) In the report, the consent authority must—
 - (a) address issues that are set out in [sections 104 to 112](#) to the extent that they are relevant to the application; and
 - (b) suggest conditions that it considers should be imposed if the Environment Court grants the application; and
 - (c) provide a summary of submissions received.
- (5) As soon as is reasonably practicable after the report is prepared, the consent authority must provide a copy to—
 - (a) the applicant; and
 - (b) every person who made a submission on the application.
- (6) The consent authority must ensure that it provides reasonable assistance to the Environment Court in relation to any matters raised in the authority's report.
- (7) In providing that assistance, the consent authority—
 - (a) is a party to the proceedings; and
 - (b) must be available to attend hearings to—
 - (i) discuss or clarify any matter in its report;
 - (ii) give evidence about its report;
 - (iii) discuss submissions received and address issues raised by the submissions;
 - (iv) provide any other relevant information requested by the court.

Section 87F: inserted, on 1 October 2009, by [section 69](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 87F(2): amended, on 4 September 2013, by [section 14\(1\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 87F(4): amended, on 4 September 2013, by [section 14\(2\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 87F(4)(b): amended, on 4 September 2013, by [section 14\(3\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 87F(4)(c): inserted, on 4 September 2013, by [section 14\(4\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 87F(6): inserted, on 4 September 2013, by [section 14\(5\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 87F(7): inserted, on 4 September 2013, by [section 14\(5\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Resource Management Act 1991 (as at 20 October 2025)

102 Joint hearings by 2 or more consent authorities

(1) Where applications for resource consents in relation to the same proposal have been made to 2 or more consent authorities, and those consent authorities have decided to hear the applications, the consent authorities shall jointly hear and consider those applications unless—

(a) all the consent authorities agree that the applications are sufficiently unrelated that a joint hearing is unnecessary; and

(b) the applicant agrees that a joint hearing need not be held.

(2) When a joint hearing is to be held, the regional council for the area concerned shall be responsible for notifying the hearing, setting the procedure, and providing administrative services, unless the consent authorities involved in the hearing agree that another authority should be so responsible.

(3) Where 2 or more consent authorities jointly hear applications for resource consents, they shall jointly decide those applications unless—

(a) any application is for a restricted coastal activity; or

(b) any of the consent authorities consider on reasonable grounds that it is not appropriate to do so.

(4) Where 2 or more consent authorities jointly decide applications for a resource consent in accordance with subsection (3), they shall identify in their decision on those applications—

(a) their respective responsibilities for the administration of any consents granted, including monitoring and enforcement; and

(b) the manner in which administrative charges will be allocated between the consent authorities,—

and any consent shall be issued by the relevant consent authority accordingly.

(4A) Where 2 or more consent authorities separately decide applications, and all the consent authorities have agreed to grant a resource consent, they shall ensure any conditions to be imposed are not inconsistent with each other.

(5) In any appeal under [section 120](#) against a joint decision under subsection (4), the respondent shall be the consent authority whose consent is the subject of the appeal.

(6) This section shall also apply to any other matter the consent authorities are empowered to decide or recommend on under this Act in relation to the same proposal.

(7) If a consent authority delegates its functions, powers, and duties in relation to a matter to 1 or more hearings commissioners in accordance with [section 100A](#), and a joint hearing under this section includes the matter, then those commissioners must represent the consent authority in the joint hearing in relation to the matter.

Section 102(4A): inserted, on 7 July 1993, by [section 52\(1\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 102(6): inserted, on 7 July 1993, by [section 52\(2\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 102(7): inserted, on 1 October 2009, by [section 80](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Resource Management Act 1991 (as at 20 October 2025)

103 Combined hearings in respect of 2 or more applications

(1) Where 2 or more applications for resource consents in relation to the same proposal have been made to a consent authority, and that consent authority has decided to hear the applications, the consent authority shall hear and decide those applications together unless—

(a) the consent authority is of the opinion that the applications are sufficiently unrelated so that it is unnecessary to hear and decide the applications together; and

(b) the applicant agrees that a combined hearing need not be held.

(2) This section shall also apply to any other matter the consent authority is empowered to decide or recommend on under this Act in relation to the same proposal.

(3) If a consent authority delegates its functions, powers, and duties in relation to a matter to 1 or more hearings commissioners in accordance with [section 100A](#), and the matter is to be heard and decided together with other matters under this section, then all of the matters must be heard and decided by those commissioners.

Section 103(2): inserted, on 7 July 1993, by [section 53](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 103(3): inserted, on 1 October 2009, by [section 81](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Resource Management Act 1991 (as at 20 October 2025)

103A Time limit for completion of hearing of notified application

(1) This section applies to a hearing of an application for a resource consent that was notified.

(2) If public notification was given, the hearing must be completed no later than 75 working days after the closing date for submissions on the application.

(3) If limited notification was given, the hearing must be completed no later than 45 working days after the closing date for submissions on the application.

Section 103A: replaced, on 3 March 2015, by [section 102](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Resource Management Act 1991 (as at 20 October 2025)

103B Requirement to provide report and other evidence before hearing

(1) This section applies to a hearing of an application for a resource consent that was notified.

(2) The consent authority must provide the following (the **authority's evidence**) to the applicant, and to every person who made a submission and stated a wish to be heard at the hearing, at least 15 working days before the hearing:

- (a) a copy of any written report prepared under [section 42A\(1\)](#); and
- (b) briefs of any other evidence to be called by the authority.

(3) The applicant must provide briefs of evidence (the **applicant's evidence**) to the consent authority at least 10 working days before the hearing.

(4) A person who has made a submission and who is intending to call expert evidence must provide briefs of the evidence (the **submitter's evidence**) to the consent authority and the applicant at least 5 working days before the hearing.

(5) The consent authority must make the following available at its office to the persons specified:

- (a) the authority's evidence, to any person who made a submission and did not state a wish to be heard;
- (b) the applicant's evidence, to any person who made a submission;
- (c) any submitter's evidence, to any other person who made a submission.

(6) The consent authority must give written or electronic notice that evidence is available at its office to each person to whom the evidence is made available.

(7) This section overrides [sections 41B](#) and [42A\(3\) to \(5\)](#).

Section 103B: inserted, on 3 March 2015, by [section 102](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Resource Management Act 1991 (as at 20 October 2025)

Decisions

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#) and [section 77M](#), have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ia) a wastewater environmental performance standard:
 - (ib) a stormwater environmental performance standard:
 - (ic) an infrastructure design solution:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

(2A) When considering an application affected by [section 124](#) or [165ZH\(1\)\(c\)](#), the consent authority must have regard to the value of the investment of the existing consent holder.

(2B) When considering a resource consent application for an activity in an area within the scope of a planning document prepared by a customary marine title group under [section 85](#) of the Marine and Coastal Area (Takutai Moana) Act 2011, a consent authority must have regard to any resource management matters set out in that planning document.

(2C) Subsection (2B) applies until such time as the regional council, in the case of a consent authority that is a regional council, has completed its obligations in relation to its regional planning documents under [section 93](#) of the Marine and Coastal Area (Takutai Moana) Act 2011.

(2D) When considering a resource consent application that relates to a wastewater network, as defined in [section 5](#) of the Water Services Act 2021,—

- (a) a consent authority must not grant the consent contrary to—
 - (i) a wastewater environmental performance standard made under [section 138](#) of that Act; or
 - (ii) an infrastructure design solution; and

(b) a consent authority must include, as a condition of granting the consent, requirements that are no more or less restrictive than is necessary to give effect to—

- (i) the wastewater environmental performance standard; or
- (ii) the infrastructure design solution.

(2DA) However, subsection (2D)—

(a) does not apply if an exception under a wastewater environmental performance standard or an infrastructure design solution applies; and

(b) except as expressly otherwise provided in this Act, does not prevent a consent authority from including, as a condition of granting a resource consent, a requirement that relates to any activity, effect, or other matter that a wastewater environmental standard or an infrastructure design solution does not regulate or manage.

(2E) When considering a resource consent application that relates to a stormwater network, as defined in [section 5](#) of the Water Services Act 2021, a consent authority—

(a) must not grant the consent contrary to—

- (i) a stormwater environmental performance standard made under [section 139A](#) of that Act; or
- (ii) an infrastructure design solution; and

(b) must include, as a condition of granting the consent, requirements that are no more or less restrictive than is necessary to give effect to—

- (i) the stormwater environmental performance standard; or
- (ii) the infrastructure design solution.

(2EAAA) However, subsection (2E)—

(a) does not apply if an exception under a stormwater environmental performance standard or an infrastructure design solution applies; and

(b) except as expressly otherwise provided in this Act, does not prevent a consent authority from including, as a condition of granting a resource consent, a requirement that relates to any activity, effect, or other matter that a stormwater environmental standard or an infrastructure design solution does not regulate or manage.

(2EA) When considering a resource consent application, a consent authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, or convictions under this Act received by the applicant, if the applicant is not a natural person or, if the applicant is a natural person, received by the applicant within the previous 7 years.

(2F) When considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020).

(2G) Subsection (2F) applies despite subsection (1)(b)(iii) and any other provision of this Act.

(3) A consent authority must not,—

- (a) when considering an application, have regard to—
 - (i) trade competition or the effects of trade competition; or
 - (ii) any effect on a person who has given written approval to the application:
- (b) *[Repealed]*
- (c) grant a resource consent contrary to—
 - (i) [section 107](#), [107A](#), or [217](#);
 - (ii) an Order in Council in force under [section 152](#);
 - (iii) any regulations;
 - (iv) wāhi tapu conditions included in a customary marine title order or agreement;
 - (v) [section 55\(2\)](#) of the Marine and Coastal Area (Takutai Moana) Act 2011:
- (d) grant a resource consent if the application should have been notified and was not.

(3A) See also [section 103\(3\)](#) of the Urban Development Act 2020 (which relates to resource consents in project areas in transitional periods for specified development projects (as those terms are defined in [section 9](#) of that Act)).

(4) A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.

(5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.

(6) A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

(6A) A consent authority may decline an application for a resource consent if the applicant has a record of significant non-compliance with a requirement of this Act—

- (a) that is ongoing or repeated; and
- (b) that, if the applicant is not a natural person, has been or is the subject of an enforcement order or a conviction under this Act or, if the applicant is a natural person, has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years.

(7) In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.

Section 104: replaced, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 104(1): amended, on 21 December 2021, by [section 13](#) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

Section 104(1)(ab): inserted, on 18 October 2017, by [section 143](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 104(1)(b): replaced, on 1 October 2009, by [section 83\(1\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(1)(b)(ia): inserted, on 27 August 2025, by [section 80\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104(1)(b)(ib): inserted, on 27 August 2025, by [section 80\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104(1)(b)(ic): inserted, on 27 August 2025, by [section 80\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104(2): amended, on 1 October 2009, by [section 83\(2\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(2A): inserted, on 10 August 2005, by [section 59](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 104(2A): amended, on 1 October 2011, by [section 23\(1\)](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Section 104(2B): inserted, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 104(2B): amended, on 4 September 2013, by [section 17](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 104(2C): inserted, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 104(2D): replaced, on 27 August 2025, by [section 80\(2\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104(2DA): inserted, on 27 August 2025, by [section 80\(2\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104(2E): replaced, on 27 August 2025, by [section 80\(3\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104(2EAAA): inserted, on 27 August 2025, by [section 80\(3\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104(2EA): inserted, on 21 August 2025, by [section 38\(1\)](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 104(2F): inserted, on 25 October 2024, by [section 23](#) of the Resource Management (Freshwater and Other Matters) Amendment Act 2024 (2024 No 43).

Section 104(2G): inserted, on 25 October 2024, by [section 23](#) of the Resource Management (Freshwater and Other Matters) Amendment Act 2024 (2024 No 43).

Section 104(3): amended, on 1 October 2009, by [section 83\(3\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(3)(a): replaced, on 1 October 2009, by [section 83\(4\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(3)(b): repealed, on 1 October 2009, by [section 83\(4\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(3)(c): replaced, on 17 January 2005, by [section 24](#) of the Resource Management (Foreshore and Seabed) Amendment Act 2004 (2004 No 94).

Section 104(3)(c)(i): replaced, on 28 September 2008, by [section 6](#) of the Resource Management Amendment Act 2008 (2008 No 95).

Section 104(3)(c)(i): amended, on 1 October 2011, by [section 23\(2\)](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Section 104(3)(c)(iv): replaced, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 104(3)(c)(v): inserted, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 104(3)(d): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(3A): inserted, on 7 August 2020, by [section 300](#) of the Urban Development Act 2020 (2020 No 42).

Section 104(4): replaced, on 1 October 2009, by [section 83\(5\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(6): inserted, on 1 October 2009, by [section 83\(6\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104(6A): inserted, on 21 August 2025, by [section 38\(2\)](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 104(7): inserted, on 1 October 2009, by [section 83\(6\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Resource Management Act 1991 (as at 20 October 2025)

104A Determination of applications for controlled activities

After considering an application for a resource consent for a controlled activity, a consent authority—

(a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and

(b) may impose conditions on the consent under [section 108](#) only for those matters—

(i) over which control is reserved in national environmental standards, wastewater environmental performance standards, stormwater environmental performance standards, infrastructure design solutions, or other regulations; or

(ii) over which it has reserved its control in its plan or proposed plan.

Section 104A: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 104A(a): replaced, on 10 August 2005, by [section 60](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 104A(b): replaced, on 1 October 2009, by [section 84](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104A(b)(i): amended, on 27 August 2025, by [section 81](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Resource Management Act 1991 (as at 20 October 2025)

104C Determination of applications for restricted discretionary activities

(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

- (a) a discretion is restricted in national environmental standards, wastewater environmental performance standards, stormwater environmental performance standards, infrastructure design solutions, or other regulations:
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.
- (2) The consent authority may grant or refuse the application.
- (3) However, if it grants the application, the consent authority may impose conditions under [section 108](#) only for those matters over which—
- (a) a discretion is restricted in national environmental standards, wastewater environmental performance standards, stormwater environmental performance standards, infrastructure design solutions, or other regulations:
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.

Section 104C: replaced, on 1 October 2009, by [section 85](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104C(1)(a): amended, on 27 August 2025, by [section 82](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 104C(3)(a): amended, on 27 August 2025, by [section 82](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Resource Management Act 1991 (as at 20 October 2025)

104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which [section 104\(3\)\(a\)\(ii\)](#) applies) will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

(2) To avoid doubt, [section 104\(2\)](#) applies to the determination of an application for a non-complying activity.

Section 104D: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 104D(1): amended, on 18 October 2017, by [section 144](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 104D(1): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104D(1)(a): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Resource Management Act 1991 (as at 20 October 2025)

104DA Circumstances in which consent authority may grant resource consent contrary to standards and solutions

(1) Despite the provisions listed in subsection (2), a consent authority may grant a resource consent contrary to a stormwater environmental performance standard, a wastewater environmental performance standard, or an infrastructure design solution for the purpose of giving effect to—

- (a) Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River; or
- (b) a provision that is included in a regional policy statement or a proposed regional policy statement to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River; or
- (c) a provision that—
 - (i) is included in a plan or proposed plan to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River; and
 - (ii) is more stringent than the environmental performance standard or infrastructure design solution.

(2) The provisions are—

- (a) [section 87A](#);
- (b) [section 104\(2D\) and \(2E\)](#);
- (c) [section 105\(3\)](#);
- (d) [section 107\(4\)](#);
- (e) [section 123\(aa\) and \(ab\)](#);
- (f) [section 128](#).

Section 104DA: inserted, on 27 August 2025, by [section 83](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Resource Management Act 1991 (as at 20 October 2025)

Decisions on applications relating to discharge of greenhouse gases *[Repealed]*

Heading: repealed, on 4 September 2013, by [section 18](#) of the Resource Management Amendment Act 2013 (2013 No 63).

104E Applications relating to discharge of greenhouse gases

[Repealed]

Section 104E: repealed, on 30 November 2022, by [section 35](#) of the Resource Management Amendment Act 2020 (2020 No 30).

Resource Management Act 1991 (as at 20 October 2025)

104F Implementation of national environmental standards

[Repealed]

Section 104F: repealed, on 30 November 2022, by [section 36](#) of the Resource Management Amendment Act 2020 (2020 No 30).

Resource Management Act 1991 (as at 20 October 2025)

104G Consideration of activities affecting drinking water supply source water

When considering an application for a resource consent, the consent authority must have regard to—

- (a) the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under [section 55](#) of the Water Services Act 2021; and
- (b) any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the [Water Services Act 2021](#).

Section 104G: inserted, on 15 November 2021, by [section 206\(1\)](#) of the Water Services Act 2021 (2021 No 36).

Resource Management Act 1991 (as at 20 October 2025)

105 Matters relevant to certain applications

(1) If an application is for a discharge permit or coastal permit to do something that would contravene [section 15](#) or [section 15B](#), the consent authority must, in addition to the matters in [section 104\(1\)](#), have regard to—

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (b) the applicant's reasons for the proposed choice; and
- (c) any possible alternative methods of discharge, including discharge into any other receiving environment.

(2) If an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in [section 104\(1\)](#), consider whether an esplanade reserve

or esplanade strip is appropriate and, if so, impose a condition under [section 108\(2\)\(g\)](#) on the resource consent.

- (3) However, subsections (1) and (2) do not apply if an application is for an activity—
- (a) that is regulated by a wastewater environmental performance standard or a stormwater environmental performance standard and the application complies with the relevant environmental performance standard; or
 - (b) that is regulated by an infrastructure design solution and the application complies with the infrastructure design solution.

Section 105: replaced, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 105(3): inserted, on 27 August 2025, by [section 84](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Resource Management Act 1991 (as at 20 October 2025)

106 Consent authority may refuse subdivision consent in certain circumstances

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

- (a) there is a significant risk from natural hazards; or
- (b) *[Repealed]*
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:

- (a) the likelihood of natural hazards occurring (whether individually or in combination):
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:
- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

(2) Conditions under subsection (1) must be—

- (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
- (b) of a type that could be imposed under [section 108](#).

Section 106: replaced, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 106(1): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 106(1)(a): replaced, on 18 October 2017, by [section 145\(1\)](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 106(1)(b): repealed, on 18 October 2017, by [section 145\(1\)](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 106(1A): replaced, on 21 August 2025, by [section 39](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Resource Management Act 1991 (as at 20 October 2025)

106A Consent authority may refuse land use consent in certain circumstances

(1) A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards.

(2) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:

- (a) the likelihood of natural hazards occurring (whether individually or in combination):
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:
- (c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):
- (d) whether the proposed use of the land would result in adverse effects on the health or safety of people.

(3) Conditions imposed under subsection (1) must be—

- (a) for the purposes of avoiding or mitigating the effects referred to in subsection (1); and
- (b) of a type that could be imposed under [section 108](#).

(4) This section does not apply to land use consents if the use of the land for which the consent is sought is—

- (a) construction, upgrade, maintenance, or operation of infrastructure; or
- (b) primary production activities, as described in the national planning standards.

Section 106A: inserted, on 21 August 2025, by [section 40](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Resource Management Act 1991 (as at 20 October 2025)

107 Restriction on grant of certain discharge permits

(1) Except as provided in subsection (2) or (2A), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene [section 15](#) or [section 15A](#) allowing—

- (a) the discharge of a contaminant or water into water; or

- (b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
 - (ba) the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—
if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:
 - (c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - (d) any conspicuous change in the colour or visual clarity:
 - (e) any emission of objectionable odour:
 - (f) the rendering of fresh water unsuitable for consumption by farm animals:
 - (g) any significant adverse effects on aquatic life.
- (2) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or [section 15A](#) that may allow any of the effects described in subsection (1) if it is satisfied—
- (a) that exceptional circumstances justify the granting of the permit; or
 - (b) that the discharge is of a temporary nature; or
 - (c) that the discharge is associated with necessary maintenance work—
and that it is consistent with the purpose of this Act to do so.
- (2A) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene [section 15](#) or [15A](#) that may allow the effects described in subsection (1)(g) if the consent authority—
- (a) is satisfied that, at the time of granting, there are already effects described in subsection (1)(g) in the receiving waters; and
 - (b) imposes conditions on the permit; and
 - (c) is satisfied that those conditions will contribute to a reduction of the effects described in subsection (1)(g) over the duration of the permit.
- (3) In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.
- (4) However, this section does not apply if an application is for an activity—
- (a) that is regulated by a wastewater environmental performance standard or a stormwater environmental performance standard and the application complies with the relevant environmental performance standard; or
 - (b) that is regulated by an infrastructure design solution and the application complies with the design solution.

Section 107(1): amended, on 25 October 2024, by [section 24\(1\)](#) of the Resource Management (Freshwater and Other Matters) Amendment Act 2024 (2024 No 43).

Section 107(1): amended, on 20 August 1998, by [section 14\(2\)](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Section 107(1): amended, on 7 July 1993, by [section 57\(1\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 107(1)(b): replaced, on 20 August 1998, by [section 14\(1\)](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Section 107(1)(ba): inserted, on 20 August 1998, by [section 14\(1\)](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Section 107(2): replaced, on 17 December 1997, by [section 23\(1\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 107(2): amended, on 20 August 1998, by [section 14\(2\)](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Section 107(2A): inserted, on 25 October 2024, by [section 24\(2\)](#) of the Resource Management (Freshwater and Other Matters) Amendment Act 2024 (2024 No 43).

Section 107(3): replaced, on 7 July 1993, by [section 57\(4\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 107(4): inserted, on 27 August 2025, by [section 85](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Resource Management Act 1991 (as at 20 October 2025)

107A Restrictions on grant of resource consents

[Repealed]

Section 107A: repealed, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Resource Management Act 1991 (as at 20 October 2025)

107B Provision for certain infrastructure works and related operations

[Repealed]

Section 107B: repealed, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Resource Management Act 1991 (as at 20 October 2025)

107C Circumstances when written approval for resource consent required from holder of customary rights order

[Repealed]

Section 107C: repealed, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

107D Process to apply if grant of resource consent has effect of cancelling customary rights order

[Repealed]

Section 107D: repealed, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Decisions on applications relating to non-aquaculture activities

[Repealed]

Heading: repealed, on 1 October 2011, by [section 24](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

107E Decision on application to undertake non-aquaculture activity in aquaculture management area

[Repealed]

Section 107E: repealed, on 1 October 2011, by [section 25](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

107F Applications to undertake aquaculture activities

(1) This section applies to an application for a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, other than an application referred to in subsection (2), including an application under [subpart 4](#) of Part 7A.

(2) This section does not apply to an application that relates to—

(a) an area—

(i) that is or was subject to a lease, licence, marine farming permit, or spat catching permit that was deemed under [section 10](#), [20](#), or [21](#) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 to be a coastal permit granted under this Act; and

(ii) where, since the date on which the lease, licence, marine farming permit, or spat catching permit was deemed to be a coastal permit, aquaculture activities have been continuously authorised under that permit or another permit granted under this Act; or

(b) an area that is or was subject to the coastal permit referred to in [section 20A](#) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 and where, since the date the coastal permit was deemed to be granted, aquaculture

activities have been continuously authorised under that permit or another permit granted under this Act; or

(c) an area in a gazetted aquaculture area within the meaning of [section 35](#) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

(3) The consent authority must take the following actions:

(a) unless the application is returned under [section 88\(3A\)](#), forward a copy of the application as soon as is reasonably practicable to the chief executive of the Ministry of Fisheries:

(b) if information or a report is obtained in relation to the application under [section 41C](#), [42A](#), [92](#), or [149](#), forward that information or report as soon as is reasonably practicable to the chief executive:

(c) if the application is notified, as soon as is reasonably practicable after the closing date for submissions, send to the chief executive a copy of the submissions received.

(4) For the purposes of subsection (3)(c), in the case of a concurrent application made under [subpart 4](#) of Part 7A that is lodged with the EPA, the copy of submissions required to be sent by the EPA to the chief executive is a copy of only those submissions that relate to the concurrent application and not those that relate to its plan change request.

Section 107F: inserted, on 1 October 2011, by [section 26](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Section 107F(3)(a): amended, on 3 March 2015, by [section 103](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Resource Management Act 1991 (as at 20 October 2025)

107G Review of draft conditions of consent

(1) An applicant for a resource consent—

(a) may request the consent authority to provide them with any draft conditions of the resource consent; and

(b) must make the request before whichever of the following the consent authority does first:

(i) the authority issues its decision on the application; or

(ii) the authority provides a report under [section 42A](#) in accordance with [section 42A\(3\)](#); but

(c) may make the request only once.

(2) If a request is made, a consent authority—

(a) must provide the draft conditions to the applicant and, if the application was notified, to submitters; and

(b) may suspend the time frame that applies to the processing of the application to allow the applicant and any submitters to consider the draft conditions.

(3) Subsection (2)(b)—

- (a) does not prevent a consent authority from continuing to process the application while the time frame is suspended; and
 - (b) may be applied only once during an application process.
- (4) An applicant and any submitters must provide their comments on the draft conditions to the consent authority within a reasonable time specified by the consent authority.
- (5) A consent authority may take those comments into account only to the extent they cover technical or minor matters.
- (6) A consent authority may provide draft conditions to the persons specified in subsection (2)(a)—
- (a) more than once; and
 - (b) whether or not the applicant requests the draft conditions under subsection (1); and
 - (c) whether or not the time frame that applies to the processing of the application is suspended under subsection (2)(b).

Section 107G: inserted, on 20 October 2025, by [section 41](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Resource Management Act 1991 (as at 20 October 2025)

108 Conditions of resource consents

- (1) Except as expressly provided in this section and subject to [section 108AA](#) and any wastewater environmental performance standards, any stormwater environmental performance standards, any infrastructure design solutions, and any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate, including any condition of a kind referred to in subsection (2).
- (2) A resource consent may include any 1 or more of the following conditions:
- (a) subject to subsection (10), a condition requiring that a financial contribution be made:
 - (b) a condition requiring provision of a bond (and describing the terms of that bond) in accordance with [section 108A](#):
 - (c) a condition requiring that services or works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource, be provided:
 - (d) in respect of any resource consent (other than a subdivision consent), a condition requiring that a covenant be entered into, in favour of the consent authority, in respect of the performance of any condition of the resource consent (being a condition which relates to the use of land to which the consent relates):
 - (da) a condition to mitigate any risk that the resource consent may not be complied with having regard to any previous non-compliance by the applicant that is the subject of an abatement order, enforcement order, infringement notice, or conviction under this Act referred to in [section 104\(2EA\)](#):

- (e) subject to subsection (8), in respect of a discharge permit or a coastal permit to do something that would otherwise contravene [section 15](#) (relating to the discharge of contaminants) or [section 15B](#), a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge and other discharges (if any) made by the person from the same site or source:
 - (f) in respect of a subdivision consent, any condition described in [section 220](#) (notwithstanding any limitation on the imposition of conditions provided for by [section 87A\(2\)\(b\) or \(3\)\(a\)](#)):
 - (g) in respect of any resource consent for reclamation granted by the relevant consent authority, a condition requiring an esplanade reserve or esplanade strip of any specified width to be set aside or created under [Part 10](#):
 - (h) in respect of any coastal permit to occupy any part of the common marine and coastal area, a condition—
 - (i) detailing the extent of the exclusion of other persons:
 - (ii) specifying any coastal occupation charge.
- (3) A consent authority may include as a condition of a resource consent a requirement that the holder of a resource consent supply to the consent authority information relating to the exercise of the resource consent.
- (4) Without limiting subsection (3), a condition made under that subsection may require the holder of the resource consent to do 1 or more of the following:
- (a) to make and record measurements:
 - (b) to take and supply samples:
 - (c) to carry out analyses, surveys, investigations, inspections, or other specified tests:
 - (d) to carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:
 - (e) to provide information to the consent authority at a specified time or times:
 - (f) to provide information to the consent authority in a specified manner:
 - (g) to comply with the condition at the holder of the resource consent's expense.
- (5) Any conditions of a kind referred to in subsection (3) that were made before the commencement of this subsection, and any action taken or decision made as a result of such a condition, are hereby declared to be, and to have always been, as valid as they would have been if subsections (3) and (4) had been included in this Act when the conditions were made, or the action was taken, or the decision was made.
- (6) *[Repealed]*
- (7) Any condition under subsection (2)(d) may, among other things, provide that the covenant may be varied or cancelled or renewed at any time by agreement between the consent holder and the consent authority.
- (8) Before deciding to grant a discharge permit or a coastal permit to do something that would otherwise contravene [section 15](#) (relating to the discharge of contaminants) or

[15B](#) subject to a condition described in subsection (2)(e), the consent authority shall be satisfied that, in the particular circumstances and having regard to—

- (a) the nature of the discharge and the receiving environment; and
 - (b) other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment—
- the inclusion of that condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.

(9) In this section, **financial contribution** means a contribution of—

- (a) money; or
- (b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of [Te Ture Whenua Maori Act 1993](#) unless that Act provides otherwise; or
- (c) a combination of money and land.

(10) A consent authority must not include a condition in a resource consent requiring a financial contribution unless—

- (a) the condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and
- (b) the level of contribution is determined in the manner described in the plan or proposed plan.

Section 108(1): replaced, on 17 December 1997, by [section 24\(1\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 108(1): amended, on 27 August 2025, by [section 86](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 108(1): amended, on 18 October 2017, by [section 146](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 108(2): replaced, on 17 December 1997, by [section 24\(1\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 108(2)(b): replaced, on 1 August 2003, by [section 45\(1\)](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 108(2)(da): inserted, on 21 August 2025, by [section 42](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 108(2)(f): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 108(2)(h): amended, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 108(3): replaced, on 7 July 1993, by [section 58\(6\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 108(4): replaced, on 7 July 1993, by [section 58\(6\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 108(5): replaced, on 7 July 1993, by [section 58\(6\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 108(6): repealed, on 1 August 2003, by [section 45\(3\)](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 108(7): amended, on 17 December 1997, by [section 24\(3\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 108(8): amended, on 20 August 1998, by [section 24\(4\)\(a\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 108(8): amended, on 17 December 1997, by [section 24\(4\)\(b\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 108(9): replaced, on 17 December 1997, by [section 24\(5\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 108(10): inserted, on 17 December 1997, by [section 24\(5\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 108(10)(a): amended, on 1 August 2003, by [section 45\(4\)](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 108(10)(b): amended, on 1 August 2003, by [section 45\(5\)](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Resource Management Act 1991 (as at 20 October 2025)

108AA Requirements for conditions of resource consents

(1) A consent authority must not include a condition in a resource consent for an activity unless—

- (a) the applicant for the resource consent agrees to the condition; or
- (b) the condition is directly connected to 1 or more of the following:
 - (i) an adverse effect of the activity on the environment;
 - (ii) an applicable district or regional rule, or a national environmental standard;
 - (iii) a wastewater environmental performance standard made under [section 138](#) of the Water Services Act 2021;
 - (iv) a stormwater environmental performance standard made under [section 139A](#) of the Water Services Act 2021;
 - (v) an infrastructure design solution; or
- (c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

(2) Subsection (1) does not limit this Act or regulations made under it.

(3) This section does not limit [section 77A](#) (power to make rules to apply to classes of activities and specify conditions), [106](#) (consent authority may refuse subdivision consent in certain circumstances), [106A](#) (consent authority may refuse land use consent in certain circumstances), or [220](#) (condition of subdivision consents).

(4) For the purpose of this section, a district or regional rule or a national environmental standard is **applicable** if the application of that rule or standard to the activity is the reason, or one of the reasons, that a resource consent is required for the activity.

(5) Nothing in this section affects [section 108\(2\)\(a\)](#) (which enables a resource consent to include a condition requiring a financial contribution).

Section 108AA: inserted, on 18 October 2017, by [section 147](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 108AA(1)(b): replaced, on 15 November 2021, by [section 206\(1\)](#) of the Water Services Act 2021 (2021 No 36).

Section 108AA(1)(b)(iv): inserted, on 17 February 2024, by [section 12\(1\)](#) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 108AA(1)(b)(v): inserted, on 27 August 2025, by [section 87](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 108AA(3): amended, on 21 August 2025, by [section 43](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Resource Management Act 1991 (as at 20 October 2025)

108A Bonds

(1) A bond required under [section 108\(2\)\(b\)](#) may be given for the performance of any 1 or more conditions the consent authority considers appropriate and may continue after the expiry of the resource consent to secure the ongoing performance of conditions relating to long-term effects, including—

- (a) a condition relating to the alteration or removal of structures:
- (b) a condition relating to remedial, restoration, or maintenance work:
- (c) a condition providing for ongoing monitoring of long-term effects.

(2) A condition describing the terms of the bond to be entered into under [section 108\(2\)\(b\)](#) may—

- (a) require that the bond be given before the resource consent is exercised or at any other time:
- (b) require that [section 109\(1\)](#) apply to the bond:
- (c) provide that the liability of the holder of the resource consent be not limited to the amount of the bond:
- (d) require the bond to be given to secure performance of conditions of the consent including conditions relating to any adverse effects on the environment that become apparent during or after the expiry of the consent:
- (e) require the holder of the resource consent to provide such security as the consent authority thinks fit for the performance of any condition of the bond:
- (f) require the holder of the resource consent to provide a guarantor (acceptable to the consent authority) to bind itself to pay for the carrying out of a condition in the event of a default by the holder or the occurrence of an adverse environmental effect requiring remedy:
- (g) provide that the bond may be varied or cancelled or renewed at any time by agreement between the holder and the consent authority.

(3) If a consent authority considers that an adverse effect may continue or arise at any time after the expiration of a resource consent granted by it, the consent authority may require that a bond continue for a specified period that the consent authority thinks fit.

Section 108A: inserted, on 1 August 2003, by [section 46](#) of the Resource Management Amendment Act 2003 (2003 No 23).

109 Special provisions in respect of bonds or covenants

(1) Every bond given under [section 108A](#) in respect of a land use consent or subdivision consent, and any other bond to which this subsection is applied as a condition of the consent, and every covenant given under [section 108\(2\)\(d\)](#),—

(a) shall be deemed to be an instrument creating an interest in the land within the meaning of [section 51](#) of the Land Transfer Act 2017, and may be registered accordingly; and

(b) when registered under the [Land Transfer Act 2017](#), shall be a covenant running with the land and shall, notwithstanding anything to the contrary in [section 103](#) of the Land Transfer Act 2017, bind all subsequent owners of the land.

(2) Where any such bond or covenant has been registered under the [Land Transfer Act 2017](#) and that bond or covenant is varied, cancelled, or expires, the Registrar-General of Land shall make an appropriate entry in the register and on any relevant instrument of title noting that the bond or covenant has been varied or cancelled or has expired, and the bond or covenant shall take effect as so varied or cease to have any effect, as the case may be.

(3) Where any bond has been given in respect of the completion of any work, or for the purposes of ascertaining whether the work has been completed to the satisfaction of the consent authority, the consent authority may from time to time, under [section 171](#) of the Local Government Act 2002, enter on the land where the work is required to be, or is being, or has been, carried out.

(4) Where the holder fails, within the period prescribed by the resource consent (or within such further period as the consent authority may allow), to complete, to the satisfaction of the consent authority, any work in respect of which any bond is given (including completion of any interim monitoring required)—

(a) the consent authority may enter on the land and complete the work and recover the cost thereof from the holder out of any money or securities deposited with the consent authority or money paid by a guarantor, so far as the money or securities will extend; and

(b) on completion of the work to the satisfaction of the consent authority, any money or securities remaining in the hands of the consent authority after payment of the cost of the works shall be returned to the holder or the guarantor, as the case may be.

(5) Where the cost of any work done by the consent authority under subsection (4) exceeds the amount recovered by the consent authority under that subsection, the amount of that excess shall be a debt due to the consent authority by the holder, and shall thereupon be a charge on the land.

(6) The provisions of [Part 12](#) shall continue to apply notwithstanding the entry into or subsequent variation or cancellation of any such bond or covenant.

Section 109(1): amended, on 1 August 2003, by [section 95](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 109(1): amended, on 17 December 1997, by [section 25\(b\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 109(1)(a): amended, on 12 November 2018, by [section 250](#) of the Land Transfer Act 2017 (2017 No 30).

Section 109(1)(b): amended, on 12 November 2018, by [section 250](#) of the Land Transfer Act 2017 (2017 No 30).

Section 109(2): amended, on 12 November 2018, by [section 250](#) of the Land Transfer Act 2017 (2017 No 30).

Section 109(2): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 109(3): amended, on 1 July 2003, by [section 262](#) of the Local Government Act 2002 (2002 No 84).

Section 109(4): amended, on 1 August 2003, by [section 47](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Resource Management Act 1991 (as at 20 October 2025)

110 Refund of money and return of land where activity does not proceed

(1) Subject to subsection (2), where—

(a) a resource consent includes a condition under [section 108\(2\)\(a\)](#); and

(b) that resource consent lapses under [section 125](#) or is cancelled under [section 126](#) or is surrendered under [section 138](#); and

(c) the activity in respect of which the resource consent was granted does not proceed,—

the consent authority shall refund or return to the consent holder, or his or her personal representative, any financial contribution paid or land set aside under [section 108\(2\)\(a\)](#).

(2) A consent authority may retain any portion of a financial contribution or land referred to in subsection (1) of a value equivalent to the costs incurred by the consent authority in relation to the activity and its discontinuance.

Section 110(1): amended, on 17 December 1997, by [section 26](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 110(1): amended, on 7 July 1993, by [section 59](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 110(1)(a): amended, on 17 December 1997, by [section 26](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 110(1)(a): amended, on 7 July 1993, by [section 59](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Resource Management Act 1991 (as at 20 October 2025)

111 Use of financial contributions

Where a consent authority has received a cash contribution under [section 108\(2\)\(a\)](#), the authority shall deal with that money in reasonable accordance with the purposes for which the money was received.

Section 111: amended, on 1 July 2003, by [section 262](#) of the Local Government Act 2002 (2002 No 84).

Section 111: amended, on 17 December 1997, by [section 27](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 111: amended, on 7 July 1993, by [section 60](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Resource Management Act 1991 (as at 20 October 2025)

112 Obligation to pay rent and royalties deemed condition of consent

(1) In every coastal permit authorising the holder to—

(a) *[Repealed]*

(b) remove any sand, shingle, shell, or other natural material, within the meaning of [section 12\(4\)](#), from any such land—

there shall be implied a condition that the holder shall at all times throughout the period of the permit pay to the relevant regional council, on behalf of the Crown,—

(c) where the permit was permitted to be granted by virtue of an authorisation granted under [section 161](#), the rent and royalties (if any) specified in the authorisation held by the permit holder; and

(d) any sum of money required to be paid by any regulation made under [section 360\(1\)\(c\)](#).

(2) In every water permit granted to do something that would otherwise contravene [section 14\(2\)\(c\)](#) (relating to the taking or use of geothermal energy) there shall be implied a condition that the holder shall at all times throughout the period of the permit pay to the relevant regional council, on behalf of the Crown, any sum of money required to be paid by any regulation made under [section 360\(1\)\(c\)](#).

(3) Where an activity specified in subsection (1) or subsection (2) is a permitted activity in a plan, there shall be implied as a condition in the plan that the person undertaking the activity shall at all times throughout the period during which the activity is undertaken pay to the relevant regional council, on behalf of the Crown, any sum of money required to be paid by regulations made under [section 360\(1\)\(c\)](#).

Section 112 heading: amended, on 17 December 1997, by [section 28](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 112(1)(a): repealed, on 17 December 1997, by [section 28](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 112(1)(b): amended, on 7 July 1993, by [section 61\(1\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 112(2): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 112(3): inserted, on 7 July 1993, by [section 61\(2\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Resource Management Act 1991 (as at 20 October 2025)

330 Emergency works and power to take preventive or remedial action

(1) Where—

- (a) any public work for which any person has financial responsibility; or
- (b) any natural and physical resource or area for which a local authority or consent authority has jurisdiction under this Act; or
- (c) any project or work or network utility operation for which any network utility operator is approved as a requiring authority under [section 167](#); or

(ca) any service or system that any lifeline utility operates or provides—
is, in the opinion of the person, authority, network utility operator, or lifeline utility, affected by or likely to be affected by—

- (d) an adverse effect on the environment which requires immediate preventive measures; or
- (e) an adverse effect on the environment which requires immediate remedial measures; or
- (f) any sudden event causing or likely to cause loss of life, injury, or serious damage to property—

the provisions of [sections 9, 12, 13, 14](#), and [15](#) shall not apply to any activity undertaken by or on behalf of that person, authority, network utility operator, or lifeline utility to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

(1A) Subsection (1) applies whether or not the adverse effect or sudden event was foreseeable.

(2) Where a local authority or consent authority—

- (a) has financial responsibility for any public work; or
- (b) has jurisdiction under this Act in respect of any natural and physical resource or area—

which is, in the reasonable opinion of that local authority or consent authority, likely to be affected by any of the conditions described in paragraphs (d) to (f) of subsection (1), the local authority or consent authority by its employees or agents may, without prior notice, enter any place (including a dwellinghouse when accompanied by a constable) and may take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

(2A) [Sections 9, 12, 13, 14](#), and [15](#) do not apply to any action taken under subsection (2).

(3) As soon as practicable after entering any place under this section, every person must identify himself or herself and inform the occupier of the place of the entry and the reasons for it.

(3A) However, if the occupier cannot be found in the place, subsection (3) is satisfied, and the local authority or consent authority is not required to take further action to contact the occupier, if—

(a) there is displayed in a prominent place on the land a notice that gives the date of entry, the time of entry, the reasons for entry, and the contact details of a person who can provide further information; and

(b) as soon as practicable after entering the land, the local authority or consent authority serves written notice (containing the same information as in paragraph (a)) on the person who is the ratepayer for the land for the purposes of the [Local Government \(Rating\) Act 2002](#).

(4) Nothing in this section shall authorise any person to do anything in relation to an emergency involving a marine oil spill or suspected marine oil spill within the meaning of [section 281](#) of the Maritime Transport Act 1994.

(5) In this section and [section 330A](#), **lifeline utility** means a lifeline utility within the meaning of [section 4](#) of the Civil Defence Emergency Management Act 2002 other than a lifeline utility that is a network utility operator to which subsection (1)(c) applies.

Section 330 heading: amended, on 20 August 1998, by [section 18](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Section 330(1): amended, on 4 September 2013, by [section 56\(3\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1): amended, on 4 September 2013, by [section 56\(4\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1)(c): amended, on 4 September 2013, by [section 56\(1\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1)(c): amended, on 7 July 1993, by [section 150\(1\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 330(1)(ca): inserted, on 4 September 2013, by [section 56\(2\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1)(f): amended, on 7 July 1993, by [section 150\(2\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 330(1A): inserted, on 10 August 2005, by [section 120\(1\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330(2A): inserted, on 10 August 2005, by [section 120\(2\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330(3A): inserted, on 21 August 2025, by [section 78](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 330(4): inserted, on 20 August 1998, by [section 18](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Section 330(5): inserted, on 4 September 2013, by [section 56\(5\)](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Resource Management Act 1991 (as at 20 October 2025)

330A Resource consents for emergency works

(1) Where an activity is undertaken under [section 330](#), the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity shall advise the appropriate consent authority, within 7 days, that the activity has been undertaken.

(2) Where such an activity, but for [section 330](#), contravenes any of [sections 9](#), [12](#), [13](#), [14](#), and [15](#) and the adverse effects of the activity continue, then the person (other than

the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity shall apply in writing to the appropriate consent authority for any necessary resource consents required in respect of the activity within 30 working days of the notification under subsection (1).

(3) If the application is made within the time stated in subsection (2), the activity may continue until the application for a resource consent and any appeals have been finally determined.

Section 330A: inserted, on 7 July 1993, by [section 151](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 330A(1): amended, on 4 September 2013, by [section 57](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330A(1): amended, on 10 August 2005, by [section 121\(1\)\(a\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330A(1): amended, on 10 August 2005, by [section 121\(1\)\(b\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330A(2): amended, on 21 August 2025, by [section 79](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 330A(2): amended, on 4 September 2013, by [section 57](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330A(2): amended, on 10 August 2005, by [section 121\(2\)\(a\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330A(2): amended, on 10 August 2005, by [section 121\(2\)\(b\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Resource Management Act 1991 (as at 20 October 2025)

91 Deferral pending application for additional consents

(1) A consent authority may determine not to proceed with the notification or hearing of an application for a resource consent if it considers on reasonable grounds that—

(a) other resource consents under this Act will also be required in respect of the proposal to which the application relates; and

(b) it is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any 1 or more of those other resource consents be made before proceeding further.

(2) Where a consent authority makes a determination under subsection (1), it shall forthwith notify the applicant of the determination.

(3) The applicant may apply to the Environment Court for an order directing that any determination under this section be revoked.

Section 91(3): amended, on 2 September 1996, pursuant to [section 6\(2\)\(a\)](#) of the Resource Management Amendment Act 1996 (1996 No 160).

Resource Management Act 1991 (as at 20 October 2025)

Part 3

Duties and restrictions under this Act

Land

9 Restrictions on use of land

(1) No person may use land in a manner that contravenes a national environmental standard unless the use—

- (a) is expressly allowed by a resource consent; or
- (b) is allowed by [section 10](#); or
- (c) is an activity allowed by [section 10A](#); or
- (d) is an activity allowed by [section 20A](#); or
- (e) is an activity expressly allowed by a wastewater environmental performance standard, a stormwater environmental performance standard, or an infrastructure design solution.

(2) No person may use land in a manner that contravenes a regional rule unless the use—

- (a) is expressly allowed by a resource consent; or
- (b) is an activity allowed by [section 20A](#); or
- (c) is an activity expressly allowed by a wastewater environmental performance standard, a stormwater environmental performance standard, or an infrastructure design solution.

(3) No person may use land in a manner that contravenes a district rule unless the use—

- (a) is expressly allowed by a resource consent; or
- (b) is allowed by [section 10](#); or
- (c) is an activity allowed by [section 10A](#); or
- (d) is an activity expressly allowed by a wastewater environmental performance standard, a stormwater environmental performance standard, or an infrastructure design solution.

(4) No person may contravene [section 176](#), [178](#), [193](#), or [194](#) unless the person obtains the prior written consent of the requiring authority or the heritage protection authority.

(5) This section applies to overflying by aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority.

(6) This section does not apply to use of the coastal marine area.

Section 9: replaced, on 1 October 2009, by [section 7](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 9(1)(e): inserted, on 27 August 2025, by [section 70\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 9(2)(c): inserted, on 27 August 2025, by [section 70\(2\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Resource Management Act 1991 (as at 20 October 2025)

Coastal marine area

12 Restrictions on use of coastal marine area

(1) No person may, in the coastal marine area,—

- (a) reclaim or drain any foreshore or seabed; or
- (b) erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or
- (c) disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or
- (d) deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or
- (e) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or
- (f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed; or
- (g) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage—

unless expressly allowed by a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, a rule in a regional coastal plan as well as a rule in a proposed regional coastal plan for the same region (if there is one), or a resource consent.

(2) No person may, unless expressly allowed by a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, a rule in a regional coastal plan or in any proposed regional coastal plan for the same region, or a resource consent,—

- (a) occupy any part of the common marine and coastal area; or
- (b) remove any sand, shingle, shell, or other natural material from that area.

(3) Without limiting subsection (1), no person may carry out any activity—

- (a) in, on, under, or over any coastal marine area; or
- (b) in relation to any natural and physical resources contained within any coastal marine area,—

in a manner that contravenes a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, a rule in a regional coastal plan, or a rule in a proposed regional coastal plan for the same region (if there is one) unless the activity is expressly allowed by a resource consent or allowed by [section 20A](#) (certain existing lawful activities allowed).

(4) In this Act,—

(a) *[Repealed]*

(b) **remove any sand, shingle, shell, or other natural material** means to take any of that material in such quantities or in such circumstances that, but for the national environmental standard, the wastewater environmental performance standard, the stormwater environmental performance standard, the infrastructure design solution, or the rule in the regional coastal plan or the holding of a resource consent, a licence or profit à prendre to do so would be necessary.

(5) This section applies to overflying by aircraft only to the extent to which noise emission controls for airports within the coastal marine area have been prescribed by a national environmental standard or set by a regional council.

(6) This section shall not apply to anything to which [section 15A](#) or [15B](#) applies.

(7) This section does not prohibit a regional council from removing structures from the common marine and coastal area, in accordance with the requirements of [section 19\(3\) to \(3C\)](#) of the Marine and Coastal Area (Takutai Moana) Act 2011, unless those structures are permitted by a coastal permit.

Section 12(1): amended, on 1 October 2009, by [section 12\(1\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 12(1): amended, on 7 July 1993, by [section 10\(1\)\(a\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 12(1): amended, on 7 July 1993, by [section 10\(1\)\(b\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 12(1)(f): amended, on 1 August 2003, by [section 6](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 12(1)(g): inserted, on 1 August 2003, by [section 6](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 12(1): amended, on 27 August 2025, by [section 71\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 12(2): replaced, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 12(2): amended, on 27 August 2025, by [section 71\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 12(3): amended, on 1 October 2009, by [section 12\(3\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 12(3): amended, on 1 August 2003, by [section 95](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 12(3)(b): amended, on 27 August 2025, by [section 71\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 12(4): amended, on 17 December 1997, by [section 4\(2\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 12(4): amended, on 7 July 1993, by [section 10\(3\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 12(4)(a): repealed, on 1 January 2005, by [section 5](#) of the Resource Management Amendment Act (No 2) 2004 (2004 No 103).

Section 12(4)(b) **remove any sand, shingle, shell, or other natural material**: amended, on 27 August 2025, by [section 71\(2\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 12(4)(b): amended, on 1 October 2009, by [section 12\(4\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 12(4)(b): amended, on 7 July 1993, by [section 10\(5\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 12(5): replaced, on 1 October 2009, by [section 12\(5\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 12(6): inserted, on 20 August 1998, by [section 4](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Section 12(6): amended, on 20 August 1998, by [section 4\(4\)](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 12(7): inserted, on 19 April 2017, by [section 7](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Resource Management Act 1991 (as at 20 October 2025)

River and lake beds

13 Restriction on certain uses of beds of lakes and rivers

(1) No person may, in relation to the bed of any lake or river,—

(a) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or

(b) excavate, drill, tunnel, or otherwise disturb the bed; or

(c) introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or

(d) deposit any substance in, on, or under the bed; or

(e) reclaim or drain the bed—

unless expressly allowed by a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

(2) No person may do an activity described in subsection (2A) in a manner that contravenes a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, or a regional rule unless the activity—

(a) is expressly allowed by a resource consent; or

(b) is an activity allowed by [section 20A](#).

(2A) The activities are—

(a) to enter onto or pass across the bed of a lake or river:

(b) to damage, destroy, disturb, or remove a plant or a part of a plant, whether exotic or indigenous, in, on, or under the bed of a lake or river:

(c) to damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed of a lake or river:

(d) to damage, destroy, disturb, or remove the habitats of animals in, on, or under the bed of a lake or river.

(3) This section does not apply to any use of land in the coastal marine area.

(4) Nothing in this section limits [section 9](#).

Section 13 heading: amended, on 7 July 1993, by [section 11](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 13(1): replaced, on 7 July 1993, by [section 11](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 13(1): amended, on 27 August 2025, by [section 72\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 13(1): amended, on 1 October 2009, by [section 13\(1\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 13(2): replaced, on 1 October 2009, by [section 13\(2\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 13(2): amended, on 27 August 2025, by [section 72\(2\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 13(2A): inserted, on 1 October 2009, by [section 13\(2\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Resource Management Act 1991 (as at 20 October 2025)

Water

14 Restrictions relating to water

(1) No person may take, use, dam, or divert any open coastal water, or take or use any heat or energy from any open coastal water, in a manner that contravenes a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, or a regional rule unless the activity—

(a) is expressly allowed by a resource consent; or

(b) is an activity allowed by [section 20A](#).

(2) No person may take, use, dam, or divert any of the following, unless the taking, using, damming, or diverting is allowed by subsection (3):

(a) water other than open coastal water; or

(b) heat or energy from water other than open coastal water; or

(c) heat or energy from the material surrounding geothermal water.

(3) A person is not prohibited by subsection (2) from taking, using, damming, or diverting any water, heat, or energy if—

(a) the taking, using, damming, or diverting is expressly allowed by a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent; or

(b) in the case of fresh water, the water, heat, or energy is required to be taken or used for—

(i) an individual's reasonable domestic needs; or

(ii) the reasonable needs of a person's animals for drinking water,—
and the taking or use does not, or is not likely to, have an adverse effect on the environment; or

(c) in the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment; or

(d) in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or

(e) the water is required to be taken or used for emergency or training purposes in accordance with [section 48](#) of the Fire and Emergency New Zealand Act 2017.

Section 14(1): replaced, on 1 October 2009, by [section 14\(1\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 14(1): amended, on 27 August 2025, by [section 73\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 14(2): replaced, on 1 October 2009, by [section 14\(1\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 14(3): amended, on 1 October 2009, by [section 14\(2\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 14(3)(a): amended, on 27 August 2025, by [section 73\(2\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 14(3)(a): amended, on 1 October 2009, by [section 14\(3\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 14(3)(b)(ii): amended, on 19 April 2017, by [section 8](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 14(3)(e): amended, on 1 July 2017, by [section 197](#) of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Resource Management Act 1991 (as at 20 October 2025)

Discharges

15 Discharge of contaminants into environment

(1) No person may discharge any—

(a) contaminant or water into water; or

(b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or

(c) contaminant from any industrial or trade premises into air; or

(d) contaminant from any industrial or trade premises onto or into land—

unless the discharge is expressly allowed by a national environmental standard or other regulations, a wastewater environmental performance standard, a stormwater environmental performance standard, an infrastructure design solution, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

(2) No person may discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a national environmental standard, a wastewater environmental performance standard, a stormwater environmental performance standard, or an infrastructure design solution unless the discharge—

(a) is expressly allowed by other regulations; or

(b) is expressly allowed by a resource consent; or

(c) is an activity allowed by [section 20A](#).

(2A) No person may discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a regional rule unless the discharge—

(a) is expressly allowed by a national environmental standard or other regulations;
or

(aa) is expressly allowed by a wastewater environmental performance standard, a stormwater environmental performance standard, or an infrastructure design solution; or

(b) is expressly allowed by a resource consent; or

(c) is an activity allowed by [section 20A](#).

(3) This section shall not apply to anything to which [section 15A](#) or [section 15B](#) applies.

Section 15(1): amended, on 27 August 2025, by [section 74\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 15(1): amended, on 1 October 2009, by [section 15\(1\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 15(2): replaced, on 1 October 2009, by [section 15\(2\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 15(2): amended, on 27 August 2025, by [section 74\(2\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 15(2A): inserted, on 1 October 2009, by [section 15\(2\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 15(2A)(aa): inserted, on 27 August 2025, by [section 74\(3\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 15(3): inserted, on 20 August 1998, by [section 5](#) of the Resource Management Amendment Act 1994 (1994 No 105).

Part 2

Purpose and principles

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6 Matters of national importance

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

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

(h) the management of significant risks from natural hazards.

Section 6(f): inserted, on 1 August 2003, by [section 4](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 6(g): replaced, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 6(h): inserted, on 19 April 2017, by [section 6](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Resource Management Act 1991 (as at 20 October 2025)

7 Other matters

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

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) *[Repealed]*

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

Section 7(aa): inserted, on 17 December 1997, by [section 3](#) of the Resource Management Amendment Act 1997 (1997 No 104).

Section 7(ba): inserted, on 2 March 2004, by [section 5\(1\)](#) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(e): repealed, on 1 August 2003, by [section 5](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 7(i): inserted, on 2 March 2004, by [section 5\(2\)](#) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(j): inserted, on 2 March 2004, by [section 5\(2\)](#) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Resource Management Act 1991 (as at 20 October 2025)

8 Treaty of Waitangi

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

Resource Management Act 1991 (as at 20 October 2025)

127 Change or cancellation of consent condition on application by consent holder

(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:

- (a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under [section 221](#) for a variation or cancellation of a consent notice after the deposit of the survey plan); and
- (b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

(2) *[Repealed]*

(3) [Sections 88 to 121](#) apply, with all necessary modifications, as if—

- (a) the application were an application for a resource consent for a discretionary activity (but *see* subsection (3B)); and
- (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

(3A) If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under [section 186H\(3\)](#) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.

(3B) Subsection (3)(a) does not apply if—

- (a) the application relates to an aquaculture activity; and
- (b) a provision in a national environmental standard—
 - (i) applies to applications of that kind; and
 - (ii) states that an application by a consent holder to change or cancel consent conditions must be treated as an application for a resource consent for a controlled or restricted discretionary activity.

(4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

- (a) made a submission on the original application; and

(b) may be affected by the change or cancellation.

Section 127(1): replaced, on 10 August 2005, by [section 70](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 127(2): repealed, on 10 August 2005, by [section 70](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 127(3): replaced, on 1 August 2003, by [section 53\(2\)](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 127(3)(a): amended, on 21 August 2025, by [section 47\(1\)](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 127(3A): inserted, on 1 October 2011, by [section 34](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Section 127(3B): inserted, on 21 August 2025, by [section 47\(2\)](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 127(4): replaced, on 1 August 2003, by [section 53\(2\)](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 127(4): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Resource Management Act 1991 (as at 20 October 2025)

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

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

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under [section 108](#).

Section 104B: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Resource Management Act 1991 (as at 20 October 2025)

124 Exercise of resource consent while applying for new consent

(1) Subsection (3) applies when—

(a) a resource consent is due to expire; and

(b) the holder of the consent applies for a new consent for the same activity; and

(c) the application is made to the appropriate consent authority; and

(d) the application is made at least 6 months before the expiry of the existing consent.

(2) Subsection (3) also applies when—

(a) a resource consent is due to expire; and

(b) the holder of the consent applies for a new consent for the same activity; and

- (c) the application is made to the appropriate consent authority; and
 - (d) the application is made in the period that—
 - (i) begins 6 months before the expiry of the existing consent; and
 - (ii) ends 3 months before the expiry of the existing consent; and
 - (e) the authority, in its discretion, allows the holder to continue to operate.
- (2A) The holder of a resource consent for an activity that is regulated by a wastewater environmental performance standard or a stormwater environmental performance standard may, if they make an application under subsection (1) or (2), continue to operate under an expired consent—
- (a) for the duration specified in the environmental performance standard; or
 - (b) if the environmental performance standard does not specify a duration, until the date determined under subsection (3).
- (3) The holder may continue to operate under the existing consent until—
- (a) a new consent is granted and all appeals are determined; or
 - (b) a new consent is declined and all appeals are determined.
- (4) This section does not apply to an application to which [section 165ZH](#) applies.

Section 124: replaced, on 10 August 2005, by [section 66](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 124(2A): inserted, on 27 August 2025, by [section 90](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 124(4): inserted, on 1 October 2011, by [section 32](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Resource Management Act 1991 (as at 20 October 2025)

165ZH Processing applications for existing permit holders

- (1) This section applies if—
- (a) a person holds—
 - (i) a deemed coastal permit under [section 10](#), [20](#), [20A](#), or [21](#) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; or
 - (ii) a coastal permit to occupy space in the common marine and coastal area for aquaculture activities, granted after the commencement of this Part; and
 - (b) the permit referred to in paragraph (a)(i) or (ii) (**existing coastal permit**)—
 - (i) is in force at the time of any application under paragraph (c); and
 - (ii) applies in relation to space in the common marine and coastal area in which aquaculture is not a prohibited activity; and
 - (c) the holder of the existing coastal permit (**existing permit holder**) makes an application for a new coastal permit that is—
 - (i) for occupation of some or all of the same space; and

- (ii) for the same or another aquaculture activity; and
 - (iii) accompanied by any other applications for coastal permits related to the carrying out of the aquaculture activity; and
- (d) the application and any related applications are—
 - (i) made to the appropriate consent authority; and
 - (ii) made—
 - (A) at least 6 months before the expiry of the existing coastal permit; or
 - (B) in the period that begins 6 months before the expiry of the existing coastal permit and ends 3 months before the expiry of the existing coastal permit, and the authority, in its discretion, allows the holder to continue to operate.
- (2) If this section applies, then—
 - (a) the applications, must be processed and determined before any other application for a coastal permit to occupy the space that the permit applies to; and
 - (b) no other application to occupy the space that the application relates to may be accepted before the determination of the application; and
 - (c) the holder may continue to operate under the existing coastal permit until—
 - (i) a new coastal permit is granted and all appeals are determined; or
 - (ii) a new coastal permit is declined and all appeals are determined.

Section 165ZH: replaced, on 1 October 2011, by [section 52](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Resource Management Act 1991 (as at 20 October 2025)

217 Effect of water conservation order

- (1) No water conservation order shall affect or restrict any resource consent granted or any lawful use established in respect of the water body before the order is made.
- (2) Where a water conservation order is operative, the relevant consent authority—
 - (a) shall not grant a water permit, coastal permit, or discharge permit if the grant of that permit would be contrary to any restriction or prohibition or any other provision of the order:
 - (b) shall not grant a water permit, a coastal permit, or a discharge permit to discharge water or contaminants into water, unless the grant of any such permit or the combined effect of the grant of any such permit and of existing water permits and discharge permits and existing lawful discharges into the water or taking, use, damming, or diversion of the water is such that the provisions of the water conservation order can remain without change or variation:
 - (c) shall, in granting any water permit, coastal permit, or discharge permit to discharge water or contaminants into water, impose such conditions as are

necessary to ensure that the provisions of the water conservation order are maintained.

Section 217(2)(a): amended, on 7 July 1993, by [section 113\(1\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 217(2)(b): amended, on 7 July 1993, by [section 113\(2\)\(a\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 217(2)(b): amended, on 7 July 1993, by [section 113\(2\)\(b\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 217(2)(c): amended, on 7 July 1993, by [section 113\(3\)](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Resource Management Act 1991 (as at 20 October 2025)

Duration of consent

123 Duration of consent

(1) Except as provided in [section 123A](#), [123B](#), [125](#), or [127B](#),—

(a) the period for which a coastal permit for a reclamation, or a land use consent in respect of a reclamation that would otherwise contravene [section 13](#), is granted is unlimited, unless otherwise specified in the consent:

(aa) the period for which a resource consent for an activity that meets the requirements of a wastewater environmental performance standard or a stormwater environmental performance standard is granted is 35 years:

(ab) the period for which a resource consent for a wastewater treatment plant that meets the requirements of an infrastructure design solution is granted is 35 years:

(b) subject to paragraph (c), the period for which any other land use consent, or a subdivision consent, is granted is unlimited, unless otherwise specified in the consent:

(c) the period for which any other coastal permit, or any other land use consent to do something that would otherwise contravene [section 13](#), is granted is such period, not exceeding 35 years, as is specified in the consent and if no such period is specified, is 5 years from the date of commencement of the consent under [section 116](#):

(d) the period for which any other resource consent is granted is the period (not exceeding 35 years from the date of granting) specified in the consent and, if no such period is specified, is 5 years from the date of commencement of the consent under [section 116](#).

(2) Despite anything in subsection (1), the period of an extant wastewater consent (as defined in [section 139B](#)), may be extended as specified in [section 139C](#).

Section 123(1): amended, on 21 August 2025, by [section 44](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 123(1)(aa): inserted, on 27 August 2025, by [section 89\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 123(1)(ab): inserted, on 27 August 2025, by [section 89\(1\)](#) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Resource Management Act 1991 (as at 20 October 2025)

Reports

Heading: inserted, on 7 July 1993, by [section 30](#) of the Resource Management Amendment Act 1993 (1993 No 65).

42A Reports to local authority

(1) At any reasonable time before a hearing or, if no hearing is to be held, before the decision is made, a local authority (as local authority is defined in [section 42\(6\)\(b\)](#)) may require preparation of a report on information provided on any matter described in [section 39\(1\)](#) by the applicant or any person who made a submission.

(1AA) The local authority may—

- (a) require an officer of the local authority to prepare the report; or
- (b) commission a consultant or any other person employed for the purpose to prepare the report.

(1A) The report does not need to repeat information included in the applicant's application under [section 88\(2\)](#).

(1B) Instead, the report may—

- (a) adopt all of the information; or
- (b) adopt any part of the information by referring to the part adopted.

(2) Any report prepared under subsection (1) may be considered at any hearing conducted by the local authority.

(3) If the report is in writing, the local authority must provide a copy of it to the applicant, and to every person who made a submission and stated a wish to be heard at the hearing, so that they receive the copy—

- (a) at least 15 working days before the hearing, if the authority gives a direction under [section 41B](#); or
- (b) at least 5 working days before the hearing, if the authority does not give a direction under [section 41B](#).

(4) If the report is in writing, the authority must—

- (a) make the report available at its office to any person who made a submission and did not state a wish to be heard; and
- (b) give written or electronic notice to those submitters that the report is available at the authority's office.

(5) The local authority may waive compliance with—

- (a) subsection (3) if it is satisfied that there is no material prejudice, or is not aware of any material prejudice, to any person who should have been provided with a copy of the report under that subsection; or

(b) subsection (4)(b) if it is satisfied that there is no material prejudice, or is not aware of any material prejudice, to any person who should have been given notice of the report under that paragraph.

Section 42A: inserted, on 7 July 1993, by [section 30](#) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 42A(1): replaced, on 4 September 2013, by [section 10](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 42A(1AA): inserted, on 4 September 2013, by [section 10](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 42A(1A): replaced, on 3 March 2015, by [section 89](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 42A(1B): replaced, on 3 March 2015, by [section 89](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 42A(3): replaced, on 1 October 2009, by [section 40\(3\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 42A(4): replaced, on 1 October 2009, by [section 40\(3\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 42A(5): inserted, on 1 October 2009, by [section 40\(3\)](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).