

# CHAPTER 1: INTRODUCTION

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## 1.1 PURPOSE OF THE PLAN

The Tasman Resource Management Plan (the Plan) has been prepared by the Tasman District Council (the Council) under the Resource Management Act 1991 (the Act). The purpose of the Plan is to assist the Council to carry out its functions in order to achieve the purpose of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources.

The Council has the functions of both a regional council and a territorial authority. In summary its main functions are:

As a regional council (Section 30 of the Act):

- (a) control of land use in regard to soil conservation, water quantity and quality, natural hazards and hazardous substances;
- (b) control of activities (except fishing) in the coastal marine area;
- (c) control of taking, using, damming and diversion of water;
- (d) control of discharge of contaminants.

As a district council (Section 31 of the Act):

- (a) control of effects of land use, development and protection, including natural hazards and hazardous substances;
- (b) control of land subdivision;
- (c) control of noise emissions;
- (d) control of effects of activities on the surface of lakes and rivers.

The Plan is a combined district and regional plan because it relates to both sets of functions. The Plan states objectives, policies and methods to achieve integrated management of various natural and physical resources in Tasman District.

## **1.2 SCOPE OF THE PLAN**

### **1.2.1 Area Covered by the Plan**

The Plan applies to the whole of Tasman District, including the area of sea within the territorial limits, twelve nautical miles off the coast (see Figure 1.2A). The Plan affects the use of resources in particular zones, areas and sites within the District. These zones, areas and sites are defined by rules in Volume 1 and in the planning maps contained in Volume 2 of this Plan. An explanation of the use of zones and areas is provided in Section 1.6 of this chapter.

### **1.2.2 Resources Dealt With in the Plan**

The resources dealt with in this Plan are land, the coastal marine area, rivers and lakes, wetlands, water (taking, using, damming or diverting), and discharges of water or contaminants to water, air and land.

Some resources are not dealt with in the Plan as they are outside the scope of the Act. For example, Crown-owned minerals and fisheries are excluded. The environmental effects of mineral extraction or processing can be covered by the Plan. It can address effects of other activities on fisheries, but it cannot directly address environmental effects of fishing activities.

### **1.2.3 Relationship with Other Plans and Policy Documents**

In the preparation of the Plan the Council is required to consider a range of other plans and policy documents of relevance to the District. The Plan must give effect to:

- (a) any national policy statement (including the New Zealand Coastal Policy Statement);
- (b) the Tasman Regional Policy Statement covering the District.

The Plan must not contain any provision that either duplicates or is in conflict with any provision of a national environmental standard. It also must not be inconsistent with any water conservation order (water conservation orders affect the Buller and Motueka Rivers).

A list of national policy statements, national environmental standards and section 360 regulations in force under the Act is in Schedule 1.1 at the end of Chapter 1.

The District Plan part of the Plan must give effect to any parts that constitute the Regional Coastal Plan and must not be inconsistent with any parts that constitute any Regional Plan. It must have regard to any proposed plans and district plans of adjacent local authorities. It must also take into account relevant planning documents recognised by an iwi authority and lodged with Council. These documents are listed in Schedule 1.2 at the end of this chapter.

This Plan is the principal means of implementing the Tasman Regional Policy Statement, and achieving integrated and sustainable resource management. The Regional Policy Statement generally describes Council's resource management responsibilities, the nature of sustainable management, and the meaning of key planning concepts such as issues, objectives, policies, methods and rules. Section 1 of the Tasman Regional Policy Statement explains these matters.

The Council's State of the Environment Monitoring and Reporting Strategy 2006 outlines how the Council will undertake and report on its monitoring responsibilities.

### **1.2.4 Relationship with Bylaws**

Council bylaws will continue to regulate human activities that do not generate significant environmental effects, such as navigation safety of boats under the Navigation Safety Bylaw 2006. Where there is any conflict with Council bylaws, this Plan prevails.

## 1.2.5 Relationship with Tangata Whenua Interests

The Council has a number of responsibilities and obligations towards Māori, particularly the tangata whenua, under the Act, to be carried out through this Plan. These responsibilities are:

- (a) to recognise and provide for traditional Māori interests in their ancestral lands, water, wāhi tapu and other taonga;
- (b) to take into account the principles of the Treaty of Waitangi;
- (c) to have particular regard to the concept of kaitiakitanga;
- (d) to consult with the tangata whenua of the District in the preparation of resource management plans;
- (e) to take into account any relevant planning document recognised by an iwi authority and lodged with Council.

The Tasman Regional Policy Statement contains an explanation of general issues concerning the interests of the tangata whenua in relation to resource management, and of Council's general approach to these issues and interests. This Policy Statement contains specific statements of issues, objectives, policies, methods and rules that address tangata whenua interests in relation to the use of land, coastal marine, water, river and lake, and associated resources, in Parts II to VI of the Plan.

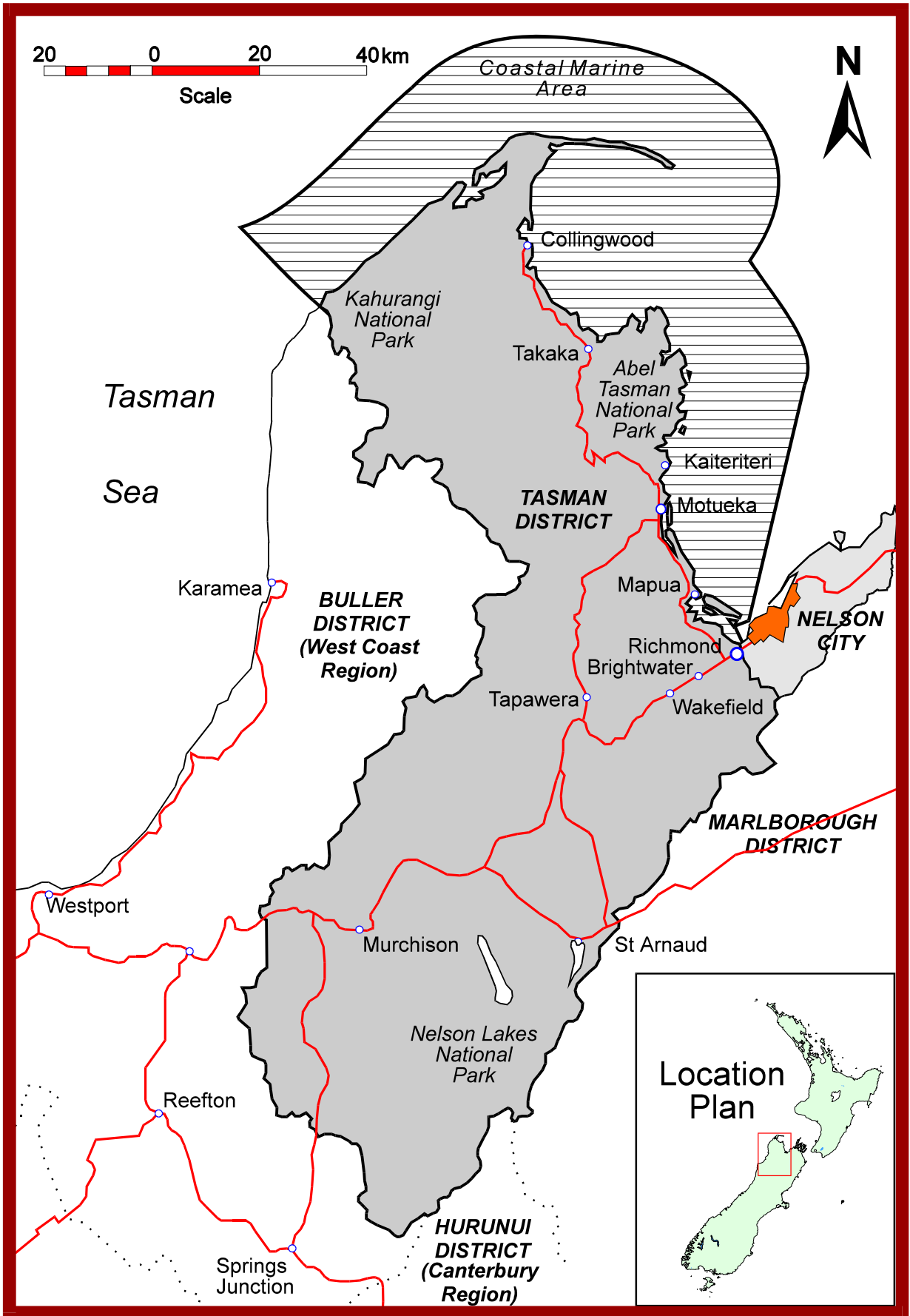
### Effect of Te Tau Ihu Claims Settlement Legislation

From 1 August 2014, the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 and the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 commenced. These acts require the Council to attach to its regional policy statements, regional plans and district plans, information recording statutory acknowledgements for statutory areas covered wholly or partly by each plan.

The information provided in relation to statutory areas and acknowledgements is for the purposes of public information only and does not form part of the plan and is not subject to the provisions of Schedule 1 of the Act.

This information is attached to the online version of these plans and can be accessed on the webpage of the Council's website showing the Tasman Resource Management Plan and Tasman Regional Policy Statement, at <http://www.tasman.govt.nz/policy/plans/statutory-acknowledgements/> . It is not attached to the print version of the Plan. For further information about statutory areas and acknowledgements and the duties of council as a consent authority, please see the online version of the Plan at the weblink above.

Figure 1.2A: Tasman District



## 1.3 STRUCTURE OF THE PLAN

This Plan consists of two volumes (see Figure 1.3A):

- (a) Volume 1 contains: Table of Contents; Chapters 1 to 37; Index.
- (b) Volume 2 contains: Planning maps.

The Table of Contents indicates chapter headings. More detailed tables of contents appear at the start of large policy chapters and chapters that contain rules.

The Tasman Resource Management Plan contains the District Plan, the Regional Coastal Plan, and other Regional Plan provisions.

The **District Plan** is required by the Act and comprises:

- In Volume 1:*
  - Part I: Chapters 1 – 4, as applicable to dry land
  - Part II: Chapters 5 – 19, except 16.7 and 19.2.16
- In Volume 2:* Zone maps, Area maps and Special maps as the content applies to land use and subdivision.

The **Regional Coastal Plan** is required by the Act and comprises:

- In Volume 1:*
  - Part I: Chapters 1 – 4, as applicable to the coastal marine area
  - Part III: Chapters 20 – 26, coastal marine area
  - Part V: Chapters 30 – 32, as applicable to the coastal marine area
  - Part VI: Chapters 33 – 37, as applicable to the coastal marine area
- In Volume 2:* Special maps, as the content applies to the coastal marine area

Other **Regional Plan** matters are enabled but not required by the Act. Regional matters in this Plan comprise:

- In Volume 1:*
  - Part I: Chapters 1 – 4, as applicable to regional issues
  - Part II: Chapter 16: section 16.7 only  
Chapter 19, as applicable to regional issues
  - Part IV: Chapters 27 - 29
  - Part V: Chapters 30 – 32
  - Part VI: Chapters 33 – 37
- In Volume 2:* Area maps and Special maps, as applicable to water resources and discharges.

## 1.4 OTHER RELATED DOCUMENTS

The following documents are not part of this Plan, but provide relevant background information to the Plan. These are available separately from the Council or the organisations named:

- (a) Reports of evaluations by the Council of the appropriateness of objectives, policies, rules and other methods of resource management, and consideration of alternatives and assessments of benefits and costs, as required by Section 32 of the Act. These include Council policy papers and investigation reports containing detailed analyses of the issues, objectives and policies developed during Plan preparation.
- (b) The New Zealand Heritage List for Tasman District prepared by Heritage New Zealand Pouhere Taonga.
- (c) The Council has had regard to the Department of Conservation's *Conservation Management Strategy for Nelson-Marlborough Conservancy* and other reports, including:
  - (i) Davidson, R J et al. *Internationally and Nationally Important Coastal Areas from Kahurangi Point to Waimea Inlet, Nelson, New Zealand: Recommendations for Protection*, Nelson-Marlborough Conservancy, Department of Conservation. Occasional Publication No. 14, 1993.

**Figure 1.3A: Plan Structure**

		<b>Part 1 Introductory</b>	<b>Part 2 Land</b>	<b>Part 3 Coastal Marine Area</b>	<b>Part 4 Rivers and Lakes</b>	<b>Part 5 Water</b>	<b>Part 6 Discharges</b>									
<b>Tasman Resource Management Plan Volume 1 - Text</b>	<b>Contextual Chapters</b>	Chapter 1 - Introduction	n/a	n/a	n/a	n/a	n/a									
		Chapter 2 - Meanings of Words														
		Chapter 3 - Local Authority Cross-Boundary Issues														
		Chapter 4 - Monitoring and Review Procedures														
	<b>Objectives &amp; Policies Chapters</b>	n/a	Chapter 5 - Site Amenity Effects	Chapter 20 - Effects of Craft Using the Surface of Coastal Waters	Chapter 21 - Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values	Chapter 27 - Activities in the Beds and on the Surface of Rivers and Lakes	Chapter 30 - Taking, Using, Damming and Diverting Water	Chapter 33 - Discharges to Land and Fresh Water								
			Chapter 6 - Urban Environment Effects													
			Chapter 7 - Rural Environment Effects													
			Chapter 8 - Margins of Rivers, Lakes, Wetlands and the Coast	Chapter 22 – Aquaculture				Chapter 24 – Noise Emissions	Chapter 34 - Discharges to Air							
			Chapter 9 – Landscape													
			Chapter 10 - Significant Natural Values and Historic Heritage	Chapter 23 – Natural Hazards and Hazardous Substances						Chapter 35 - Discharges to the Coastal Marine Area						
Chapter 11 - Land Transport Effects																
Chapter 12 - Land Disturbance Effects																
Chapter 13 - Natural Hazards			Chapter 25 - Coastal Marine Area Rules	Chapter 26 - Information Required with Coastal Permit Applications							Chapter 29 - Information Required with Land Use Consent Applications	Chapter 31 - Rules for Water Take, Diversion, Use, or Damming	Chapter 32 - Information Required with Permit Applications for Taking, Using, Damming or Diverting Water	Chapter 36 – Rules for Contaminant Discharges		
Chapter 14 - Reserves and Open Space																
Chapter 15 - Strategic Infrastructure and Network Utilities	Chapter 28 - Rules for Activities in the Beds and on the Surface of Rivers and Lakes	Chapter 37 - Information Requirements with Discharge Permit Applications														
<b>Rules Chapters</b>			n/a		Chapter 16 - General Rules	Chapter 25 - Coastal Marine Area Rules	Chapter 28 - Rules for Activities in the Beds and on the Surface of Rivers and Lakes								Chapter 31 - Rules for Water Take, Diversion, Use, or Damming	Chapter 36 – Rules for Contaminant Discharges
					Chapter 17 - Zone Rules											
	Chapter 18 - Special Area Rules															
<b>Information Requirements Chapters</b>	n/a		Chapter 19 - Information Required with Land Use Consent or Subdivision Consent Applications		Chapter 26 - Information Required with Coastal Permit Applications	Chapter 29 - Information Required with Land Use Consent Applications	Chapter 32 - Information Required with Permit Applications for Taking, Using, Damming or Diverting Water	Chapter 37 - Information Requirements with Discharge Permit Applications								
<b>Appendices/ Annexes</b>	none		Designations, Design Guides		none	none	Water Conservation Orders	Marine Pollution NES Air Pollutants								

				Part 2 Land Maps	Part 3 Coastal Marine Area Maps	Part 4 Rivers & Lakes	Part 5 Water Maps	Part 6 Discharges Maps
		<b>Tasman Resource Management Plan</b>  <b>Volume 2 - Planning Maps</b>	<b>Maps</b>	<b>Introductory pages:</b> Contents User Guide Record of Amendments	Cultural Heritage Sites Cross Reference  <b>Area and Zone Maps</b> (including some designation enlargements)	<b>Area Maps:</b> Mooring Areas	[no maps]	<b>Special maps:</b> Water Management Locations Waimea Water Management Zones Waimea Deep Moutere Aquifer Waimea Water Management Zones – Dam scenarios Moutere Groundwater Zones Moutere Surface Water Zone Motueka/Riwaka Plains Water Management Zones Abel Tasman Water Management Zone Soil Series (re irrigation) Surface Water Protection Area Wai-iti Dam Service Zone Upper Motueka Water Management Sub-Zones
<b>Special Maps:</b> Road Hierarchy Landscape Units, Coastal Tasman Area Design Guide High Fire Risk Specified Stormwater Flood Flowpaths Cultural Heritage Sites	<b>Special Maps:</b> Spat catching and marine farming - Golden Bay/Mohua Spat catching and marine farming - Tasman Bay/Te Tai-o-Aorere Natural ecosystem values River mouth and coastal marine area boundary enlargements				<b>Special maps:</b> Coastal Water Classification – Kahurangi & West Coast Coastal Water Classification – Golden Bay/Mohua Coastal Water Classification – Abel Tasman/Te Tai-o-Aorere & Waimea Obstacle Limitation Surface – Nelson Airport Motueka/Riwaka Plains Water Management Area Waimea Water Management Area Fire Ban Areas and Fire Sensitive Areas			
<b>Annex Maps</b>	n/a		n/a	n/a	n/a	Water Conservation Order: Buller River Water Conservation Order: Motueka River	Richmond Airshed	



## 1.5 EFFECT OF THE PLAN

### 1.5.1 Introduction

This Plan contains proposed and operative provisions. Any person wishing to carry out any activity regulated by either proposed or operative provisions, including any requirement to obtain a resource consent, must comply with these provisions, unless the activity is existing and is protected under Section 10 or section 20A of the Act. Section 1.8 further explains this protection.

Proposed provisions are distinguished from operative provisions. Some proposed provisions do not have legal effect. The reasons for this, and how these provisions are identified, are described in 1.5.2.

### 1.5.2 Proposed Provisions and the Legal Effect of Proposed Rules

Proposed provisions in any part of the Plan are amendments that may be:

- (a) Changes – amendments to operative provisions
- (b) Variations – amendments to proposed provisions

#### 1.5.2.1 Proposed Rules with Legal Effect and Deferred Legal Effect

Within any proposed amendment, proposed rules **may** or **may not** have legal effect.

The Act requires the Plan to show all proposed rules that have **legal effect** from their date of notification as proposed rules. This is required until the rules may be approved to become operative under Schedule 1.

The Act also requires that certain types of proposed rules have **deferred legal effect** until a decision on the change or variation relating to the proposed rule is publicly notified. It is helpful for the Plan to identify all proposed rules with deferred legal effect, and how this is shown is explained below.

As well as these rules with deferred legal effect, the Act allows Council to specify that any proposed rule only has legal effect once the proposed change becomes operative under Schedule 1.

#### 1.5.2.2 Display Formatting of Proposed Provisions

The chapters in the Plan show **operative** provisions and **proposed** provisions that have legal effect. The display format of all **proposed** provisions introduced or amended, whether rules or other provisions, is boxed as follows.

**Proposed as at [the current date for this provision of the Plan]**

[text showing the particular text that is the subject of the relevant change or variation].

- Where there is an alteration as an addition or deletion within a portion of operative text, the altered text or reference to any deletion is placed after the operative provision proposed to be amended and indicated, in blue type (grey in black and white versions), with underlining and strikeouts where the text is proposed to be amended. For example:

**Proposed as at 14 October 2017**

*[Policy 6.17.3.9 is amended as follows:]*

**6.17.3.9** To require larger residential lot sizes adjacent to the ~~south-west~~ boundary of the Light Industrial Zone on Bird Lane, and require a greater setback of dwellings from the Light Industrial Zone boundary.

C65 10/17

OR

**Proposed as at 14 October 2017**

*[Policy 6.17.3.10 is deleted]*

C65 10/17

If a particular provision is already proposed, the text of the provision is simply amended accordingly.

- Where a section of text is proposed to be added, the new text is simply inserted, without any underlining or strikeouts and is in black type. For example:

**Proposed as at 14 October 2017**

Tasman’s Great Taste Cycle Trail arrives in Wakefield along Higgins Road. Some flood-free flat land to the west of Higgins Road is suitable for a range of rural residential options.

C65 10/17

For chapters in the Plan that contain rules, any proposed rules with deferred legal effect are not included in the chapter but are listed at the front of each affected chapter (on green paper in the print version), and there is a marginal notation (in white text on green/grey) in the place in the chapter where each such proposed rule may apply once it first has legal effect. Once these proposed rules gain legal effect, they will be inserted into the chapters.

### 1.5.2.3 Marginal Annotations

For all display formats of proposed provisions, marginal annotations show the references to the particular change or variation that has introduced the text, or amended it, at the key steps of Plan development. The annotations show the change or variation number together with the month and year of notification of the proposed Plan amendment (for example, C10 10/07 or V70 2/10); and at decisions notification of the proposed change or variation (for example, D 7/11).

Where Council decisions make amendments to proposed provisions, the text incorporates the specific amendments within the text. Where the decision annotation is accompanied by a bracketed reference to a change or variation (for example, (C16)), then this indicates that the provision has been first introduced by the Council decision under that change or variation. From 31 March 2012 (Update 43), a further annotation has been introduced and will progressively be included to also indicate in brackets where a decision has been made on a change or variation, but the provision the annotation relates to has not changed as a result of a decision as at the date shown (for example, (D 3/12)).

Where the Environment Court makes a decision on proposed provisions, annotations are similarly shown, with the full date of the decision (for example, ECD 11/09/09).

Where a particular National Policy Statement or National Environmental Standard requires amendments to be made to a Plan, annotations are also shown. For example:

- NPS-FW in respect of the National Policy Statement for Freshwater Management; or
- NES-FW in respect of the Resource Management (National Environmental Standards for Freshwater) Regulations.

These may also include “(ca)” to indicate a consequential amendment, where appropriate.

In Part II Appendix 1 (Designations), a designation

- decision is shown as DD; and
  - alteration is shown as DAD;
- with the month and year.

Finally, an annotation indicates when a provision as part of a change, has become operative (for example, Op 10/10).

### 1.5.3 Parts I and II (Introductory and Land)

From 1 November 2008, Parts I and II of the Plan are operative, including operative changes since that date, except for those provisions that are identified in the text within a bordered box as “Proposed”, and that are the subject of proposed changes (commenced as ‘variations’ before 1 November 2008 or commenced as ‘changes’ after 1 November 2008) or ‘variations to changes’. Table 1 shows all operative and proposed changes and proposed variations affecting Parts I and II.

<b>Table 1 PLAN CHANGES AND VARIATIONS IN PARTS I AND II</b>				
<b>Operative Plan Change No.</b>	<b>Proposed Variation No. to Plan Change No.</b>	<b>Proposed Plan Change No.</b>	<b>Former Plan Variation No.</b>	<b>Subject</b>
1			1	Deletion of Cultural Heritage Area
		2	6	Lot Size and SDWDA for Unserviced Residential Zones
		3	25 & 33	Land Disturbance in Coastal Environment Area
		4	44	Transport Provisions
5			49 & 50	Richmond South Development Area
6			55	Coastal Tasman Area Design Guide
7		7	56	Stormwater
8		8	57	Takaka-Eastern Golden Bay Settlement Policies
9		9	59	Rural Landscape
10			61 – 63	Richmond West Development Area
11			64	Richmond South Development Area: Road Access
12				Waiting Lists for Water Allocation, Site-to-Site Transfer of Water Permits, Moutere Water Management
13				Water Allocation Review (Motueka Central Plains and Middle Motueka Zones, including Dove and Abel Tasman Zones and Community Water Supplies)
14				Frost Protection Devices
15				Kaiteriteri Rezoning [planning maps only]
16				Cultural Heritage Sites Management
17				Consequential amendments to Parts I and II arising from Part IV (Rivers and Lakes)
18				Kina Rezoning [planning maps only]
19				Technical Amendments
20				Richmond East Development Area
21				Active Fault Rupture Risk Management
22				Mapua and Ruby Bay Development
30				Private Plan Change Request: Fairholme Creative Ltd, East Takaka
31				Review of Slope Instability Risk Area, Richmond
32				Wall Offset – Residential Zone
33				Minor changes to Recreation, Open Space and Conservation Zones [planning maps only]
34				Fire Risk Management for New Residential Dwellings
35				Part I Introductory: Water Metering
		37		Richmond West and South Greenway
40				Earthquake Faultlines and Geotechnical Reports
41				Heritage Schedule Update
42				Part II Technical Amendments – Chimney Stack Height
43				Motueka West Development
44				Motueka Central Development
45				Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part I

Operative Plan Change No.	Proposed Variation No. to Plan Change No.	Proposed Plan Change No.	Former Plan Variation No.	Subject
46				Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part II
49				Private Plan Change Request: Foodstuffs Ltd – Three Brothers Corner Commercial Zone
50				Private Plan Change Request: Network Tasman Ltd, Hope
51				Review of planning framework for deferred urban development
53				Update of heritage and protected tree schedules
54				Waimea Water Management – Security of Supply Amendments to Part I
55				Waimea Water Management – Security of Supply Amendments to Part II
57				Brightwater Strategic Review
58				Wakefield Strategic Review
59				Residential Zone Coverage
60				Rural Land Use and Subdivision Policy Review
61				Private Plan Change Request: Wainui Bay Spat Catching
62				Private Plan Change Request: Progressive Enterprises Ltd – Richmond North Commercial Zone
64				Update of Protected Tree Schedule
65				Wakefield Strategic Review – Stage Two
66				Richmond Housing Choice
68				Omnibus Amendments
69				Nelson Tasman Land Development Manual
70				Network Tasman Site Expansion
72				Moorings and Coastal Structures
73				Omnibus 2 Amendments
74				Rezoning of Special Housing Areas
75				Growth – Brightwater
		76		Growth – Wakefield
77				Growth – Murchison
78				Growth – St Arnaud

From 1 November 2008, the following plans ceased to have effect in relation to Parts I and II:

- (a) Transitional District Plan (Golden Bay; Motueka and Environs; Richmond; Waimea sections and Plan Changes DP1 and DP2).
- (b) Regional Plan (Land).

#### **1.5.4 Part III (Coastal Marine Area)**

Part III forms most of the Regional Coastal Plan. The remainder consists of provisions relating to coastal water or the coastal marine area, in Parts I, V and VI.

The Regional Coastal Plan became operative on 1 October 2011 under the Resource Management Amendment Act (No. 2) 2011. From that date, the following plans ceased to have effect in relation to Parts III and V:

- (a) Transitional Regional Coastal Plan.
- (b) Nelson Bays Regional Planning Scheme — Section Two: Coastal and Marine Resources.

Table 2 lists all operative and proposed changes and variations affecting Part III.

<b>Table 2 PLAN CHANGES IN PART III</b>			
<b>Operative Plan Change No.</b>	<b>Proposed Plan Change No.</b>	<b>Former Plan Variation No.</b>	<b>Subject</b>
61			Wainui Bay Spat Catching
71			Coastal Occupation Charges
72			Moorings and Coastal Structures

### **1.5.5 Part IV (Rivers and Lakes)**

Part IV forms regional planning provisions dealing with activities in relation to the beds of rivers and lakes. Part IV became operative on 8 March 2014. From that date, the following plans ceased to have effect as applicable to river and lake beds:

- (a) Transitional Regional Plan (ex Nelson-Marlborough)
- (b) Transitional Regional Plan (ex West Coast)

### **1.5.6 Part V (Water)**

From 26 February 2011, Part V (Water) is operative, except for those provisions that are identified in the text with boxes as “Proposed”, and that are the subject of proposed changes. Table 3 lists all operative and proposed changes and former proposed variations affecting Part V.

<b>Table 3 PLAN CHANGES IN PART V</b>			
<b>Operative Plan Change No.</b>	<b>Proposed Plan Change No.</b>	<b>Former Plan Variation No.</b>	<b>Subject</b>
23		65	Waiting Lists for Water Allocation, Site-to-Site Transfer of Water Permits, Moutere Water Management
24		66	Water Allocation Review (Motueka Central Plains and Middle Motueka Zones, including Dove and Abel Tasman Zones and Community Water Supplies)
26		69	Consequential amendments to Part V
36			Part V Water: Water Metering
47			Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part V
52			Upper Motueka Water Allocation Review
56			Waimea Water Management – Security of Supply Amendments to Part V
63			Waimea Water Transition Management
67			Waimea Water Management Technical Amendments

From 26 February 2011, the following plans ceased to have effect as applicable to water taking, use, damming and diversion provisions:

- (a) Transitional Regional Plan (ex Nelson-Marlborough)
- (b) Transitional Regional Plan (ex West Coast)

- (c) Transitional Regional Coastal Plan
- (d) Moutere Water Management Plan
- (e) Motueka-Riwaka Plains Water Management Plan

### 1.5.7 Part VI (Discharges)

From 26 February 2011, Part VI (Discharges) is operative, including operative changes since that date, except for those provisions that are identified in the text as “Proposed”, and that are the subject of proposed changes. Table 4 lists all operative and proposed changes and former proposed variations affecting Part VI.

Table 4 PLAN CHANGES IN PART VI			
Operative Plan Change No.	Proposed Plan Change No.	Former Plan Variation No.	Subject
25		67	Management of Greywater Discharges to Land
27		70	Consequential amendments to Part VI
28		61 – 63	Richmond West Development Area (Deferred Fire Ban Area)
29			Richmond East Development Area (Deferred Fire Ban Area) [planning maps only]
38			National Environmental Standard for Managing and Assessing Contaminants in Soil to Protect Human Health
48			Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part VI
60			Rural Land Use and Subdivision Policy Review
66			Richmond Housing Choice
72			Moorings and Coastal Structures
73			Omnibus 2 Amendments
74			Special Housing Areas
75			Growth – Brightwater
	76		Growth – Wakefield
77			Growth – Murchison
78			Growth – St Arnaud

From 26 February 2011, the following plans ceased to have effect as applicable to discharge provisions:

- (a) Transitional Regional Plan (ex Nelson-Marlborough)
- (b) Transitional Regional Plan (ex West Coast)
- (c) Moutere Water Management Plan
- (d) Motueka-Riwaka Plains Water Management Plan

## **1.6 RESOURCE MANAGEMENT METHODS USED IN THE PLAN**

### **1.6.1 Introduction**

The Tasman Resource Management Plan provides a range of methods to address resource management issues and to implement objectives and policies in the Plan. These methods are:

**(a) Investigations and Monitoring**

These methods generate information about resource uses and their environmental effects.

**(b) Advocacy and Education**

These methods involve provision of information and promotion of preferred practices for resource management.

**(c) Works and Services**

The provision or requirement for works and services can be used to enhance the development of communities or to avoid, remedy or mitigate adverse effects.

**(d) Financial Measures**

Financial measures or charges or other compensatory contributions are a method to encourage or discourage certain resource use practices.

**(e) Regulation**

Regulating resource use activities for their adverse effects through the use of rules, consents, enforcement action and self-regulatory actions by resource users themselves. Self-regulation through certified environmental management systems is being investigated by Council.

**(f) Taking No Action**

This method may be used where results may be achieved without Council intervention.

The Resource Management Act (Section 32) requires the consideration of methods or options for promoting sustainable management in the development of resource management plans. Any one or more of the above methods chosen to address a particular issue must be evaluated for its appropriateness, having regard to its effectiveness and efficiency, and accounting for its relative benefits, costs and risks.

### **1.6.2 Regulatory Methods**

In regulating activities through the use of rules in the Plan, the Council must have regard to the actual or potential adverse effects on the environment of activities. In addition, the promotion of sustainable management includes the requirement to avoid, remedy, or mitigate the adverse effects of activities on the environment before resources may be used by people and communities to provide for their well-being, health and safety. While rules may focus on activities, the purpose for making rules is to avoid, remedy, or mitigate the adverse environmental effects of activities. In other words, all rules must be based on the management of adverse environmental effects, even though their focus may be on activities.

### **1.6.3 Zones and Areas**

In addition to general rules applying throughout the District, this Plan uses the technique of zones and areas in conjunction with rules to manage adverse environmental effects of resource use activities in promoting sustainable management. Zones and areas are defined parts of the District in which particular sets of rules apply that relate to certain resource use activities and certain environmental effects. Zones and areas are used most extensively in Part II: Land, but are also used in Part III: Coastal Marine Area, and Part V: Water. The rules applying within any zone or area are described in this volume in the rules chapters and the zone or area is displayed on the planning maps in Volume 2 of the Plan.

Any zone or area has been defined for either or both of the following reasons:

- (a) To regulate or control certain effects of activities that might occur in a particular way in that zone or area.  
For example, restricting noisy, large or high traffic-generating buildings from an area intended to be available as living space (defined by a residential zone).
- (b) To protect resources, including resource values, from certain adverse effects of activities that might occur in a particular way in that zone or area.  
For example, maintaining significant conservation or historic heritage values of areas by restricting their destruction or modification, or the establishment of buildings or undertaking of earthworks in a defined special area.

A **zone** is any mapped part of the District in which there are common resources or resource values that may be adversely affected in certain ways by certain activities and where common restrictions on activities and effects are specified by rules. Zones always cover separate parts of the District and do not overlap in space.

An **area** is any mapped part of the District in which there are further specific resource values that may be adversely affected in certain ways by certain activities and where common restrictions on activities and effects apply in addition to zone rules. Areas may overlay zones and other areas, and may be regarded as layers of regulation in any part of the District.

The objectives and policies that address resource management issues may employ any combination of zones and areas, together with the rules applying, in any part of the District, to achieve sustainable resource management outcomes.

#### **1.6.4 Financial Contributions**

Financial contributions provide a means through which the Council may prevent or offset adverse effects from the subdivision, use or development of land or other resources, and provide facilities for public benefit. Provisions for financial contributions in relation to other resources or activities are contained in the chapters of rules in other parts of the Plan.

Financial contributions are a method of implementation common to all objectives and policies of this Plan. A financial contribution may comprise money or land, or any combination of these. Its purpose may be to avoid, remedy or mitigate an adverse effect, or to produce a positive effect to offset an adverse one. It may apply on site or off site; apply to permitted activities, or be imposed as a condition on a resource consent. Rules on financial contributions in relation to subdivision and land uses are contained in Chapter 16.

Contributions in the context of subdivisions may be in the form of a fixed fee (per allotment); be related to allotment size; be related to the value of allotments or the proposed work; or be negotiated to counter a specific adverse effect.

A major purpose of financial contributions in relation to subdivision and land development, is for the provision, extension or upgrading of “infrastructure”, including roads, utility services, parks and reserves, without which the subdivision, use or development of land would have unacceptable consequences. Part of the rationale is that new activities and developments should not impose costs on existing communities: this does not preclude costs falling to existing communities that benefit from the new activities.

Since 1 July 2004 the Plan no longer requires financial contributions for infrastructure (other than reserves and community services) to be made where development contributions are required under Council’s Long Term Plan made under the Local Government Act 2002.



## **1.7 RESTRICTIONS ON RESOURCE USE AND RESOURCE CONSENTS**

### **1.7.1 Types of Activities**

Rules in this Plan that have legal effect either prohibit, regulate or allow activities. The rules therefore determine whether a resource consent is required to be obtained from the Council before an activity is carried out and the conditions, including requirements and permissions, that must be satisfied before or after a resource consent is granted. If a land use is not regulated by a rule in this Plan or any other regulations or order, then it is allowed without a resource consent.

Activities within the coastal marine area, river and lake beds, and all water and discharge activities may not be carried out unless there is a rule allowing such activities.

Activities that may be affected by this Plan fall into six classes that reflect the actual or potential effect on the environment of the activity:

#### **(a) Permitted Activity**

A permitted activity is allowed without a resource consent if it complies with conditions stated in this Plan.

#### **(b) Controlled Activity**

A controlled activity is allowed only if a resource consent has been obtained. A resource consent must be granted by the Council if the activity complies with conditions specified in this Plan, except where the consent would contravene a special requirement of the Act (Sections 106, 107 or 217). Consents may be granted subject to conditions relating to matters over which Council has reserved control. These matters must be stated in the Plan for every controlled activity.

#### **(c) Restricted Discretionary Activity**

A restricted discretionary activity is allowed only if a resource consent has been obtained. The Council retains a discretion about whether or not it will grant a resource consent and the conditions it may impose, but the matters over which Council has retained this discretion must be stated in the Plan for every restricted discretionary activity. The activity must comply with any conditions stated in the Plan for such an activity.

#### **(d) Discretionary Activity**

A discretionary activity is allowed only if a resource consent has been obtained. The Council retains an open discretion about whether or not it will grant a resource consent. The activity must comply with any conditions stated in the Plan for such an activity.

#### **(e) Non-complying Activity**

A non-complying activity is allowed only if a resource consent has been obtained. The Council may grant or decline a resource consent and may impose conditions. The activity must be described in the Plan as non-complying, and the activity must comply with any conditions stated in the Plan. Council may only grant a non-complying activity consent where it is satisfied that either the adverse effects of the activity on the environment will be minor, or that the activity will not be contrary to the objectives and policies of the Plan and any other relevant plan.

**(f) Prohibited Activities**

No resource consent will be granted and no application can be made for an activity that the Plan describes as a prohibited activity. The only avenue open to a person wanting to carry out a prohibited activity is to request a private Plan change. Information on the private Plan change request procedure may be obtained from the Tasman District Council.

**1.7.2 Matters of Control and Restricted Discretion**

Rules in the Plan that create either controlled activities or restricted discretionary activities, include lists of matters to which discretion is restricted or over which control is reserved. The listed matters have several functions. In the case of both restricted discretionary and controlled activities, the matters need to be addressed in the assessment of effects accompanying a resource consent application, under Section 88 of the Resource Management Act.

In the case of restricted discretionary activities, the listed matters will be taken into account by the Council in deciding whether to grant or decline a resource consent application. If a resource consent is granted, conditions may be imposed on the matters to which discretion has been limited.

In the case of controlled activities, conditions may be imposed in relation to the matters over which control has been reserved.

**1.7.3 Types of Resource Consents**

Resource consents are given different names depending on the type of activity they relate to. The types of resource consent are:

- (a) Land use consent.
- (b) Subdivision consent.
- (c) Coastal permit.
- (d) Water permit.
- (e) Discharge permit.

**1.7.4 Applications for Resource Consent**

Applications for resource consents should be made on the standard form available from the Tasman District Council. The application must be accompanied by an assessment of any actual or potential effects that the activity may have on the environment, together with other information required by this Plan (Chapters 19, 26, 32 and 37) or under the Resource Management Act, including any relevant approvals from affected persons such as neighbours.

**1.7.5 Notification or Non-Notification of Applications for Resource Consent**

The Council may or may not notify any application for resource consent. Notification may be public (any person may make a submission) or limited (only certain persons may make a submission). An application must be publicly notified if the Council considers that the activity will or is likely to have an adverse effect on the environment that is more than minor, or if the applicant requests public notification, or a rule or a national environmental standard requires public notification. If a rule or a national environmental standard precludes public notification, the application must not be publicly notified.

If the Council considers that there are affected persons, it must give limited notification to those persons, unless any such person has given written approval for the application, or a rule or a national environmental standard precludes limited notification.

## **1.8 APPLICATION OF RULES IN THE PLAN**

### **1.8.1 Protection of Existing Uses of Land and Other Resources**

Any land use activity that contravenes any of the applicable land use rules in this Plan, and that:

- (a) is lawfully established at the date of notification of Parts I and II of the Plan (or any variation or change to the applicable rule that has legal effect); and
- (b) whose effects remain of the same or similar character, intensity and scale as they were before that date; and
- (c) that is not discontinued or stopped for more than 12 months at any time;

may continue despite the rules in this Plan, under Section 10 of the Act.

However, this protection does not apply where:

- (a) any reconstruction, alteration or extension to any building increases the degree of non-compliance with the rules in this Plan affecting buildings; or
- (b) the land use is of a kind that is regulated by land use rules in this Plan that are regional rules.

### **1.8.2 Regional Rules**

The regional land use rules in this Plan regulate:

- (a) land uses involving the storage, use or disposal of hazardous substances (Section 16.7);
- (b) land uses in the beds of rivers and lakes (Part IV).

Where any land use activity contravenes any of the regional rules in this Plan as listed above, and the activity:

- (a) is lawfully established at the date of notification of Parts I and II of the Plan (25 May 1996) or notification of any relevant variation or change; and
- (b) whose effects are the same or similar in character, intensity and scale as they were before that date; and
- (c) has not been discontinued or stopped for more than 6 months;

then the activity may continue until the relevant regional rule is operative, under Section 20A of the Act. However, a land use consent must be applied for the activity within six months of the operative date of the relevant regional rule. Any lawful continuation of the activity after this point will depend on Council's decision on the application.

Rules contained in the following parts of this Plan, are also regional rules:

Part III (Coastal Marine Area)  
Part IV (Rivers and Lakes)  
Part V (Water)  
Part VI (Discharges).

All existing uses of the coastal marine area or the beds of rivers or lakes, or existing water uses or discharges, are also protected to the limited extent described above for existing land uses affected by regional rules, under Section 20A of the Act.

### **1.8.3 Application of Rules in Coastal Margins**

Rules in Part II of the Plan relating to land use and subdivision apply landward of the line of mean high water springs. Rules in Part III of the Plan relating to the use of the coastal marine area apply seaward of the line of mean high water springs. This applies despite the existence of cadastral or land title boundaries extending or located seaward of the line of mean high water springs. The location of the line of mean high water springs, wherever it may be from time to time, determines whether land and subdivision or coastal marine area rules and other provisions (objectives and policies) of the Plan apply to any particular location.

Existing cadastral or title boundaries of coastal margins do not necessarily coincide with the line of mean high water springs. In some situations, erosion may have moved that line landward of title boundaries. In other situations, accretion of the shoreline may have formed dry land between a title boundary and that line. Land that is accreted remains unalienated Crown land unless it is incorporated into a land title.

At rivers and streams, the boundary of the coastal marine area is as described in Schedule 25C and, for significant rivers and streams, as shown on maps 190 – 225.

## 1.9 ARRANGEMENT OF RULES IN THE PLAN

### 1.9.1 General

Most of the rules in this Plan are arranged in sets of two or three rules dealing with the same type of activity. Often, there are two rules in a set, consisting of a permitted activity rule followed by a discretionary activity rule. To find out whether a particular activity is a permitted activity, controlled activity, discretionary activity or non-complying activity, the activity must be tested in turn against the conditions, stated in each of the rules within the relevant set of rules until it reaches a rule where it complies with all of the relevant conditions. That rule governs the activity.

This arrangement of rules is called a “cascade”. To illustrate how the cascade works, consider the following (fictional) pair of rules:

#### # Permitted Activities (Poultry Keeping)

##### Example

Rule 1. Poultry keeping is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) No more than six hens are kept.
- (b) No rooster is kept.

#### # Discretionary Activities (Poultry Keeping)

##### Example

Rule 2. Poultry keeping that does not comply with the conditions for a permitted activity is a discretionary activity, if it complies with the following conditions:

- (a) No rooster is kept.

Example Rule 1 tells the reader whether a particular poultry-keeping proposal is a permitted activity or whether a resource consent is required. A poultry-keeping activity that complies with conditions (a) and (b) is permitted without a resource consent. A resource consent is required if the proposal contravenes either condition (a) or (b) of Rule 1.

Example Rule 2 only needs to be considered if the proposed activity does not comply with Rule 1. Example Rule 2 tells the reader what kind of resource consent application has to be made. In this example, it will be either a discretionary activity application or a non-complying activity application. It will be discretionary if the proposal complies with the conditions stated in Rule 2 and non-complying if it does not. Rule 2 has only one condition, (a), and therefore if the proposal does not involve the keeping of a rooster, it will be treated as a discretionary activity. This is illustrated in Figure 1.9A.

**Figure 1.9A: Illustration of Cascade**

ILLUSTRATION OF CASCADE, FOLLOWING EXAMPLE RULES 1 AND 2			
Question	Complies with Rule 1?	Complies with Rule 2?	Conclusion
Can I keep 5 hens?	Yes	*	It is a permitted activity
Can I keep 50 hens?	No - Breaks 1(a)	Yes	Application must be made for a resource consent for a discretionary activity
Can I keep a rooster?	No - Breaks 1(b)	No - Breaks 2(a)	Application must be made for a resource consent for a non complying activity

\* Not applicable. Rule 2 only needs to be considered if the proposed activity does not comply with Rule 1.

Keeping of five hens would comply with Example Rule 1, but not 50 hens or a rooster. Keeping of 50 hens (or indeed 5,000 hens) would comply with Example Rule 2, but keeping a rooster would not.

Note that compliance with the conditions for a discretionary activity does not mean that a resource consent will be granted by the Council. It only means that the resource consent application will be processed as a discretionary activity and not as a non-complying activity. The Council retains discretion to decline consent, depending on all the circumstances.

In this example, there is no possibility of the activity being a controlled activity, as there is no controlled activity rule in the relevant set of rules.

The flow charts in Figure 1.9B illustrate two arrangements of sets of rules. The flow chart on the left shows the most common arrangement in the Plan, with two rules in the set, a permitted activity rule and a discretionary activity rule. Example Rules 1 and 2 conform to that pattern. The flow chart on the right of Figure 1.9B contains no permitted activities, but starts with controlled and goes to discretionary. This pattern is used for subdivisions. Other patterns are used in the Plan, although not illustrated. A set of rules may contain three rules, with permitted, controlled and discretionary activity rules. In every case the opening words of the later rules indicate their relationship to rules earlier in the cascade.

**1.9.2 Prohibited Activities**

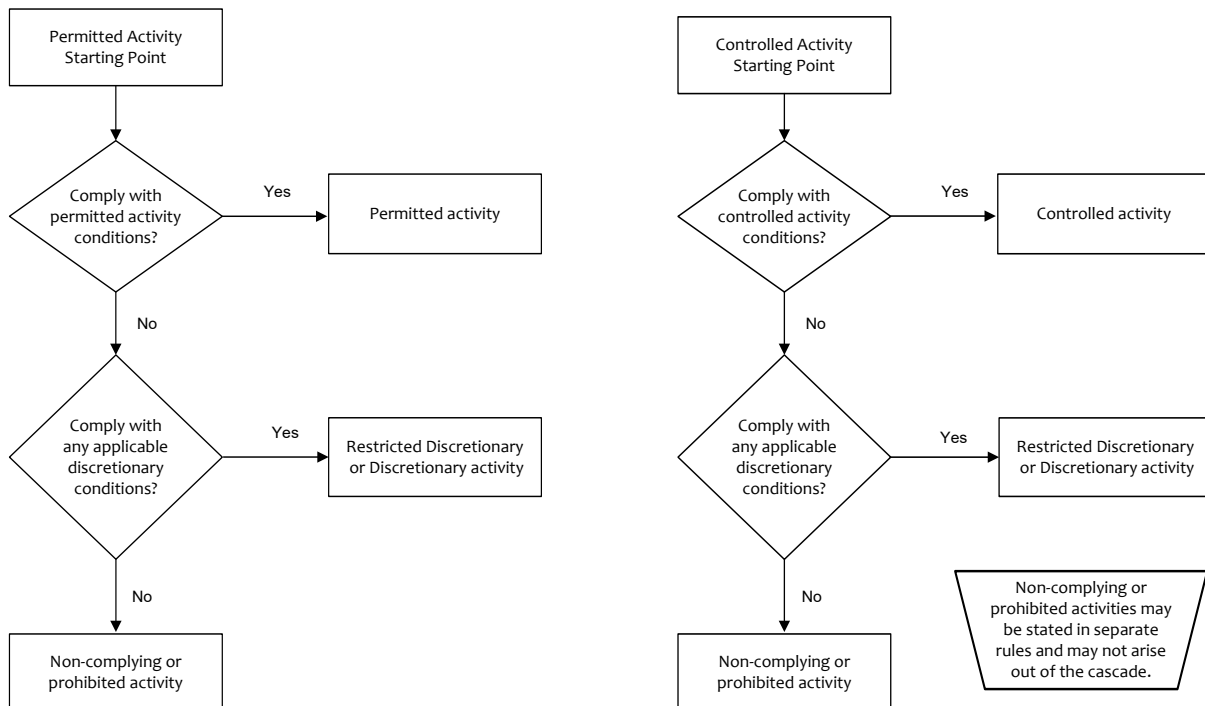
Prohibited Activities are dealt with separately from the cascade. Prohibited activities only arise from specific rules in the format of the following (fictional) rule:

**# Prohibited Activities (Tiger Keeping)**

**Example**

Rule 3 Keeping of tigers in the Antelope Protection Area is a prohibited activity for which no resource consent will be granted.

**Figure 1.9B: Cascade of Rules**



## 1.10 HOW TO USE THE PLAN

There are many types of enquiry that can be made about the contents of the Plan. The tables of contents and index will provide a ready reference to find the relevant Plan provisions dealing with specific topics.

For enquiries of the type, “what activities are permitted on my property?”, the following steps are suggested.

Step 1: Locate the property on the planning maps. Be aware that there may be more than one map that covers the property.

**It is essential to look at the map which is the largest scale for the area you are looking at. The largest scale map contains all the relevant information, including detail on whether the map is operative or not.** The larger scale maps show smaller areas, with greater detail.

1. On the **Zone** maps (in Part II), note the following:

The **zone** the property is in. Only one zone applies to any piece of land. There are some rules that deal with properties close to the boundaries between zones, so it is useful at this stage to note from the maps if the property is near a zone boundary.

2. On the **Area** maps (in Parts II, III and VI), note the following:

(a) Any **areas** that apply to the property. A property may be in more than one area; for example, all properties in St Arnaud are in a Landscape Priority Area and in Land Disturbance Area 1.

(b) Any **symbols** on the property, for example heritage buildings or designations. Note the numbers attached to the symbols, where applicable.

**NOTE: To check for the presence of any cultural heritage site on the property, refer to the Cross-Reference to Cultural Heritage Sites (at the beginning of Part II) which will refer you to the relevant Cultural Heritage Sites map(s) at the end of Part II.**

3. On the **Special** maps, note any of the following features, if applicable:

In Part II: Road hierarchy, landscape units in the coastal Tasman area, and cultural heritage sites

In Part III: Aquaculture Management Areas, natural ecosystem values, and river mouth and coastal marine area boundaries

In Part V: Water management zones and soil areas

In Part VI: Water classifications, Fire Sensitive/Ban Areas, obstacle limitation surface (Nelson Airport)

Step 2: Find the rules relating to the relevant zone in Chapter 17. You need only look at the rules for the zone the property is in. Where a development relates to a number of properties in different zones, obviously each property will be governed by the rules of the zone it is in.

Step 3: Find the rules relating to the relevant special areas in Chapter 18. The rules for every special area in which the property is mapped will be applicable in addition to the zone rules.

Step 4: Find the rules relating to any symbols on the maps. For example, provisions relating to designations are contained in Part II – Appendix 1. There is a series of figures (tables) which contains details for each designated site. Rules relating to heritage buildings, specimen trees and cultural heritage sites are contained in Chapter 16. Schedules contain further information relating to the symbols on the maps.

Step 5: Find the rules relating to the general effects of any proposed activity in Chapter 16. Look at the Table of Contents to Chapter 16 and consider whether the topics listed are relevant to the proposed activity. More than one section of Chapter 16 may be applicable. For example, a development may involve an outdoor sign, it might generate traffic and it might involve storage of hazardous substances. In that case, the rules in all of the relevant sections of Chapter 16 need to be considered.

Step 6: Consider the cumulative effect of all the relevant rules. Note that not all rules will apply to a particular activity and, in some cases, exceptions to rules have been stated. If the proposed activity is a permitted activity under one rule and a resource consent is required by another rule, then a resource consent is required for the whole activity. Where rules impose different standards in relation to the same matter (e.g. different building setback distances) the more stringent standard will have to be complied with.

For activities that involve the foreshore or coastal marine area, see Chapter 25 rules.

For activities that take place on the surface of the waters or on the beds of rivers or lakes, see Chapter 29 rules.

For activities that involve taking, using, damming or diverting water, see Chapter 31 rules.

For activities that involve discharges to land, air or water, see Chapter 36 rules.

Some developments and uses will be subject to rules in several sections of this Plan. All relevant rules or consent requirements must be met for the development or use to proceed.

For activities relating to any National Environmental Standard refer to that standard for any additional requirements (see Schedule 1.1).

If you are not sure, ask the planning staff at Tasman District Council service centres to help.



**Schedule 1.1: List of National Policy Statements, National Environmental Standards and Section 360 Regulations in Force under the Resource Management Act as at 11 September 2021****1.1.1 National Policy Statements**

National Policy Statement on Electricity Transmission 2008  
New Zealand Coastal Policy Statement 2010  
National Policy Statement on Renewable Electricity Generation 2011  
National Policy Statement on Urban Development Capacity 2016  
National Policy Statement for Freshwater Management 2020

**1.1.2 National Environmental Standards**

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (SR 2007/396)  
Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (SR 2016/281)  
Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (SR 2009/397)  
Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (SR 2004/309) (as at 1 June 2011)  
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (SR 2011/361)  
Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (LI2017/174)  
Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (LI 2020/174)  
Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021 (LI 2021/107)

**1.1.3 Section 360 Regulations**

Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991  
Resource Management (Exemption) Regulations 1996  
Resource Management (Marine Pollution) Regulations 1998 (Annex 1 to Part VI of the Plan)  
Resource Management (Infringement Offences) Regulations 1999  
Resource Management (Forms, Fees, and Procedure) Regulations 2003  
Resource Management (Discount on Administrative Charges) Regulations 2010  
Resource Management (Exemption) Regulations 2017  
Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020  
Resource Management (Stock Exclusion) Regulations 2020

All the national policy statements are available from the website of the Ministry for the Environment at: <http://www.mfe.govt.nz/rma/rma-legislative-tools/national-policy-statements>

All the national environmental standards and Section 360 regulations are available from the website for government legislation at: <http://www.legislation.govt.nz>

**Schedule 1.2: List of Planning Documents Recognised by an Iwi Authority and Lodged with Council as at 15 December 2018**

Pakohe Management Plan, Te Runanga o Ngati Kuia, 2015

Ngai Tama ki te Waipounamu Trust Environmental Management Plan 2018