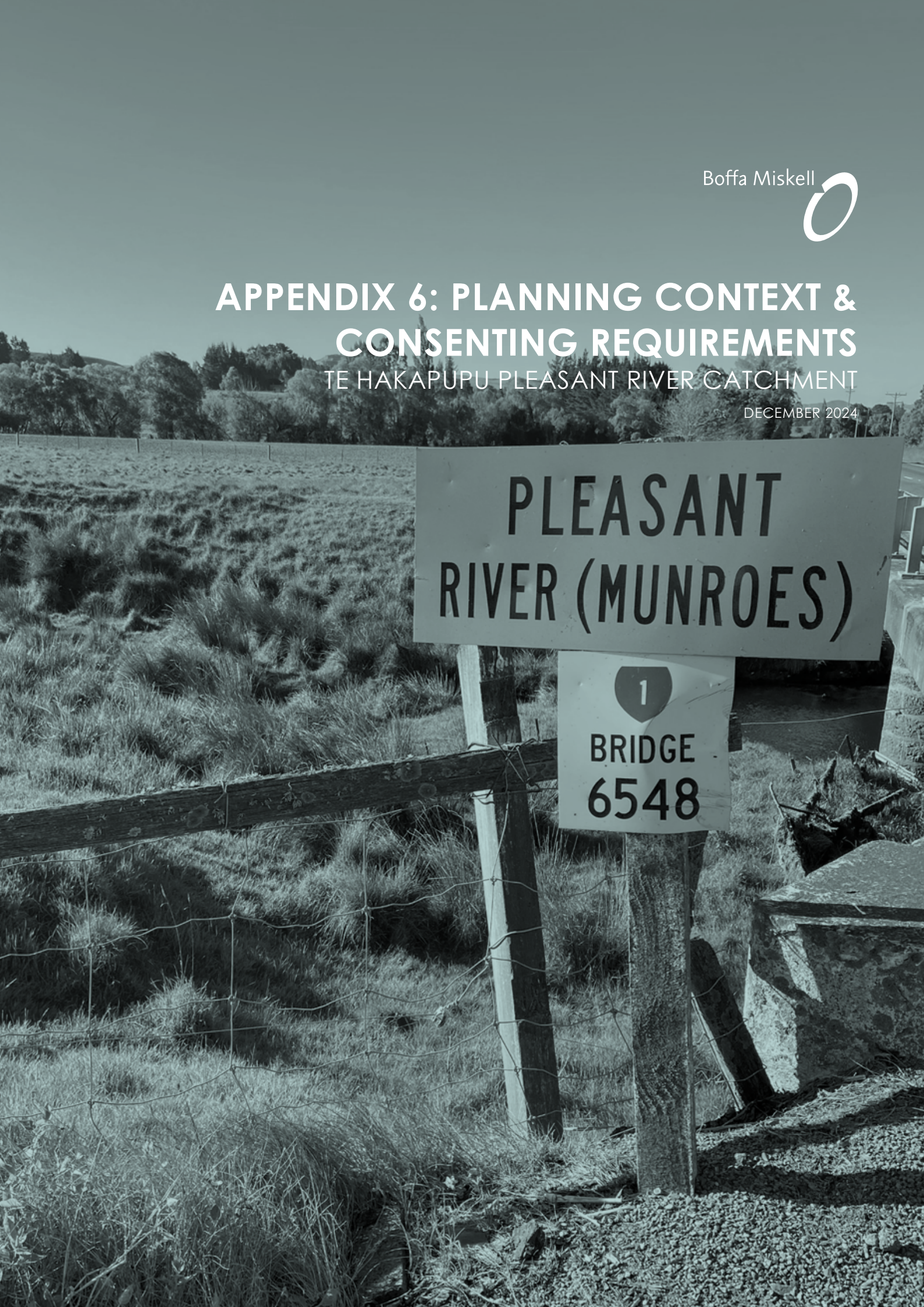


# APPENDIX 6: PLANNING CONTEXT & CONSENTING REQUIREMENTS

TE HAKAPUPU PLEASANT RIVER CATCHMENT

DECEMBER 2024



PLEASANT  
RIVER (MUNROES)

1

BRIDGE  
6548



# PLANNING CONTEXT & CONSENTING REQUIREMENTS

## PLANNING REQUIREMENTS

There are a range of potential regulatory requirements that may require various consents and authorisations to be obtained in order to enable the types of activities that relate to the Nature-based Solution (NbS) interventions considered in this feasibility report.

Most of these requirements stem from regulatory documents under the Resource Management Act (RMA), but other authorisations may be required under statutes such as the Wildlife Act 1953, the Building Act 2004, and the Conservation Act 1987.

A high-level overview of the regulatory instruments under the RMA that are likely to be relevant to the NbS under consideration in Te Hākapupu Pleasant River catchment is set out below. Further details about the potential consents and authorisations that would be required for the individual NbS solutions are provided later in this report.

## RESOURCE MANAGEMENT ACT 1991

The Resource Management Act (RMA) is New Zealand's principal environmental statute. It sets the scene as to how the use and development of land, air and water should be managed, and a range of regulatory instruments are promulgated under the RMA, including National Policy Statements (NPS); National Environmental Standards (NES); Regional; and District Plans.

Any resource consents that are required to authorise the proposed NbS will be assessed in terms of the provisions of the Resource Management Act and the relevant regulatory instruments. The following matters are likely to be relevant for NbS in terms of the regulatory framework established under the RMA:

- The restoration and enhancement of indigenous biodiversity; wetlands; and freshwater environments.
- Managing the effects of climate change and natural hazards.
- Taking, using, damming, and diverting water.
- Introduction of planting into the beds of lakes and rivers, riparian margins, and wetlands.
- Remediation of barriers to fish passage.
- Earthworks and the associated management of sediment discharges.
- Managing contaminated land.

## NATIONAL POLICY STATEMENTS

NPS are intended to provide national direction for matters of national significance which are related to achieving the sustainable management purpose of the RMA. Consent authorities are also required to have regard to any relevant national policy statement when considering an application for a resource consent. NPS do not include rules.

The policy direction set out in NPS is relevant to informing the consenting strategy for the proposed works as they inform the way in which the use and development of land, water, and other resources should be undertaken. Of the NPS currently in effect, the following are likely to be of most relevance to the NbS under consideration:

- National Policy Statement for Freshwater Management 2020 (NPS-FM)
- National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)
- National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

## **NATIONAL ENVIRONMENTAL STANDARDS**

National Environmental Standards (NES) are regulations made under the RMA and set out technical standards, methods or requirements relating to certain activities and their effects that apply throughout the country. They contain rules that must be complied with, and consents are required if compliance cannot be achieved. These standards do not include any policy provisions.

Of the NES currently in effect, the following are likely to be of most relevance to the NbS under consideration:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)
- National Environmental Standards for Freshwater 2020 (NES-F)
- National Environmental Standards for Commercial Forestry 2017 (as amended in 2023) (NES-CF)
- National Environmental Standards for Sources of Human Drinking Water (NES-DW)
- Freshwater Farm Plans Regulations 2023
- Stock Exclusion Regulations 2020

## **A NOTE ON RESOURCE MANAGEMENT LAW REFORM**

Resource management law has been subject to ongoing reform over the past few years and is continuing to face reform under the current Government. Various amendments to the RMA have already been proposed and are currently going through the parliamentary process, with further amendments yet to come. Ultimately the current Government has signalled that it will seek to repeal the RMA and replace it with a statute based on the enjoyment of private property rights. In this context, it will be important to keep abreast of legislative changes that may affect the delivery of the NbS outlined in this report.

## **OTHER REGULATORY REQUIREMENTS**

There is the potential for the NbS to require authorisations under other legislative requirements as follows:

- A wildlife permit under the Wildlife Act 1953
- An archaeological authority to damage, destroy or modify any archaeological sites that may be unearthed during the course of any project works
- Ensuring that any instream structures meet the relevant regulatory requirements in relation to fish passage; and
- A requirement for any dams to obtain consent under the Building Act 2004.

## NATURE-BASED SOLUTIONS CONSENTING REQUIREMENTS

Based on a high-level assessment of the likely works associated with each NbS intervention within Te Hākapupu Pleasant River catchment, a summary of the potential consenting requirements associated with these activities under the relevant regulatory instruments is set out in the tables below.

### LAND COVER MANAGEMENT

Table 1: Potential consenting requirements associated with landcover management. Potential consenting requirement identified are coloured green where they activities are permitted, yellow where activities are controlled, orange where activities are discretionary, and red where activities are prohibited.

ACTIVITY COMPONENT	WAITAKI DISTRICT PLAN	DUNEDIN DISTRICT PLAN
<b>Earthworks</b>		
Within riparian area	Discretionary activity for earthworks in riparian areas in rural zones. <sup>1</sup>	Restricted discretionary activity within various riparian areas. <sup>2</sup>
Other locations	Permitted or controlled in the rural zone depending on scale and location. <sup>3</sup>	Permitted or restricted discretionary depending on scale and location, and subject to conditions. <sup>4</sup>
<b>Vegetation planting</b>		
Within riparian areas	Potential permitted activity pathway provided that:  No exotic tree planting or amenity tree planting in specified riparian areas. <sup>5</sup>	'Conservation' activities in the Rural Zone are generally permitted. <sup>8</sup>
Other areas	Limits to planting trees within 15m of a neighbouring site boundary without their permission. <sup>6</sup>  Tree planting is required to not shade roads or residential units. <sup>7</sup>	

<sup>1</sup> Waitaki District Plan Rule 4.4.7(2)

<sup>2</sup> Dunedin District Plan Rule 10.3.3

<sup>3</sup> Waitaki District Plan Rules 4.3.1(14) and 4.3.2(1)

<sup>4</sup> Dunedin District Plan Rules in chapter 8A

<sup>5</sup> Waitaki District Plan Rule 4.4.7

<sup>6</sup> Waitaki District Plan Rule 4.4.9

<sup>7</sup> Waitaki District Plan Rule 4.5.2

<sup>8</sup> Dunedin District Plan Rule 16.3.3.32.

'Conservation' is defined in the District Plan as "the use of land for the establishment, maintenance or enhancement of indigenous vegetation and/or habitat for indigenous fauna. Examples of component activities of conservation are:

- restoration planting
- pest and weed control
- track construction and maintenance; and
- fencing.

## RIVER & STREAM NATURALISATION

Table 2: Potential consenting requirements associated with river naturalisation in Te Hākapupu catchment. Potential consenting requirement identified are coloured green where they activities are permitted, yellow where activities are controlled, orange where activities are discretionary, and red where activities are prohibited.

ACTIVITY COMPONENT	WAITAKI DISTRICT PLAN	DUNEDIN DISTRICT PLAN
<b>Vegetation removal/ clearance</b>		
Within riparian areas	Could be permitted in rural zone depending on scale, vegetation type, and location. <sup>9</sup> Generally limits on clearance of indigenous vegetation.	Ranging from permitted to restricted discretionary depending on scale, vegetation affected, and location. <sup>10</sup>
<b>Earthworks</b>		
Within riparian area	Discretionary activity for earthworks in riparian areas in rural zones. <sup>11</sup>	Restricted discretionary activity within various riparian areas. <sup>12</sup>
Other locations	Permitted or controlled in the rural zone depending on scale and location. <sup>13</sup>	Permitted or restricted discretionary depending on scale and location, and subject to conditions. <sup>14</sup>
<b>Vegetation planting</b>		
Within riparian areas	Potential permitted activity pathway provided that:	'Conservation' activities in the Rural Zone are generally permitted. <sup>18</sup>
	No exotic tree planting or amenity tree planting in specified riparian areas. <sup>15</sup>	
Other areas	Limits to planting trees within 15m of a neighbouring site boundary without their permission. <sup>16</sup>  Tree planting is required to not shade roads or residential units. <sup>17</sup>	

<sup>9</sup> Waitaki District Plan Rule 4.4.7 and 4.4.8

<sup>10</sup> Dunedin District Plan Standards in chapter 10, Rules in 16.3.4; and standards in 16.6.11

<sup>11</sup> Waitaki District Plan Rule 4.4.7(2)

<sup>12</sup> Dunedin District Plan Rule 10.3.3

<sup>13</sup> Waitaki District Plan Rules 4.3.1(14) and 4.3.2(1)

<sup>14</sup> Dunedin District Plan Rules in chapter 8A

<sup>15</sup> Waitaki District Plan Rule 4.4.7

<sup>16</sup> Waitaki District Plan Rule 4.4.9

<sup>17</sup> Waitaki District Plan Rule 4.5.2

<sup>18</sup> Dunedin District Plan Rule 16.3.3.32.

'Conservation' is defined in the District Plan as "the use of land for the establishment, maintenance or enhancement of indigenous vegetation and/or habitat for indigenous fauna. Examples of component activities of conservation are:

- restoration planting
- pest and weed control
- track construction and maintenance; and
- fencing.

## WETLAND RESTORATION & CONSTRUCTION

Table 3: Summary of potential consenting requirements associated with wetland restoration and construction. Potential consenting requirement identified are coloured grey where they are not applicable or not stated, green where they activities are permitted, yellow where activities are controlled, orange where activities are discretionary, and red where activities are prohibited.

ACTIVITY COMPONENT	NES-F	ORC REGIONAL PLAN: WATER	WAITAKI DISTRICT PLAN	DUNEDIN DISTRICT PLAN
Restoration and enhancement of the existing wetland	See specific rules below but generally permissive consenting pathway for associated activities.	Not applicable	Not applicable	'Conservation' activities in the Rural Zone are generally permitted. <sup>19</sup>
Construction of new wetland areas	N/A	Not applicable	Not applicable	
Earthworks				
Within wetland	Permitted subject to conditions <sup>20</sup>	Not applicable	Discretionary activity for earthworks in riparian areas in rural zones. <sup>21</sup>	Restricted discretionary activity within various riparian areas. <sup>22</sup>
Within riparian area				
Other locations	Not applicable		Permitted or controlled in the rural zone depending on scale and location. <sup>23</sup>	Permitted or restricted discretionary depending on scale and location, and subject to conditions. <sup>24</sup>

<sup>19</sup> Dunedin District Plan Rule 16.3.3.32

'Conservation' is defined in the District Plan as "the use of land for the establishment, maintenance or enhancement of indigenous vegetation and/or habitat for indigenous fauna. Examples of component activities of conservation are:

- restoration planting
- pest and weed control
- track construction and maintenance; and
- fencing.

<sup>20</sup> NES-F Regulation 38(2)

<sup>21</sup> Waitaki District Plan Rule 4.4.7(2)

<sup>22</sup> Dunedin District Plan Rule 10.3.3

<sup>23</sup> Waitaki District Plan Rules 4.3.1(14) and 4.3.2(1)

<sup>24</sup> Dunedin District Plan Rules in chapter 8A

ACTIVITY COMPONENT	NES-F	ORC REGIONAL PLAN: WATER	WAITAKI DISTRICT PLAN	DUNEDIN DISTRICT PLAN
Vegetation removal/ clearance				
Within wetland	Permitted subject to conditions <sup>25</sup>	Permitted subject to conditions. <sup>26</sup>	Could be permitted in rural zone depending on scale, vegetation type, and location. <sup>27</sup>	Ranging from permitted to restricted discretionary depending on scale, vegetation affected, and location. <sup>28</sup>
Within riparian areas		Not applicable		
Aquatic pest plant removal - rivers	Not applicable	Permitted subject to conditions, certain species. <sup>29</sup>		
Aquatic pest plant removal – wetlands		Controlled subject to conditions, certain species. <sup>30</sup>		
Vegetation planting				
Within wetland	Not applicable	Permitted subject to conditions. <sup>31</sup>	Not applicable	Not applicable
Within river	Not applicable	Permitted subject to conditions. <sup>32</sup>	Not applicable	Not applicable
Within riparian areas	Not applicable	Not applicable		See Conservation activities above
Other areas	Not applicable	Not applicable		
Introduction of listed pest plant species (including aquatic plants)	Not applicable	Certain species are prohibited. <sup>33</sup>		Includes rules limiting certain tree species being planted. <sup>34</sup>
Pest management				
Aquatic pest plants	Not applicable	Disturbance of the bed of a lake or river and associated discharge – permitted subject to conditions. <sup>35</sup>	Not stated	Not stated

<sup>25</sup> NES-F Regulation 38(1)

<sup>26</sup> Otago Regional Plan: Water, Rule 13.5.1.5A

<sup>27</sup> Waitaki District Plan Rule 4.4.7 and 4.4.8

<sup>28</sup> Dunedin District Plan Standards in chapter 10, Rules in 16.3.4; and standards in 16.6.11

<sup>29</sup> Otago Regional Plan: Water, Rule 13.7.1.1

<sup>30</sup> Otago Regional Plan: Water, Rule 13.7.2.1

<sup>31</sup> Otago Regional Plan: Water, Rule 13.5.1.5A

<sup>32</sup> Otago Regional Plan: Water, Rule 13.6.2.1

<sup>33</sup> Otago Regional Plan: Water, Rule 13.6.1.1

<sup>34</sup> Dunedin District Plan Rule 10.3.4

<sup>35</sup> Otago Regional Plan: Water, Rule 13.5.1.5



ACTIVITY COMPONENT	NES-F	ORC REGIONAL PLAN: WATER	WAITAKI DISTRICT PLAN	DUNEDIN DISTRICT PLAN
Taking, using, damming, diversion, and discharges of water				
Taking, using, damming, or diverting water	<b>Taking, using, damming or diverting water</b> associated with wetland restoration and enhancement permitted subject to conditions <sup>36</sup>	<b>Damming and diversion</b> permitted subject to conditions (but must not be in a regionally significant wetland). <sup>37</sup>	Not applicable	Not applicable
Discharging water	Permitted subject to conditions <sup>38</sup>	Not applicable		

<sup>36</sup> NES-F Regulation 38(3)

<sup>37</sup> Otago Regional Plan: Water, Rule 12.3.2.1

<sup>38</sup> NES-F Regulation 38(3)