

Appendix A – Rule Assessment

Introduction

This document comprises a comprehensive rule assessment of the Project against statutory documents for which resource consent(s) may be required to facilitate the Project. The assessment has been structured in the following order:

- **National Environmental Standards**
 - Resource Management (National Environmental Standards for Air Quality) Regulation 2004 (NES-AQ);
 - Resource Management (National Environmental Standard for Sources for Human Drinking Water) Regulation 2007 (NES-DW);
 - Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS); and
 - Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
- **Regional Authority Plan**
 - Bay of Plenty Regional Council - Regional Natural Resources Plan (RNRP).

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

The NES-AQ sets standards for air quality to provide a guaranteed minimum level of health protection. An assessment is contained within **Table 1**.

Table 1: Assessment of the Project against the relevant rules under the NES-AQ

Reference	Rule	Comment
Ambient Air Quality Standards for Contaminants		
Regulation 13	1. The ambient air quality standard for a contaminant specified in the first column of the table in Schedule 1 is that the contaminant must not exceed its threshold concentration in an airshed unless the exceedance is a permissible exceedance. 2. The ambient air quality standard for a contaminant is breached if the contaminant exceeds its threshold concentration in an airshed and the exceedance is not a permissible exceedance. 3. In these regulations, exceedance, for a contaminant, means an instance where the contaminant exceeds its threshold concentration in an airshed permissible exceedance, for a contaminant, means 1 of the number of exceedances allowed for the contaminant in an airshed as specified in the third column of the table in Schedule 1 threshold concentration, for a contaminant, means the concentration of the contaminant specified in the second column of the table in Schedule 1 calculated as a mean for the time period specified in that column.	Permitted Activity – Complies Based on the number of truck movements forecast for the Project, it is unlikely that construction vehicle emissions will be significant; as such, no further assessment against the NES-AQ has been completed. The Project will, therefore, comply with the ambient air quality standards.

Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007

The NES-DW sets out how to protect human drinking water from sources of contaminants, ensuring that water supplied to communities is safe for consumption. The Project is assessed to be a **Permitted Activity** under these regulations as all conditions will be met. **Table 2** below provides the relevant clauses and interpretation on requirements and expected compliance status.

Table 2: Assessment of the Project against the relevant rules under the NES-DW

Reference	Rule	Comment
Water and discharge permits in respect of activities with potential to affect certain drinking-water supplies		
Regulation 6 Permitted Activities	1. Type of activity to which regulations 7 and 8 apply 2. Regulations 7 and 8 only apply to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year.	Permitted Activity – Complies As such, the Project complies with this regulation as a permitted activity. The Project will not impact a registered drinking-water supply. Regulations 7 and 8, which relate to the requirements to apply for a water permit or a discharge permit, are therefore not applicable.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The Project will trigger the NES-CS as a **Discretionary Activity** overall as it involves disturbance of land for a particular purpose¹, and the land involved includes HAIL activities and is likely to include HAIL activities.² Due to the scale of the Project, Detailed Site Investigations (DSIs) have not been undertaken and limited soil sampling has been undertaken at sites of interest; therefore the 'land not covered' exception in the NES-CS does not apply to the Project.³ **Table 3** below provides the relevant clauses and interpretation on requirements and expected compliance status.

Table 3: Assessment of the Project against the relevant rules under the NES-CS

Reference	Rule	Comment
Regulation 8 Permitted Activities	<i>Disturbing soil</i> (3) <i>Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</i> (a) <i>controls to minimise the exposure of humans to mobilised contaminants must—</i> (i) <i>be in place when the activity begins;</i> (ii) <i>be effective while the activity is done;</i> (iii) <i>be effective until the soil is reinstated to an erosion-resistant state;</i> (b) <i>the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done;</i> (c) <i>the volume of the disturbance of the soil of the piece of land must be no more than 25 m3 per 500 m2;</i> (d) <i>soil must not be taken away in the course of the activity, except that,—</i> (i) <i>for the purpose of laboratory analysis, any amount of soil may be taken away as samples;</i> (ii) <i>for all other purposes combined, a maximum of 5 m3 per 500 m2 of soil may be taken away per year;</i> (e) <i>soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind;</i> (f) <i>the duration of the activity must be no longer than 2 months;</i> (g) <i>the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</i>	Does not comply The Project will involve the disturbance of soil of the piece of land that exceeds the permitted threshold and placing cut soil into on-site spoil areas that exceeds the maximum permitted volumes per year. The Project's earthworks duration will also be longer than 2 months. As such, compliance with Regulation 8 standards cannot be achieved.
Regulation 9 Controlled Activities	<i>Removing or replacing fuel storage system, sampling soil, or disturbing soil</i> (1) <i>If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</i> (a) <i>a detailed site investigation of the piece of land must exist;</i> (b) <i>the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7;</i> (c) <i>the consent authority must have the report;</i> (d) <i>conditions arising from the application of subclause (2), if there are any, must be complied with.</i>	Does not comply Due to the scale of the Project, a DSI has not been carried out; therefore, the Project will not comply with the requirement under Regulation 9(1)(a). As such, compliance with Regulation 9 standards cannot be achieved.
Regulation 10 Restricted Discretionary Activities	(1) <i>This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.</i> (2) <i>The activity is a restricted discretionary activity while the following requirements are met:</i> (a) <i>a detailed site investigation of the piece of land must exist;</i> (b) <i>the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7;</i> (c) <i>the consent authority must have the report;</i> (d) <i>conditions arising from the application of subclause (3), if there are any, must be complied with.</i>	Does not comply Due to the scale of the Project, a DSI has not been carried out; therefore, the Project will not comply with the requirement under Regulation 9(1)(a). As such, compliance with Regulation 10 standards cannot be achieved.
Regulation 11 Discretionary Activities	(1) <i>This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.</i> (2) <i>The activity is a discretionary activity.</i>	Discretionary Activity – Resource consent required As the Project is not a permitted activity, controlled activity or restricted discretionary activity, resource consent is required as a Discretionary Activity under Regulation 11.

¹ Regulation 5, subclause (4)(a), NES-CS 2011

² Regulation 5, subclause (7), NES-CS 2011

³ Regulation 5, subclause (9), NES-CS 2011

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The NES-F oversees activities impacting freshwater quality and ecology, with subparts covering specific activity types.

- Part 2 of the Act relates to standards for farming activities and are *not* relevant to the Project.
- Part 3 of the Act sets out standards for other activities that relate to freshwater.
 - Subpart 1 relates to natural inland wetlands;
 - Subpart 2 relates to reclamation of rivers; and
 - Subpart 3 relates to the passage of fish affected by structures.

All subparts of Part 3 of the NES-F are relevant to the Project. Overall, the Project is assessed to be a **Discretionary Activity** under the NES-F. The relevant NES-F standards are assessed in **Table 4** below.

Table 4: Assessment of the Project against the relevant rules under the NES-F

Reference	Rule	Comment
Part 3 – Standards for other Activities that relate to water		
Subpart 1 - Natural inland wetlands - Construction of Specified Infrastructure		
The Project is considered “specified infrastructure” under the definition of the NPS-F because the Project is regionally significant infrastructure that delivers a service operated by NZTA, a lifeline utility (entity that provides a road network as defined under the Civil Defence Emergency Management Act 2002).		
Restoration, wetland maintenance, and biosecurity of natural inland wetlands Regulation 38 Permitted Activities	(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it— (a) is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) complies with the conditions. (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it— (a) is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) complies with the conditions. (3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural inland wetland is a permitted activity if— (a) the activity is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and (c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and (d) the activity complies with the conditions.	Permitted Activity The Project includes restoration planting and exotic vegetation clearance within retained natural inland wetlands. These works will be undertaken in accordance with a Wetland Management Plan, which will address the applicable Regulation 55 conditions and relevant Schedule 2 matters and will be provided to BOPRC before the works commence. The activities will therefore be undertaken as permitted activities under Regulation 38.
Construction of specified infrastructure Regulation 45 Discretionary Activities	(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure. (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure. (3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it— (a) is for the purpose of constructing specified infrastructure; and (b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland. (4) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the activity is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland. (5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the discharge is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the discharge and the wetland; and (c) the discharge will enter the wetland; and (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland. (6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first— (a) satisfied itself that the specified infrastructure will provide significant national or regional benefits; and (b) satisfied itself that there is a functional need for the specified infrastructure in that location; and (c) applied the effects management hierarchy.	Discretionary Activity – Resource consent required The Project involves the construction of specified infrastructure and includes the following activities in relation to natural inland wetlands: • Vegetation clearance within a natural inland wetland or within a 10 m setback, engaging Regulation 45(1); • Earthworks or land disturbance within a natural inland wetland or within a 10 m setback, engaging Regulation 45(2); • Earthworks or land disturbance outside the 10 m setback but within 100 m of a natural inland wetland where those works may result in the complete or partial drainage of part of the wetland, engaging Regulation 45(3); • The temporary damming or diversion of water, and the taking or use of water, within or within 100 m of a natural inland wetland where there is a hydrological connection to the wetland and the activity may alter its water-level range or hydrological function, engaging Regulation 45(4); and • The discharge of water into water within or within 100 m of a natural inland wetland where the discharge is hydrologically connected to, and will enter, the wetland and may alter its water-level range or hydrological function, engaging Regulation 45(5). Resource consent is therefore required under Regulation 45 as a discretionary activity.

Table 4: Assessment of the Project against the relevant rules under the NES-F

Reference	Rule	Comment
Part 3 – Standards for other Activities that relate to water		
Maintenance and operation of specified infrastructure and other infrastructure Regulation 46 Permitted Activity	(1) <i>Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—</i> (a) <i>Is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>complies with the conditions.</i> (2) <i>Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—</i> (a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>complies with the conditions.</i> (3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural inland wetland is a permitted activity if</i> (a) <i>the activity is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and</i> (c) <i>the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and</i> (d) <i>the activity complies with the conditions.</i>	Permitted activity – may apply Routine maintenance and operation activities associated with Project infrastructure within or near natural inland wetlands may be undertaken as permitted activities where they comply with the applicable conditions and limited and requirements in Regulation 46. This may include minor vegetation clearance, earthworks, repairs or water-management activities associated with maintaining stormwater, drainage or other Project infrastructure.
Maintenance and operation of specified infrastructure and other infrastructure Regulation 47 Restricted Discretionary Activities	(1) <i>Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it—</i> (a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>does not comply with any of the conditions in regulation 46(4).</i> (2) <i>Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it—</i> (a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>does not comply with any of the conditions in regulation 46(4).</i> (3) <i>The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if—</i> (a) <i>the activity is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</i> (c) <i>the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; and</i> (d) <i>the activity does not comply with any of the conditions in regulation 46(4), but does comply with the conditions in subclause (5) of this regulation.</i> (3A) <i>The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if—</i> (a) <i>the discharge is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>there is a hydrological connection between the discharge and the wetland; and</i> (c) <i>the discharge will enter the wetland; and</i> (d) <i>the discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and</i> (e) <i>it does not comply with any of the conditions in regulation 46(4), but does comply with the conditions in subclause (5) of this regulation.</i> (4) <i>However, the conditions in subclause (5) of this regulation do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure.</i> Conditions (5) <i>The conditions are that—</i> (a) <i>the activity must be undertaken only for as long as necessary to achieve its purpose; and</i> (b) <i>before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and</i> (c) <i>the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 30 days after the start of the activity.</i> (6) <i>However,—</i> (a) <i>the condition in subclause (5)(c) does not apply to any part of the bed that is in direct contact with a part of the specified infrastructure or other infrastructure that was constructed for maintenance purposes; and</i> (b) <i>the 30-day limit in the condition in subclause (5)(c) does not apply if the maintenance and operation of the infrastructure necessitates the ongoing taking, use, damming, diversion, or discharge of water.</i>	Restricted Discretionary Activity – Resource consent required Following construction, the Project will involve the ongoing operation and maintenance of specified infrastructure in and around natural inland wetlands. Routine maintenance activities that comply with Regulation 46 will remain permitted. Resource consent is sought under Regulation 47 on a precautionary basis for reasonably foreseeable maintenance and operation activities that cannot comply with Regulation 46(4), including: • vegetation clearance, earthworks or land disturbance within, or within 10 m of, a natural inland wetland that exceeds the limits or cannot comply with the other conditions in Regulation 46(4); • the taking, use, damming or diversion of water within, or within 100 m of, a natural inland wetland where there is a hydrological connection to the wetland and the activity will, or is likely to, alter its water-level range or hydrological function, engaging Regulation 47(3); and • the discharge of water into water within, or within 100 m of, a natural inland wetland where the discharge is hydrologically connected to and will enter the wetland, and will, or is likely to, alter its water-level range or hydrological function, engaging Regulation 47(3A). The activities regulated under Regulations 47(3) and 47(3A) will be undertaken only for as long as necessary.
Subpart 2 – Reclamation of Rivers		
Regulation 57 Discretionary Activities	(1) <i>Reclamation of the bed of any river is a discretionary activity.</i> (2) <i>A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—</i> (a) <i>satisfied itself that there is a functional need for the reclamation of the riverbed in that location; and (b) applied the effects management hierarchy</i>	Discretionary Activity – Resource consent required The Project will involve reclamation of the beds of rivers where existing sections of stream will be permanently filled or otherwise lost and will not be replaced by an equivalent length of realigned riverbed. Those works constitute reclamation of the bed of a river and are therefore a discretionary activity under Regulation 57(1) of the NES-F.

Bay of Plenty Regional Natural Resources Plan

This section evaluates the Project works against the relevant provisions of the RNRP. Overall, the Project is assessed to be a **Discretionary Activity** under the RNRP. A detailed assessment of the relevant RNRP rules is outlined in **Table 5**. These tables include assessment of the permitted activities under the RNRP as well as those that require resource consent.

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content					Assessment
Land Management						
LM R1 (Rule 1) Permitted – Earthworks and Quarries	The disturbance of land and soil as a result of earthworks or a quarry, where the activity does not exceed the limits in Table LM 1 within any 12 month period is a permitted activity subject to the following conditions within Table LM 1.					Does not comply The Project involves extensive earthworks throughout the alignment, including within Riparian Management Zones, adjacent to rivers and streams, within wetland environments and in areas exceeding the maximum exposed area and volume thresholds contained in Table LM 1. The Project therefore cannot comply with the permitted activity limits and conditions of LM R1.
	(c)	Riparian Management Zone - other lake not specified in (b), wetland or the bed of any river or stream, excluding streams and rivers with Water Supply water quality classification and Schedule 1 streams	0 to 7°	Between 0-5 horizontal metres from the edge of the water body	Earthworks excluding stream crossings - Exposed area no greater than 400 m² and volume no greater than 200 m³	
			>7 to 15°	Between 0-10 horizontal metres from the edge of the water body		
			>15 to 25°	Between 0-20 horizontal metres from the edge of the water body	Earthworks for stream crossing purposes – exposed area no greater than 1,000 m² per crossing.	
			>25 to 35°	Between 0-25 horizontal metres from the edge of the water body		
	(d)	Riparian Management Zone – streams and rivers with Water Supply water quality classification	0 to 15°	Between 0-20 horizontal metres from the edge of the water body	Earthworks excluding stream crossings – Exposed area no greater than 400 m² and volume no greater than 200 m³.	
			>15 to 25°	Between 0-25 horizontal metres from the edge of the water body		
			>25 to 35°	Between 0-40 horizontal metres from the edge of the water body	Earthworks for stream crossing purposes – exposed area no greater than 1000 m² per crossing.	
	(e)	Riparian Management Zone – Schedule 1 streams	0 to 7°	Between 0-5 horizontal metres from the edge of the water body	Earthworks excluding stream crossings - Exposed area no greater than 400 m² and volume no greater than 200 m³.	
			>7 to 15°	Between 0-10 horizontal metres from the edge of the water body		
			>15 to 25°	Between 0-20 horizontal metres from the edge of the water body	Earthworks for stream crossing purposes – exposed area no greater than 600m² per crossing.	
			>25 to 35°	Between 0-25 horizontal metres from the edge of the water body		

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content					Assessment
	(f)	Ephemeral Flowpath not in the Erosion Hazard Zone	No greater than 35°	N/A	Earthworks excluding roading crossings - Exposed area no greater than 100 m² and volume no greater than 50 m³ per individual flowpath. Earthworks outside urban areas for roading crossing purposes – exposed area no greater than 400 m² per crossing.	
	(g)	Coastal Margin	No greater than 35°	Land between 20-40 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast.	Exposed area no greater than 400 m² and volume no greater than 200 m³.	
	(h)	Land not in areas covered by (a) to (e), and not in the Erosion Hazard Zone	0 to 15°	N/A	Exposed area no greater than 1 hectare and volume no greater than 5,000 m³.	
			>15 to 25°	N/A	Exposed area no greater than 5,000 m² and volume no greater than 5,000 m³.	
			>25 to 35°	N/A	Exposed area no greater than 500 m² and volume no greater than 500 m³.	
	Notes: 1 Any earthworks: (a) In the Erosion Hazard Zone, or (b) On slopes greater than 35 degrees; or (c) On coastal land between 0-50 metres of the Coastal Marine Area on Sand Dune Country; or (d) On coastal land between 0-20 metres of the Coastal Marine Area on the Coastal Margin; are discretionary activities under LM R4. 2 The area covered by Table LM 1(a) will be interpreted to be modified or stabilised Sand Dune Country which has a vegetative cover, sealed or compacted soil, and a previously modified or flattened topography. This excludes unmodified or natural dune systems. 3 Any earthworks in the Coastal Margin between 0 to 20 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast are a discretionary activity under LM R4.					
	(a) There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity.					
	(b) The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded: (i) The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids. (ii) Any conspicuous change in colour or visual clarity. (iii) Any emission of objectionable odour. (iv) The rendering of fresh water unsuitable for consumption by farm animals. (v) Any more than minor adverse effects on aquatic life.					
	(c) The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body.					
	(d) Fill from the earthwork activity shall not be deposited in overland or secondary flow paths that convey stormwater during rainfall events.					
(e) The activity shall not obstruct or divert the flow of water in such a manner that it results in damming, flooding or erosion.						
(f) The activity shall not disturb vegetation in a wetland; or change the water flow or quantity, or water quality in a wetland.						
(g) Where an activity is a cleanfill site, the activity shall comply with the Ministry for the Environment’s Cleanfill Guidelines (2001)14.						

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content	Assessment																
	(h) The activity shall not disturb an identified contaminated site. (i) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be discharged to water, or discharged to land in circumstances where the contaminant may enter water, from the activity. (k) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body. (l) The activity shall be staged, managed and completed, and the activity site closed-off, in a manner that ensures compliance with conditions (a) to (k) inclusive. (m) Any stormwater from outside the exposed area shall be kept separate from the earthworks area. (n) Where the earthworks are for stream crossing purposes, the activity shall also comply with the following conditions: (i) The crossing shall be made at, or near to, right angles to the flow of the water in the river or stream, ensuring minimal roading in the Riparian Management Zone. (ii) The area shall be stabilised as soon as practicable, but no later than 3 months from the end of the activity. (iii) All practicable steps shall be taken to keep stormwater away from the stream crossing approach.																	
LM R2 (Rule 1A) Controlled – Earthworks and Quarries	The disturbance of land and soil as a result of earthworks or a quarry, where the activity is: 1 2 3 Not in the Riparian Management Zone; Not in the Coastal Margin; Not in the Erosion Hazard Zone; and does not exceed the limits in Table LM 2 within any 12 month period is a controlled activity, subject to the following terms and conditions: Table LM 2 Controlled Earthworks <table><tr><th></th><th>General Area</th><th>Land Slope</th><th>Controlled Limits</th></tr><tr><td>(a)</td><td>Ephemeral Flowpath not in the Erosion Hazard Zone</td><td>0 to 25°</td><td>Exposed area no greater than 1,000 m² and volume no greater than 500 m³ per individual flowpath</td></tr><tr><td rowspan="3">(b)</td><td rowspan="3">Land not in the Riparian Management Zone, an ephemeral flowpath, the Coastal Margin, or the Erosion Hazard Zone</td><td>0 to 15°</td><td>2 hectare and 20,000 m³</td></tr><tr><td>>15 to 25°</td><td>5,000 m² and 10,000 m³</td></tr><tr><td>>25 to 35°</td><td>1,000 m² and 5,000 m³</td></tr></table> (a) There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity. (b) The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded: (i) The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids. (ii) Any conspicuous change in colour or visual clarity. (ii) (Any emission of objectionable odour. (iii) The rendering of fresh water unsuitable for consumption by farm animals. (iv) Any more than minor adverse effects on aquatic life. (c) The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (d) Fill from the earthwork activity shall not be deposited in overland or secondary flow paths that convey stormwater during rainfall events. (e) The activity shall not obstruct or divert the flow of water in such a manner that it results in damming, flooding or erosion. (f) The activity shall not disturb vegetation in a wetland; or change the water flow or quantity, or quality in a wetland. (g) Where an activity is a cleanfill site, the activity shall comply with the Ministry for the Environment’s Cleanfill Guidelines (2001). (h) The activity shall not disturb an identified contaminated site. (i) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be discharged to water, or discharged to land in circumstances where the contaminant may enter water, from the activity. (k) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.		General Area	Land Slope	Controlled Limits	(a)	Ephemeral Flowpath not in the Erosion Hazard Zone	0 to 25°	Exposed area no greater than 1,000 m² and volume no greater than 500 m³ per individual flowpath	(b)	Land not in the Riparian Management Zone, an ephemeral flowpath, the Coastal Margin, or the Erosion Hazard Zone	0 to 15°	2 hectare and 20,000 m³	>15 to 25°	5,000 m² and 10,000 m³	>25 to 35°	1,000 m² and 5,000 m³	Does not comply The Project includes earthworks within Riparian Management Zones and exceeds the area and volume thresholds specified in Table LM 2. Accordingly, the Project cannot comply with LM R2.
	General Area	Land Slope	Controlled Limits															
(a)	Ephemeral Flowpath not in the Erosion Hazard Zone	0 to 25°	Exposed area no greater than 1,000 m² and volume no greater than 500 m³ per individual flowpath															
(b)	Land not in the Riparian Management Zone, an ephemeral flowpath, the Coastal Margin, or the Erosion Hazard Zone	0 to 15°	2 hectare and 20,000 m³															
		>15 to 25°	5,000 m² and 10,000 m³															
		>25 to 35°	1,000 m² and 5,000 m³															

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content	Assessment																																														
LM R3 (Rule 1B) Restricted Discretionary – Earthworks and Quarries	<i>The disturbance of land and soil as a result of earthworks or a quarry, where the activity does not exceed limits in Table LM 3 within any 12 month period is a restricted discretionary activity.</i> <i>Table LM 3 Restricted Discretionary Earthworks and Quarries</i> <table><tr><th></th><th>General Area</th><th>Land Slope</th><th>Distance from Water body</th><th>Restricted Discretionary Limits</th></tr><tr><td rowspan="3">(a)</td><td rowspan="3">Riparian Management Zone – Rotorua Lakes</td><td>0 to 15°</td><td>Between 0-20 horizontal metres of the lake</td><td rowspan="3">500 m² and 500 m³</td></tr><tr><td>>15 to 25°</td><td>Between 0-25 horizontal metres of the lake</td></tr><tr><td>>25 to 35°</td><td>Between 0-40 horizontal metres of the lake</td></tr><tr><td rowspan="4">(b)</td><td rowspan="4">Riparian Management Zone – other lake not specified in (a), wetland or the bed of any river or stream, excluding streams and rivers with Water Supply water quality classification</td><td>0 to 7°</td><td>Between 0-5 horizontal metres of the water body</td><td>Earthworks excluding stream crossings – 500 m² and 500 m³</td></tr><tr><td>>7 to 15°</td><td>Between 0-10 horizontal metres of the water body</td><td rowspan="3">Earthworks for stream crossing purposes – all earthworks not permitted by LM R1</td></tr><tr><td>>15 to 25°</td><td>Between 0-20 horizontal metres of the water body</td></tr><tr><td>>25 to 35°</td><td>Between 0-25 horizontal metres of the water body</td></tr></table> <table><tr><th></th><th>General Area</th><th>Land Slope</th><th>Distance from Water body</th><th>Restricted Discretionary Limits</th></tr><tr><td rowspan="3">(c)</td><td rowspan="3">Riparian Management Zone – streams and rivers with Water Supply water quality classification</td><td>0 to 15°</td><td>Between 0-20 horizontal metres from the edge of the water body</td><td>Earthworks excluding stream crossings – 500 m² and 500 m³.</td></tr><tr><td>>15 to 25°</td><td>Between 0-25 horizontal metres from the edge of the water body</td><td rowspan="2">Earthworks for stream crossing purposes – all earthworks not permitted by LM R1.</td></tr><tr><td>>25 to 35°</td><td>Between 0-40 horizontal metres from the edge of the water body</td></tr><tr><td>(d)</td><td>Ephemeral Flowpath not in the Erosion Hazard Zone</td><td>No greater than 35°</td><td>N/A</td><td>Any activity not otherwise permitted by LM R1 or controlled by LM R2.</td></tr></table>		General Area	Land Slope	Distance from Water body	Restricted Discretionary Limits	(a)	Riparian Management Zone – Rotorua Lakes	0 to 15°	Between 0-20 horizontal metres of the lake	500 m² and 500 m³	>15 to 25°	Between 0-25 horizontal metres of the lake	>25 to 35°	Between 0-40 horizontal metres of the lake	(b)	Riparian Management Zone – other lake not specified in (a), wetland or the bed of any river or stream, excluding streams and rivers with Water Supply water quality classification	0 to 7°	Between 0-5 horizontal metres of the water body	Earthworks excluding stream crossings – 500 m² and 500 m³	>7 to 15°	Between 0-10 horizontal metres of the water body	Earthworks for stream crossing purposes – all earthworks not permitted by LM R1	>15 to 25°	Between 0-20 horizontal metres of the water body	>25 to 35°	Between 0-25 horizontal metres of the water body		General Area	Land Slope	Distance from Water body	Restricted Discretionary Limits	(c)	Riparian Management Zone – streams and rivers with Water Supply water quality classification	0 to 15°	Between 0-20 horizontal metres from the edge of the water body	Earthworks excluding stream crossings – 500 m² and 500 m³.	>15 to 25°	Between 0-25 horizontal metres from the edge of the water body	Earthworks for stream crossing purposes – all earthworks not permitted by LM R1.	>25 to 35°	Between 0-40 horizontal metres from the edge of the water body	(d)	Ephemeral Flowpath not in the Erosion Hazard Zone	No greater than 35°	N/A	Any activity not otherwise permitted by LM R1 or controlled by LM R2.	Does not comply While portions of the Project occur within areas addressed by LM R3, the scale of earthworks substantially exceeds the restricted discretionary thresholds specified within Table LM 3. Accordingly, the Project does not comply with LM R3.
	General Area	Land Slope	Distance from Water body	Restricted Discretionary Limits																																												
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LM R4 (Rule 1C) Discretionary – Earthworks and Quarries	<i>The disturbance of land and soil as a result of earthworks or a quarry, where the activity:</i> <i>1 Is not permitted by a rule in this regional plan, and</i> <i>2 Is not a controlled activity under a rule in this regional plan, and</i> <i>3 Is not a restricted discretionary activity under a rule in this regional plan, Is a discretionary activity.</i>	Discretionary Activity – Resource Consent Required As the Project does not comply with LM R1, LM R2 or LM R3, the earthworks components of the Project are a Discretionary Activity pursuant to LM R4.																																														
LM R7 (Rule 2) Permitted – Land and Soil Disturbance by Vegetation Clearance	<i>The disturbance of land and soil resulting from vegetation clearance, where:</i> <i>1 The activity is not:</i> <i>(a) On land with a dominant slope greater than 35 degrees; or</i> <i>(b) In the Erosion Hazard Zone; or</i> <i>(c) In the Coastal Margin;</i> <i>And either (2) or (3):</i> <i>2 The activity complies with 4, 5, 6, 7 or 8 below.</i> <i>3 The activity is on any other land not covered by 2 above.</i> <i>Is a permitted activity subject to compliance with conditions (a) to (l) inclusive below.</i> <i>4 The activity is vegetation clearance in an ephemeral flowpath (refer to definition), and either (a) or (b):</i> <i>(a) Is the clearance of vegetation that is causing erosion, or is blocking water flow; or</i> <i>(b) Is the removal of exotic weed tree species, including, but not limited to, willows and wilding pines.</i> <i>Or</i> <i>5 The activity is the harvesting of existing exotic vegetation species where the plants were planted as of 8 July 2008, and the activity is in the Riparian Management Zone, with a dominant slope no greater than 25 degrees in relation to Table LM 4(a) to (c), or with a dominant slope no greater than 35 degrees in relation to Table LM 4(d). and the area specified in Table LM 4 is replanted in indigenous vegetation or allowed to re vegetate for retirement</i>	Does not comply The Project’s vegetation clearance does not comply with LM R7 because: - Vegetation clearance within Riparian Management Zones will not in all cases comply with the applicable area limits and other requirements in clauses 5 to 8, including the limits in Table LM 5; - Vegetation clearance will occur within natural inland wetlands, contrary to permitted activity condition (d); - The Project may alter water flows, water quantity or water quality within wetlands, contrary to permitted activity condition (d); and - Given the location and extent of the works, compliance with all of the permitted activity conditions in LM R7 cannot be demonstrated for all vegetation clearance associated with the Project.																																														

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content	Assessment																																									
	purposes; Table LM 4 Riparian Retirement Distance <table><tr><th></th><th>General Area</th><th>Land Slope</th><th>Riparian Retirement Distance</th></tr><tr><td>(a)</td><td>Riparian Management Zone – Rotorua Lakes</td><td>0 to 25°</td><td>Between 0-10 horizontal metres from the edge of the lake</td></tr><tr><td>(b)</td><td>Riparian Management Zone – streams and rivers listed in Schedule 1</td><td>0 to 25°</td><td>Between 0-10 horizontal metres from the edge of the river or stream</td></tr><tr><td>(c)</td><td>Riparian Management Zone – streams and rivers classified as Water Supply in the Water Quality Classification Map</td><td>0 to 25°</td><td>Between 0-10 horizontal metres from the edge of the river or stream</td></tr><tr><td rowspan="2">(d)</td><td rowspan="2">Riparian Management Zone - All streams, rivers not other addressed by (b) or (c); wetlands; and lakes not specified in (a)</td><td>0 to 25°</td><td>Between 0-5 horizontal metres from the edge of the water body</td></tr><tr><td>25-35°</td><td>Between 0-10 horizontal metres from the edge of the water body</td></tr></table> Or 6 The activity is in the Riparian Management Zone with a dominant slope no greater than 25 degrees in relation to Table LM 4(a) to (c), or with a dominant slope no greater than 35 degrees in relation to Table LM 4(d), and the riparian area specified in Table LM 4 has previously been retired and is retained. Or 7 The activity is associated with stream crossings in the Riparian Management Zone where the dominant slope is no greater than 35 degrees, and the area of vegetation clearance on the activity site is no greater than that permitted for stream crossings in LM R1 Table LM 1 within any 12 month period. Or 8 The activity is in the Riparian Management Zone with a dominant slope no greater than 35 degrees, and the area of vegetation clearance on the activity site is no greater than that specified in Table LM 5, within any 5 year period. Table LM 5 Permitted Vegetation Clearance in the Riparian Management Zone <table><tr><th></th><th>General Area</th><th>Land Slope</th><th>Riparian Management Zone distance</th><th>Permitted Vegetation Clearance – exposed area</th></tr><tr><td rowspan="3">(a)</td><td rowspan="3">Riparian Management Zone – Rotorua Lakes</td><td>0 to 15°</td><td>Between 0-10 horizontal metres from the edge of the lake</td><td rowspan="3">Exposed area no greater than 100 m²</td></tr><tr><td>>15 to 25°</td><td>Between 0-20 horizontal metres from the edge of the lake</td></tr><tr><td>25 to 35°</td><td>Between 0-25 horizontal metres from the edge of the lake</td></tr><tr><td>(b)</td><td>Riparian Management Zone - other lake not specified in (b), wetland</td><td>0 to 7°</td><td>Between 0-5 horizontal metres from the edge of the water body</td><td>Exposed area no greater than 400 m²</td></tr></table>		General Area	Land Slope	Riparian Retirement Distance	(a)	Riparian Management Zone – Rotorua Lakes	0 to 25°	Between 0-10 horizontal metres from the edge of the lake	(b)	Riparian Management Zone – streams and rivers listed in Schedule 1	0 to 25°	Between 0-10 horizontal metres from the edge of the river or stream	(c)	Riparian Management Zone – streams and rivers classified as Water Supply in the Water Quality Classification Map	0 to 25°	Between 0-10 horizontal metres from the edge of the river or stream	(d)	Riparian Management Zone - All streams, rivers not other addressed by (b) or (c); wetlands; and lakes not specified in (a)	0 to 25°	Between 0-5 horizontal metres from the edge of the water body	25-35°	Between 0-10 horizontal metres from the edge of the water body		General Area	Land Slope	Riparian Management Zone distance	Permitted Vegetation Clearance – exposed area	(a)	Riparian Management Zone – Rotorua Lakes	0 to 15°	Between 0-10 horizontal metres from the edge of the lake	Exposed area no greater than 100 m²	>15 to 25°	Between 0-20 horizontal metres from the edge of the lake	25 to 35°	Between 0-25 horizontal metres from the edge of the lake	(b)	Riparian Management Zone - other lake not specified in (b), wetland	0 to 7°	Between 0-5 horizontal metres from the edge of the water body	Exposed area no greater than 400 m²	
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Plan / Regulation Reference	Content				Assessment											
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	(d)	Riparian Management Zone – Schedule 1 streams	<table><tr><td>0 to 7°</td><td>Between 0-5 horizontal metres from the edge of the water body</td></tr><tr><td>>7 to 15°</td><td>Between 0-5 horizontal metres from the edge of the water body</td></tr><tr><td>>15 to 25°</td><td>Between 0-20 horizontal metres from the edge of the water body</td></tr><tr><td>25 to 35°</td><td>Between 0-25 horizontal metres from the edge of the water body</td></tr></table>	0 to 7°	Between 0-5 horizontal metres from the edge of the water body	>7 to 15°	Between 0-5 horizontal metres from the edge of the water body	>15 to 25°	Between 0-20 horizontal metres from the edge of the water body	25 to 35°	Between 0-25 horizontal metres from the edge of the water body	Exposed area no greater than 400 m²				
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25 to 35°	Between 0-25 horizontal metres from the edge of the water body															
Permitted activity conditions for LM R7: (a) There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity. (b) The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded: (i) The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids. (ii) Any conspicuous change in colour or visual clarity. (ii) Any emission of objectionable odour. (iii) The rendering of fresh water unsuitable for consumption by farm animals. (iv) No more than minor adverse effects on aquatic life. (c) The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (d) The activity shall not disturb vegetation in a wetland; or change the water flow of quantity, or water quality in a wetland. (e) The activity shall not disturb an identified contaminated land. (f) The activity shall not obstruct or divert the flow of water in such a manner that it results in damming, flooding or erosion. (g) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body. (h) All vegetation slash shall be managed to avoid accumulation to levels that could cause erosion or instability of land, especially around skid sites or landings. (i) Vegetation or debris resulting from the activity shall be removed from all permanently flowing streams where it will divert or dam the watercourse, obstruct fish passage or destroy the aquatic habitats of indigenous species or trout. The vegetation or debris shall be removed in a manner that minimises the damage or disturbance to the banks of surface water bodies. (j) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (k) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment,																

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Plan / Regulation Reference	Content	Assessment
	<i>shall be discharged to water, or discharged to land in circumstances where the contaminant may enter water, from the activity.</i> <i>(l) Where the activity is in an ephemeral flowpath, vegetation shall not be removed from the site by hauling along the ephemeral flowpath. This does not apply to aerial hauling.</i>	
LM R8 (Rule 2A) Controlled - Land and Soil Disturbance by Vegetation Clearance	<i>The disturbance of land and soil resulting from vegetation clearance, where the activity is:</i> <i>In an Ephemeral flowpath not in the Erosion Hazard Zone, where the dominant slope is no greater than 35 degrees, and where the activity does not otherwise comply with LM R7;</i> <i>Or</i> <i>The activity is the harvesting of existing exotic vegetation species where the plants were planted as of 1 December 2008, and the activity is in the Coastal Margin with a dominant slope no greater than 35 degrees; Is a controlled activity.</i> <i>The Regional Council reserves its control over the following matters:</i> <i>Measures to manage discharges of contaminants from the activity, including discharges of sediment contaminated stormwater.</i> <i>Measures to avoid, remedy or mitigate erosion.</i> <i>Timing and duration of the activity.</i> <i>Effect on water flows, including overland or secondary flow paths that convey stormwater during rainfall events.</i> <i>Measures to avoid, remedy or mitigate adverse effects on sites of significance to tangata whenua, and significant habitats of indigenous flora and fauna, and significant indigenous vegetation (including geothermal vegetation).</i> <i>Measures to avoid, remedy or mitigate adverse effects on wetlands, and aquatic habitats.</i> <i>Measures to avoid, remedy or mitigate adverse effects on coastal hazards, natural character and amenity values of the Coastal Margin.</i> <i>Information and monitoring requirements.</i>	Does not comply LM R8 does not provide for the Project's vegetation clearance as a controlled activity because the clearance is not limited to either of the circumstances specified in the rule. In particular: - The vegetation clearance is not confined to ephemeral flowpaths outside the Erosion Hazard Zone with a dominant slope no greater than 35 degrees that do not otherwise comply with LM R7; and - The activity is not limited to the harvesting of existing exotic vegetation planted as at 1 December 2008 within the Coastal Margin on land with a dominant slope no greater than 35 degrees.
LM R9 (Rule 2B) Restricted Discretionary – Land and Soil Disturbance by Vegetation Clearance	<i>The disturbance of land and soil resulting from vegetation clearance, where the activity is:</i> <i>On land not in the Riparian Management Zone, Erosion Hazard Zone, or Coastal Margin (refer to definitions), and the dominant slope is greater than 35 degrees and the site is being replanted in tree vegetation;</i> <i>Or</i> <i>The harvesting of existing exotic vegetation species where the plants were planted as of 1 December 2008, on land in the Riparian Management Zone adjacent to either the Rotorua Lakes, streams and rivers listed in Schedule 1; or streams and rivers with Water Supply water quality classification; and where the dominant slope is between 25 and 35 degrees, and a riparian area is replanted or allowed to revegetate for retirement purposes in indigenous riparian vegetation;</i> <i>Or</i> <i>On land in the Riparian Management Zone on slopes no greater than 35 degrees, where the activity does not otherwise comply with LM R7;</i> <i>Or</i> <i>The activity would otherwise be permitted by LM R7, except for non-compliance with condition (b).</i>	Does not comply Certain areas of vegetation clearance associated with the Project may fall within one or more of the circumstances provided for by LM R9. However, not all vegetation clearance will meet the specific location, slope, replanting or other requirements of that rule. Accordingly, LM R9 does not provide a complete consenting pathway for the vegetation clearance required for the Project.
LM R10 (Rule 2C) Discretionary – Land and Soil Disturbance by Vegetation Clearance	<i>The disturbance of land and soil resulting from vegetation clearance, where the activity:</i> <i>Is not permitted by a rule in this regional plan, and</i> <i>Is not a controlled activity under a rule in this regional plan, and</i> <i>Is not a restricted discretionary activity under a rule in this regional plan.</i>	Discretionary Activity – Resource Consent Required As the Project does not comply with LM R7–LM R9, vegetation clearance associated with the Project is a Discretionary Activity under LM R10.
Discharges to Water and Land		
DW R3 (Rule 22) Permitted – Take, Diversion and Discharge of Water from Existing Farm Drains and Pumped Drainage Areas	<i>The:</i> <i>Take or diversion of water for land drainage purposes resulting from farm drains and land drainage canals that existed as of 19 February 2002; and</i> <i>Discharge of water to a surface water body, where the discharge is from:</i> <i>A pumped drainage area; or</i> <i>A farm drain that existed as of 19 February 2002, where the drain is for land drainage purposes and excludes drains that are part of stormwater systems for urban areas or roading, Is a permitted activity subject to the following conditions:</i> <i>The discharge shall not cause the effects listed in (i) to (v), as measured at a downstream distance of three (3) times the width of the stream or river at the point of discharge:</i> <i>The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.</i> <i>Any conspicuous change in the colour or visual clarity, except where the discharge is from peat soils.</i> <i>Any emission of objectionable odour.</i> <i>The rendering of fresh water unsuitable for consumption by farm animals.</i> <i>Any more than minor adverse effects on aquatic life.</i> <i>The discharge shall not cause or induce erosion to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</i> <i>Instability of land or the banks of the surface water body.</i> <i>(Scour to the bed of the surface water body.</i>	N/A – Rule not relied upon The Project is not an existing farm drain or pumped drainage area activity. The proposed drainage, diversion and discharge activities associated with the Project are assessed under the more specific stormwater, diversion, damming and freshwater provisions of the RNRP. Therefore, DW R3 is not applicable.

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content	Assessment
DW R4 (Rule 23) Permitted – Discharge of Water to Water between Artificial Watercourses	<i>The discharge of water to water where the discharge is from an artificial watercourse to water in another artificial watercourse, is a permitted activity subject to the following conditions:</i> (a) <i>The discharge shall not cause or induce erosion to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes instability of land.</i> (b) <i>The activity shall not cause flooding or ponding on any land or property owned or occupied by another person, where that land would not naturally carry water during storm or flood events.</i>	Permitted Activity (for applicable artificial drain-to-artificial drain discharges only) DW R4 may apply to discrete locations where water is discharged from an artificial watercourse into another artificial watercourse, provided that the discharge: - Does not cause or induce persistent erosion requiring active control measures; and - Does not cause flooding or ponding on land owned or occupied by another person where that land would not naturally carry water during storm or flood events. To the extent that any Project drainage connections meet these requirements, those discharges are permitted under DW R4. DW R4 does not provide the primary consenting pathway for the Project's wider construction and operational discharges, which are assessed under the more specific applicable discharge and freshwater rules.
DW R6 (Rule 33) Permitted – Discharge of Water to Water	<i>The discharge of water to water where:</i> 1 <i>The discharge is the discharge of water to the same surface water body; and</i> 2 <i>The water quality is the same as the receiving waters; Is a permitted activity subject to the following conditions:</i> (a) <i>The discharge shall not cause or induce erosion to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</i> (i) <i>Instability of the banks of the surface water body.</i> (ii) <i>Scour to the bed of the surface water body.</i> (iii) <i>Damage to the margins or banks of the surface water body.</i> (b) <i>The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.</i> (c) <i>The discharge shall not have an adverse effect on the water quality of the receiving water body.</i> (d) <i>The discharge shall not damage or destroy: (i) Significant aquatic indigenous vegetation, or (ii) (iii) (iv) Aquatic habitats of indigenous species, or Spawning sites of indigenous species or trout, or Significant habitats of trout. as identified in Schedule 1.</i>	Does not comply The Project includes temporary and permanent discharges of water to water associated with stream realignments, temporary diversions, drainage infrastructure, stormwater treatment devices and the operational stormwater management system. DW R6 does not provide a complete permitted activity pathway for those discharges because it cannot be demonstrated that, in every case: - The discharge will be to the same surface water body from which the water originated; - The discharged water will be of the same quality as the receiving water; - The discharge will not cause or contribute to erosion, flooding or ponding; and - The discharge will not adversely affect water quality or damage the aquatic habitats and values identified in condition (d).
DW R8 (Rule 37) Discretionary - Discharges to Water or Land	<i>Any:</i> 1. <i>Discharge of a contaminant to water.</i> 2. <i>Discharge of water to water.</i> 3. <i>Discharge of a contaminant onto or into land in circumstances which may result in the contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water. 4 Discharge of a contaminant from any industrial or trade premises onto or into land. That is not:</i> (e) <i>Permitted by a rule in this regional plan.</i> (f) <i>Permitted by a rule in any other Bay of Plenty regional plan.</i> (g) <i>Prohibited by a rule in this regional plan.</i> (h) <i>Restricted discretionary status by a rule in this regional plan.</i> (i) <i>Controlled status by a rule in this regional plan. Is a discretionary activity.</i>	Discretionary Activity – Resource Consent Required The Project involves a range of activities that result in: - The discharge of contaminants to water. - The discharge of water to water. - The discharge of contaminants to land where contaminants may enter water. While the Project has been assessed against the more specific discharge provisions of the RNRP, including those relating to stormwater, dewatering, earthworks, temporary diversions and wetland works, not all proposed discharges comply with the permitted activity standards or are otherwise provided for as controlled or restricted discretionary activities. DW R8 captures the residual discharge activities not otherwise provided for by DW R20–DW R23 or other discharge rules.
DW R20 (Rule 30) Permitted – Discharge of Stormwater to Surface Water	<i>The discharge of stormwater to surface water, or to land where the discharge enters surface water, is a permitted activity, subject to the following conditions:</i> (a) <i>The suspended solids concentration of the discharge shall not be greater than 150g/m³, except where a 10 minute duration 10% AEP storm event (10 year return period storm) is exceeded.</i> (b) <i>The discharge shall not be to a surface water body in an area otherwise covered by a Comprehensive Catchment Discharge Consent.</i> (c) <i>The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable materials.</i> (d) <i>The rate of discharge shall not exceed 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm).</i> (e) <i>The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored.</i> (f) <i>The discharge shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</i>	Does not comply The rate of discharge from one or more Project stormwater outlets will exceed 125 L/s during a 10-minute-duration 10% AEP storm event. Accordingly, those discharges do not comply with condition (d) of DW R20 and cannot be undertaken as permitted activities under that rule. They are assessed under DW R21 and, where relevant, DW R8.

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content	Assessment
	(i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (g) The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person. (h) The discharge shall not contain hazardous substances, or substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 2000). (i) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. (j) The discharge shall not cause a conspicuous change in the colour of the receiving waters. (k) Where the discharge is to a part of a receiving water body that is classified as Water Supply, the discharge shall not contain any substance that renders the water unsuitable for treatment (equivalent to coagulation, filtration, disinfection or micro-infiltration) for human consumption. This activity is also subject to the requirements of the rules in the Rotorua Lakes section of this regional plan.	
DW R21 (Rule 30A) Restricted Discretionary – Discharge of Stormwater to Surface Water	The discharge of stormwater to surface water, or to land where the discharge enters surface water, where the rate of discharge is greater than 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm) is a restricted discretionary activity subject to the following conditions: (a) The suspended solids concentration of the discharge shall not be greater than 150g/m³, except where a 10 minute duration 10% AEP storm event (10 year return period storm) is exceeded. (b) The discharge shall be substantially free of grease, oil, scums and foam. (c) The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored. (d) The discharge shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (e) The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person. (f) The discharge shall not contain hazardous substances, or substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 200025). (g) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. (h) The discharge shall not cause a conspicuous change in the colour of the receiving waters. (i) Where the discharge is to a part of a receiving water body that is classified as Water Supply, the discharge shall not contain any substance that renders the water unsuitable for treatment (equivalent to coagulation, filtration, disinfection and micro-filtration) for human consumption. This activity is also subject to the requirements of the rules in the RL Rotorua Lakes and LR Lake Rotorua Nutrient Management section of this regional plan.	Restricted Discretionary Activity – Resource Consent Required Stormwater discharges to surface water, or to land where the discharge enters surface water, may exceed 125 L/s during a 10-minute-duration 10% AEP storm event. To the extent that those discharges comply with the remaining conditions of DW R21, they are a restricted discretionary activity under DW R21. Any discharges that cannot comply with the conditions of DW R21 are assessed under DW R8.
DW R22 (Rule 31) Permitted – Discharge of Stormwater to Land Soakage	The discharge of contaminated stormwater to land soakage is a permitted activity, subject to the following conditions: (a) The rate of discharge shall not exceed 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm). (b) The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable materials. (c) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. (d) The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored. (e) The discharge shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (f) The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person. This activity is also subject to the requirements of the rules in the Rotorua Lakes section of this regional plan.	Permitted Activity – may apply in part DW R22 applies to the discharge of contaminated stormwater to land soakage where the rate does not exceed 125 L/s during a 10-minute-duration 10% AEP storm event and the other permitted activity conditions are met. To the extent that any Project land-soakage discharges meet those requirements, they are permitted under DW R22. Land-soakage discharges exceeding the applicable rate threshold are assessed under DW R23.
DW R23 (Rule 31A) Restricted Discretionary – Discharge of Stormwater to Land Soakage	The discharge of contaminated stormwater to land soakage, where the rate of discharge is greater than 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm) is a restricted discretionary activity subject to the following conditions: (a) The discharge shall not contain any hazardous substances. (b) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. (c) The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored. (d) The discharge shall not cause or induce land erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body.	Restricted Discretionary Activity The Project includes permanent discharges of contaminated stormwater to land soakage from parts of the stormwater management system. The rate of discharge may exceed 125 L/s during a 10-minute-duration 10% AEP storm event. To the extent that those discharges comply with the remaining conditions of DW R23, including the requirements relating to hazardous substances, trade or industrial wastes, erosion, flooding and ponding, they are restricted discretionary activities under that rule.

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

Plan / Regulation Reference	Content	Assessment
	(ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (e) The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person. This activity is also subject to the requirements of the rules in the Rotorua Lakes section of this regional plan.	Resource consent is therefore sought under DW R23 for the applicable permanent stormwater discharges to land soakage. Any discharges that cannot comply with the conditions of DW R23 are assessed under DW R8.
DW R24 (Rule 34) Permitted – Active Remediation of Contaminated Land	The active remediation of contaminated land where: - The only hazardous substances present in soil at the site are motor vehicle or heating fuels or lubricants (e.g. mineral oils, petrol, diesel, kerosene and their constituents and breakdown products) and the total volume of contaminated soil at the site is less than 400 cubic metres, Or - The remediation activity constitutes immediate action to address a spill of hazardous substances at a site where no previous contamination with hazardous substances existed, Is a permitted activity subject to the following conditions: - In the case of (1) above, the remediation activity shall occur over a period not greater than two (2) consecutive months. - In the case of (2) above, the remediation activity at the site shall cease (whether or not it has been completed) no later than two (2) months after the occurrence of the event that caused the contamination, unless a resource consent to continue the remediation has been granted during that period. - Notification shall be given to the Regional Council, no less than one week prior to the remediation commencing or, in the case of (2) above, as soon as reasonably practical. - The occupiers of adjacent properties and any other persons who may be affected by the remediation activity or the contaminants shall be notified not less than one week prior to the remediation commencing or, in the case of (2) above, as soon as reasonably practical. - All practical measures shall be taken to avoid discharges of hazardous substances to water during and following completion of the remediation activity, and to remedy or mitigate such discharges if they do occur. - Any excavated contaminated soil is disposed of to an appropriately authorised facility or site, and evidence of this provided to the Regional Council. - Within three months of completion of the remediation, a site validation report shall be prepared in accordance with “Guidelines for Reporting on Contaminated Sites”, Ministry for the Environment, June 200126, and a copy provided to the Regional Council.	Does Not Comply The Project may require the disturbance, removal and management of contaminated soil identified during site investigations. However, the Project cannot demonstrate compliance with DW R24 because it cannot be demonstrated that: - The only hazardous substances present are motor vehicle or heating fuels or lubricants; - The total volume of contaminated soil will be less than 400 m³ - The remediation will be completed within the timeframes specified in the rule; or - The activity is limited to immediate remediation following a recent spill at a previously uncontaminated site. Accordingly, the Project does not qualify as a Permitted Activity under DW R24. Any contaminated land remediation or contaminated soil management activities are assessed under the relevant contaminated land provisions and discharge rules of the RNRP.
DW R25 (Rule 35) Restricted Discretionary - Remediation or Disturbance of Contaminated Land	The: - Discharge of contaminants to water, or to land, or to land in circumstances which may result in the contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, resulting from the remediation or other disturbance of a contaminated site; - Or - Disturbance of a contaminated site; that is not permitted by DW R24 is a restricted discretionary activity. The Regional Council restricts its discretion to the following matters: - The remediation processes to be employed. - Degree and extent of off-site discharges. - Reporting, information and monitoring requirements. - The duration of the consent. - The administration charges under section 36 of the Act. - Matters to achieve DW O16, DW P22 and DW P23, and DW M48 and DW M52	Restricted Discretionary Activity – Resource Consent Required The Project involves extensive earthworks and ground disturbance and may require the disturbance, excavation, handling, remediation and disposal of contaminated soil where contaminated land is identified. To the extent that those activities are not permitted under DW R24, the disturbance or remediation of contaminated land is a restricted discretionary activity under DW R25. DW R25 also applies to any associated discharge of contaminants to water, to land, or to land in circumstances where contaminants may enter water. Resource consent is therefore required under DW R25 for the disturbance and remediation of contaminated land and any associated discharges arising from those activities.
Beds and Waterbodies		
BW R1 (Rule 51) Permitted – Use of Specified Existing Lawfully Authorised Structures	The use of any existing lawfully authorised structure in, on, under or over the bed of a river, stream (including modified watercourse), where the structure existed on the date on which this rule becomes operative, and - The structure is a culvert, single span bridge, or ford that complied with section 10.5.6 of the Bay of Plenty Regional Land Management Plan and was constructed before 1 December 2008; or - The structure is an existing flood control or water level structure, except any structure associated with the control of natural lake levels, within a River Scheme Maintenance Area or a Drainage District Maintenance Area; or - The structure is an existing structure supporting a public road, state highway, or railway line; Is a permitted activity subject to the following conditions: - The structure shall not cause or induce erosion of the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: - Instability of land or the banks of the surface water body. - Scour to the bed of the surface water body. - The Regional Council has not identified, in accordance with BW M26 and BW M27, that the structure prevents the passage of migrating fish. - The structure shall at all times be maintained in a structurally sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris. - The structure shall not; - Cause flooding or ponding on any land or property owned or occupied by another person whose land would not naturally carry water during storm of flood events. - Be identified by the Regional Council in accordance with BW M15 as a structure causing more than minor adverse flooding effects on land, property owned or occupied by another person, buildings or access ways.	N/A – Existing Use Rule BW R1 provides for the continued use of specified existing lawfully authorised structures located in, on, under or over the bed of a river or stream. Although the Project interfaces with existing bridges, culverts and drainage structures associated with the state highway network, the application primarily seeks authorisation for new or replacement structures, stream realignments and associated riverbed works. BW R1 is therefore not relied upon as a consenting pathway for the Project.
BW R2 (Rule 51A)	The maintenance of any structure in, on, under or over the bed of a river, stream (including modified watercourse) or lake, is a permitted activity, subject	Does not comply.

Table 5: Detailed assessment of the Project against the relevant rules under the RNRP

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Permitted - Maintenance of Structures In, On, Under or Over the Bed of a Stream, River or Lake	to the following conditions: (a) No maintenance works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams, between 1 March and 31 May. (b) The disturbance of the water body and release of sediment resulting from the activity shall not occur for a period greater than: (i) A total period of 48 consecutive hours per maintenance activity in any water body listed in Schedule 1. (ii) A total period of five (5) consecutive days per maintenance activity in any water body not otherwise covered by (i). (c) There shall be no discharges of contaminants to water from maintenance activities. (d) No works shall be undertaken in the bed of a water body listed in Schedule 1D between 1 May and 30 August. (e) No works shall be undertaken in the bed of a water body listed in Schedule 1A between 15 August and 15 October. (f) Where maintenance works are undertaken in the bed of the river, stream or lake, all practicable steps shall be taken to avoid, remedy or mitigate the release of sediment from the activity, and no clearly discernible change in the visual clarity of the water shall occur beyond a distance of 100 metres downstream of the activity site. (g) The disturbance of the bed shall be limited to the extent necessary to carry out the activity. (h) The activity shall not cause or induce erosion of the bed or banks of any surface water body. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (i) The activity shall not disturb vegetation in a wetland, or change the water flow or quantity, or water quality in a wetland. (j) The activity shall not prevent the passage of migrating fish. (k) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in River Scheme Works Areas (defined in Schedule 5). (l) The activity shall not cause a hazard to navigation in navigable rivers and lakes. (m) The activity shall not alter the natural course of the river. (n) All machinery shall be kept out of the bed of the stream, river or lake where practicable. (o) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (p) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried onto a water body.	BW R2 provides for the maintenance of existing structures. The Project includes the construction of new structures, the replacement and alteration of existing structures, stream realignments and associated riverbed disturbance that are not properly characterised as maintenance.
BW R3 (Rule 51B) Restricted Discretionary – Use of Existing Lawfully Authorised Structures in a River, Stream or Lake (excluding Rotorua Lakes)	The use of any existing lawfully authorised structure in, on, under or over the bed of a river or stream (including a modified watercourse), or Lake (excluding Rotorua Lakes) where: - The structure existed on the date on which this rule becomes operative; and - The structure is not a dam; and - The structure is not otherwise permitted by a rule in this regional plan; Is a restricted discretionary activity. The Regional Council restricts its discretion to the following matters: (a) Measures to avoid, remedy or mitigate the adverse effects of the structure on: (i) Soil conservation or land stability (including the stability of the bed of the surface water body). (ii) The passage of fish. (iii) Aquatic ecosystems, including indigenous biodiversity. (iv) Property owned or occupied by another person, including effects on flooding or ponding. (v) Natural water flow and flood flows. (vi) Natural character, including the cumulative effects of structures in an area. (vii) Landscape character and amenity values. (viii) Legal public access. (b) Maintenance of the structure. (c) Monitoring and information requirements.	N/A – Rule Not Relied Upon BW R3 provides for the continued use of existing lawfully authorised structures located in, on, under or over the bed of a river, stream or lake where those structures are not otherwise provided for by a permitted activity rule. The Project is not seeking consent for the ongoing use of existing structures. Rather, the application seeks authorisation for new bridges, stream realignments, stormwater infrastructure and associated riverbed works required to facilitate the Project.
BW R4 (Rule 51C) Restricted Discretionary – Extension and Upgrade of Existing Lawfully Authorised Structures	The extension and upgrade of any existing lawfully authorised structure in, on, under or over the bed of a river, stream (including modified watercourse) or lake (excluding Rotorua Lakes) where: - The structure existed on the date on which this rule becomes operative; and - The structure is not a dam; and - The activity is not associated with the piping of a stream; and - The structure is not otherwise permitted by a rule in this regional plan; Is a restricted discretionary activity. The Regional Council restricts its discretion to the following matters: (a) Measures to avoid, remedy or mitigate the adverse effects of the structure on: (i) Soil conservation or land stability (including the stability of the bed of the surface water body). (ii) The passage of fish. (iii) Aquatic ecosystems, including indigenous biodiversity. (iv) Property owned or occupied by another person, including effects on flooding or ponding.	Restricted Discretionary Activity (in part) Certain Project works may involve the extension or upgrade of existing lawfully authorised structures within rivers or streams, including existing culverts and crossing infrastructure associated with the state highway network. Whether individual works meet the requirements of BW R4 will be assessed at the time the relevant detailed design is developed. Where BW R4 applies, resource consent will be obtained for those works at that time.

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	(v) Natural water flow and flood flows. (vi) Natural character, including the cumulative effects of structures in the area. (vii) Landscape character and amenity values. (viii) Maintenance of legal public access. (b) Maintenance of the structure. (c) Monitoring and information requirements.	
BW R5 (Rule 52) Permitted – Surface Water Intake Structures	<i>The use, erection, reconstruction, placement, alteration and extension of a surface water intake structure in, on, under or over the bed of a river, stream or lake, and associated bed disturbance, is a permitted activity subject to the following conditions:</i> (a) <i>The structure shall not include an infiltration gallery in the bed of a surface water body.</i> (b) <i>The structure shall not restrict the cross-sectional area by more than five square metres, or 5% of the width of the river, stream, or lake; whichever is the lesser.</i> (c) <i>The intake structure shall be screened with a mesh aperture size:</i> (i) <i>Not exceeding three (3) millimetres by 30 millimetres in the tidal areas of rivers and streams.</i> (ii) <i>Not exceeding five (5) millimetres by 30 millimetres or five (5) mm diameter holes in any other area that is not in the tidal area of a river or stream.</i> (d) <i>No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams, between 1 March and 31 May.</i> (e) <i>The disturbance of the bed of the water body and release of sediment resulting from the construction of the structure shall not occur for a period greater than:</i> (i) <i>A total period of 48 consecutive hours per structure in any water body listed in Schedule 1.</i> (ii) <i>A total period of five (5) consecutive days per structure in a water body not otherwise covered by (i).</i> (f) <i>No works shall be undertaken in the bed of a water body listed in Schedule 1D between 1 May and 30 August.</i> (g) <i>No works shall be undertaken in the bed of a water body listed in Schedule 1A between 15 August and 15 October.</i> (h) <i>All practicable steps shall be taken to avoid, remedy or mitigate the release of sediment during construction of the structure, and no clearly discernible change in the visual clarity of the water shall occur beyond a distance of 100 metres downstream of the activity site.</i> (i) <i>The disturbance of the bed shall be limited to the extent necessary to carry out the activity.</i> (j) <i>The activity shall not cause or induce erosion of the bed or banks of any surface water body.</i> <i>Erosion includes:</i> (i) <i>Instability of land or the banks of the surface water body.</i> (ii) <i>Scour to the bed of the surface water body.</i> (k) <i>The activity shall not disturb vegetation in a wetland, or change the water flow or quantity, or water quality in a wetland.</i> (l) <i>The activity shall not prevent the passage of migrating fish.</i> (m) <i>The activity shall not compromise the structural integrity of use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in River Scheme Works Areas (defined in Schedule 5).</i> (n) <i>The activity shall not cause a hazard to navigation in navigable rivers and lakes.</i> (o) <i>The activity shall not alter the natural course of the river.</i> (p) <i>All machinery shall be kept out of the bed of the stream, river or lake where practicable.</i> (q) <i>No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.</i> (r) <i>All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.</i> (s) <i>The structure shall at all times be maintained in a sound condition for the purpose for which it was constructed and be kept clear of accumulated debris.</i> (t) <i>The structure shall be constructed to ensure that the structure cannot break free and cause a blockage or erosion.</i> (u) <i>Approaches and abutments shall be stabilised, and appropriate water controls installed, to protect against erosion.</i> (v) <i>Structures in, on or over the beds of lakes shall be designed and constructed to account for natural lake water level fluctuations.</i> (w) <i>Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake.</i> (x) <i>No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints), excluding sediment, shall be released to water from the activity.</i>	N/A – Rule Not Applicable BW R5 applies to surface-water intake structures located in, on, under or over the bed of a river, stream or lake. The Project does not propose to construct or use a surface-water intake structure. Construction water is proposed to be obtained from groundwater rather than directly from a river, stream or lake. BW R5 therefore does not apply.
BW R6 (Rule 53) Permitted – Discharge Structures	<i>The use, erection, reconstruction, placement, alteration and extension of a discharge structure in, on, under or over the bed of a river, stream, or lake, and associated bed disturbance, is a permitted activity subject to the following conditions:</i> (a) <i>The structure shall not restrict the cross sectional area by more than five square metres, or 5% of the width of the river, stream, or lake; whichever is the lesser.</i> (b) <i>No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams, between 1 March and 31 May.</i> (c) <i>The disturbance of the bed of the water body and release of sediment resulting from the construction of the structure shall not occur for a period greater than:</i> (i) <i>A total period of 48 consecutive hours per structure in any water body listed in Schedule 1.</i>	Does not comply While some individual discharge structures may meet the requirements of BW R6, compliance cannot be demonstrated for all structures and associated works. In particular, some works may: - Exceed the permitted restriction on the cross-sectional area of the waterbody; - Involve bed disturbance for longer than the periods specified in the rule;

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	(ii) A total period of five (5) consecutive days per structure in any water body not otherwise covered by (i). (d) No works shall be undertaken in the bed of a water body listed in Schedule 1D between 1 May and 30 August. (d) No works shall be undertaken in the bed of a water body listed in Schedule 1A between 15 August and 15 October. (e) All practicable steps shall be taken to avoid, remedy or mitigate the release of sediment during construction of the structure, and no clearly discernible change in the visual clarity of the water shall occur beyond a distance of 100 metres downstream of the activity site. (f) The disturbance of the bed shall be limited to the extent necessary to carry out the activity. (g) The activity shall not cause or induce erosion of the bed or banks of any surface water body. Erosion includes: (h) Instability of land or the banks of the surface water body. (i) Scour to the bed of the surface water body. (ii) The activity shall not disturb vegetation in a wetland, or change the water flow or quantity, or water quality in a wetland. (i) The activity shall not prevent the passage of migrating fish. (j) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in River Scheme Works Areas (defined in Schedule 5). (k) The activity shall not cause a hazard to navigation in navigable rivers and lakes. (l) The activity shall not alter the natural course of the river. (m) All machinery shall be kept out of the bed of the stream, river or lake where practicable. (n) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (p) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body. (o) The structure shall at all times be maintained in a sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris. (p) The structure shall be constructed to ensure that the structure can not break free and cause a blockage or erosion. (q) Approaches and abutments shall be stabilised, and appropriate water controls installed, to protect against erosion. (r) Structures in, on or over the beds of lakes shall be designed and constructed to account for natural lake water level fluctuations. (s) Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake.	• Occur in association with stream realignments or other works that alter the natural course of a river; • Affect wetlands or their water flows, quantity or quality; or • Otherwise fail to meet one or more of the permitted activity conditions. Accordingly, BW R6 does not provide a complete permitted activity pathway for the Project's discharge structures and associated bed disturbance.
BW R8 (Rule 55) Permitted - Overhead Lines, Cables, Ropeways and Associated Structures Over the bed of a River, Stream or Lake	The use, erection, reconstruction, placement, alteration or extension of any overhead line, cable, ropeway and associated structures, including any telecommunication line as defined in section 2(1A) of the Telecommunication Act 1987, over the bed of a river, stream, or lake is a permitted activity subject to the following conditions: (a) No part of the structure shall be fixed to the bed of a river, stream, or lake. (b) Except in relation to (c), the structure shall be constructed to allow the flood flow from a 2% AEP event, plus an additional eight (8) metres. (c) Where the structure is an electric line crossing, the structure shall comply with the safety separation distances in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). (d) Where the structure conveys a contaminant, there shall be no discharge of contaminants from the structure. (e) Appropriate signage shall be used at the site to notify the community of the overhead structure in navigable areas, where there is a risk of contacting the overhead structure when navigating waterways. Except that this condition shall not apply to existing electric line crossings that comply with the safety separation distances in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). (f) The activity shall not disturb vegetation in a wetland, or change the water flow or quantity, or water quality in a wetland. (g) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in River Scheme Works Areas (defined in Schedule 5). (h) The activity shall not cause a hazard to navigation in navigable rivers and lakes. (i) All machinery shall be kept out of the bed of the stream, river or lake where practicable. (j) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (i) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body during the activity. (j) The structure shall be maintained in a sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris. (k) Structures in, on or over the beds of lakes shall be designed and constructed to account for natural lake water level fluctuations.	N/A – Rule not relied upon BW R8 applies to the use, erection, reconstruction, placement, alteration or extension of overhead lines, cables, ropeways and associated structures crossing rivers, streams or lakes. While the Project interfaces with a range of existing utility assets, including electricity and telecommunications infrastructure, the Project does not seek specific authorisation under this rule for new overhead line or cable crossings as a primary component of the proposed works. Existing utility crossings either form part of the existing environment or will be managed through separate utility approvals and detailed design processes where required.
BW R15 (Rule 59) Permitted – Culverts and Culvert Extensions	The use, erection, reconstruction, placement, alteration or extension of a culvert in, on or under the bed of a river, stream, or lake, and associated bed disturbance, where the culvert: 1. Is not located where the adjacent land slope is greater than 35°, and 2. Is not located within any Urban Area or Settlement, or within one (1) kilometre upstream of any Urban Area or Settlement, and 3. Is not located in a wetland, 4. Is not located in a Land Drainage Canal; 5. Is a permitted activity subject to the following conditions: (a) There shall be only one culvert per crossing of the appropriate length.	Does Not Comply The Project includes the construction, replacement and extension of numerous culverts associated with drainage infrastructure. While some individual culverts may fall within the scope of BW R15, the Project cannot demonstrate compliance with all permitted activity standards. In particular, culvert works are proposed within and adjacent to urban and future urban environments and include structures that exceed the dimensional limitations contemplated by the rule, including box culverts.

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	(b) The culvert shall be constructed: (i) To allow the flood flow from a 5% AEP (1 in 20 year return) event with no freeboard, and (ii) To allow the flood flow of a 2 year return period flood event with no heading up. (c) The minimum culvert diameter shall be 300 mm and the maximum culvert diameter shall be 1200 mm. (d) The maximum fill height over the culvert shall be 1.5 metres. (e) Culvert inlets (entry point) and outlets (exit point) shall be protected against erosion. (f) The culvert invert shall be installed a minimum of 0.1 metres below the level of the bed of a river, stream, or lake. (g) No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams, between 1 March and 31 May. (h) The disturbance of the bed of the water body and release of sediment resulting from the construction of the structure shall not occur for a period greater than: (i) A total period of 48 consecutive hours per structure in any water body listed in Schedule 1. (ii) A total period of five (5) consecutive days per structure in any water body not otherwise covered by (i). (i) No works shall be undertaken in the bed of a water body listed in Schedule 1D between 1 May and 30 August. (j) No works shall be undertaken in the bed of a water body listed in Schedule 1A between 15 August and 15 October. (k) All practicable steps shall be taken to avoid, remedy or mitigate the release of sediment during construction of the structure, and no clearly discernible change in the visual clarity of the water shall occur beyond a distance of 100 metres downstream of the activity site. (l) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be released to water from the activity. (m) Where the culvert is in a water body listed in Schedule 1, the owner of the structure shall notify the Regional Council of the location of the culvert at least five (5) working days prior to construction. (n) The construction, installation and ongoing presence of the culvert shall not cause or induce erosion of the bed or banks of any surface water body. (o) Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (p) The activity shall not prevent the passage of migrating fish. (q) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed or the stream, river or lake, including flood control works in River Scheme Works Areas (defined in Schedule 5). (r) The activity shall not cause a hazard to navigation in navigable rivers and lakes. (s) The structure shall not alter the natural course of the river. (t) All machinery shall be kept out of the bed of the stream, river, or lake where practicable. (u) The disturbance of the bed shall be limited to the extent necessary to carry out the activity. (v) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (w) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body. (x) The structure shall be maintained in a sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris. (y) The structure shall be constructed to ensure that the structure cannot break free and cause a blockage or erosion. Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake.	Accordingly, the Project may not qualify as a Permitted Activity under BW R15 and is instead assessed under the more specific rules relating to structures in riverbeds, riverbed disturbance, stream diversions and associated freshwater activities.
BW 20 (Rule 60) Permitted – Single Span Bridges, or Single Span Pipe Bridges	The use, erection, reconstruction, placement, alteration or extension of a single span bridge or single span pipe bridge over the bed of a river, stream, or lake, where the structure: - Is not located where the adjacent land slope is greater than 35°, and - Is not located within any Urban Area or Settlement, or within one (1) kilometre upstream of any Urban Area or Settlement, and - Is not located in a wetland, and - Is a bridge that crosses a waterway with a contributing catchment of no greater than 100 hectares, and - Is not located in a Land Drainage Canal; and associated bed disturbance, is a permitted activity subject to the following conditions: (a) The structure shall be designed by, or under the guidance of, a chartered professional engineer, except where the length of the bridge is less than four (4) metres as measured between the banks of the surface water body. (b) The bridge shall be constructed to allow the flood flow from a 10% AEP (1 in 10 year return) event with a minimum clearance of 0.3 metres. (c) No excavations or infilling of the banks of a river, stream, lake or wetland shall be carried out. (d) The bridge abutments or foundations shall be constructed parallel to the flow. (e) Where the structure conveys a contaminant, there shall be no discharge of contaminants from the structure. (f) No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams, between 1 March and 31 May. (g) No works shall be undertaken in the bed of a water body listed in Schedule 1D between 1 May and 30 August. (h) No works shall be undertaken in the bed of a water body listed in Schedule 1A between 15 August and 15 October. (i) The construction, installation and ongoing presence of the culvert shall not cause or induce erosion of the bed or banks of any surface water body.	Does Not Comply The Project includes the construction and use of bridges over rivers and streams, including the Ōmanawa River, Kōpūrerua Stream and Nanako Stream. Although the proposed crossings may generally be single-span structures, they do not all meet the requirements of BW R20. In particular: - Some bridges are located within, or within 1 km upstream of, existing or future Urban Areas or Settlements; - The contributing catchments of relevant waterways exceed 100 ha; - Some works may involve excavation or infilling of riverbanks; and - The bridges are associated with stream realignments and other riverbed works that may alter the natural course of the relevant waterbody. Accordingly, the Project does not qualify as a Permitted Activity under BW R20.

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	<i>Erosion includes:</i> (i) <i>Instability of land or the banks of the surface water body.</i> (ii) <i>Scour to the bed of the surface water body.</i> (j) <i>The activity shall not prevent the passage of migrating fish.</i> (k) <i>The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river, or lake, including flood control works in River Scheme Works Area (defined in Schedule 5).</i> (l) <i>The activity shall not cause a hazard to navigation in navigable rivers and lakes.</i> (m) <i>The structure shall not alter the natural course of the river.</i> (n) <i>All machinery shall be kept out of the bed of the stream, river or lake where practicable.</i> (o) <i>The disturbance of the bed shall be limited to the extent necessary to carry out the activity.</i> (p) <i>No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.</i> (q) <i>All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.</i> (r) <i>The structure shall be maintained in a sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris.</i> (s) <i>The structure shall be constructed to ensure that the structure can not break free and cause a blockage or erosion.</i> (t) <i>Approaches and abutments shall be stabilised, and appropriate water controls installed, to protect against erosion.</i> (u) <i>Structures over the beds of lakes shall be designed and constructed to account for natural lake water level fluctuations.</i> (v) <i>Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake.</i> (w) <i>No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be released to water from the activity.</i>	
BW R23 (Rule 61) Permitted – Service Crossings Attached to Bridges	<i>The use, erection, reconstruction, placement, alteration or extension of a service crossing, including any telecommunication line as defined in section 2(1A) of the Telecommunication Act 1987, over the bed of a river, stream, or lake, where the service crossing is attached to an existing bridge is a permitted activity subject to the following conditions:</i> (a) <i>The existing bridge shall comply with BW R20 or BW R1.</i> (b) <i>Where service crossings are attached to bridges, the service crossing shall be adequately secured to the bridge to a standard that will withstand a 1% AEP flood flow event to ensure the service crossing does not break free.</i> (c) <i>Where a service crossing attached to a bridge carries contaminants, the service crossing shall be located on the downstream side of the bridge.</i> (d) <i>Where the service crossing conveys a contaminant, there shall be no discharge of contaminants from the service crossing.</i>	N/A – Rule Not Relied Upon BW R23 applies to service crossings attached to an existing bridge. While the Project interfaces with a range of existing utility assets, including electricity, telecommunications, gas, water and wastewater infrastructure, the Project is not seeking resource consent for a service crossing attached to an existing bridge under this rule. Existing utility crossings either form part of the existing environment or will be addressed through separate utility approvals and detailed design processes where required. Accordingly, BW R23 is not relied upon as a consenting pathway for the Project.
BW R29 (Rule 65) Permitted – Removal or Demolition of Structures in, on, under or over the Bed of a River, Stream, or Lake	<i>The demolition or removal of any structure or part of any structure in, on, under or over the bed of a river, stream, or lake, and associated bed disturbance, is a permitted activity subject to the following conditions: (a) The activity shall not occur in a river, stream or lake listed in Schedule 1.</i> (a) <i>There shall be no use of explosives in the water.</i> (b) <i>The structure or part thereof being removed or demolished shall be removed from the bed of a river, stream, lake or wetland, and any material or temporary structures required to undertake the activity shall be removed.</i> (c) <i>All piles shall be removed, or taken down to at least one (1) metre below the level of the bed of the stream, river or lake.</i> (d) <i>No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams, between 1 March and 31 May.</i> (e) <i>The disturbance of the bed of the water body shall not occur for a period greater than a total of five (5) consecutive days per structure.</i> (f) <i>All practicable steps shall be taken to avoid, remedy or mitigate the release of sediment during removal of the structure, and no clearly discernible change in the visual clarity of the water shall occur beyond a distance of 100 metres downstream of the activity site.</i> (g) <i>No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be released to water from the activity.</i> (h) <i>The activity shall not cause or induce erosion of the bed or banks of any surface water body.</i> (i) <i>Erosion includes:</i> (i) <i>Instability of land or the banks of the surface water body.</i> (ii) <i>Scour to the bed of the surface water body.</i> (j) <i>The activity shall not disturb vegetation in a wetland, or change the water flow or quantity, or water quality in a wetland.</i> (k) <i>The activity shall not prevent the passage of migrating fish.</i> (l) <i>The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in River Scheme Works Areas (defined in Schedule 5).</i> (m) <i>The activity shall not cause a hazard to navigation in navigable rivers and lakes.</i> (n) <i>The structure shall not alter the natural course of the river.</i> (o) <i>All machinery shall be kept out of the bed of the stream, river or lake where practicable.</i> (p) <i>The disturbance of the bed shall be limited to the extent necessary to carry out the activity.</i>	Does Not Comply The Project includes the removal or demolition of existing structures within river and stream beds, including culverts and associated drainage infrastructure. BW R29 does not provide a complete permitted activity pathway because compliance cannot be demonstrated with all of its conditions. In particular: • Some structure removal may occur in waterbodies listed in Schedule 1; • Bed disturbance may continue for longer than five consecutive days per structure; • Some works may disturb vegetation in a wetland or affect wetland water flow, quantity or quality; • Structure removal may occur in conjunction with stream realignments that alter the natural course of a river; and • Compliance with the permitted standards relating to sediment release, erosion and fish passage cannot be confirmed for all locations. Accordingly, the Project does not qualify in full as a permitted activity under BW R29.

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	<i>(q) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (r) All practicable measures shall be taken to avoid vegetation, soil slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.</i>	
BW R36 (Rule 71) Discretionary – Activity in the Beds of Streams, Rivers and Lakes	<i>Unless provided for by another rule in this regional plan, the:</i> <i>Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the bed of a stream, river or lake,</i> <i>Excavation, drilling, tunnelling or other disturbances to the bed of a stream, river or lake,</i> <i>Introduction of planting of any plant or any part of any plant in, on, or under the bed of a stream, river or lake,</i> <i>Disturbance, removal, damage or destruction of any plant or any part of any plant in, on, or under the bed of a stream, river or lake,</i> <i>Deposition of any substance in, on, or under the bed of a stream, river or lake,</i> <i>Reclamation or drainage of the bed of a stream, river or lake,</i>	Discretionary Activity – Resource Consent Required The Project involves the placement, use and maintenance of structures within riverbeds, disturbance of riverbeds, reclamation of sections of riverbed associated with stream realignments, removal of vegetation and deposition of material. These activities are not otherwise provided for by a more specific rule within the RNRP. Accordingly, the activities are discretionary under BW R36.
Water Quantity and Allocation		
Rule 38 Permitted – Take and Use of Groundwater	<i>The take and use of groundwater with a temperature of less than 30° Celsius, where the quantity of water taken does not exceed 35 cubic metres per day per property, is a permitted activity.</i>	Does Not Comply The Project proposes the take and use of groundwater for construction purposes from four groundwater bores. A maximum abstraction rate of up to 900 m³/day is proposed. This exceeds the permitted activity threshold of 35 m³/day per property specified by Rule 38. Accordingly, the groundwater take does not qualify as a Permitted Activity under Rule 38 and resource consent is required under the relevant groundwater take provisions of the RNRP.
Rule 39 Permitted – Use, Maintenance, Decommissioning or Reconstruction of a Hole, Bore, Well or Water Infiltration Gallery	<i>The use of land to use, maintain, decommission or reconstruct a hole, bore, well or water infiltration gallery is a permitted activity subject to the following conditions:</i> <i>the bore design and headworks prevent:</i> <i>the infiltration of contaminants; and</i> <i>the uncontrolled discharge or leakage of water to the surface.</i> <i>the use and maintenance of a bore, well or infiltration gallery is carried out in accordance with Section 1 of Schedule 14 (Standards for the Construction, Reconstruction, Maintenance or Decommissioning of Holes, Bores, Wells and Infiltration Galleries).</i> <i>the decommissioning of a hole, bore, well or infiltration gallery is carried out in accordance with Section 4 of Schedule 14 (Standards for the Construction, Reconstruction, Maintenance or Decommissioning of Holes, Bores, Wells and Infiltration Galleries).</i> <i>the reconstruction of an existing hole, bore, well or infiltration gallery:</i> <i>occurs at the same or similar location, depth, diameter and intercepts the same aquifer interval as the hole, bore, well or infiltration gallery being replaced; and</i> <i>is of a previously authorised hole, bore, well or infiltration gallery; and</i> <i>a bore log and structural detail log for the hole, bore, well or water infiltration gallery has been previously registered with the Regional Council; and</i> <i>is carried out in accordance with Sections 2 and 3 of Schedule 14 (Standards for the Construction, Reconstruction, Maintenance or Decommissioning of Holes, Bores, Wells and Infiltration Galleries).</i>	N/A – Not relied upon Although resource consent is sought under Rule 43 for the take and use of groundwater for construction purposes, the drilling, construction and associated land-use authorisation for the groundwater bores do not form part of the current application. The application therefore does not rely on Rule 39. The applicable land-use requirements for the construction, use and maintenance of the bores will be assessed as part of the separate bore-consenting process.
Rule 39A Restricted Discretionary – Use, Maintenance, Decommissioning or Reconstruction of a Hole, Bore, Well or Water Infiltration Gallery	<i>The use of land to use, maintain, decommission or reconstruct a hole, bore, well or water infiltration gallery, where the activity does not comply with any one or more of conditions of Rule 39, is a restricted discretionary activity.</i> <i>The Regional Council restricts its discretion to the following matters:</i> <i>The use and maintenance of the bore, well or infiltration gallery, which shall be in accordance with Section 1 of Schedule 14 (Standards for the Construction, Reconstruction, Maintenance or Decommissioning of Holes, Bores, Wells and Infiltration Galleries).</i> <i>The method of decommissioning the hole, bore, well or infiltration gallery which shall be in accordance with Section 4 of Schedule 14 (Standards for the Construction, Maintenance or Decommissioning of Holes, Bores, Wells and Infiltration Galleries).</i> <i>The method of reconstructing an existing hole, bore, well or infiltration gallery is carried out in accordance with Sections 2 and 3 of Schedule 14 (Standards for the Construction, Reconstruction, Maintenance or Decommissioning of Holes, Bores, Wells and Infiltration Galleries).</i> <i>Measures to avoid, remedy or mitigate the adverse effects of the activity on groundwater quality.</i> <i>The duration of the resource consent.</i> <i>Information and monitoring requirements.</i> <i>Administration charges under section 36 of the Act.</i>	N/A – Not relied upon Although resource consent is sought under Rule 43 for the take and use of groundwater for construction purposes, the drilling, construction and associated land-use authorisation for the groundwater bores do not form part of the current application. The application therefore does not rely on Rule 39A. The applicable land-use requirements for the construction, use and maintenance of the bores will be assessed as part of the separate bore-consenting process.
Rule 40 Permitted – Drilling	<i>The drilling of land, where the activity does not intercept a water table or aquifer is a permitted activity.</i>	Does not comply The Project includes drilling associated with the installation of bridge and other structure piles. Some piling may extend below the

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		groundwater table and intercept groundwater-bearing strata. Accordingly, compliance with Rule 40 cannot be demonstrated for all piling activities, and the drilling does not qualify in full as a permitted activity under this rule. The proposed groundwater abstraction bores are not part of the current application and will be subject to separate resource consent applications once their exact locations and designs have been confirmed.
Rule 40A Controlled - Drilling	<i>The drilling of land, and associated discharge of drilling fluid, where the activity:</i> <i>Does intercept a water table or aquifer; and,</i> <i>Is not for the purpose of constructing a bore; Is a controlled activity.</i>	Controlled Activity The Project includes drilling associated with the installation of bridge and other structural piles. Some piling may intercept the water table or a groundwater-bearing aquifer and may involve the associated discharge of drilling fluid. As the drilling is not for the purpose of constructing a bore, the activity falls within Rule 40A and is a controlled activity.
Rule 40B Controlled – Installation or Alteration of a Hole, Bore, Well or Water Infiltration Gallery	<i>The excavation, drilling or other disturbance of land, for the purpose of:</i> <i>altering an existing hole, bore, well or water infiltration gallery; or,</i> <i>constructing a hole, bore, well or water infiltration gallery; or,</i> <i>constructing a hole, bore, well or water infiltration gallery and, taking groundwater for aquifer or pump testing purposes and, discharging drilling or test fluids to land.</i> <i>Is a controlled activity.</i>	N/A – Not relied upon Rule 40B applies to the drilling or disturbance of land for the construction or alteration of a hole, bore, well or water infiltration gallery, including associated groundwater testing and discharge activities. The drilling and construction of the proposed groundwater supply bores do not form part of the current application. Those activities will be assessed and, where necessary, separately consented once the bore locations and designs have been confirmed. Resource consent is nevertheless sought under Rule 43 for the proposed take and use of groundwater from those bores. Rule 40B is therefore not relied upon as part of the current application.
Rule 41 Permitted – Take and Use of Surface Water	<i>The take and use of water from any surface water body for any purpose, where the water has a temperature of less than 30° Celsius, is a permitted activity subject to the following conditions:</i> <i>The take of water shall not be from a wetland.</i> <i>The quantity of water taken shall not exceed 15 cubic metres per day per property.</i> <i>Where the take is from a river or stream, the rate of abstraction shall not exceed 2.5 litres per second or 10% of the estimated five year low flow (Q5 7 day low flow) at the point of abstraction whichever is the lesser.</i> <i>Where the take is from a river or stream, the total abstraction (all users) of surface water takes shall not exceed the instream minimum flow requirement (including the default instream minimum flow requirement) for the river or stream at any point.</i> <i>The intake structure shall be screened with a mesh aperture size:</i> <i>Not exceeding three (3) millimetres by 30 millimetres in the tidal areas of rivers and streams.</i> <i>Not exceeding five (5) millimetres by 30 millimetres or five (5) mm diameter holes in any other area that is not in the tidal area of a river or stream.</i> <i>The intake velocity through the screen shall not exceed 0.3 metres per second.</i>	N/A – Rule Not Applicable Rule 41 provides for the take and use of surface water, subject to limits on abstraction quantity, abstraction rate and intake structure requirements. The Project does not propose to take water from a river, stream, lake or other surface water body. Instead, construction water is proposed to be sourced from four groundwater bores and abstracted from the underlying groundwater resource. Accordingly, Rule 41 is not applicable to the Project, and no reliance is placed on this rule.
Rule 41A Controlled – Take and Use of Surface Water within Allocation Regime	<i>The take and use of surface water or groundwater that:</i> <i>Is not permitted by a rule in this regional plan, and</i> <i>Is not prohibited by Rule 49, and</i> <i>Complies with the low flow allocation specified in Policy 66 and where an instream minimum flow requirement has been established in Schedule 7 for the stream or river reach, and</i> <i>Does not have an adverse effect on downstream water users. Is a controlled activity.</i>	N/A – Rule Not Relied Upon Rule 41A provides for the take and use of surface water or groundwater that is not otherwise permitted and that complies with the applicable allocation regime and minimum flow requirements. The Project proposes a groundwater abstraction from four groundwater bores to provide construction water supply. The proposed groundwater take is assessed under the specific groundwater take provisions of the RNRP and the supporting Groundwater Take Effects Assessment. Accordingly, Rule 41A is not relied upon as the primary consenting pathway for the Project.
Rule 42 Permitted – Take of Water and Discharge of Sediment Contaminated Water from the Dewatering of Building and Construction Sites	<i>The:</i> <i>Take of water, and</i> <i>Temporary discharge of sediment contaminated water to water or to land where the contaminant may enter water, for the purposes of dewatering of building and construction sites is a permitted activity subject to compliance with the following conditions:</i> <i>The discharge shall not be water taken from contaminated land (refer to Definition of Terms and Advisory Note (3), or a trade or industrial site.</i> <i>There shall be no direct discharge of water to water in Lake Rotorua, Rotoiti, Rotoehu, Rotoma, Okataina, Okareka, Tikitapu, Rotokakahi, Tarawera, Okaro, Rotomahana, or Rerewhakaaitu.</i>	Does not comply Temporary dewatering may be required during construction of bridges, underpasses, foundations and other below-ground infrastructure, including where groundwater or perched water-bearing layers are encountered. Compliance with all permitted activity conditions in Rule 42 cannot be demonstrated for the full extent of the proposed dewatering activities, including the limits relating to discharge rate, suspended solids

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	(c) Discharge to these lakes shall pass through a filter system or a land soakage pond prior to overland flow, and the suspended solids concentration shall comply with condition (g). (d) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. (e) The discharge shall not cause a conspicuous change in the colour of the receiving waters as measured at a downstream distance of three (3) times the width of the stream or river at the point of discharge. (f) (g) (f) Where the discharge is to a receiving water body that is classified as Water Supply, the discharge shall not contain any substance that renders the water unsuitable for treatment (equivalent to coagulation, filtration, disinfection or micro-filtration) for human consumption. (g) The discharge shall not contaminate an authorised water take (refer to Advisory Note 4). (h) Where the discharge is to a surface water body, the suspended solids concentration of the discharge shall not be greater than 80g/m³. (i) Where the discharge is to land soakage where there is overland flow to a surface water body, the suspended solids concentration of the discharge shall not be greater than 150g/m³. (j) The volume of discharge from the activity site shall not be greater than 80 litres per second. (k) The discharge shall not damage or destroy aquatic ecosystems. This includes, but is not limited to, the smothering of flora and fauna by sedimentation of aquatic habitats. (l) The take of water, or the discharge, shall not cause or induce subsidence, erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (m) The discharge shall not cause flooding or ponding on any land or property owned or occupied by another person, unless the written approval of the affected person(s) has been obtained. (n) Where the activity prevents the normal use of any existing bore or well in the vicinity due to draw-down, the activity shall be halted immediately.	concentrations, effects on aquatic ecosystems, erosion, flooding and drawdown effects on existing bores or wells. Accordingly, Rule 42 does not provide a complete permitted activity pathway for the Project's construction dewatering. The associated taking of water and discharge of dewatering water are assessed under Rule 43 and the applicable discharge provisions of the RNRP.
Rule 43 Discretionary – Take and Use of Water	The take and use of surface water or groundwater that: - Is not permitted by a rule in this regional plan, and - Is not a controlled activity under a rule in this regional plan, and, 3 Is not prohibited by Rule 49. Is a discretionary activity.	Discretionary Activity The Project requires: - The take and use of up to 900 m³/day of groundwater for construction purposes, including dust suppression and irrigation of landscape planting; and - Temporary takes of groundwater, including water encountered in perched water-bearing layers, for construction dewatering associated with bridges, underpasses, foundations and other below-ground works. The proposed construction-water take exceeds the permitted activity threshold in Rule 38. In addition, compliance with the permitted activity requirements in Rule 42 cannot be demonstrated for all construction dewatering activities. To the extent that those takes are not otherwise provided for as controlled activities and are not prohibited by Rule 49, they are discretionary activities under Rule 43. Resource consent is therefore required under Rule 43 for the proposed construction-water take and temporary construction dewatering.
WQ R13 (Rule 44) Permitted – Temporary Damming of Water in a Land Drainage Canal or Drain	The temporary damming of water in a Land Drainage Canal or drain, including the: - Damming of water, and - Use, erection, maintenance, reconstruction, placement, alteration or extension of a dam structure, and - Disturbance of the bed of the Land Drainage Canal associated with the construction of the dam, where: - The activity does not extend beyond a period of six (6) months, and - The dam is not located within an Urban Area or Settlement or within one (1) kilometre upstream of an Urban Area or Settlement. Is a permitted activity subject to the following conditions: (a) The activity shall not change, damage or destroy a wetland. (b) Where the activity is in a Land Drainage Canal, the activity shall be carried out by the administrator of the Land Drainage Scheme or its contractor. (c) The activity shall not cause flooding or ponding on any land or property owned or occupied by another person that would not naturally carry water during storm or flood events, unless the written approval of the affected person(s) has been obtained. (d) Where the dam is located on a watercourse specified in Schedule 3, the dam structure shall provide for fish passage. (e) The activity shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body.	Does Not Comply The Project will require temporary damming and diversion of water during construction to facilitate stream realignments, bridge construction and other freshwater works. However, the proposed activities are not limited to temporary damming within a land drainage canal or drain as contemplated by WQ R13. The Project includes extensive freshwater works within and adjacent to the Kōpūrerua Stream, Nanako Stream and associated drainage networks and cannot demonstrate compliance with all permitted activity standards, including those relating to location, scale and temporary impoundment characteristics. Accordingly, the Project does not qualify as a Permitted Activity under WQ R13 and is assessed under the more specific damming, diversion, riverbed disturbance and freshwater provisions of the RNRP.

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	(ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (f) The dam does not impound more than 10,000 m³ of water and the lowest point of the dam crest does not exceed 1.5 metres vertical height relative to the land where the dam is sited, as measured from the centre line of the dam structure. (g) The dam shall be designed, constructed and maintained to ensure that its structural integrity is not compromised, and incorporates a spillway with a 10% AEP (1 in 10 return) event flood design standard, and erosion protection devices, to safely return surplus water to land or water where the dam is sited. (h) The dam shall, at all times, be maintained in a sound condition. (i) The dam structure shall be removed when it is no longer required, or after six (6) months, whichever is the sooner.	
WQ R14 (Rule 44A) Permitted – Diversion of Stormwater (Surface Runoff)	The diversion of stormwater is a permitted activity subject to the following conditions: (a) activity shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (b) The activity shall not cause flooding or ponding on any land or property owned or occupied by another person, where that land would not naturally carry water during storm or flood events.	Does Not Comply The Project includes the diversion and management of stormwater through a comprehensive stormwater network incorporating conveyance swales, treatment wetlands, attenuation wetlands, attenuation ponds, drainage channels and stormwater discharge structures. These systems are designed to manage runoff and minimise erosion and flooding effects associated with the new transport corridor. However, compliance with the permitted activity conditions in WQ R14 cannot be demonstrated for all stormwater diversions, including the requirements relating to erosion and flooding or ponding on land or property owned or occupied by another person. Accordingly, the Project does not rely on WQ R14 as the consenting pathway and stormwater diversions are assessed under the more specific discharge, diversion and freshwater provisions of the RNRP.
WQ R16 (Rule 46) Permitted – Damming of Surface Runoff Water	The damming of water, and associated dam structure, that: - Is in an ephemeral flowpath or gully, or - Is in an artificial watercourse, or - Is runoff from the surface of land, Is a permitted activity, subject to the following conditions: (a) The activity shall not change, damage or destroy a wetland. (b) The activity shall not cause or increase flooding or ponding on any land or property owned or occupied by another person that would not naturally carry water during storm or flood events, unless the written approval of the affected person(s) has been obtained. (c) The activity shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body; (ii) Scour to the bed of the surface water body; (iii) Damage to the margins or banks of the surface water body. (d) The impoundment of water and the dam structure shall comply with either (i) or (ii) (i) The dam shall not impound more than 5,000 m³ of water and the level of the dam spillway invert does not exceed 2.5 metres vertical height relative to the land where the dam is sited as measured from the centre line of the dam structure (refer to Figure WQ 1). (ii) The dam does not impound more than 10,000 m³ of water and the level of the dam spillway invert does not exceed 1.5 metres vertical height relative to the land where the dam is sited as measured from the centre line of the dam structure (refer to Figure WQ 1). (e) The structure shall be designed by, or under the guidance of, a chartered professional engineer. (f) The dam shall be designed, constructed and maintained to ensure that its structural integrity is not compromised, and incorporates spillway with a 1 in 100 year flood design standard, and erosion protection devices, to safely return surplus water to land where the dam is sited. (g) The dam shall, at all times, be maintained in a sound condition.	Does Not Comply The Project includes a range of stormwater management infrastructure, including attenuation ponds, treatment wetlands, treatment and attenuation wetlands, conveyance systems and associated discharge structures. While some of these devices impound stormwater runoff, compliance with all permitted activity conditions in WQ R16 cannot be demonstrated for every device, including the conditions relating to effects on wetlands, flooding and ponding, erosion, maximum impoundment volumes, dam height and dam design requirements. Accordingly, the Project does not rely on WQ R16 as a permitted activity and the relevant stormwater management infrastructure is assessed under the applicable discharge, diversion and freshwater provisions of the RNRP.
WQ R17 (Rule 46A) Restricted Discretionary – Damming of Surface Run-off Water	The damming of water, and associated dam structure, that: - Is in an ephemeral flowpath or gully, or - Is in an artificial watercourse, or Is runoff from the surface of land, and - Is not otherwise permitted by WQ R16 is a restricted discretionary activity, subject to the following condition: (a) The activity shall not disturb vegetation in a wetland, or change the water flow or quantity, or water quality in a wetland.	N/A – Not Relied Upon The Project includes a range of stormwater management devices that impound and attenuate surface runoff, including attenuation ponds, treatment wetlands and treatment/attenuation wetlands distributed throughout the Project corridor. These devices form part of the integrated stormwater management system designed to manage runoff from the proposed transport infrastructure. Some activities may potentially fall within WQ R17 where they do not comply with R16 but meet the condition relating to effects on wetlands. However, compliance with that condition cannot be confirmed for all relevant activities and WQ R17 is not relied upon as

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		the consenting pathway for the Project. The relevant damming and diversion activities are instead assessed under WQ R21.
WQ R18 (Rule 47) Permitted – Damming of Water in the Bed of a River or Stream	The: 1. Damming of water in the bed of a river or stream, and 2. Use, erection, maintenance, reconstruction, placement, alteration and extension of a dam structure in the bed of a river or stream, and 3. Disturbance of the bed of a river or stream associated with the activity, are permitted activities subject to the following conditions: (a) The dam shall not be located in any stream or river listed in Schedule 1, or that has a water quality classification of Natural State (River). (b) The structure shall not prevent the passage of fish. (c) The mean annual daily flow of the river or stream to be dammed shall not exceed 150 litres per second. (d) The activity shall not cause or induce erosion of the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (d) The activity shall not disturb vegetation in a wetland; or change the water flow of quantity, or water quality in a wetland. (e) All machinery shall be kept out of the bed of the stream, river or lake where practicable. (f) The disturbance of the bed shall be limited to the extent necessary to carry out the activity. (g) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body. (h) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body during the activity. (i) The structure shall at all times be maintained in a sound condition for the purpose for which it was constructed and be kept clear of accumulated debris. (j) Approaches and abutments shall be stabilised, and appropriate water controls installed, to protect against erosion. (k) Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake. (l) The damming of water shall not cause water flow downstream of the dam to fall below the instream minimum flow requirement or default Instream Minimum Flow Requirement for the river or stream, or adversely affect any authorised water take. (m) The impoundment of water and the dam structure shall not impound more than 5,000 m³ of water, and the lowest point of the dam crest shall not exceed 1.5 metres vertical height relative to the natural bed of the watercourse where the dam is sited, as measured from the centre line of the dam structure. (n) The structure shall be designed by, or under the guidance of, a chartered professional engineer. (o) The dam shall be designed, constructed and maintained to ensure that its structural integrity is not compromised, and incorporates a spillway with a 1 in 100 year flood design standard, and erosion protection devices, to safely return surplus water to the natural bed of the river or stream. (p) All dams constructed after 23 March 2004 shall be registered with the Regional Council by forwarding the following information: (i) The location of the dam. (ii) The surface water body on which the dam is located. (iii) The size of the dam.	Does Not Comply The Project may require temporary damming and flow management measures during the construction of bridges, stream realignments and associated freshwater works. Compliance with all permitted activity standards of WQ R18, including the Schedule 1 status of relevant waterbodies, fish passage, mean annual daily flow, effects on wetlands, downstream minimum flows, impoundment volume, dam height and dam design requirements, cannot be demonstrated. Accordingly, the Project does not qualify as a Permitted Activity under WQ R18.
WQ R19 (Rule 47B) Restricted Discretionary – Damming of Water in the Bed of a River or Stream	The: 1. Damming of water in the bed of a river or stream, and 2. Use, erection, maintenance, reconstruction, placement, alteration and extension of a dam structure in the bed of a river or stream, and 3. Disturbance of the bed of a river or stream associated with the activity, that complies with the following terms and conditions is a restricted discretionary activity: (a) The dam shall not be located in any stream or river listed in Schedule 1. (b) Measures to avoid, remedy or mitigate adverse effects on: (i) The passage of fish. (ii) Aquatic ecosystems, including indigenous biodiversity. (c) The mean annual daily flow of the river or stream to be dammed shall not exceed 300 litres per second. (d) The activity shall not damage or destroy a wetland. (e) The damming of water shall not cause water flow downstream of the dam to fall below the Instream Minimum Flow Requirement or default Instream Minimum Flow Requirement for the river or stream, or adversely affect any authorised water take. (f) The impoundment of water and the dam structure shall comply with either (i) or (ii): (i) The dam does not impound more than 5,000 m³ of water and the lowest point of the dam crest does not exceed 1.8 metres vertical height relative to the natural bed of the watercourse where the dam is sited as measured from the centre line of the dam structure. (ii) The dam does not impound more than 10,000 m³ of water and the lowest point the dam crest does not exceed 1.5 metres vertical height relative	N/A – Not Relied Upon The Project includes the temporary damming of water associated with stream realignment works, bridge construction and construction staging. Some temporary damming activities may potentially fall within WQ R19 where all qualifying requirements of that rule are met. However, compliance with those requirements cannot be confirmed for all temporary damming locations and WQ R19 is not relied upon as the consenting pathway for the Project. The temporary damming activities associated with the Project are instead assessed under WQ R21.

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	to the natural bed of the watercourse where the dam is sited as measured from the centre line of the dam structure. (g) The structure shall be designed by, or under the guidance of, a chartered professional engineer. (h) The dam shall be designed, constructed and maintained to ensure that its structural integrity is not compromised, and incorporates a spillway with a 1 in 100 year flood design standard, and erosion protection devices, to safely return surplus water to the natural bed of the river or stream.	
WQ R21 (Rule 48) Discretionary – Damming or Diversion of Water	The damming or diversion of water that is: - Not permitted by a rule in this regional plan, and - Not restricted discretionary status under a rule in this regional plan, and - Not prohibited by EC R1, Is a discretionary activity.	Discretionary Activity The Project includes temporary damming and diversion of water associated with stream realignments, bridge construction and other freshwater works. The Project also includes permanent diversion of watercourses associated with the proposed stream realignments. These activities are not fully provided for as permitted or restricted discretionary activities under the other damming and diversion rules of the RNRP. Accordingly, the temporary and permanent damming and diversion of water associated with the Project is a Discretionary Activity under WQ R21.
Wetlands		
WL R1 (Rule 78) Permitted – Introduction of Indigenous Plants into a Wetland	The introduction of indigenous plant species into a wetland for the purposes of wetland enhancement is a permitted activity subject to the following conditions; (a) Only indigenous plant species that naturally occur (or would have likely to have naturally occurred in the past) at that locality shall be introduced into the wetland. (b) The disturbance of the wetland, including damage to indigenous vegetation, shall be no more than minor.	Permitted Activity – may apply in part The Project includes the introduction of indigenous plant species into wetlands for restoration, enhancement and ecological mitigation purposes. To the extent that: - The species introduced naturally occur, or are likely to have historically occurred, at the relevant locality; and - The associated disturbance of the wetland, including damage to existing indigenous vegetation, is no more than minor, the planting is a permitted activity under WL R1. Any planting or associated works that do not meet these requirements are assessed under the applicable wetland modification provisions.
WL R2 (Rule 79) Permitted – Wetland Maintenance and Enhancement Under a Registered Management Document	Any modification of a wetland for the purposes of wetland maintenance or enhancement where: - The activity is undertaken in accordance with: - A Regional Council Environmental Programme that specifically includes the wetland works, or - A Wetland Management Agreement with the Regional Council, or - A reserves management plan prepared by a district or city council, the Department of Conservation, the Regional Council, or Fish and Game NZ; or a Conservation Management Strategy prepared by the Department of Conservation. And - The activity is consistent with WL P3; and - The activity is restricted to the activities in (a) to (i) inclusive: - Where the activity is the removal of exotic plant species and rubbish using machinery, and the activity is not otherwise permitted by WL R6, the activity shall comply with (i) and (ii): - The machinery shall be kept out of the bed of the wetland where practicable; and - The disturbance of the wetland shall be limited to the extent necessary to carry out the activity. - Where the activity is the construction and use of structures, the structures shall be for the purpose of improving amenity values, or providing access to a wetland. This includes, but is not limited to, boardwalks within a wetland. Note: Mai mai are addressed by BW R26. - Where the activity is the diversion of water within a wetland, the activity shall not cause flooding or ponding on any land or property owned or occupied by another person. - Where the activity is the damming of water within a wetland, the activity shall comply with (i) to (xiii) inclusive: - The wetland is not located in a stream or river. - The dam shall not be located within an Urban Area or Settlement or within one (1) kilometre upstream of an Urban Area or Settlement. - The dam shall not impound more than 10,000 m3 of water and the lowest point of the dam crest does not exceed 1.5 metres vertical height relative to the land where the dam is sited as measured from the centre line of the dam structure. - The dam shall be designed, constructed and maintained to ensure that its structural integrity is not compromised, and incorporates a spillway with a 10% AEP (1 in 10 return) event flood design standard, and erosion protection devices, to safely return surplus water to land or water where the dam is sited. - The activity does not cause flooding or ponding on any land or property owned or occupied by another person. - The dam shall not cause or induce erosion of the bed of banks of any surface water body, where the erosion is persistent or requires active	Not relied upon – may apply to future activities WL R2 provides for specified wetland maintenance and enhancement activities undertaken in accordance with one of the management documents identified in the rule. The Project does not currently rely on WL R2 as a consenting pathway for construction or initial wetland establishment works. A management plan prepared under resource consent conditions would not, by itself, necessarily constitute one of the management documents specified in WL R2. The rule may apply to future wetland maintenance or enhancement activities where those activities are undertaken under a qualifying management document and comply with the other requirements of WL R2.

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	erosion control measures to bring it under control. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (iii) All machinery shall be kept out of the bed of the wetland where practicable. (iv) The disturbance of the wetland shall be limited to the extent necessary to carry out the activity. (v) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.) (x) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body during the activity. (vi) The dam shall at all times be maintained in a sound condition. (vii) Approaches and abutments shall be stabilised and appropriate water controls installed, to protect against erosion. (viii) Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake. (e) Where the activity is the maintenance of water levels within a wetland, the activity shall not cause flooding or ponding on any land property owned or occupied by another person. (f) Where the activity is the removal or trimming of low-growing indigenous wetland vegetation (such as flax, raupo and sedges), the activity shall be for the maintenance of existing, or previously agreed, open water areas, as specified in a management document under 1(a), (b) or (c). This does not apply to the creation of new open water areas. (g) Where the activity is the discharge of aquatic herbicide for the purpose of removing low-growing indigenous wetland vegetation (such as flax, raupo and sedges), the activity shall be for the maintenance of existing, or previously agreed, open water areas, as specified in a management document under 1(a), (b) or (c), where the activity complies with DW R1(b) to (h) inclusive. This does not apply to the creation of new open water areas. (h) Where the activity is the removal of silt necessary for the maintenance or enhancement of a wetland, the activity shall comply with (i) and (ii): (i) All machinery shall be kept out of the bed of the wetland where practicable. (ii) The disturbance of the wetland shall be limited to the extent necessary to carry out the activity. (i) Where the activity is the planting of exotic plant species in a wetland the activity shall comply with (i) to (vi) inclusive: (i) The plant species is non-invasive, and not listed in the Bay of Plenty Pest Management Strategy 2003-2008; and (ii) The plant species will not damage the existing biodiversity values of the wetland; and (iii) The planted exotic species will not form the dominant vegetation type in the wetland; and (iv) The wetland is not in the bed of a river, stream or lake except where the activity is otherwise permitted by BW R34; and (v) The wetland is not a publicly owned reserve area; and (vi) The wetland has not been identified for indigenous biodiversity enhancement with the landowner. Is a permitted activity.	
WL R4 (Rule 81) Permitted - Maintenance or Enhancement of Certain Artificial Water Bodies	The maintenance or enhancement of: 1. An artificial water body that is not in the bed of a lake, river, or stream; and is not a degraded natural wetland that has been modified; or 2. A 'wetland' that is otherwise excluded from the definition of wetland in this regional plan (refer to Definition of Terms); Is a permitted activity, except where the activity is otherwise subject to: (a) DW R1 (permitted – discharge of aquatic herbicide over water for weed control); (b) DW R12 (permitted – application of agrichemicals to land); or (c) WQ R16 (permitted – damming of surface runoff water).	Not relied upon – may apply to future maintenance The Project includes stormwater treatment wetlands, attenuation ponds and other constructed stormwater devices that may constitute artificial water bodies for the purposes of WL R4. To the extent that those features: • Are not located in the bed of a lake, river or stream; • Are not degraded natural wetlands that have been modified; and • Otherwise fall within the scope of WL R4, Future maintenance or enhancement may be undertaken as a permitted activity, subject to any other applicable rules. WL R4 is not relied upon as a consenting pathway for construction of the Project or the initial establishment of those features.
WL R6 (Rule 83) Permitted – Removal of Exotic Vegetation from a Wetland by Hand or by Machinery	The removal of exotic vegetation from a wetland for the purposes of wetland enhancement, where the removal is by hand or by machinery, is a permitted activity subject to the following conditions; (a) (b) (c) 14 Only exotic plant species (including pest plants and weeds) shall be removed or destroyed. The activity shall not cause or induce ongoing erosion of the bed or banks of any surface water body. Erosion includes: (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. Where non hand-held machinery is used to remove vegetation, the machinery shall not be located within the wetland. Nothing in this rule prevents the use of cables and associated fixtures attached to machinery located outside the wetland, or the use of hand-held machinery in the wetland. Bay of Plenty Regional Natural Resources Plan Wetlands 14 September 2017 (Updated 6 June 2023) (d) (e) The disturbance of the wetland, including damage to indigenous vegetation, shall be no more than minor in scale, and temporary in duration. Where tree species that re-grow from cut material (including, but not limited to willows and poplars) are to be removed, the tree is to be cut down, and removed from the wetland. Nothing in this rule prevents the use of alternative tree control methods listed in Advisory Note 4.	Does not comply The Project includes vegetation removal within wetlands associated with construction, stream realignments, stormwater infrastructure and ecological mitigation works. Although some removal of exotic vegetation for wetland enhancement may potentially comply with WL R6, the rule does not provide a complete permitted activity pathway because it cannot be demonstrated that all relevant works will: • Be limited to the removal or destruction of exotic species; • Keep non-hand-held machinery outside the wetland; • Result in no more than minor and temporary wetland disturbance, including damage to indigenous vegetation; and

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		Comply with the erosion and vegetation-removal requirements of the rule. Accordingly, wetland vegetation removal that does not comply with WL R6 is assessed under WL R9.
WL R9 (Rule 85) Discretionary – Modification of a Wetland	<i>The:</i> <i>Modification of a wetland for the maintenance or enhancement of a wetland, and where the activity is consistent with WL P3 but does not comply with WL R1, WL R2 or WL R6.</i> <i>Or</i> <i>Sustainable use of a wetland where the activity is consistent with WL P10 but does not comply with WL R3.</i> <i>Or</i> <i>Removal of weeds and other vegetation clearance necessary for the maintenance of wetlands in water bodies created for hydroelectric generation, and does not comply with WL R5.</i> <i>Or</i> <i>Modification of a wetland not otherwise addressed by (1) to (3) and causes any of the following adverse effects on the wetland:</i> <i>Degradation of water quality, including through the discharge of sediment or other contaminants.</i> <i>Changes to water flow and quantity, and drainage.</i> <i>Erosion of land and soil resources where the activity causes or induces erosion that is persistent or requires active erosion control measures. Includes land instability, scour, severe pugging, and damage to margins, banks and land within the wetland.</i> <i>Where the wetland is in the bed of a stream, river or lake, the disturbance, removal, damage, or destruction of any plant or the habitats of any plants or animals in the wetland.</i> <i>Is a discretionary activity.</i>	Discretionary Activity The Project includes modification of wetlands through earthworks, vegetation clearance, temporary and permanent hydrological changes, stream realignment and associated infrastructure works. These activities have the potential to affect wetland hydrology, vegetation and ecological values and are therefore a Discretionary Activity pursuant to WL R9.