

# PLAN RULE ASSESSMENT

## 1. REGIONAL LAND AND WATER PLAN

### 1.1 RULES FOR ACTIVITIES ON LAND

An assessment of the Project's compliance against relevant permitted activity land rules is provided in **Table 1**.

**Table 1: RLWP Land Rules Assessment**

Rule Standard / Condition	Compliance Commentary
<b>Rule 2. Earthworks in riparian margins</b>	
Earthworks within riparian margins, and any associated discharge of sediment are a <b>permitted activity</b> if all of the following conditions are met:	(a) Does not comply.
(a) The volume of earthworks in the riparian margin must not exceed 25m <sup>3</sup> and must not involve the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin; and	Works in riparian margins will be greater than 25m <sup>3</sup> and greater than 20 linear metres.
(b) Sufficient sediment control is constructed so that the activity does not either:	(b) Complies
i) Decrease the visual clarity of any receiving water by more than 40% as measured by black disc; or	Sediment controls are proposed to achieve standards sought (Refer DRAFT ESCP).
ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric Turbidity Unit (NTU) where the natural turbidity upstream from the discharge is less than or equal to 10 NTU; or	(c) Complies
iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU as	Earthworks will not result in any soil material or debris being placed directly into a waterway. This assessment assumes construction materials placed in waterways associated with in-stream structure installations are not considered soil or debris).
	(d) Complies
	Sediment controls are proposed to achieve standards sought (Refer DRAFT ESCP).
	(e) Complies

Rule Standard / Condition	Compliance Commentary
<p>measured beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and</p> <p>(c) No soil or debris is placed directly in any river or lake bed; and</p> <p>(d) There is no conspicuous deposition of sediment on the bed of any water body; and</p> <p>(e) The activity does not affect any surface water take; and</p> <p>(f) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and</p> <p>(g) Earthworks are carried out such that:</p> <p>i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes, to avoid causing erosion; and</p> <p>ii) Any culverts or cut and fill batters are designed and constructed or installed to prevent their failure and avoid causing erosion; and</p> <p>iii) Trenches for the purpose of installing pipes, lines, or cables are backfilled and compacted as soon as practicable; and</p> <p>(h) No refuelling of equipment takes place on any area of a riverbed; and</p> <p>(i) The activity does not cause or contribute to any slope or land instability, including subsidence or other erosion; and</p>	<p>Activity will not affect any surface water take.</p> <p>(f) Complies</p> <p>No disturbance to a site listed in Schedule 11.</p> <p>(g) Complies</p> <p>Earthworks are proposed to be carried out in a manner to achieve these standards.</p> <p>(h) Complies</p> <p>No refuelling within the bed of any river.</p> <p>(i) Complies</p> <p>Works designed and undertaken to manage land and slope stability issues.</p> <p>(j) Complies</p> <p>Stabilisation initiatives are proposed to achieve standards sought (Refer DRAFT ESCP).</p> <p>(k) Complies</p> <p>No earthworks proposed within any wetland identified in Schedule 1.</p> <p>(l) Complies</p> <p>No earthworks within any wetland identified in Schedule 2.</p> <p><b>Conclusion:</b> Proposed earthworks in riparian zones exceeds the maximum permitted volume and linear length, therefore, are a <b>Discretionary Activity</b> requiring resource consent under Rule 16 (Discretionary activities outside of a wetland identified in Schedule 1 or 2).</p>

Rule Standard / Condition	Compliance Commentary
<p>(j) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and</p> <p>(k) No earthworks occur within any wetland identified in Schedule 1; and</p> <p>(l) No earthworks occur within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.</p> <p><b>Note:</b> These Rules do not apply to works in river and lake beds – refer to Rules 20 - 38 on River and Lake Bed Activities.</p>	
<b>Rule 3. Earthworks in the Non Erosion Prone Area, outside riparian margins</b>	
<p>Earthworks in the Non Erosion Prone Area (less than 12° slope or a 1:4.7 ratio), and outside any riparian margin, and any associated discharge of sediment is a <b>permitted activity</b> if all of the following conditions are met:</p> <p>(a) Earthworks <b>either</b>:</p> <p>i) Are for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables; <b>or</b></p> <p>ii) Do not exceed an annual volume of 5000m<sup>3</sup> per landholding or hectare, whichever is the smaller; and</p> <p>(b) Sufficient sediment control is constructed so that the activity does not either:</p> <p>i) Decrease the visual clarity of any receiving water by more than 40% as measured by black disc; or</p> <p>ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric</p>	<p>(a)(i) Applies to some earthworks associated with constructing the transmission line and forming parts of the access road on low slope areas.</p> <p>(a)(ii) Does not apply to earthworks associated with constructing other aspects of the Scheme since the volumes and lengths of disturbance will exceed the maximum Rule 3 thresholds.</p> <p>(b) Complies</p> <p>Sediment controls are proposed to achieve standards sought (Refer DRAFT ESCP).</p> <p>(c) Complies</p> <p>Earthworks will not result in any soil material or debris being placed directly into a waterway. This assessment assumes construction materials placed in waterways associated with in-stream structure installations are not considered soil or debris).</p>

Rule Standard / Condition	Compliance Commentary
<p>Turbidity Unit (NTU) where the natural turbidity upstream from the discharge is less than or equal to 10 NTU; or</p> <p>iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU as measured beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and</p> <p>(c) No soil or debris is placed directly in any river or lake bed; and</p> <p>(d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and</p> <p>(e) The activity does not affect any surface water take; and</p> <p>(f) The activity is not within:</p> <p>i) 50 metres of the Coastal Marine Area on the open coast line; or</p> <p>ii) 20 metres of the Coastal Marine Area elsewhere; or</p> <p>iii) Any wetland identified in Schedule 1; or</p> <p>iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7; and</p> <p>(g) Where earthworks are for the formation, construction, or reconstruction of any road, track, firebreak, landing, line, pipe, or cable:</p> <p>i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and</p>	<p>(d) Complies</p> <p>Sediment controls are proposed to achieve standards sought (Refer DRAFT ESCP).</p> <p>(e) Complies</p> <p>No current surface water takes in the vicinity.</p> <p>(f) Complies</p> <p>No activity within the CMA or any wetland in Schedule 1 or 2.</p> <p>(g) Complies</p> <p>Formation of access roads will be undertaken to achieve these standards.</p> <p>(h) Complies</p> <p>All earthworks designed and undertaken to manage slope and stability issues.</p> <p>(i) Complies</p> <p>As addressed in the ESCP, all sites of earthworks are to be stabilised and rehabilitated, and stockpiles managed, as soon as practicable following works.</p> <p>(j) Not relevant.</p> <p>(k) Not relevant</p> <p><b>Conclusion:</b> Some earthwork associated with constructing the transmission line and parts of the access road on low slope areas will comply with permitted activity Rule 3.</p> <p>However, the bulk of proposed earthworks in low slope areas exceeds the maximum thresholds under this rule. Taking a conservative approach, Westpower seeks a</p>

Rule Standard / Condition	Compliance Commentary
<p>channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and</p> <p>ii) Any culverts, or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and</p> <p>iii) Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted as soon as practicable; and</p> <p>(h) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and</p> <p>(i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and</p> <p>(j) Where earthworks are for the purpose of forming a drain:</p> <p>i) There is no erosion of the bed or banks of the receiving water body; and</p> <p>ii) The drainage does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing infrastructure; and</p> <p>iii) The activity does not occur within 25 metres of any wetland identified in Schedule 1 or 2;</p> <p>(k) Where the earthworks are for the purpose of constructing a water supply bore the Council must be notified within five working days of the location depth and purpose of the bore.</p> <p><b>Note:</b> For condition (j) the quality of any discharged drainage water must comply with</p>	<p><b>Discretionary Activity</b> resource consent for all earthworks on non-erosion prone areas under Rule 16 (Discretionary activities outside of a wetland identified in Schedule 1 or 2).</p>

Rule Standard / Condition	Compliance Commentary
the conditions of the permitted activity Rule 64 in Chapter 18.4 Discharges to Water.	
<b>Rule 4. Earthworks in Erosion Prone Area One, outside riparian margins</b>	
<p>Earthworks in Erosion Prone Area One (between 12° and 25° slope inclusive or between a 1:4.7 and a 1:2.1 ratio inclusive), and outside any riparian margin, and any associated discharge of sediment is a <b>permitted activity</b> if all of the following conditions are met:</p> <p>(a) Earthworks <b>either</b>:</p> <p>i) Are for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables; <b>or</b></p> <p>ii) Do not exceed an annual volume of 500m<sup>3</sup> per landholding or hectare, whichever is the smaller; and</p> <p>(b) Sufficient sediment control is constructed so that the activity does not either:</p> <p>i) Decrease the visual clarity of any receiving water by more than 40% as measured by black disc; or</p> <p>ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric Turbidity Unit (NTU) where the natural turbidity upstream from the discharge is less than or equal to 10 NTU; or</p> <p>iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU as measured beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and</p>	<p>a)(i) Applies to some construction earthworks associated with constructing the transmission line and forming parts of the access road on erosion prone area one areas.</p> <p>(a)(ii) Does not apply to earthworks associated with constructing other aspects of the Scheme since the volumes of disturbance will exceed the maximum Rule 4 thresholds.</p> <p>(b) Complies</p> <p>Sediment controls are proposed to achieve standards sought (Refer DRAFT ESCP).</p> <p>(c) Complies</p> <p>Earthworks will not result in any soil material or debris being placed directly into a waterway. This assessment assumes construction materials placed in waterways associated with in-stream structure installations are not considered soil or debris).</p> <p>(d) Complies</p> <p>Sediment controls are proposed to achieve standards sought (Refer DRAFT ESCP).</p> <p>(e) Complies</p> <p>No current surface water takes in the vicinity.</p> <p>(f) Complies</p>

Rule Standard / Condition	Compliance Commentary
(c) No soil or debris is placed directly in any river or lake bed; and	No activity within the CMA or any wetland in Schedule 1 or 2.
(d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and	(g) Complies  Formation of access roads will be undertaken to achieve these standards.
(e) The activity does not affect any surface water take; and	(h) Complies  All earthworks designed and undertaken to manage slope and stability issues.
(f) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and	(i) Complies  As addressed in the ESCP, all sites of earthworks are to be stabilised and rehabilitated, and stockpiles managed, as soon as practicable following works.
(g) Where earthworks are for the formation, construction, or reconstruction of any road, track, firebreak, landing, line, pipe, or cable:	
i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and	(j) Not relevant.  <b>Conclusion:</b> Some construction earthworks associated with constructing the transmission line and parts of the access road on erosion prone area one areas will comply with permitted activity Rule 4. However, the bulk of proposed earthworks in these areas exceeds the maximum thresholds under this rule. Taking a conservative approach, Westpower seeks a <b>Discretionary Activity</b> resource consent for all earthworks on Erosion Prone Area One areas under Rule 16 (Discretionary activities outside of a wetland identified in Schedule 1 or 2).
ii) Any culverts, or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and	
iii) Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted as soon as practicable; and	
(h) No refuelling of equipment takes place on any area of a riverbed; and	
(i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and	
(j) The activity is not within:	

Rule Standard / Condition	Compliance Commentary
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- i) 50 metres of the Coastal Marine Area on the open coast line; or
- ii) 20 metres of the Coastal Marine Area elsewhere; or
- iii) Any wetland identified in Schedule 1; or
- iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7; and

**Note:** Additional provisions on disturbance of indigenous vegetation, wetlands, significant natural areas, and cultural/historic areas may apply. It will be necessary to refer to relevant district plans.

#### **Rule 5. Earthworks in Erosion Prone Area Two, and the Greymouth Earthworks Control Area, outside riparian margins.**

Earthworks in Erosion Prone Area Two (slope exceeds 25° or between a 1:2.1 ratio), and outside any riparian margin where:

- (i) The volume of earthworks is less than 10m<sup>3</sup> per land holding in any 12 month period; or
- (ii) The activity is for the purpose of laying underground network utility lines, pipes, or cables; or
- (iii) The earthworks are for upgrading network utility operations and do not exceed a volume of 50m<sup>3</sup> in any 100 metres length of the utility operation;

and any associated discharge of sediment is a **permitted activity** if all of the following conditions are met: .....

**Conclusion:** The construction earthworks proposed in Erosion Prone Area Two areas are not provided for by Rule 5. That is, they are not covered by conditions (i) – (iii). Therefore, all proposed earthworks occurring in Erosion Prone Area Two areas are a **Discretionary Activity**, requiring resource consent under Rule 16 (Discretionary activities outside of a wetland identified in Schedule 1 or 2).

#### **Rule 6. Earthworks for the purpose of maintenance or repair.**



Rule Standard / Condition	Compliance Commentary
<p>Earthworks for the purpose of maintaining or repairing a road, track, railway line, landing, drilling pad, stand off pad, firebreak, structures and infrastructure associated with a hydro electric generation scheme, or network utility line, pipe, or cable, and any associated discharge of sediment is a permitted activity if all of the following conditions are met:</p> <p>(a) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and</p> <p>(b) Sufficient sediment control must be constructed so that the activity does not either:</p> <p>i) Decrease the visual clarity of any receiving water by more than 40% as measured by black disc: or</p> <p>ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric Turbidity Unit (NTU) where the natural turbidity upstream from the discharge is less than or equal to 10 NTU;</p> <p>iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU; as measured beyond 12 times the river's width or 200 metres of the activity, whichever is lesser; and</p> <p>(c) No soil or debris is placed directly in any river or lake bed, or wetland identified in Schedule 1 or 2; and</p> <p>(d) There is no conspicuous deposition of sediment on the bed of any water body, or on</p>	<p>a) Complies</p> <p>Access road will include water table drainage.</p> <p>(b) Will comply</p> <p>Standard sediment controls are proposed during any maintenance works to achieve standards sought.</p> <p>(c) Will comply</p> <p>Earthworks will not result in any soil material or debris being placed directly into a waterway. This assessment assumes construction materials placed in waterways associated with in-stream structure maintenance are not considered soil or debris).</p> <p>(d) Will comply</p> <p>Standard sediment controls are proposed during any maintenance works to achieve standards sought.</p> <p>(e) Will comply</p> <p>(f) Will comply</p> <p>(g) Will comply</p> <p>(h) Will comply</p> <p>All maintenance earthworks will be undertaken to manage slope and stability issues.</p> <p>(i) Will comply</p> <p>(j) Will comply</p> <p>(k) Not relevant</p>

Rule Standard / Condition	Compliance Commentary
<p>land beyond the boundary of the subject property; and</p> <p>(e) The activity does not affect any surface water take; and</p> <p>(f) Any culverts or cut and fill batters are maintained so as to prevent their failure and avoid causing erosion; and</p> <p>(g) Trenches for the purpose of maintaining lines, pipes, or cables are backfilled and compacted as soon as practicable; and</p> <p>(h) Any activity does not cause or contribute to any slope or land surface instability, including subsidence or other erosion; and</p> <p>(i) No refuelling of equipment takes place on any area of a riverbed; and</p> <p>(j) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and</p> <p>(k) The activity is not within any wetland identified in Schedule 1; and</p> <p>(l) The activity is not within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.</p>	<p><b>Conclusion:</b> Earthworks for the purpose of maintaining or repairing the Scheme's access road, and other structures and infrastructure and network utility lines, and any associated discharge of sediment, is a <b>Permitted Activity</b> under Rule 6 (Discretionary activities outside of a wetland identified in Schedule 1 or 2).</p>
<b>Rule 8. Vegetation disturbance in riparian margins.</b>	
<p>Vegetation Disturbance within riparian margins is a <b>permitted activity</b> if all of the following conditions are met:</p> <p>(a) Native Vegetation is only removed where:</p> <p>i) It is causing bank erosion; or</p>	<p>(a) Proposed vegetation removal within riparian margins proposed is not for any of the purposes listed in Rule 8.</p> <p>(b) Will comply</p>

Rule Standard / Condition	Compliance Commentary
<p>ii) It is toxic to livestock; or</p> <p>iii) The activity is undertaken in conjunction with permitted activity Rule 2 or 7; and</p> <p>(b) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and</p> <p>(c) The activity does not cause or contribute to land instability or erosion; and</p> <p>(d) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and</p> <p>(e) No debris is placed directly in any river or lake bed, or in any wetland identified in Schedule 1 or 2.</p>	<p>No disturbance to a site listed in Schedule 11.</p> <p>(c) Will comply</p> <p>All works are designed and to be undertaken to manage stability and erosion issues.</p> <p>(d) Will comply</p> <p>All disturbed sites are to be rehabilitated as soon as practicable following works.</p> <p>(e) Will comply</p> <p>Vegetation material will not be placed directly into the riverbed, or any wetland identified in Schedule 1 or 2.</p> <p><b>Conclusion:</b> Despite compliance being achieved with relevant conditions, Rule 8 does not provide for riparian vegetation removal for the purpose of constructing a hydro scheme. Accordingly, the activity requires a <b>Discretionary Activity</b> consent under Rule 16 (Discretionary activities outside of a wetland identified in Schedule 1 or 2).</p>

**Rule 9. Vegetation disturbance in Erosion Prone Area One, Two, or the Greymouth Earthworks Control Area and outside any riparian margin.**

Vegetation Disturbance in Erosion Prone Area One, Erosion Prone Area Two, or the Greymouth Earthworks Control Area, and outside any riparian margin, and any associated discharge of sediment, is a permitted activity if all of the following conditions are met:	<p>(a) Does not apply for Scheme construction</p> <p>Vegetation disturbance is greater than 20m<sup>2</sup> within Erosion Prone Area Two.</p> <p>(b) Will comply</p>
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Rule Standard / Condition	Compliance Commentary
<p>(a) The area disturbed is less than 20m<sup>2</sup> if undertaken within Erosion Prone Area Two or the Greymouth Earthworks Control Area; and</p> <p>(b) Sufficient sediment control is constructed so that the activity does not either:</p> <p>i) Decrease the visual clarity of any receiving water by more than 40% as measured by the black disc; or</p> <p>ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric Turbidity Unit (NTU) where the natural turbidity upstream from the discharge is less than or equal to 10 NTU; or</p> <p>iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU as measured beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and</p> <p>(c) No soil or debris is placed directly in any river or lake bed; and</p> <p>(d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and</p> <p>(e) The activity does not affect any surface water take; and</p> <p>(f) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and</p> <p>(g) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and</p>	<p>Sediment control measures put in place to achieve outcomes sought.</p> <p>(c) Will comply</p> <p>No vegetation or soil will be placed directly into the riverbed. Vegetation removed to spoil disposal area.</p> <p>(d) Will likely comply</p> <p>(e) Complies</p> <p>No current surface water takes in the vicinity.</p> <p>(f) Will comply</p> <p>All disturbed sites are to be rehabilitated as soon as practicable following works.</p> <p>(g) Will comply</p> <p>(h) Complies</p> <p>No activity within any wetland in Schedule 1.</p> <p>(i) Complies</p> <p>No activity within any wetland in Schedule 2.</p> <p><b>Conclusion:</b> Despite compliance being achieved with relevant performance standards, the proposed Vegetation Disturbance in Erosion Prone Area One and Erosion Prone Area Two is not provided for by Rule 9 due to the maximum removal area will be exceeded. Accordingly, <b>Discretionary Activity</b> consent under Rule 16</p>

Rule Standard / Condition	Compliance Commentary
<p>(h) The activity is not within any wetland identified in Schedule 1; and</p> <p>(i) The activity is not within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7 and 7a.</p>	<p>(Discretionary activities outside of a wetland identified in Schedule 1 or 2).</p>
<b>Rule 10. Vegetation disturbance in the Non Erosion Prone Area.</b>	
<p>Vegetation disturbance in the Non Erosion Prone Area (less than 12° slope), and outside any riparian margin, is a permitted activity provided the following conditions are met:</p> <p>(a) The activity is not within a wetland identified in Schedule 1; and</p> <p>(b) The activity is not within a wetland identified in Schedule 2 unless it meets the requirements of Rule 7 and 7a.</p>	<p>The proposal includes vegetation removal on Non Erosion Prone Areas in relatively flat parts of the Project Site located outside riparian margins, including parts of the access roads, the transmission line, the Power Station Site and all Construction Staging Areas.</p> <p>(a) No activity within any wetland in Schedule 1.</p> <p>(b) No activity within any wetland in Schedule 2.</p> <p><b>Conclusion:</b> Vegetation removal on relatively flat parts of the Project Site (i.e. less than 12° slope) located outside riparian margins (i.e. beyond 10m of the bed of the Waitaha River and other perennial streams), including parts of the Site's access roads, the transmission line, the Power Station Site and all Construction Staging Areas is a <b>Permitted Activity</b> under Rule 10.</p>
<b>Rule 12. Earthworks not complying with Rules 3 or 6.</b>	
<p>Any earthworks outside of a wetland identified in Schedule 1 or 2 that contravene any one of the conditions of the relevant permitted Rules 3 or 6 of this Plan, and are less than 20,000 cubic</p>	<p><b>Conclusion:</b> As identified above, proposed earthworks do not comply with Rule 3, however, Controlled Activity Rule 12 does not apply since</p>

Rule Standard / Condition	Compliance Commentary
metres per land holding, are a <b>controlled activity</b> if:.....	earthwork volumes exceed the maximum threshold. Accordingly, <b>Discretionary Activity</b> consent under Rule 16 (Discretionary activities outside of a wetland identified in Schedule 1 or 2).
<b>Rule 16. Discretionary activities outside of a wetland identified in Schedule 1 or 2.</b>	
Outside of a wetland identified in Schedule 1 or 2, any:	As identified above, the earthworks disturbance activities are outside a wetland identified in Schedules 1 or 2 and do not meet requirements of Rules 2, 3, 4, 5 and 12.
(i) Vegetation disturbance that contravenes Rules 8 or 9;	
(ii) Earthworks that contravenes Rules 2, 3, 4, 5, 6 or 12; or	Also identified above, vegetation disturbance activities are outside a wetland identified in Schedules 1 or 2 and do not meet requirements of Rules 8 and 9.
(iii) Grazing within, and livestock access to, riparian margins that contravenes Rule 11;	
is a <b>discretionary activity</b> .	<b>Conclusion:</b> Overall, <b>Discretionary Activity</b> resource consent is required for these activities under Rule 16.

## 1.2 RULES FOR LAKE AND RIVERBED ACTIVITIES

An assessment of the Project's compliance against relevant rules for lake and riverbed activities is provided in **Table 2**.

**Table 2: RLWP Lake and Riverbed Rules Assessment**

Rule Standard / Condition	Compliance Commentary
<b>Rule 21. Fences, pipes, lines and cables over the bed of a lake or river</b>	
The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, is a	With respect to transmission lines over the bed of a river;

Rule Standard / Condition	Compliance Commentary
<b>permitted activity</b> , provided the following conditions are met:	(a) Complies No lines are fixed to the bed
(a) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river; and	(b) Complies No lines less than 2m above the bank.
(b) No part of any pipe, line or cable is less than two metres above the banks, unless it is attached to a structure; and	(c) Complies No lines extend below the underside of a structure.
(c) Where it is attached to a structure, no part of any pipe, line or cable extends below the underside of the structure; and	(d) Not applicable
(d) Any fence over the bed of a lake or river does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river; and	(e) Complies Lines will not interfere with navigation.
(e) The fence, pipe, line or cable does not interfere with navigation; and	(f) Complies Lines will be maintained.
(f) The fence, pipe, line or cable is maintained in good repair; and	(g) N/A
(g) Where the pipe is located within any wetland identified in Schedule 1 or 2 its maximum diameter is 150mm; and	(h) N/A
(h) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:	<b>Conclusion:</b> All proposed transmission lines that cross the bed of a river or stream are a <b>Permitted Activity</b> under Rule 21.
i) There is no change to the natural flow, path or fluctuation in water level; and	
ii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and	
iii) No bird nests are disturbed	

Rule Standard / Condition	Compliance Commentary
<b>Rule 23. Culverts, fords, and bridges</b>	
<p>The erection or placement, of a culvert, ford or bridge, in, on, under, or over the bed of a river is a <b>permitted activity</b> provided the following conditions are met:</p> <p>(a) For a culvert, the riverbed at the point of crossing does not exceed 5 metres in width and the base of the culvert is installed and maintained flush with the bed level; and</p> <p>(b) Any culvert is designed to pass the river's fullest flow, and is constructed with sufficient bank armouring to prevent scour or erosion of abutting river banks; and</p> <p>(c) Any ford does not raise the bed of a river by more than 300mm (compared with average bed level of the 50 metre reach centred on the crossing); and</p> <p>(d) The underside of any bridge is at least 600mm above the level of the river's natural bank level; and</p> <p>(e) For bridges, there are no piers in the riverbed; and</p> <p>(f) Any bridge does not interfere with navigation; and</p> <p>(g) Activities do not result in or contribute to:</p> <p>i) The impedance of fish passage; or</p> <p>ii) Erosion or scouring of any riverbed; or</p> <p>iii) Reduction of channel capacity to carry flood flows; and</p> <p>(h) No refuelling of equipment takes place on any area of a riverbed; and</p>	<p>The proposal requires a number of culverts (including a box culvert in the Alpha Creek), fords, and a temporary and a permanent bridge over Granite Creek. With respect to the "Drift Deck" option for the Macgregor Creek crossing, given the design comprises a series of flow openings between a concrete bed foundation and the concrete deck surface, this structure is assessed as a culvert (akin to a culverted ford).</p> <p>(a) All new and replacement conventional cylindrical culverts comply, however, the Alpha Creek box culvert and the Macgregor Creek drift deck crossing option do not comply where the bed width at the locations of these structures exceed 5m.</p> <p>(b) Will comply</p> <p>(c) Will likely comply</p> <p>All proposed fords will not likely result in raising the bed of the river by more than 300mm.</p> <p>(d) Will comply</p> <p>The temporary and permanent Granite Creek bridges will comply.</p> <p>(e) Will not fully comply</p> <p>The Granite Creek bridge has one pier located in the river bed.</p> <p>(g) Will comply</p> <p>(h) Will comply</p> <p>(i) Will comply</p> <p>(j) Will comply</p>



Rule Standard / Condition	Compliance Commentary
<p>(i) The structure is maintained in good repair; and</p> <p>(j) The site is left tidy following the erection or placement; and</p> <p>(k) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:</p> <p>i) For any culvert where the bed is no more than 2.5 metres wide at the point of crossing, native vegetation disturbance does not exceed 25m<sup>2</sup>; for any culvert where the bed is between 2.5 to 5 metres wide at the point of crossing, native vegetation disturbance does not exceed 50m<sup>2</sup>; or</p> <p>ii) For any ford, native vegetation disturbance does not exceed 25m<sup>2</sup>; or</p> <p>iii) For any bridge, native vegetation disturbance does not exceed 50m<sup>2</sup>; and</p> <p>iv) There is no change to the natural flow, path or fluctuation in water level; and</p> <p>v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and</p> <p>vi) No bird nests are disturbed.</p>	<p>(k) Not relevant</p> <p><b>Conclusions:</b></p> <p>The placement and use of all proposed conventional cylindrical culverts will be Permitted Activities under Rule 22.</p> <p>All proposed fords are Permitted Activities under Rule 22.</p> <p>The temporary Granite Creek bridge is considered a Permitted Activity under Rule 22.</p> <p>The Alpha Creek box culvert, the Granite Creek Bridge and the Drift Deck option for the Macgregor Creek crossing do not fully comply with the performance standards of Rule 22. Accordingly, these crossing structures require <b>Discretionary Activity</b> resource consent under Rule 35.</p>
<b>Rule 24. Structures for damming water</b>	
<p>The erection or placement of a structure for the damming of water that is fixed in or on the bed of any lake or river is a <b>permitted activity</b>, provided the following conditions are met:</p> <p>(a) The size of the catchment upstream of the dam does not exceed 50 hectares; and</p>	<p>The proposed diversion weir structure is not considered a “dam”, as defined under the Building Act 2004, since it does not hold back water so as to form a reservoir. For this reason, Rule 24 is not considered relevant.</p>

Rule Standard / Condition	Compliance Commentary
(b) The depth of water at the dam face does not exceed 3 metres and the total volume of water stored by the dam does not exceed 20,000 cubic metres; and	
(c) The damming does not cause or exacerbate flooding or damage to another person's property, erosion, land instability or sedimentation; and	
(d) The dam is not located less than 20 metres above mean sea level; and	
(e) If constructed in permanently flowing streams, the dam allows residual flow of 75% or the instantaneous flow whichever is the lesser; and	
(f) The Council is notified in writing of the location and nature of the dam, at least seven working days prior to commencing the erection or placement; and	
(g) A spillway is constructed, designed to pass the maximum probable flood; and	
(h) For sites where fish are present, effective fish passage is provided for; and	
(i) The dam is not located in the Ohikanui River or its tributaries, Rahu River, Station Creek, Wooley River, or Blue Grey River or its tributaries; and	
(j) The structure is maintained in good repair; and	
(k) The site is left tidy following the erection or placement; and	
(l) The structure is not located within, and does not affect the hydrology of any wetland identified in Schedule 1 or 2.	

Rule Standard / Condition	Compliance Commentary
<b>Rule 25. Other structures</b>	
<p>The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure that is fixed in, on or under the bed of any lake or river is a <b>permitted activity</b>, provided the following conditions are met:</p> <p>(a) The base of the structure does not exceed 2m<sup>2</sup> in area; and</p> <p>(b) The structure does not cause any flooding or erosion; and</p> <p>(c) The Council is notified in writing of the location and nature of the structure, at least seven working days prior to commencing the erection or placement; and</p> <p>(d) Except in the case of a navigational aid or the sight board of any gauge, any visible part of the structure is of a colour to blend in with the surroundings; and</p> <p>(e) The structure is maintained in good repair; and</p> <p>(f) The site is left tidy following the erection or placement; and</p> <p>(g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:</p> <p>i) There is no vegetation disturbance in excess of 10m<sup>2</sup>; and</p> <p>ii) There is no change to the natural flow, path or fluctuation in water level; and</p> <p>iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any</p>	<p>The following other Scheme structures proposed to be located on the beds of rivers and streams are assessed against Rule 25:</p> <ul style="list-style-type: none"> <li>➤ Various Headworks components including the diversion weir and intake structure;</li> <li>➤ Permanent access road between the Headworks Access tunnel portal and the Waitaha River;</li> <li>➤ Power Station tailrace and flood protection structures;</li> <li>➤ Alpha Creek flow training structures;</li> <li>➤ River flow recording equipment;</li> </ul> <p><b>Conclusions:</b></p> <p>Apart from the proposed flow monitoring devices, all of the above structures fail to comply with the requirements of permitted activity Rule 25 mainly due to their respective footprints exceeding 2m<sup>2</sup>. Therefore, these structures require <b>Discretionary Activity</b> resource consent under Rule 35.</p> <p>Placement of river and stream flow monitoring equipment on the beds of rivers and streams is considered a <b>Permitted Activity</b> under Rule 25.</p>

Rule Standard / Condition	Compliance Commentary
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site listed in Schedule 11 during the months of December to May inclusive; and

iv) No bird nests are disturbed.

#### Rule 26. Alteration of the bed associated with structures, or the clearance of debris or gravel

The disturbance of the bed or the reclamation or deposition of material on the bed of any lake or river associated with:

(i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal of any structure carried out under Rules 20 to 25; or

(ii) The clearance of debris or gravel from within, or immediately surrounding, any structure in order to safeguard the function or structural integrity of the structure

is a **permitted activity**, provided the following conditions are met:

(a) The bed disturbance is limited to the extent necessary to undertake the work; and

(b) The bed disturbance does not damage any riverbank or cause any flooding or erosion; and

(c) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance; and

(d) In the case of any reclamation or deposition, only cleanfill is used and no pest plant is introduced; and

(e) No refuelling of equipment takes place on any area of a river or lake bed; and

(f) The site is left tidy following completion of the activity; and

As identified above, the proposal includes the placement of in-stream structures under Rules 20 to 25. The proposal also includes in-stream maintenance works on Scheme and river and stream crossing structures including clearance of debris and bedload gravels to safeguard the function and structural integrity of these structures.

(a) Will comply

Disturbance to any bed will be to the extent necessary.

(b) Will comply

Works are to be undertaken to ensure there is no erosion or flooding as a result.

(c) Will comply

Management measures are proposed to minimise sediment release.

(d) Will comply

No reclamations are proposed. Some deposition of flood deposited material will occur at the intake, and no pest plants will be introduced.

(e) Will comply

No refueling will occur within the riverbed.

(f) Will comply

Rule Standard / Condition	Compliance Commentary
<p>(g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:</p> <p>i) Any disturbance, including deposition or reclamation, does not exceed:</p> <p>1) 0.6m in width per 1m in length for placement of any pipe, line or cable authorised under Rule 20, 21, or 22; or</p> <p>2) For any culvert, authorised under Rule 23, where the bed is no more than 2.5 metres wide at the point of crossing, any disturbance does not exceed 25m<sup>2</sup>; for any culvert where the bed is between 2.5 to 5 metres wide at the point of crossing, any disturbance does not exceed 50m<sup>2</sup>; or</p> <p>3) For any ford authorised under Rule 23, any disturbance does not exceed 25m<sup>2</sup>; or</p> <p>4) 50m<sup>2</sup> for bridges authorised under Rule 23; or; or</p> <p>5) 10m<sup>2</sup> for any device or structure authorised under Rule 25; or</p> <p>6) 25m<sup>2</sup> in all other cases; and</p> <p>ii) Vehicles and equipment are cleaned prior to entering the Schedule 1 or 2 wetland to avoid the introduction of pest plants; and</p> <p>iii) Any native vegetated surfaces disturbed are revegetated following completion of the activity with similar native species where they do not disrupt or interfere with the function of the structure; and</p> <p>iv) The site is left tidy following completion of the activity including the removal of any weeds; and</p>	<p>All work sites will be rehabilitated following works.</p> <p>(g) Not relevant.</p> <p><b>Conclusion:</b> All proposed in-stream construction and maintenance works on Scheme and river and stream crossing structures, including clearance of debris and bedload sediment, to safeguard the function and structural integrity of these structures is a <b>Permitted Activity</b> under Rule 26</p>

Rule Standard / Condition	Compliance Commentary
<p>v) There is no change to the natural flow, path or fluctuation in water level; and</p> <p>vi) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and</p> <p>vii) No bird nests are disturbed; and</p> <p>viii) Council is to be notified seven days prior to commencing any bed disturbance, including deposition or reclamation associated with any placement erection or reconstruction referred to in Rule 26(g)(i).</p>	

#### Rule 27. Debris clearance excluding gravel

The disturbance of the bed of any river for the purpose of clearing debris, excluding gravel, is a **permitted activity**, provided the following conditions are met:

- (a) The bed disturbance is limited to the extent necessary to clear the debris; and
- (b) The bed disturbance does not damage any riverbank or cause any flooding or erosion; and
- (c) The debris removal is carried out within twelve months of the flood event that deposited the debris; and
- (d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity; and

The proposal includes in-stream maintenance works on Scheme and river and stream crossing structures including clearance of debris and bedload (excluding gravels) to safeguard the function and structural integrity of these structures.

(a) Will comply

Disturbance to any bed will be to the extent necessary.

(b) Will comply

Works are to be undertaken to ensure there is no erosion or flooding as a result.

(c) Will comply

(d) Will comply

Rule Standard / Condition	Compliance Commentary
(e) No refuelling of equipment takes place on any area of a river or lake bed; and	Management measures are proposed to minimise sediment release.
(f) The site is left tidy following completion of the activity; and	(e) Will comply  No refueling will occur within the riverbed.
(g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:	(f) Will comply
i) There is no native vegetation disturbance, except to extent necessary to access and clear the debris using where possible existing access points and tracks; and	All work sites will be rehabilitated following works.  (g) Not relevant.
ii) There is no change to the natural flow, path or fluctuation in water level; and	<b>Conclusion:</b> All proposed in-stream maintenance works on Scheme and river and stream crossing structures, including clearance of debris and bedload sediment (excluding gravels), to safeguard the function and structural integrity of these structures is a <b>Permitted Activity</b> under Rule 27.
iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and	
iv) No bird nests are disturbed.	
<b>Rule 29: Gravel Extraction</b>	
Gravel extraction from the bed of a river is a permitted activity provided the following conditions are met:  Either:	The proposed volume of river gravel extraction to use in the construction of the access road is approximately 23,000 m <sup>3</sup> . This exceeds the permitted activity threshold prescribed in Rule 29.
(i) The gravel is extracted from the bed for use in reasonable domestic or agricultural purposes on a landholding adjacent to the extraction site, and the quantity does not exceed 1000 cubic metres in any 12 month period from rivers listed under Schedule A	<b>Conclusion:</b> The proposed gravel extraction requires assessment under <b>Restricted Discretionary Activity</b> Rule 33.

Rule Standard / Condition	Compliance Commentary
<p>or 500 cubic metres in any 12 month period from rivers listed in Schedule B; or</p> <p>(ii) The gravel is extracted from one of the sites listed in Schedule 12 and the quantity extracted from each site does not exceed 300 cubic metres per person in any 12 month period; or</p> <p>(iii) If Rule 29 (i) or (ii) do not apply, the quantity extracted per person from any river does not exceed 10 cubic metres per month.</p>	
<b>Rule 33: Gravel Extraction</b>	
<p>The extraction of gravel from the dry part of a riverbed outside of a wetland identified in Schedule 1 or 2 is a restricted discretionary activity unless permitted under Rule 26 or 29.</p>	<p>The proposed gravel extraction will be limited to dry riverbed areas and is not permitted under rule 29.</p> <p><b>Conclusion:</b> The proposed gravel extraction requires a <b>Restricted Discretionary Activity</b> resource consent under Rule 33.</p>
<b>Rule 35: Discretionary Activities in the Beds of Lakes and Rivers</b>	
<p>Unless permitted by Rules in Section 18.2.1, or managed by Rules in Sections 18.2.2 or 18.2.4, in relation to the bed of any lake or river the following activities outside of a wetland identified in Schedule 1 or 2 are a <b>discretionary activity</b>:</p> <p>(a) To use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or</p> <p>(b) To excavate, drill, tunnel, or otherwise disturb the bed; or</p>	<p>As identified above, <b>Discretionary Activity</b> resource consent is required under Rule 35 for the following:</p> <p>Placement of the following river bed structures;</p> <ul style="list-style-type: none"> <li>➤ All Headworks structures located on the bed of the Waitaha River including the diversion weir and intake structure;</li> <li>➤ The Alpha Creek box culvert,</li> <li>➤ The permanent Granite Creek Bridge</li> <li>➤ The Drift Deck option for the Macgregor Creek crossing;</li> </ul>



Rule Standard / Condition	Compliance Commentary
(c) To introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on or under the bed; or	➤ The permanent access road between the Headworks Access tunnel portal and the Waitaha River;
(d) To deposit any substance in, on, or under the bed; or	➤ The Power Station tailrace and flood protection structures; and
(e) To reclaim or drain the bed.	➤ The Alpha Creek flow training structures.

### 1.3 RULES FOR TAKES, USES AND DIVERSIONS OF WATER

An assessment of the Project's compliance against relevant rules for takes, uses and diversions of water is provided in **Table 3**.

**Table 3: RLWP Water Take, Use and Diversion Rules Assessment**

Rule Standard / Condition	Compliance Commentary
<b>Rule 40. Take and use of water where not permitted by Rule 39</b>	
Where not permitted by Rule 39, the taking and use of surface water is a permitted activity if all of the following conditions are met:	The proposal includes the following surface water takes:
(a) The total take per landholding does not exceed 2 litres per second, up to a maximum volume of 25,000 litres per day; and	➤ Short term take of up to 0.9 l/s of water from the Waitaha River for pre-construction geotechnical investigative drilling activities;
(b) No other lawful take of water is adversely affected as a result of the take; and	➤ Short-term take from the Waitaha River at three locations with a combined rate of up to 20 l/s of water for tunnel drilling, concrete batching plant operations, dust suppression and general construction related uses; and
(c) The intake is protected by a fish screen which ensures as far as is practicable, that eels, fish and fry are prevented from passing through the intake and from being trapped against the fish screen; and	➤ Long term take of up to 23 m <sup>3</sup> /s of water from the Waitaha River for hydro-electric power generation purposes and associated ancillary activities.
(d) The Council is informed in writing of the location, expected rate and frequency of the	On the basis that water take for geotechnical investigative drilling activities will occur well

Rule Standard / Condition	Compliance Commentary
take prior to the take occurring and contact details of the person taking.	<p>ahead of the proposed temporary concrete batching plant and before the main hydro Scheme water takes, it can comply with the performance standards of Rule 40 and is considered a <b>Permitted Activity</b> under Rule 40.</p> <p>The Scheme's temporary construction take and main hydro scheme water take cannot comply with the maximum permitted rate of take, therefore a resource consents are required for these (see later).</p>

#### Rules 44 (Take and use of groundwater) and 46 (Slope Dewatering)

##### Take and use of groundwater

The taking and use of groundwater is a permitted activity if all of the following conditions are met:

- (a) The total take does not exceed two litres per second, up to a maximum volume of 50,000 litres per day; and
- (b) Any well shall be located not less than 20 metres from any adjacent well or the Coastal Marine Area and from any septic tank disposal field or effluent treatment ponds or silage storage areas; and
- (c) Any well or bore not primarily used for potable water supply shall be located not less than 20 metres from any sewage effluent disposal field, agricultural effluent treatment ponds, silage storage areas, or feed lots or wintering pads; and
- (d) Any well or bore used primarily for potable water supply shall be located not less than:

The proposed tunnels will result in inevitable but largely unknown rate of groundwater being diverted and drained to the lower tunnel portals during their construction.

During the Scheme's operational phase, the access tunnel will continue to divert and drain groundwater to the lower tunnel portal.

Taking a conservative approach, in the absence of any specific tunnel groundwater diversion rules, this activity is assessed against the combined requirements of the take of groundwater Rule (Rule 44) and the take or diversion of groundwater for slope dewatering purposes Rule (Rule 46) .

##### Conclusion:

Although the groundwater take from the tunnels is not likely to result in any effects on wetlands due to the large vertical buffers between the underground tunnel and any overlying ground surface wetlands, the rate of groundwater draining through the tunnels could exceed the permitted maximum rate of 2 l/s.

Rule Standard / Condition	Compliance Commentary
<p>i) 100 metres from a sewage effluent discharge, where the discharge is from a soak pit; or</p> <p>ii) 50 metres from a sewage effluent discharge where the discharge is from other treatment systems; or</p> <p>iii) 50 metres from a pit toilet; or</p> <p>iv) 50 metres from any effluent treatment ponds, silage storage areas, feed lots or wintering pads, or offal pits; and</p> <p>(e) Any bore shall be located not less than 200 metres from any adjacent bore; and</p> <p>(f) No existing lawful take of water is adversely affected as a result of the taking; and</p> <p>(g) The council is informed in writing of the location, expected rate and frequency of the take prior to the take occurring and contact details of the person taking; and</p> <p>(h) The bore or well casing and headworks prevent:</p> <p>(i) The infiltration of contaminants; and</p> <p>(ii) The uncontrolled discharge or leakage of water to the surface and between aquifers.</p>	<p>Accordingly, this activity is not a permitted activity (see later).</p>
<p><b>Slope Dewatering</b></p> <p>The taking or diversion of groundwater for the purpose of slope dewatering associated with road or railway maintenance or construction is a permitted activity, provided it does not affect a natural wetland.</p>	
<p><b>Rules 47 Temporary diversion of water</b></p>	

Rule Standard / Condition	Compliance Commentary
<p>The temporary diversion of water for the purpose of the:</p> <p>(i) Maintenance or repair of any lawfully existing structure (excluding any whitebait stand); or</p> <p>(ii) Erection or placement, extension or alteration, maintenance, repair or reconstruction, or removal or demolition of any structure in accordance with Rules 20, 22, 23, 24 or 25 of this Plan.</p> <p>is a <b>permitted activity</b> if all of the following conditions are met:</p> <p>(a) The diverted river flow remains within the river bed; and</p> <p>(b) The duration of the diversion does not exceed two weeks; and</p> <p>(c) No lawful take of water is adversely affected as a result of the diversion; and</p> <p>(d) Fish passage through the diversion area is maintained and any fish stranded during the works are transferred to the flowing part of the river; and</p> <p>(e) The diversion does not cause or exacerbate flooding of another person's property, erosion, land instability, or property damage; and</p> <p>(f) At least seven days prior to the diversion occurring the Council is provided with a plan showing the proposed works in relation to the river flow and bed form, and a photo of the area of river to be diverted taken from a fixed reference point, and within seven days of the completion of the works a second photo is provided to the Council taken from the same fixed reference point; and</p>	<p>Temporary diversions of water are proposed as part of the construction process for placing various new in-stream Scheme and access road crossing structures on the beds of the Waitaha River and its tributaries.</p> <p>(a) Will comply for construction of in-stream structures.</p> <p>(b) Will likely comply for the construction of all culverts and fords. Given the Granite Creek bridge pier can be located on dry riverbed, compliance can also be achieved for this structure too. However, temporary diversions are unlikely to be less than 2-weeks duration for the construction of the Headworks structures or the Power Station tailrace.</p> <p>(c) Will comply</p> <p>(d) Will comply</p> <p>(e) Will comply</p> <p>(f) Can comply. In this respect, Westpower accepts a condition of consent requiring advance notice be provided ahead of diversions being established as part of in-stream construction works.</p> <p>(g) Will comply</p> <p><b>Conclusion:</b> Temporary diversions established during the construction and maintenance of new in-stream culverts, fords and bridges, and their ongoing maintenance are <b>Permitted Activities</b> under Rule 47.</p> <p>Diversions established prior to and during the construction of the Headworks and the Power Station tailrace are <b>Discretionary Activities</b>, requiring resource consent under Rule 58 (Other diversion activities).</p>

Rule Standard / Condition	Compliance Commentary
(g) Upon completion of the work, the river is returned as far as is practicable to its previous course, with similar bed form.	
<b>Rules 48: Permanent diversion of water</b>	
<p>The permanent diversion of water from an existing lawful structure (excluding any whitebait stand) or from a new structure erected or placed in accordance with Rules 22, 23, 24, or 25 is a <b>permitted activity</b> if all of the following conditions are met:</p> <p>(a) The diverted river flow remains within the river bed; and</p> <p>(b) The diversion does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage.</p>	<p>The proposal includes permanent diversions of water associated with the following activities:</p> <ul style="list-style-type: none"> <li>➤ Diversion of water through culverts and over fords permitted by Rule 23</li> <li>➤ Diversion of water through, over or around river flow monitoring structures permitted by Rule 25.</li> </ul> <p>(a) Complies</p> <p>The diverted river flow does not exit the river bed.</p> <p>(b) Will comply</p> <p><b>Conclusion:</b> Permanent water diversions through culverts, over fords and through, over or around river flow monitoring structures are a <b>Permitted Activity</b> under Rule 48.</p>
<b>Rule 50: Damming of water</b>	
<p>The damming of water is a permitted activity if all of the following conditions are met:</p> <p>(a) The size of the catchment upstream of the dam does not exceed 50 hectares; and</p> <p>(b) The water depth is no more than 3 metres at the dam face and the total water volume stored by the dam does not exceed 20,000 cubic metres; and</p> <p>(c) The damming does not cause or exacerbate flooding of another person's property, erosion,</p>	<p>The proposed diversion weir structure is not considered a "dam" as defined under the Building Act 2004, since it is not designed to hold back water so as to form a reservoir. Accordingly, Rule 50 is not considered relevant.</p>

Rule Standard / Condition	Compliance Commentary
<p>land instability, sedimentation or property damage; and</p> <p>(d) The dam is not located less than 20 metres above mean sea level; and</p> <p>(e) If constructed in permanently flowing streams, the dam allows a residual flow of 75% of MALF or the instantaneous flow whichever is the lesser; and</p> <p>(f) Council is informed in writing of the location of the dam and the method of construction proposed, at least seven days prior to commencing the erection or placement of the dam; and</p> <p>(g) A spillway is constructed, designed to pass the probable maximum flood; and</p> <p>(h) For sites where fish are present, effective fish passage is provided for; and</p> <p>(i) No lawful take of water is affected by the damming; and</p> <p>(j) There shall be no inundation of a natural wetland.</p>	
<b>Rule 51: Diversion of natural runoff - contaminated and uncontaminated</b>	
<p>The diversion (whether in pipes, constructed channels or otherwise) of stormwater runoff that is not contaminated, or of runoff that is contaminated to a water treatment system, is a <b>permitted activity</b> provided:</p> <p>(a) For the non-contaminated water:</p> <p>i) The diversion does not cause or exacerbate: flooding or ponding of water on another</p>	<p>For uncontaminated rain runoff from the Power Station Site (e.g. roofs and general yards) and other Scheme structures and roads, the diversion will comply with standards (a)(i) through (iv).</p> <p>Any rain runoff from the Power Station Site generated in high-risk areas (e.g. Transformer bunds or fuel / chemical storage areas) and from the temporary concrete batching plant, will either be diverted to waste tanks (e.g. if oil</p>

Rule Standard / Condition	Compliance Commentary
<p>person's property, erosion, land instability, sedimentation or property damage; and</p> <p>ii) The diversion does not affect any natural wetland; and</p> <p>iii) The diversion is incidental to permitted or consented earthworks; and</p> <p>iv) The diversion does not relate to the diversion of runoff from an area greater than 20 hectares; and</p> <p>(b) For contaminated water:</p> <p>i) The water is diverted to a water treatment system or plant; and</p> <p>ii) The diversion is incidental to permitted or consented earthworks.</p>	<p>is detected) or interceptor or similar treatment devices.</p> <p>Diversion of rainfall incidental to permitted or consented earthworks, will be diverted to dedicated sediment retention or similar devices.</p> <p>High pH diverted groundwater from the tunnels during their construction will be monitored and treated (Refer DRAFT ESCP).</p> <p><b>Conclusion:</b> Diversion of natural runoff during the construction and operational phases of the Project is a <b>Permitted Activity</b> under Rule 51.</p>
<b>Rule 57: Other takes and uses of surface water</b>	
<p>Unless provided for by Rules 39, 40, 42, 43 49, 50 or 55, the taking and use of surface water is a <b>discretionary activity</b>.</p>	<p>Other takes and uses of surface water associated with the Scheme that are not provided for by other relevant rules, and require <b>Discretionary Activity</b> resource consent under Rule 57 include the following:</p> <ul style="list-style-type: none"> <li>➤ Short-term take from the Waitaha River at three locations with a combined rate of up to 20 l/s of water for tunnel drilling, concrete batching plant operations, dust suppression and general construction related uses; and</li> <li>➤ The take of up to 23 m<sup>3</sup>/s of water from the Waitaha River for hydro-electric power generation purposes and associated ancillary activities; and</li> <li>➤ The take of groundwater from the pressurized water and access tunnels.</li> </ul>

Rule Standard / Condition	Compliance Commentary
<b>Rule 58: Other diversion activities</b>	
<p>Unless permitted by Rules 47, 48, 49, 51, or controlled by Rule 54, the diversion of water is a <b>discretionary activity</b>.</p>	<p>Other water diversion associated with the Scheme that are not provided for by other relevant rules, and require <b>Discretionary Activity</b> resource consent under Rule 58 include the following:</p> <ul style="list-style-type: none"> <li>➤ Temporary diversion of the full flow of the Waitaha River prior to and during the construction of the Headworks and the Power Station tailrace; and</li> </ul> <p>For hydro-electric power generation purposes;</p> <ul style="list-style-type: none"> <li>➤ Diversion of up to 23 m<sup>3</sup>/s of water from the Waitaha River to the Power Station;</li> <li>➤ Diversion of Waitaha River flows over the Headworks diversion weir (including over the kayak chute and notch channel);</li> <li>➤ Diversion of water through the Headworks residual flow gate and channel;</li> <li>➤ Intermittent diversion of water through the sluice gate and chamber; and</li> <li>➤ Diversion of groundwater entering the pressurized water and access tunnels.</li> </ul>
<b>Rule 60: Other hydroelectric activities</b>	
<p>Except as provided by Rule 54, each of the following activities is a <b>discretionary activity</b> and will be considered under the following rules:</p> <p>(a) The damming of water for hydroelectric power generation purposes – Rule 59;</p> <p>(b) The taking and use of water for hydroelectric power generation purposes – Rule 57;</p>	<p>The following activities also require <b>Discretionary Activity</b> resource consent under Rule 60;</p> <ul style="list-style-type: none"> <li>➤ The taking and use of water for hydroelectric power generation purposes – Rule 57;</li> <li>➤ The discharge of water and trace contaminants to water for hydroelectric power generation purposes – Rule 71 (see later); and</li> </ul>



Rule Standard / Condition	Compliance Commentary
(c) The discharge of water and trace contaminants to water for hydroelectric power generation purposes – Rule 71;	➤ The diversion of water for hydroelectric generation purposes – Rule 58.
(d) The diversion of water for hydroelectric generation purposes – Rule 58.	

## 1.4 DISCHARGE TO WATER RULES

An assessment of the Project's compliance against relevant rules for discharges to water is provided in **Table 4**.

**Table 4: RLWP Discharge to Water Rules Assessment**

Rule Standard / Condition	Compliance Commentary
<b>Rule 64: Discharge from any drain</b>	
The discharge from any drain to a water body, or another drain beyond the property boundary, is a permitted activity if all of the following conditions are met:	Once constructed, the Power Station Site will have a stormwater reticulation system that collects stormwater generated within the site and discharge it to the Waitaha River via the tailrace.
(a) The discharge does not cause or exacerbate flooding of another person's property, erosion, land instability, sedimentation or property damage; and	(a) Complies  No adverse erosion or land stability impacts beyond the land occupying the Site are anticipated from discharged stormwater, which will be an extremely small proportion of total flow.
(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not give rise to the following effects:	(b) Complies
i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or	The Power Station Site will be kept tidy and will not include exposed earth areas where sediment becomes entrained into stormwater to such an extent to cause any of these standards being exceeded.
ii) Any conspicuous change in the colour or visual clarity; or	

Rule Standard / Condition	Compliance Commentary
<p>iii) Any emission of objectionable odour; or</p> <p>iv) The rendering of fresh water unsuitable for consumption by farm animals; or</p> <p>v) Any significant adverse effects on aquatic life; or</p> <p>vi) Adverse effects on any take of water for human consumption; and</p> <p>(c) Any discharge to the Rahu River, Station Creek, Wooley River or Buller River upstream of Te Kuha must meet the requirements of Clause 11 of the Buller River Conservation Order (see Schedule 5).</p> <p>(d) The discharge does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing infrastructure.</p>	<p>Catchpits will also be used as part of the Power Station Site's stormwater system to minimise sediment loss.</p> <p>Hazardous substances (e.g. fuels and oils) will be stored within Power Station Site buildings and will not be exposed to rainfall. The switchyard transformer which contains in-use oil will not be covered, but it will sit within a dedicated bunded area equipped with oil detection drainage which will avoid any spills from leaving the site.</p> <p>(c) Not relevant</p> <p>(d) Not relevant</p> <p><b>Conclusion:</b> Discharges from reticulated stormwater to the Waitaha River via the tailrace is a <b>Permitted Activity</b> under Rule 64.</p>

**Rule 66: Incidental discharge of contaminants to water from temporary activities associated with maintenance of structures.**

<p>The incidental discharge of contaminants to water resulting from temporary activities associated with maintenance of structures is a <b>permitted activity</b> if all of the following conditions are met:</p> <p>(a) The incidental discharge shall be for no more than 10 working days; and</p> <p>(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not give rise to the following effects:</p> <p>i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p>	<p>(a) May not comply</p> <p>To ensure the long-term integrity of the Scheme, various maintenance activities will be required on its associated structures. These include intermittent clearing of sediment upstream of the Headworks in Kiwi Flat. The timeframes for undertaking structure maintenance will depend on the nature and scale of the maintenance required. In the interests of conservatism, it is considered that, in some circumstances, the duration of some maintenance activities (in-stream) may extend for longer than 10 days.</p> <p>(b) May not comply</p>
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Rule Standard / Condition	Compliance Commentary
<p>ii) Any conspicuous change in the colour or visual clarity; or</p> <p>iii) Any emission of objectionable odour; or</p> <p>iv) The rendering of fresh water unsuitable for consumption by farm animals;</p> <p>v) Any significant adverse effects on aquatic life; or</p> <p>vi) Adverse effects on any take of water for human consumption; and</p> <p>(c) Any discharge to the Rahu River, Station Creek, Wooley River or Buller River upstream of Te Kuha must meet the requirements of Clause 11 of the Buller River Conservation Order (see Schedule 5).</p>	<p>In relation subsection (i), larger maintenance events (e.g. intermittent clearing of sediment upstream of the Headworks in Kiwi Flat) may result in visible suspended sediment being beyond the mixing zone. All other subsections of this standard will be met.</p> <p>(c) Not relevant</p> <p><b>Conclusion: Discretionary Activity</b> resource consent is required under Rule 71 (Discharge of any contaminant, or water to water, not complying with Rules 63 to 70).</p>

#### Rule 67: Discharge of water to water excluding activities permitted by Rules 63, 64, 65, or 66.

<p>Excluding the activities permitted by Rules 63, 64, 65, or 66 any discharge of water to water is a <b>permitted activity</b> if all of the following conditions are met:</p> <p>(a) The discharge contains no contaminants beyond trace concentrations, or hazardous substances; and</p> <p>(b) Beyond a mixing zone of 12 times the width of the receiving water body, or 200 metres, whichever is the lesser, the discharge does not:</p> <p>i) Change the pH of the receiving water by more than 0.5 pH units where the pH is above 8 or below 6.5; or</p> <p>ii) Raise the temperature in the receiving water by more than 3 degrees Celsius, or cause the</p>	<p>The proposal includes the following construction related discharges of water to water:</p> <ul style="list-style-type: none"> <li>➤ Discharge of construction phase stormwater to the Waitaha River and its tributaries via sediment control devices;</li> <li>➤ Discharge of incidentally diverted groundwater entering the pressurized water and access tunnels to the Waitaha River via the Power Station and tailrace;</li> <li>➤ Discharges of temporary diverted water around in-stream work sites for the purposes of constructing instream structures within the beds of Waitaha River and its tributaries.</li> </ul> <p>The proposal includes the following operational discharges of water to water:</p>
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Rule Standard / Condition	Compliance Commentary
<p>temperature to rise above 25 degrees Celsius; and</p> <p>(c) The discharge does not cause flooding of another person's property, erosion, land instability, sedimentation or property damage.</p>	<ul style="list-style-type: none"> <li>➤ Discharge of up to 23 m<sup>3</sup>/s of water from the Power Station to the Waitaha River via the tailrace;</li> <li>➤ Discharge of Waitaha River flows over the Headworks diversion weir (including over the kayak chute and notch channel) into Morgan Gorge;</li> <li>➤ Discharge of water through the Headworks residual flow gate and channel into Morgan Gorge;</li> <li>➤ Intermittent discharge of water through the sluice gate and chamber into Morgan Gorge;</li> <li>➤ Discharge of incidentally diverted groundwater entering the pressurized water tunnel to the Waitaha River via the Power Station and tailrace;</li> <li>➤ Discharge of incidentally diverted groundwater entering the access tunnel to the Waitaha River via the tailrace;</li> <li>➤ Discharge of desander flush water to the Waitaha River via the tailrace; and</li> <li>➤ Discharges of water past the Headworks diversion weir during sediment and debris clearing maintenance activities in Kiwi Flat;</li> <li>➤ Discharge of stormwater generated from the Scheme's built structures, including access roads, Power Station Site and Headworks, to the Waitaha River and its tributaries.</li> </ul> <p><b>Conclusions:</b> All the above discharges of water to water are considered compliant with Rule 67 due to the following key reasons:</p> <ul style="list-style-type: none"> <li>➤ Construction phase stormwater will not have elevated pH or temperature;</li> <li>➤ Incidentally diverted groundwater entering the pressurized water and access tunnels to</li> </ul>

Rule Standard / Condition	Compliance Commentary
	<p>the Waitaha River via the Power Station and tailrace during construction will be monitored for pH and diverted to appropriate treatment and land soakage facilities at the power station site (Refer DRAFT ESCP);</p> <ul style="list-style-type: none"> <li>➤ The quality of temporarily diverted water around in-stream work sites during construction of instream structures will be identical to the downstream water quality.</li> <li>➤ The quality of the main Power Station's operational discharge via the tailrace will be near identical to the water quality at the point of diversion and no additional flooding or erosion is expected since the discharge flow rates simply result in river flows returning to their natural state at, and downstream of, the tailrace;</li> <li>➤ The pH and temperature of the Waitaha River will not change as a result of discharges of Waitaha River flows over or through the Headworks diversion into Morgan Gorge;</li> <li>➤ The pH and temperature of incidentally diverted groundwater entering the pressurized water and access tunnels is not expected to alter these parameters within the receiving Waitaha River environment.</li> <li>➤ Discharge of desander flush water to the Waitaha River via the tailrace will be undertaken at high flows and are also not expected to alter these parameters within the receiving Waitaha River environment; and</li> <li>➤ Discharges of any higher risk stormwater generated from the Power Station Site will be diverted (e.g. if oil is detected) to closed loop storage tanks and, given the nature of the site, there is no conceivable mechanism that</li> </ul>

Rule Standard / Condition	Compliance Commentary
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would result in stormwater becoming elevated in high pH or temperature.

## 1.5 DISCHARGE TO LAND RULES

An assessment of the Project's compliance against relevant rules for discharges to land is provided in **Table 5**.

Table 5: RLWP Discharge to Land Rules Assessment

Rule Standard / Condition	Compliance Commentary
<b>Rule 66: On-site discharge of sewage effluent</b>	
	Not relevant.
	The proposal does not include any on-site sewage effluent discharges. All sewage waste will be collected and disposed of and treated at a licensed off-site facility during the construction and operational phases of the Project.
<b>Rule 81: Discharge of stormwater runoff</b>	
The discharge of collected stormwater runoff into or onto land is a <b>permitted activity</b> provided that all of the following conditions are met:	During construction, stormwater generated from all disturbed terrestrial areas will be subject to appropriate erosion and sediment controls including the promotion of land soakage (Refer DRAFT ESCP) and is covered under the permitted earthworks rules (Rule 3).
(a) The discharge does not cause or exacerbate erosion, scouring, land instability, sedimentation or ponding beyond the boundary of the subject property; and	During the operational phase, stormwater generated from hard surfaces located within the Power Station Site and at the Headworks will discharge to the Waitaha River.
(b) The discharge does not contain any human or animal or wastes; and	Stormwater generated from access roads will be discharged (initially) to land and is assessed below.
(c) Where the discharge into or onto land enters water, it does not increase the flow to the extent	

Rule Standard / Condition	Compliance Commentary
that it exceeds the carrying capacity of existing drainage infrastructure; and	(a) Complies
(d) If the discharge originates from an area where hazardous substances are stored or used:	(b) Complies
i) Hazardous substances cannot enter the stormwater system; or	(c) Complies
ii) There is an interceptor in place to collect all stormwater that contains hazardous substances and beyond trace concentrations these hazardous substances are contained on-site until removed to an approved disposal facility for the type of hazardous substance concerned.	(d) Not relevant
	<b>Conclusion:</b> Stormwater discharges to land are considered a <b>Permitted Activity</b> under Rule 81.

#### Rule 82: Discharge of water containing contaminants from drilling activities to land

The discharge of contaminants to land from drilling of a temporary nature to investigate subsurface conditions is a <b>permitted activity</b> , provided that all of the following conditions are met:	Preconstruction geotechnical investigation drilling activities will include discharges of water containing drilling fluids and cuttings to land which will comply with all Rule 82 standards except that the bore holes may not be sealed within 2 months of construction (Standard (e)). This depends on the types and numbers of in-situ tests undertaken.
(a) The only contaminants in the discharge are:	<b>Conclusion:</b> In the interests of conservatism, a <b>Discretionary Activity</b> resource consent is sought for the discharge of contaminants to land from temporary investigative drilling under Rule 91.
i) Suspended sediments; or	
ii) Drilling fluid additives approved by the Council and will not leave a residual toxicity in the soil and groundwater; and	
iii) The rendering of freshwater unsuitable for consumption by farm animals; or	
iv) Adverse effects on any take of water for human consumption; and	
(b) The use of drilling fluid additives shall be undertaken in accordance with best industry	

Rule Standard / Condition	Compliance Commentary
<p>practice and the manufacturer's recommendations; and</p> <p>(c) Mitigation measures are put in place to prevent, as far as practicable, the discharge of any contaminants associated with the drilling operations into surface water bodies; and</p> <p>(d) There shall be no discharge to water from the exploratory drilling operations that result in any of the following effects in any receiving water:</p> <p>i) The production of any conspicuous oil or grease films, scums, or foam, or floatable or suspended material (including silt and/or sediment; or</p> <p>ii) Any conspicuous change in the colour or visual clarity; or</p> <p>iv) Any significant adverse effects on aquatic life; or</p> <p>(e) Within two months of completion of drilling activities, the decommissioned hole shall be sealed to prevent adverse effects on groundwater quality and each drilling site shall be left in a tidy condition; and</p> <p>(f) Any materials used to seal the hole shall be non-toxic; and</p> <p>(g) The drill hole must not exceed 200mm in diameter; and</p> <p>(h) A drilling log will be kept in accordance with NZS4411:2001.</p>	
<b>Rule 83: Stockpiling</b>	
<p>Unless covered by Rule 84 the stockpiling of gravel, sand, rock, soil or coal is a <b>permitted</b></p>	<p>Cut earth (gravel, sand, rock and soil) during earthworks (prior to cut to fill activities or spoil</p>



Rule Standard / Condition	Compliance Commentary
<p><b>activity</b>, provided that all of the following conditions are met:</p> <p>(a) There is no discharge of contaminated runoff beyond the boundary of the subject property; and</p> <p>(b) The discharge is located and contained to ensure that neither the discharge nor any contaminant arising from the discharge is able to enter any water body or the coastal marine area.</p>	<p>disposal) and tunnel cuttings (rock) during tunnel construction (prior to spoil disposal) will be temporarily stockpiled on the site.</p> <p>These materials will be located within the footprints of disturbed areas subject to the ESCP. Accordingly, the standards for Rule 83 will be met.</p> <p>Temporary stockpiles of materials, including cut earth, used for access road construction are permitted by Rule 83 (see below).</p> <p><b>Conclusion:</b> Stockpiling of gravel, sand, rock and soil is a <b>Permitted Activity</b> under Rule 83.</p>
<b>Rule 84: Stockpiling of roadworks materials</b>	
<p>The stockpiling of material for road construction and maintenance is a <b>permitted activity</b>.</p>	<p>During the construction of the access roads, stockpiling of extracted river gravels will be undertaken as a <b>Permitted Activity</b> under Rule 84.</p>
<b>Rule 86: The discharge of cleanfill into or onto land in the Non Erosion Prone Area, outside riparian margins</b>	
<p>The discharge of cleanfill into or onto land in the Non Erosion Prone Area, outside riparian margins is a <b>permitted activity</b> subject to the following conditions:</p> <p>(a) Sufficient sediment control is constructed so that the activity does not either:</p> <p>i) Decrease the visual clarity of any receiving water by more than 40% as measured by black disc; or</p> <p>ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric Turbidity Unit (NTU) where the natural turbidity upstream</p>	<p>The proposal to discharge spoil material produced during the construction of the Scheme's tunnels to land on the McLean Farm is considered cleanfilling. In addition, the proposed spoil disposal sites are considered to be located within a Non Erosion Prone Area and outside riparian margins. Accordingly, this proposed activity is assessed against Rule 86 below.</p> <p>(a) Bespoke erosion and sediment controls will be finalised and implemented at the spoil disposal sites (Refer DRAFT ESCP) which will ensure compliance;</p> <p>(b) Complies</p>

Rule Standard / Condition	Compliance Commentary
from the discharge is less than or equal to 10 NTU; or	(c) Complies (see (a)) (d) Complies
iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU;	No conceivable impacts on any up or downstream surface water takes (e) Does not comply
as measured beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and	The spoil disposal sites are located within a floodplain. (f) Will comply
(b) No cleanfill is placed directly in any river or lake bed; and	(g) Will comply (Refer DRAFT ESCP) (h) May not comply
(c) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and	Rock cuttings from tunnel construction will be monitored for acid production. In the interests of conservatism, it is assumed that some rock cuttings may produce some level of acid.
(d) The activity does not affect any surface water take; and	(i) Likely to comply
(e) The activity is not within:	Given the vast flood plain area, and the location of spoil sites being upstream of any neighbouring properties, and the large distance to the nearest downstream neighbouring property, the spoil disposal sites are not anticipated to generate a measurable increase in flooding at these properties.
i) 50 metres of the Coastal Marine Area on the open coast line; or	(j) Will comply
ii) 20 metres of the Coastal Marine Area elsewhere; or	Sampling and testing of spoil material will be undertaken.
iii) Any wetland identified in Schedule 1 or 2; and	(k) Will not comply
iv) The floodplain of a river; and	The volume of spoil disposed to land will be approximately 70,000m <sup>3</sup> .
(f) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and	(l) Will comply
(g) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and	(m) Will comply <b>Conclusion:</b> The proposed cleanfilling does not comply with Rule 86. Accordingly, <b>Discretionary Activity</b> resource consent is

Rule Standard / Condition	Compliance Commentary
<p>(h) The cleanfill has no acid producing material; and</p> <p>(i) The activity shall not cause any increase in flooding on neighbouring properties; and</p> <p>(j) Records of the source and composition of all cleanfill material discharged at the site must be maintained and made available to the Council upon request; and</p> <p>(k) The discharge does not exceed an annual volume of 5000m<sup>3</sup>; and</p> <p>(l) The site is left tidy on completion; and</p> <p>(m) The siting, design, installation, and management must be in accordance with 'A guide to the Management of Cleanfills'.</p>	<p>required under Rule 91 (Discharge to land discretionary activity Rule).</p>

#### Rule 91: Discharge to land discretionary activity Rule

Unless permitted by Rules 72 to 86, or controlled by Rules 87 to 90, any discharge of contaminants into or onto land is a **discretionary activity**.

Proposed discharges to land that are not provided for by Rules 72 to 86, or Rules 87 to 90 include the following:

- Discharge of contaminants to land from temporary investigative drilling;
- Temporary discharge of concrete batching plant wash water to land;
- Discharge of cleared vegetation to land; and
- Discharge of spoil material produced from tunnel construction to land.

## 2. REGIONAL AIR QUALITY PLAN

### 2.1 REGIONAL RULES

An assessment of the Project's compliance against relevant regional rules for discharges to air is provided in **Table 5**.

Table 6: RAQP Discharge to Air Rules Assessment

Rule Standard / Condition	Compliance Commentary
<b>Rule 3: Stockpiling, conveying and handling</b>	
Unless covered by another rule in this Plan, the discharge of any contaminant into air arising from the stockpiling, conveying and handling of gravel, sand, soil, rock, coal, sawdust or wood chips, is a <b>permitted activity</b> provided that the following conditions are met:	Temporary stockpiles used for access road construction are a Permitted Activity under Rule 84.
a) there is no discharge of dust beyond the boundary of the subject property, and	Other stockpiles of tunnel construction cuttings will be located at the Power Station Site at the Headworks area.
b) any discharge of odour is not noxious, dangerous, offensive or objectionable beyond the boundary of the subject property.	(a) Complies
	Stockpile locations are significant distances from the property boundary. No dust will mobilise past this boundary.
	(b) Complies
	Materials stockpiled do not emit any odour or other noxious discharge to air.
<b>Rule 5: Earthworks, Quarrying, Mining and Cleanfill Operations</b>	
Unless covered by another Rule in this Plan, the discharge of any contaminant into air arising from earthworks, quarrying operations, mining, or cleanfill operations is a permitted activity provided that the following conditions are met:	Rule 5 is relevant to proposed earthworks and cleanfilling activities.
a) any discharge of smoke, dust, gas or odour is not noxious, dangerous, offensive or objectionable beyond the boundary of the subject property; or	(a) Complies
	Earthwork and cleanfilling areas can be managed (e.g. water sprays) so that any dust beyond the cleanfilling site is not objectionable
	Dust from other earthwork sites will not mobilise past the property boundary.
	(b) Complies

Rule Standard / Condition	Compliance Commentary
b) in the case of public amenity areas, any discharge of smoke, dust, gas or odour is not offensive or objectionable beyond the boundary or beyond 50 metres of the discharge, whichever is the lesser.	Materials stockpiled do not emit any odour or other noxious discharge to air.
<b>Rule 6: Abrasive blasting, other than using a moveable source</b>	
<p>The discharge of any contaminants into air from abrasive blasting, other than from the use of a moveable source, is a permitted activity provided that the following conditions are met:</p> <p>a) the discharge does not result in any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property;</p> <p>b) when using wet abrasive blasting techniques, there is no discharge of water spray beyond the boundary of the subject property;</p> <p>c) there is no discharge of dust beyond the boundary of the subject property; and</p> <p>d) sand or and other material used for abrasive blasting contains not more than 5% free silica on a dry weight basis.</p>	<p>Maintenance of hydro scheme structure may utilise abrasive blasting.</p> <p>(a) Complies</p> <p>The nature of materials involved will not emit noxious or dangerous contaminants. No lead based paints will be used on the Scheme structures.</p> <p>(b) and (c) Comply</p> <p>Adequate setbacks will ensure compliance.</p> <p>(d) Will Complies</p> <p><b>Conclusion:</b> Future abrasive blasting activities will comply with permitted activity Rule 6.</p>
<b>Rule 16: General Discretionary Activities</b>	
<p>Any discharge of contaminants into air from:</p> <p>1. any industrial or trade premises that is not specifically provided for by any rule within this Plan; or</p> <p>2. any source (whether moveable or not), which does not comply with any condition of a permitted activity rule or any of the standards and terms of a controlled activity rule within this Plan, but which is not prohibited;</p>	<p>The following other air discharge activities not provided for by any other Rule in the RAQP include the following;</p> <ul style="list-style-type: none"> <li>➤ Discharges to air from a temporary concrete batching plant; and</li> <li>➤ Discharges to air associated with intermittent operation of an emergency diesel fired generator at the Power Station Site.</li> </ul> <p>In respect of diesel combustion related air discharges from the proposed emergency</p>

Rule Standard / Condition	Compliance Commentary
is a <b>discretionary activity</b> .	<p>generator, it is noted that controlled activity Rule 14 does not provide for diesel fuel burning but does provide for burning of natural or liquefied petroleum gas at a rate of up to 50MW and burning of untreated wood, coal or oil at a rate of up to 10MW. The emergency generator proposed will be approximately 0.8MW.</p> <p>Despite the effects of the proposed diesel-fired generator discharges will easily fit within the permitted baseline, in the interests of conservatism, a <b>Discretionary Activity</b> resource consent is sought for these discharges.</p>

### 3. OPERATIVE WESTLAND DISTRICT PLAN

#### 3.1 RULES FOR LAND USE

An assessment of the Project's compliance against other relevant land use rules and performance standards set out in the WDP is provided in **Table 7**.

Table 7: WDP Assessment

Project component	Rule / Standard	Compliance Commentary
<b>Part 5: Rural Policy Unit Rules</b>		
Hydro-electric power generation activities		

Project component	Rule / Standard	Compliance Commentary
Construction, use, operation, maintenance and repair of a hydro-electric power scheme.	<p>Rules 5.6.2.1 and 5.6.2.2.</p> <p>The effect of Rule 5.6.2.1 (all zones) is that any activity which does not fall within the permitted or discretionary categories is deemed to be a Non-Complying Activity.</p> <p>Rule 5.6.2.2. lists activities which are either permitted (A) or controlled (B).</p> <p>Rule 5.6.2.2 (C) provides for other discretionary activities (except for mining) where they comply with relevant standards in Table 5.7 (see below).</p>	<p>The construction, use, operation, maintenance and repair of a hydro-electric power scheme are not included in either list and, therefore, are <b>not</b> a permitted or controlled activity.</p> <p>Accordingly, the construction, use, operation and maintenance of a Hydro Electric Power Scheme is a discretionary activity subject to compliance with the standards for discretionary activities in Table 5.7 of the Plan (see rows below).</p>
	Table 5.7 (a) Maximum gross floor area of non-farming building = 800m <sup>2</sup>	<p>Does not comply</p> <p>Permanent and temporary Buildings, including at the Power Station Site (e.g. powerhouse and tailrace) and at Construction Staging Areas 1, 2 and 3 will have GFA exceeding 800m<sup>2</sup></p>
	<p>Table 5.7 (b) Minimum Yards all other buildings:</p> <ul style="list-style-type: none"> <li>➤ front = 7m</li> <li>➤ side/rear = 2m</li> <li>➤ state highway boundary = 10m</li> </ul>	<p>Complies</p> <p>No buildings associated with the project front either local roads or the state highway.</p> <p>All permanent buildings for the project are located within DOC land with yard setbacks significantly exceeding the minimum requirements.</p> <p>Temporary construction buildings in Construction Staging Area 3 will be in excess of 2m from the property's boundary with Macgregor Creek.</p>

Project component	Rule / Standard	Compliance Commentary
	Table 5.7 (d) Noise:	Complies
	0700-2100 hrs Mon-Fri = 55 dBA (within the notional boundary)	Refer Noise Report
	0700-1800 hrs Saturday = 55 dBA (within the notional boundary)	
	All other times including Public Holidays = 45 dBA (within the notional boundary)	
	Table 5.7 (f) Signs	Does not comply
	➤ maximum area = 3 m <sup>2</sup> (Subject to Appendix F)	There will be more than 2 signs erected on the Project Site.
	➤ maximum number per site = 2	This assessment has interpreted all public safety signs are intended to attract attention and need to be located in a public place to meet their intended purpose and, thereby, meeting the WDP definition of signs.
	Table 5.7 (h) Maximum Height = 25 m	Complies
	Table 5.7 (i) Minimum riparian setbacks from rivers and streams (of more than 3 m in width) = 10m	<p>The proposal will include vegetation clearance within 10m from the Waitaha River and some of its tributaries that are wider than 3m.</p> <p><b>Conclusion:</b> The proposed construction, use, operation, maintenance and repair of the Scheme, including vegetation clearance within riparian margins, are also <b>not</b> discretionary activities under Rule 5.6.2.2 (C) since they exceed the following relevant Table 5.7 performance standards:</p>



Project component	Rule / Standard	Compliance Commentary
		<p>(a) Maximum gross floor area</p> <p>(f) Maximum number of signs; and</p> <p>(i) Minimum riparian setbacks</p> <p>Therefore, the Project falls to be considered as a <b>Non-complying activity</b> in accordance with Rule 5.6.2.1.</p>
Vegetation clearance	<p>Although part of the proposed Project construction activities Rule 5.6.2.2 (C) – specifically lists vegetation clearance as a separate Discretionary Activity as follows:</p> <p>The clearance of more than 2000 m<sup>2</sup> of indigenous vegetation per 5 years per site:</p> <p>(a) Where the contiguous land is managed for conservation purposes, or;</p> <p>(b) From an area of indigenous vegetation in excess of 5 hectares.</p> <p>(c) From a natural wetland.</p>	<p>The proposed vegetation clearance is provided for by part (a) of the 5.6.2.2 (C) vegetation clearance rule as a Discretionary Activity provided relevant standards in Table 5.7 are met.</p> <p>The only relevant Table 5.7 is the riparian setback standard (i) requiring the activity be set back at least 10 metres from rivers and streams wider than 3m.</p> <p>The proposal will include vegetation clearance both within and outside the 10m setback rivers and streams within and adjacent to the Site that are wider than 3m (including the Waitaha River and some of its tributaries).</p> <p><b>Conclusion:</b> As identified above, the proposed vegetation clearance within riparian margins is <b>not</b> a discretionary activity under Rule 5.6.2.2 (C) and, therefore, falls to be considered as a <b>Non-complying activity</b> in accordance with Rule 5.6.2.1, however, vegetation clearance outside riparian margins is a <b>Discretionary Activity</b> under Rule 5.6.2.2 (C).</p>
Investigative geotechnical drilling activities		
Exploration drilling	Rule 5.6.2.2 lists activities which are either permitted (A) or controlled (B).	<p>(a) Complies</p> <p>Investigative drill holes will be less than 150mm in diameter.</p>

Project component	Rule / Standard	Compliance Commentary
	<p>Bullet point two of the permitted activity category (A) does permit, amongst other activities, <i>“reconnaissance exploration activities up to and including drilling, scout trenching and geophysical surveys,”</i> subject to the following standards:</p> <p>a) All drilling limited to 150 mm diameter and a density of one drill site per hectare.</p> <p>b) Scout trenching or sampling by hand methods, or by mechanical means where there is existing access to the actual site to be sampled, or by the use of explosives, where the aggregate length of the samples taken does not exceed 50 linear metres of sample per hectare</p> <p>c) Geophysical surveys not using explosives</p> <p>All permitted activities are subject to:</p> <p>(1) Compliance with the standards for permitted activities (see table 5.7); and</p>	<p>(b) Not relevant</p> <p>(c) Complies</p> <p>Geophysical surveys proposed at the Power Station Site will not use explosives.</p> <p>(1) Does not fully comply</p> <p>In respect of the standards for discretionary activities in Table 5.7, although the investigative drilling will occur in highly remote areas, thereby meeting relevant noise standards, one of the proposed drill sites (near the water intake portal at the Headworks) will be located within a riparian margin.</p> <p>(2) Complies</p> <p>Refer Part 8 assessment below.</p> <p>(3) Does not comply</p> <p>There is no schedule of outstanding landscapes or features in the WDP.</p> <p>The plan at 3.10 - Landscapes (Objectives) does, in the background, advise that “The following are examples of outstanding natural landscapes in the district; land above 300 m, i.e. podocarp forest and mountains, ...”. In this respect, the proposed geotechnical drilling sites are not above 300m.</p> <p>The plan at 4.8 - Landscapes (Policies) sets criteria for determining outstanding landscapes (including natural features). The Landscape Report confirms that the Project Site is within an outstanding landscape area, and that Morgan Gorge is an outstanding natural feature.</p>

Project component	Rule / Standard	Compliance Commentary
	<p>(2) Compliance with the general rules in Part 8; and</p> <p>(3) No modification to or effect on any outstanding natural features and landscapes, or any area of significant indigenous vegetation or habitat (except as specified in 5.6.2.2 (C)) and no modification to or effect on the coastal environment.</p>	<p>Drilling sites do not require the clearance of more than 2000m<sup>2</sup> of indigenous vegetation and are not in the coastal environment.</p> <p>On the basis that the drilling locations are in outstanding landscape area, the status of drilling activities in this case turns on whether or not they qualify as a “modification” to the area.</p> <p>Under the WDP. “Modification” means physical changes to a building or site which are outside those normally expected by minor works and exclude demolition and removal.</p> <p>In the context of this hydro power scheme proposal and noting that geotechnical investigative drilling in conservation land is not a “normally expected” activity, it is considered that the proposed drilling constitutes a “modification” of an outstanding landscape area and is, therefore, not permitted by Rule 5.6.2.2.</p> <p><b>Conclusion:</b> On the basis that one of the proposed drill sites (near the water intake portal at the Headworks) will be located within a riparian margin, it does not comply with Table 5.7, therefore, falls to be considered as a <b>Non-Complying Activity</b>.</p>

#### Part 6: Other Activities in All Zones

Permitted activities	Part 6.2 (a) – Temporary Activities	A Temporary Activity is defined in the District Plan and includes, “any land use or structure of a short-term duration of up to 12 months and buildings and scaffolding incidental to a construction project provided that they are dismantled within 5 days of the project's completion or 12 months, whichever is the lesser”.
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Project component	Rule / Standard	Compliance Commentary
		<p>Construction is not defined in the District Plan although it is noted that there are many sites of civil works throughout the District that would be occurring on the basis of a temporary activity.</p> <p>Construction will take more than 12 months, Accordingly, it is not a temporary activity under the plan and falls to be considered as part of the construction, use, operation and maintenance of a hydro-electric power scheme under Part 5 (see above).</p>
	<p>Part 6.2 (c)(i) Reconstruction, maintenance (including stockpiling of roading materials), modifications to the geometry of the existing road and state highway network, and improving road design standards, within any existing road reserve or designation.</p>	<p>Part of the proposal will be to upgrade a section of Anderson Road, connecting the southern end of Waitaha Road to the beginning of the site access road on the McLean farm.</p> <p><b>Conclusion:</b> The proposed upgrade to Anderson Road is considered a <b>Permitted Activity</b> under Rule 6.2 (c)(i).</p>
	<p>Part 6.2 (h) – Construction and maintenance of irrigation systems, open drains and channels for the conveyance of water.</p>	<p>Logically, it is not considered that the pressurized water tunnel, tailrace and other structures conveying water as part of the Scheme, as individual components constructed on the land, are provided for as permitted activity by this rule.</p> <p>This rule is therefore not considered applicable from an activity status perspective. Instead, it is more appropriate to consider these structures as part of the Scheme considered and assessed under Part 5 (see above).</p>

Project component	Rule / Standard	Compliance Commentary
	Part 6.2 (i) – Construction and maintenance of any stopbank or culvert.	Flood protection works at the Power Staton Site and culverts required as part of the Project are <b>Permitted Activities</b> under Rule 6.2 (i).
	Part 6.2 (j) - Installation and maintenance of transformers, lines and associated equipment for conveyancing electricity at a voltage up to and including 110 kV with a capacity up to and including 100 MVA. Subject to 6.6(B)	<p>The proposed new 66 kV transmission line and upgrade works to the existing 11kV line are permitted activities subject to compliance with Part 6.6B.</p> <p>In regards to compliance with Part 6.6B:</p> <ul style="list-style-type: none"> <li>➤ There are no accessory buildings proposed, thereby complying with subpart (i);</li> <li>➤ The activity is not a broadcasting or telecommunications facility therefore subpart (ii) is not relevant;</li> <li>➤ The works are in the rural zone therefore subpart (iii) is also not relevant; and</li> <li>➤ The works are not located at an elevation above 800m, therefore subpart (iv) is not relevant either.</li> </ul> <p><b>Conclusion:</b> The proposed new 66 kV transmission line and upgrade works to the existing 11kV line are <b>Permitted Activities</b> under Rule 6.2 (j).</p>
	Part 6.2 (n) - Regulatory signs which are required to be erected by the Council; traffic signs erected by the road controlling authority or Council; signs denoting the names of the street, number of premises, or the location, timetable or other details of any public facility; small identification signs of facilities such as parking	This rule is not considered applicable from an activity status perspective. Instead, it is more appropriate to consider these structures as part of the Scheme assessed under Part 5 (see above).

Project component	Rule / Standard	Compliance Commentary
	<p>areas or toilets which are less than 0.5m<sup>2</sup> in size, and motorist information signs erected by a public body denoting facilities in an area.</p>	
Controlled Activities	Part 6.2 (p) - Any above ground network utility structure subject to 6.6(B)	<p>The Power Station Site's substation (an above ground network utility structure) will include one transformer – considered ancillary substation buildings.</p> <p>In regards to compliance with Part 6.6B:</p> <ul style="list-style-type: none"> <li>➤ The transformer will not exceed 7.5m in height nor will they individually have a ground coverage of more than 15m<sup>2</sup>, therefore, they comply with subpart (i);</li> <li>➤ The activity is not a broadcasting or telecommunications facility therefore subpart (ii) is not relevant;</li> <li>➤ The works are in the rural zone therefore subpart (iii) is not relevant; and</li> <li>➤ The transformer is not located at an elevation above 800m, therefore subpart (iv) is not relevant either.</li> </ul> <p><b>Conclusion:</b> The proposed substation transformers (network utility structures) are <b>Permitted Activities</b> under Rule 6.2 (p).</p>
Controlled Activities	Parts 6.3 and 6.4	There are no relevant controlled or restricted discretionary activities associated with the activity.
Discretionary Activities		

Project component	Rule / Standard	Compliance Commentary
<b>Part 8:</b> <b>General rules</b> <b>performance</b> <b>standards for</b> <b>activities in all</b> <b>zones</b>  Signs	Part 8.2	<p>As already identified, signs, and in particular, having more than 2 signs, is one of the non-complying matters assessed as part of overall Scheme under Part 5 (above).</p> <p>For completeness, assessment of Part 8.2 sign performance standards is provided in the rows below.</p>
	Signs may be illuminated but may not be flashing, revolving or retro-reflective.	<p>Complies</p> <p>Proposed signs will not have any of these attributes</p>
	Signs shall have neat and uncluttered lettering.	Will Comply
	Signs must relate to a facility or activity in the District. Signs shall be erected on the property to which they relate except for any sign advertising forthcoming sporting, religious or cultural events (including general or local body elections) provided that the sign shall be displayed for not more than 3 months before and shall be removed within 10 days after the event.	Any signage alerting the public of construction activities will comply.
	Signs shall be sited so that they do not restrict visibility to and from intersections and property accesses.	Will comply

Project component	Rule / Standard	Compliance Commentary
	Signs shall not conflict with the colour combinations or shape of traffic control signs.	Will comply
Stormwater disposal	Signs and support structures shall be well maintained.	Will comply
Stormwater disposal	Rule 8.3 - Stormwater runoff from buildings shall be directed to the road channel, or to a watercourse within the property, or to an approved drain provided for that purpose.	<p>Will comply</p> <p>Power Station Site stormwater will be directed to the tailrace wither via overland flow and/or on-site reticulated drainage.</p> <p>Stormwater runoff from temporary buildings used during construction will be directed either to on-site ground soakage facilities or to a water course on the property (subject to separate assessment against relevant WCRC rules).</p>
Glare	(a) Rule 8.5 - All exterior lighting shall be designed, installed and maintained so that light emitted does not cause a distraction or glare which could create a traffic hazard on any road.	<p>Will comply</p> <p>The location of the project ensures that there will be no traffic hazard created on any road.</p> <p>Complies</p> <p>Rule 8.6 states that standards on the use, storage, production or mixing of hazardous substances only apply where those matters are not already dealt with through other existing legislative or regulatory mechanisms.</p>
Hazardous Substances	<p>Rule 8.6 –</p> <p>(b) All sites used for the storage of hazardous materials must be adequately roofed and sealed with impervious materials.</p>	<p>In respect of this Project, all hazardous substances will be stored and handled in accordance with HSNO requirements.</p>



Project component	Rule / Standard	Compliance Commentary
Access	No hazardous substance may be discharged into the stormwater system or otherwise enter the environment in a potentially damaging form.	Complies
Access		Access to the Site during its construction and operation is from the end of Waitaha Road and utilises upgraded existing farm access and new access roads.
	Rule 8.9	Complies
	1. Every owner or occupier of land shall provide vehicular access to the site for parking and loading over the site by provision of a vehicle crossing constructed from the carriageway of the road or service lane to the boundary of the site.	Access to the Site during its construction and operation is from the end of Waitaha Road and utilises upgraded existing farm access and new access roads.
	2. Vehicular access shall be designed, constructed and maintained to ensure that they are able to be used in all weather conditions; stormwater and detritus do not migrate onto the road; and are suitable for the volume and weight of traffic likely to use the access.	<p>Will comply</p> <p>Passing bays constructed within the Waitaha Road reserve and upgrades to Anderson Road will be designed to ensure fit-for-purpose, all-weather usage.</p> <p>New access tracks (south of Macgregor Creek) will be between 10 and 15m wide.</p> <p>Upgraded farm access track will be no less than 4m wide with passing bays.</p> <p>Culverts and water tables will be included, replaced or upgraded to ensure appropriate stormwater management.</p>
	3. Where vehicular access to the rear of a commercial or industrial site is possible by means of a dedication or	Complies

Project component	Rule / Standard	Compliance Commentary
	<p>use of a service lane, or land over which the rights-of-way are held in respect of that site, such means of access shall be provided for parking and loading spaces in preference to any new vehicular crossing over any footpath.</p>	
	Table 8.9.1 - Property Access Performance Criteria	Not relevant – Waitaha Rd – SH6 intersection is existing.
	Table 8.9.2 - Vehicle Generation Thresholds (ecm/d)	<p>Complies</p> <p>Regarding the Waitaha Rd – SH6 intersection, the Site will be a High Generator during the construction phase (50-100 ecm/d).</p> <p>During operations the Site will be a Low Generator (less than 50).</p>
	8.9.3 Access to roads other than state highways.	Access will utilise Waitaha Road, upgraded Anderson Road and a new vehicle crossing off Anderson Road.
	<p>1. Width of Vehicle Access Strips</p> <p>Access strips shall not be less than 6 metres width to all lots in the Rural zone.</p>	<p>Complies</p> <p>All accessways are more than 6m wide.</p>
	<p>2. Location of Vehicle Crossings</p> <p>Vehicle access shall be a minimum of 50 metres from any intersection in the Rural</p>	<p>Does not comply</p> <p>New vehicle crossing is less than 50m from an existing vehicle crossing.</p>

Project component	Rule / Standard	Compliance Commentary
	<p>zone. Where the road frontage of any site in the Rural Zone lies entirely within 60 metres of any intersection the access shall be located within 12 metres of the side boundary of the side furthest from the intersection.</p> <p>These distances shall be measured above the road boundary of the site to the (extension of the) nearest road boundary of the intersecting road.</p>	<p><b>Conclusion:</b> The proposed new vehicle crossing is a <b>Restricted Discretionary</b> activity under Rule 8.9.3.</p>
Manoeuvring and Parking Space Dimensions for Cars	<p>3. Sight Distances</p> <p>100km/hr – 150m</p>	Complies
Manoeuvring and Parking Space Dimensions for Cars	Rule 8.10.1 - General	This standard is not logically applicable to the proposal which comprises an industrial scale power station site, inclusive of on-site parking for staff and maintenance workers, which does not front a legal road.

## 4. PROPOSED DISTRICT PLAN

### 4.1 RULES IN EFFECT FOR LAND USE

An assessment of the Project's compliance against relevant TTPP land use rules in effect, and associated performance standards, is provided in **Table 8**.

Table 8: TTPP Assessment of Rules in Effect

Rule Standard / Condition	Compliance Commentary
<b>Ecosystems and Indigenous Biodiversity</b>	
<b>ECO-R1 - Indigenous vegetation clearance and disturbance outside of the coastal environment</b>  <b>Activity Status Permitted where:</b>	
<ol style="list-style-type: none"> <li>1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four;</li> <li>2. It is clearance permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1; or</li> <li>3. It is necessary for one of the following purposes: <ol style="list-style-type: none"> <li>i. It is the removal of windthrown timber through: <ol style="list-style-type: none"> <li>a. Use of helicopter recovery methods; or</li> <li>b. Where ground based recovery is only undertaken from areas adjacent to existing vehicle tracks; or</li> </ol> </li> <li>ii. The maintenance, operation and repair of lawfully established tracks, fences, structures, buildings, critical infrastructure, network utilities, renewable electricity generation activities or natural hazard mitigation activities;</li> <li>iii. For the installation of temporary network activities following a regional or local state of emergency declaration;</li> <li>iv. To prevent a serious threat to people, property, structures or services;</li> <li>v. To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access;</li> <li>vi. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals;</li> </ol> </li> </ol>	<p>Indigenous vegetation clearance for Scheme construction exceeds maximum area of 5000m<sup>2</sup> - does not comply with Standard 5.</p> <p>Indigenous vegetation clearance for Scheme maintenance and operational purposes complies (3(ii)).</p> <p>Indigenous vegetation clearance for construction of new transmission lines south of Anderson Road exceeds a 3m construction corridor (3 (ix)(a)) - does not comply.</p> <p><b>Conclusion:</b> Indigenous vegetation clearance for Scheme maintenance and operational purposes is a <b>Permitted Activity</b> under Rule ECO-R1(3(ii)).</p> <p>Other indigenous vegetation clearance activities associated with construction of the Scheme and associated transmission lines require assessment against RD rules (below).</p>

Rule Standard / Condition	Compliance Commentary
<ul style="list-style-type: none"> <li>vii. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor;</li> <li>viii. To comply with section 43 of the Fire and Emergency Act 2017;</li> <li>ix. For construction or operation of an above ground or below ground network utility or the national grid where: <ul style="list-style-type: none"> <li>a. The construction corridor does not exceed 3m in width; and</li> <li>b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and</li> <li>c. Rehabilitation of disturbed areas is undertaken following the completion of construction;</li> </ul> </li> <li>x. It is cultural harvest undertaken by Poutini Ngāi Tahu; or</li> <li>xi. It is on MPZ - Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or</li> <li>xii. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument;</li> </ul>	
<p>5. Within the Buller and Westland Districts:</p> <ul style="list-style-type: none"> <li>i. It is the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old, not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the</li> </ul>	

Rule Standard / Condition	Compliance Commentary
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relevant District Council at least 20 working days prior to the proposed clearance including:

- a. Details of the location of the proposed clearance;
  - b. Area of the proposed clearance; and
  - c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old and not part of any wetland; or
- ii. It is a maximum area of 5000m<sup>2</sup> per site, in total, over any continuous three year period.

#### ECO-R5 - Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards

##### Activity Status Restricted Discretionary where:

1. This is not within:	Partially complies
i. A Significant Natural Area identified in Schedule Four;	Not relevant. There are no SNA's identified in Schedule Four.
ii. An area of land environment of category one or two of the Threatened Environment Classification;	Indigenous vegetation clearance, largely south of Macgregor Creek, will occur within an ONL identified in Schedule Five.
iii. An Outstanding Natural Landscape identified in Schedule Five;	Indigenous vegetation clearance activities associated construction of the Scheme and parts of the new access road and
iv. An Outstanding Natural Feature identified in Schedule Six;	transmission lines south of Anderson Road do not comply with ECO-R5.
v. An area of High Coastal Natural Character identified in Schedule Seven; or	
vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight.	
<b>Discretion is restricted to:</b>	<b>Conclusion:</b> Overall, indigenous vegetation clearance activities are a <b>Discretionary Activity</b> under Rule ECO-R7.

Rule Standard / Condition	Compliance Commentary
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- a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;
- b. Constraints imposed by functional or operational need of network utilities and critical infrastructure;
- c. Effects on habitats of any threatened or protected species;
- d. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- e. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
- f. Effects on the intrinsic values of ecosystems;
- g. Effects on recreational values of public land; and
- h. The matters outlined in Policies ECO - P6 and ECO - P7.

#### ECO-R7 - Indigenous vegetation clearance not meeting ECO-R5

##### Activity Status Discretionary

**Conclusion:** Indigenous vegetation clearance south of Anderson Road is a **Discretionary Activity** requiring resource consent under Rule ECO-R7.

#### Natural Character and Margins of Waterbodies

##### NC-R1 - Indigenous Vegetation Clearance and Earthworks within the Riparian Margin of a River, Lake or Wetland

##### Activity Status Permitted:

Rule Standard / Condition	Compliance Commentary
<p>1. Where this is outside of any Significant Natural Area identified in Schedule Four, and for:</p> <ul style="list-style-type: none"> <li>a. Fence lines; or</li> <li>b. Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable electricity generation activities;</li> <li>c. Connections to wastewater, stormwater and reticulated network utility systems; or</li> <li>d. Installation of an environmental monitoring and extreme weather event monitoring facility; or</li> <li>e. Maintenance and repair of lawfully established structures; or</li> <li>f. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or</li> <li>g. The establishment of a river crossing point up to 3m wide; or</li> <li>h. Poutini Ngai Tahu activities;</li> <li>i. Activities on Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Runanga Management Plan; or</li> <li>j. Natural hazard mitigation activities undertaken by a statutory agency or their nominated contractor;</li> </ul> <p>2. The amount of indigenous vegetation clearance is not greater than 20m<sup>2</sup> per 200m length of Riparian Margin;</p> <p>3. The amount of earthworks is not greater than 20m<sup>3</sup> per 200m length of Riparian Margin;</p> <p>4. All earthworks stockpiles are located outside of the Riparian Margin of the waterbody; and</p> <p>5. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard</p>	<p>Regarding standard (2), the proposed activities are not within an area identified in Schedule 4 and are not for any of the activities set out in (a)-(f) and (h)-(j). Part (g) of this rule provides for minor amounts of clearance for establishment of proposed stream crossings less than 3m wide. This is moot since the riparian margin definition only applies to rivers with an average bed width greater than 3m.</p> <p>Regarding standard (2) - Clearance activities in riparian margins will exceed 20m<sup>2</sup> per 200m (e.g. at Power Station Site, Headworks and at crossing points of some waterways exceeding 3m in width). Does not comply.</p> <p>Regarding standard (3) – Earthwork volumes in riparian margins will exceed 20m<sup>2</sup> per 200m (e.g. at Power Station Site and at crossing points of some waterways). Does not comply.</p> <p><b>Conclusion:</b> Proposed works in riparian margins are not permitted, therefore, requiring <b>Discretionary Activity</b> resource consent under Rule NC-R3 (see below).</p>



Rule Standard / Condition	Compliance Commentary
<p>mitigation, the clearance and earthworks are not located within areas used and identified for natural hazard mitigation structures.</p>	
<p><b>NC-R3 - Indigenous Vegetation Clearance and Earthworks not meeting the Permitted Activity Rules</b></p> <p><b>Activity Status Discretionary</b></p>	
	<p><b>Conclusion:</b> Indigenous vegetation clearance and earthworks in riparian margins is a <b>Discretionary Activity</b> requiring resource consent under Rule NC-R3.</p>
<p><b>NC-R2 - Buildings and Structures within the Riparian Margin of a River, Lake or Wetland</b></p> <p><b>Activity Status Permitted:</b></p>	
<p>1. Where the buildings and structures are:</p> <ul style="list-style-type: none"> <li>a. Network utilities;</li> <li>b. Temporary whitebait stands;</li> <li>c. Environmental monitoring facilities;</li> <li>d. Parks facilities and parks furniture within an Open Space and Recreation Zone;</li> <li>e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or</li> <li>f. Renewable electricity generation facilities where these have a functional need to locate within the riparian margin; or</li> <li>g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure.</li> </ul>	<p>Various buildings and structures are proposed within the riparian margins of the Waitaha River (e.g. parts of the Headworks, Parts of the Power Station (including the tailrace) and Macgregor Creek (e.g. transmission lines).</p> <p>These are network utility buildings and structures provided for under (a). They are also buildings and structures associated with renewable electricity that, on the basis of them being part of a hydro-electric scheme, have a functional need to be located in riparian margins and are, therefore, also provided for under (f).</p>

Rule Standard / Condition	Compliance Commentary
	<p><b>Conclusion:</b> Buildings and structures associated with the proposal that are located in riparian margins are a <b>Permitted Activity</b> under Rule NC-R2.</p>
<p><b>NC-R3 - Natural Hazard Mitigation Structures</b></p> <p><b>Activity Status Permitted:</b></p>	
<p><b>Where:</b></p> <p>1. These are constructed by a Statutory Agency or their authorised contractor.</p>	<p>The Power Station Site will require special structures to protect it from floods – technically these are considered natural hazard mitigation structures.</p> <p>These will not be constructed by a Statutory Agency or their authorised contractor, therefore they are not permitted activities and require Discretionary Activity consent under Rule NCR5</p> <p>It is noted that these structures are also defined as Network Utility Structures which are permitted under Rule NC-R2.</p> <p><b>Conclusion:</b> Taking the most restrictive activity status applicable, the Power Station Site flood protection structures require <b>Discretionary Activity</b> consent under Rule NC-R5.</p>
<p><b>NC-R5 - Natural Hazard Mitigation Structures not meeting the Permitted Activity Rules</b></p> <p><b>Activity Status Discretionary:</b></p>	
	<p><b>Conclusion:</b> Noting that the proposed Power Station Site flood protection structures are</p>

Rule Standard / Condition	Compliance Commentary
	<p>permitted under Rule NC-R2, taking the most restrictive activity status applicable, these structures require <b>Discretionary Activity</b> consent under Rule NC-R5.</p>
<b>Activities on the Surface of Water</b>	
<b>ASW-R4 - Installation of Structures on the Surface of Natural Waterbodies</b>	
	<p>Not relevant</p> <p>There are no structures proposed on the water surface.</p> <p>The Scheme does include various structures on and over the beds of rivers and streams (e.g. the diversion weir, tailrace, culverts, fords and bridges), however, these are not considered to be structures “on the surface of natural waterbodies”, rather, consent requirements for these are addressed under Section 13 of the RMA and sit within the West Coast Regional Council’s jurisdiction.</p>
<b>Historic Heritage</b>	
<b>Rules HH-R1 to HH-R11</b>	
	<p>Not applicable</p> <p>These rules are currently in effect, however, there are no areas or sites identified in Schedule One of the TTPP within or near the Site.</p>

Rule Standard / Condition	Compliance Commentary
Sites and Area of Significance to Māori	
Rules SASM-R1 to SASM-R19	
	Not applicable
	These rules are also currently in effect, however, there are no sites or areas identified in Schedule Three to the TTPP within or near the Site.
Sign	
Rule SIGN – R16: Signs in any OSRC - Open Space and Recreation Zone or the STADZ - Stadium Zone	
Activity Status Permitted:	
Note: SIGN-R16 is only subject to submissions of support and accordingly will not change.	
Where:	Will not comply
1. The sign is located in an OSRZ - Open Space and Recreation Zone; and	The proposed signage is not for any activity set out in 2.a or 2.b
2. The sign is:	<b>Conclusion:</b> Proposed signage is a <b>Restricted Discretionary Activity</b> under proposed Rule SIGN-R19.
a. Ancillary to a conservation, recreation or community activity; or	
b. For commercial sponsorship of a recreation activity; and	
3. All performance standards for Rule SIGN – R1 are complied with.	

## 4.2 RULES CURRENTLY SUBJECT TO SUBMISSIONS

### Energy, Infrastructure and Transport

While elements of the activity would fall under a range of proposed TTPP definitions, including the definitions of “energy activity”, “infrastructure” and “network utilities”, the

base section for renewal energy schemes and lines for transmitting and distributing energy is the “Energy (ENG) Section”. The overview to the section makes it clear that, “*the infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide Rules also apply where relevant*”.

The Energy Chapter contains ten permitted activity rules and ten Rules setting consent activity status for those instances where activities do not meet permitted standards. ENG-R15 “*Large Scale renewable electricity generation activity excluding wind*” proposes a discretionary activity status for electricity generation activities “*utilising renewable energy sources with a capacity of greater than 100kW for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works.*”

At this stage, energy section rules ENG-R1-R17 and ENG-R19-R20 are subject to submissions that have not yet been determined. ENG-R18 sets a non-complying status for activities not achieving compliance with ENG-R1 (where ENG-R1 is yet to be determined). Accordingly, the rules in the energy section have not been assessed for compliance and consenting requirements purposes in this case.

#### Infrastructure

As above, the proposed TPPP confirms that the rules in this section are not intended to apply to energy activities. Accordingly, no further consideration is given to these rules.

#### Transport

The Transport Chapter contains six permitted activity rules and eight rules setting consent activity status for those instances where activities do not meet permitted standard. At this stage, the transport rules ENG-R1-R14 are subject to submissions which have not yet been determined. Accordingly, the rules in the transport section have not been assessed for compliance and consent requirement purposes in this case.

#### Contaminated Land

There are no proposed rules. Rather, plan users are referred to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

### Hazardous Substances

No proposed rules. Hazardous substances management are regulated under the HSNO Act and requirements monitored and enforced by WorkSafe.

### Natural Hazards

The Natural Hazards Chapter contains 23 permitted activity rules and 30 rules setting consent activity status for those instances where activities do not meet permitted standards. At this stage, the summary of submissions for the natural hazards section shows that all rules except NH-36-37 (Lake Tsunami Hazard Overlay) and NH-47-49 (Coastal Tsunami Overlay) are subject to submissions which have not yet been determined. Rules NH-36-37 and NH-47-49 are not relevant to this proposal. Accordingly, the rules in the Natural Hazards section have not been assessed for compliance and consent requirement purposes in this case.

### Notable Trees

The Notable Trees Chapter contains three permitted activity rules and four rules setting consent activity status for those instances where activities do not meet permitted standards. At this stage the summary of submissions on the notable trees section shows that rules TREE-2-6 are subject to submissions which have not yet been determined. Rules TREE-1 (Mowing and Gardening with the Root Protection Area of a Notable Tree) and TREE-7-8 (Discretionary Activity Categories) only have submissions of support but on their own do not raise compliance matters in regard to the Project. There is a copse of notable trees alongside the Waitaha Road, however, the new transmission line through the valley is proposed to be located on the opposite side of the road reserve from these trees, so will not impact these trees.

### Natural Features and Landscapes

The Natural Features and Landscapes Chapter contains eight permitted activity rules and seven rules setting consent activity status for those instances where activities do not meet permitted standards. At this stage, all proposed rules within the natural features and landscapes sections are subject to submissions which have not yet been determined. Submissions on Rules NFL-R2 (Conservation Activities) and BFL-R4 (Demolition and Removal of a Structure ...) are generally supportive of the relevant Project activities. Accordingly, the rules in the Natural Features and Landscapes section have not been assessed for compliance and consent requirement purposes in this case.

### Public Access

No proposed rules.

### Financial Contributions

The Financial Contributions Chapter contains 12 rules setting out how such contributions are to be set and imposed. All have submissions related to them which are yet to be determined. Accordingly, the rules in the Financial Contributions section have not been assessed for compliance and consent requirement purposes in this case.

### Earthworks

The Earthworks Chapter contains six permitted activity rules and two rules setting consent activity status for those instances where activities do not meet permitted standards. At this stage, all rules within the earthworks section are subject to submissions which have not yet been determined. Accordingly, the rules in the Earthworks section have not been assessed for compliance and consent purposes in this case.

### Light

The Light Chapter contains four permitted activity rules and two rules setting consent activity status for those instances where activities do not meet permitted standards. All these rules are subject to submissions which have not yet been determined. Accordingly, proposed rules in the Light section have not been assessed for compliance and consent requirement purposes in this case.

### Noise

The Noise Chapter contains 11 permitted activity rules and two rules setting consent activity status for those instances where activities do not meet permitted standards. Again, all rules are subject to submissions which have not yet been determined so they have not been assessed for compliance and consent requirement purposes in this case.

### Sign

The Sign Chapter contains 17 permitted activity rules and five rules setting consent activity status for those instances where activities do not meet permitted standards. The summary of submissions shows that rules SIGN-R1-5, 8, 13, 15, 17, 19, 21-22 are subject to submissions which have not yet been determined. Of the remaining rules, SIGN-R6-7, 9-12, 14, 18, 20-21, which are generally the subject of submissions of support, are not relevant to this proposal. It is noted that SIGN-R16 is only subject to submissions of support and accordingly will not change. An assessment is provided above in **Table 8**.

A component of Rule SIGN-R16 is compliance with Rule SIGN-R1 which sets “General Permitted Activity Performance Standards - All Zones”. This rule is subject to a number of submissions seeking amendment to the standards set in the rule. For completeness it is

anticipated that the proposed signs would, due to their location, meet the standards of SIGN-R1.

Not all signs occur in the zone covered by SIGN-R16. Some occur within the Rural Zone below Macgregor Creek however rule SIGN-R15 is subject to submissions seeking amendments related to sign size and location. The majority of proposed signs are either standard on-site directional signs (both for the scheme operation and to enhance DOC access and information) or for health and safety purposes. It is noted that proposed rule SIGN-R3 is intended to enable certain signage and would have been relevant to the types of signage proposed in this application but is subject to submissions which seek to ensure that outcome of the rule can be achieved with respect to certain exemptions from SIGN-R1. It is further noted, as discussed above, that the proposed signage would meet the requirements of SIGN-R1 and accordingly the signage would have been permitted under SIGN-R3.

In terms of restricted discretionary rules in this section, Rule SIGN-R19 is subject to decisions which have not yet been determined and is therefore not in effect. However, with reference to that rule, as currently worded, the sign cannot be within a scheduled natural feature, in this case an outstanding natural landscape (ONL). When in such a location, the activity status is discretionary. Some proposed signage will be located within an ONL and some outside. The relevant rule SIGN-R22 is subject to decisions which have not yet been determined and is therefore not in effect.

#### Temporary Activities

The Temporary Activities Chapter contains six permitted activity rules and three rules setting consent activity status for those instances where activities do not meet permitted standards. All these rules are subject to submissions which have not yet been determined, therefore, they have not been assessed for compliance and consent requirement purposes in this case.

#### Zone Rules

The proposed activities occur in the “*Open Space Zone*” and the “*General Rural Zone*”. As discussed above, the overview to the Energy Chapter makes it clear that, “*the infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide Rules also apply where relevant*”. Accordingly, the rules in these zones have not been assessed for compliance since that is not intended by the proposed TTPP.