

Rules Assessment – Regional Plan



Proposal: Ayrburn Screen Hub

Address: Ayr Avenue, Arrowtown, Queenstown-Lakes District

Regional Plan: Otago Regional Plan: Water for Otago

Site Zoning	
Zone	Lake Hayes Catchment (B-series maps)
Overlays/Controls	Nitrogen Protection Zone: 15kgN/ha/year Schedule 16B Water Quality Areas

Rule	Consent Required and Status	Comment
Chapter 12 - Water Take, Use and Management		
12.3 The damming or diversion of water		
Rule 12.3.2.1 Unless prohibited by Rules 12.3.1.1 to 12.3.1.4, the damming or diversion of water is a permitted activity, providing: a) The size of the catchment upstream of the dam, weir or diversion is no more than 50 hectares in area; and b) In the case of damming, the water immediately upstream of the dam is no more than 3 metres deep, and the volume of water stored by the dam is no more than 20,000 cubic metres; and c) In the case of diversion, the water is conveyed from one part of any lake or river, or its tributary, to another part of the same lake, river or tributary; and d) No lawful take of water is adversely affected as a result of the damming or diversion; and	Yes, consent is required as a discretionary activity pursuant to Rule 12.3.4.1(i).	The catchment size upstream of the proposed works exceeds 50 hectares in area.

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Rule	Consent Required and Status	Comment
<ul style="list-style-type: none"> e) Any damming or diversion within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and f) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and g) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and h) The damming or diversion does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and i) The damming or diversion is not within the Waitaki catchment. 		
<p>Rule 12.3.2.3</p> <p>Unless prohibited by Rules 12.3.1.1 to 12.3.1.4, the diversion of water carried out for the purposes of allowing the erection, placement, repair or maintenance of a lawful structure, is a permitted activity, providing:</p> <ul style="list-style-type: none"> a) The course of the water always remains within the bed of the lake or river; and b) The course of the water is returned to its normal course following the completion of the repair or maintenance, and no more than one month after the diversion occurs; and c) No lawful take of water is adversely affected as a result of the diversion; and d) Any structure within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and e) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and f) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and 	No consent required.	It is not proposed to divert water for the purposes of allowing the erection, placement, repair or maintenance of a lawful structure.

Rule	Consent Required and Status	Comment
Chapter 13: Land Use on Lake or River Beds or Regionally Significant Wetlands		
<p>Rule 13.2.1.3</p> <p>The erection or placement of any structure for the damming of water that is fixed in or on the bed of any lake or river is a permitted activity, providing:</p> <ul style="list-style-type: none"> a) The conditions of Rule 12.3.2.1 are met; and b) The Otago Regional Council is notified of the location and nature of the dam, at least seven working days prior to commencing the erection or placement; and c) The structure is maintained in good repair; and d) The site is left tidy following the erection or placement 	No consent required.	The erection or placement of any structure for the damming of water is not proposed by way of this application.
<p>Rule 13.2.3.1</p> <p>Except as provided for by Rules 13.2.1.1 to 13.2.2.1, the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a discretionary activity.</p>	No consent required.	No structures fixed in, on, under or over the bed of any lake or river, or a wetland are proposed by way of this application.
<p>Rule 13.5.1.2</p> <p>The disturbance of the bed of any river for the purpose of clearing any material that has accumulated as a result of a storm event, excluding alluvium, in order to maintain the flood carrying capacity of the bed of the river, and any resulting discharge or deposition of bed material, is a permitted activity, providing:</p> <ul style="list-style-type: none"> a. The bed disturbance is limited to the extent necessary to clear the debris; and b. The bed disturbance does not cause any flooding or erosion; and 	No consent required.	The material that will be cleared in order to maintain the flood carrying capacity of the bed of the river is alluvium and is therefore, exempt from this rule.

Rule	Consent Required and Status	Comment
<ul style="list-style-type: none"> c. The time necessary to carry out and complete the whole of the work within the wetted bed does not exceed 10 hours in duration; and d. All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and e. No lawful take of water is adversely affected as a result of the bed disturbance; and f. The site is left tidy following completion of the activity. 		
<p>Rule 13.5.1.3</p> <p>The disturbance or reclamation of, or the deposition of any substance in, on or under, either the bed of any lake or river, or any Regionally Significant Wetland, and any resulting discharge of bed material, for the purpose of:</p> <ul style="list-style-type: none"> a) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure carried out under Rules 13.2.1.1 to 13.2.1.7B, 13.3.1.1, 13.3.1.2 or 13.4.1.1; or b) The repair or maintenance of any defence against water constructed or placed by artificial means, <i>is a permitted activity providing:</i> <ul style="list-style-type: none"> a. The structure or defence against water is lawfully established; and b. There is no change to the original scale of the structure or defence against water; and c. The time necessary to carry out and complete the whole of the work within the wetted bed of the lake or river does not exceed 10 hours in duration; and 	No consent required.	No structures or water defence measures are proposed for construction or placement in the bed of any river or lake.

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<p>d. All reasonable steps are taken to minimise the release of sediment to the lake, river or wetland during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the activity; and</p> <p>e. No lawful take of water is adversely affected as a result of the activity; and</p> <p>f. In the case of reclamation or deposition, only cleanfill is used; and</p> <p>g. The site is left tidy following completion of the activity; and</p> <p>h. Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and</p> <p>i. Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.</p>		
<p>Rule 13.5.1.6 Except as provided for by Rule 13.5.1.1, the extraction of alluvium within the bed of a river is a permitted activity, providing:</p> <p>i. No person takes more than 20 cubic metres in any month; and</p> <p>ii. The alluvium is not taken from the wet bed of the river and the surface of the remaining alluvium is not left lower than the level of the water in the river; and</p> <p>iii. The area from which the material is taken is smoothed over, as far as practicable; and</p>	<p>Yes - consent is required as a restricted discretionary activity pursuant to Rule 13.5.2.1.</p>	<p>Rule 13.5.1.6 of the Otago Regional Plan permits the extraction of alluvium within the bed of a river providing, amongst other things, that no more than 20 m³ is taken in any month. The volume of sediment removed per extraction event is estimated to be approximately 900m³. The removal of sediment is anticipated to be undertaken within a day.</p> <p>Alluvium is defined in the RPW as: <i>Sediment including rock, gravel, sand or silt material deposited by flowing water on</i></p>

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<p>iv. The activity is not carried out within 20 metres of any structure which has foundations in the river bed, or any ford or pipeline; and</p> <p>v. No material is taken directly from the bank or from any defence against water.</p>		<p><i>floodplains and in lake and river beds, as a result of alluvial processes.</i></p> <p>The sediment proposed to be extracted from Mill Creek is considered to meet the definition of alluvium.</p>
<p>Rule 13.5.1.10</p> <p>The disturbance of the bed of any ephemeral or intermittently flowing river for the purpose of constructing or maintaining a sediment trap and any associated deposition of bed material is a permitted activity providing:</p> <p>a) The construction or maintenance of the sediment trap is undertaken solely for sediment control purposes or to maintain the capacity and effective functioning of the sediment trap; and</p> <p>b) The construction or maintenance does not result in destabilisation of any lawfully established structure or cause increased risk of flooding or erosion; and</p> <p>c) No works occur in flowing water; and</p> <p>d) Any build-up of sediment and other debris (including vegetation) within the sediment trap is removed to maintain the effectiveness of the sediment trap; and</p> <p>e) All reasonable steps are taken to minimise the release of sediment during the disturbance and there is no conspicuous change in the colour or clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and</p> <p>f) No lawful take of water is adversely affected as a result of the disturbance; and</p>	No consent required – complies.	<p>The proposal complies with the permitted criteria, including that the construction of the sediment trap will not result in works being undertaken in flowing water.</p>

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<p>g) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and</p> <p>h) There is no damage to fauna or New Zealand native flora in or on any Regionally Significant Wetland.</p>		
<p>Rule 13.5.2.1</p> <p>Except as provided for by Rules 13.5.1.1 and 13.5.1.6, the extraction of alluvium within the bed of a lake or river, or within any Regionally Significant Wetland, is a restricted discretionary activity. In considering any resource consent for the extraction of alluvium in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:</p> <p>a) Any adverse effects of the activity on:</p> <ol style="list-style-type: none"> Any natural and human use value identified in Schedule 1 for any affected water body; The natural character of any affected water body; Any amenity value supported by any affected water body; and Any heritage value associated with any affected water body; and <p>b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and</p> <p>c) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected;</p> <p>d) Any adverse effect on a defence against water; and</p> <p>e) The quantity of alluvium to be extracted, and the location and the method of removal; and</p> <p>f) Any adverse effect on existing public access; and</p> <p>g) The duration of the resource consent; and</p> <p>h) The information and monitoring requirements; and</p>	<p>Yes - consent is required as a restricted discretionary activity as above.</p>	<p>The extraction of alluvium within the bed of a river is not provided for by Rule 13.5.1.6.</p>

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<ul style="list-style-type: none"> i) Any existing lawful activity associated with any affected water body; and j) Any bond; and k) The review of conditions of the resource consent. Except in the case of extraction from the wet bed of a lake or river, or within a Regionally Significant Wetland, the Consent Authority is precluded from giving public notification of an application for a resource consent under this rule. 		
Chapter 14: Land Use other than in Lake or River Beds		
14.5 Earthworks for residential developments		
<p>Rule 14.5.2.1 The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development is a permitted activity providing:</p> <ul style="list-style-type: none"> a) The area of exposed earth is no more than 2,500 m² in any 12-month period per landholding; and b) Earthworks do not occur within 10 metres of a water body, a drain, a water race, or the coastal marine area; and c) Exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure; and d) Earthworks do not occur on contaminated or potentially contaminated land; and e) Soil or debris from earthworks is not placed where it can enter a water body, a drain, a race or the coastal marine area; and f) Earthworks do not result in flooding, erosion, land instability, subsidence or property damage at or beyond the boundary of the property where the earthworks occur; and 	<p>Yes – consent is required as a restricted discretionary activity. (see Rule 14.5.2.1 below).</p>	<p>The proposed earthworks for residential development do not meet the permitted activity standard (a) as the total area of exposed earth will be approximately 84,150m².</p>

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g) The discharge of sediment does not result in any of the following effects in receiving waters, after reasonable mixing: <ul style="list-style-type: none"> i. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or ii. any conspicuous change in the colour or visual clarity; or iii. any emission of objectionable odour; or iv. the rendering of fresh water unsuitable for consumption by farm animals; or v. any significant adverse effects on aquatic life. 		
Rule 14.5.1.1 Except as provided by Rule 14.5.1.1, the use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development is a restricted discretionary activity.	Yes – Consent is required as a restricted discretionary activity.	As above. The activity does not comply with Rule 14.5.2.1.

5 February 2025