

PART D: CONSOLIDATED RMA RULES ASSESSMENT PUKE KAPO HAU MAHINERANGI WIND FARM – STAGE 2

The following tables identify approvals required (highlighted blue) related to district and regional resource plans and the National Environmental Standard for Freshwater 2020 (“**NES-F**”), together with those activities that are identified as permitted activities.

CLUTHA DISTRICT PLAN

TWP seeks new land use consents for a 110kV transmission line connection between the wind farm and the National Grid (including 25 steel pole structures), underground cables, a Substation, a Battery Energy Storage System (“**BESS**”) and all associated ‘construction and commissioning’ works (including earthworks, concrete batching and access track construction and widening). These activities are defined as “Electricity Generating Facilities” under the Clutha District Plan. The definition of Electricity Generating Facilities is as follows: *“means a facility, operation or activity which utilises or converts natural resources into electricity or transforms one energy type into electricity, and includes hydroelectric, thermal and geothermal power stations, wind turbines, solar, biomass, wave and ocean current generation etc. but excludes co-generational plants constructed as part of an industrial activity. This includes the system of electricity conveyance (including substations) required to convey electricity to the distribution network and/or the national grid but excludes the distribution network and/or the national grid.”*

For the purposes of the relevant rules in the Energy Chapter “construction and commissioning” activities associated with Electricity Generating Facilities include those activities directly involved with the building and operation of an electricity generation facility. This includes *“site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations.”*

The Operation and Maintenance Facility is considered to be a building ancillary to or associated with “infrastructure” and as such are appropriately assessed under the Infrastructure Chapter of the Clutha District Plan.

The activity status and land use consents relating to section 9 of the RMA for the activities occurring within the Rural Resource Area Zone of the Clutha District Plan. The most restrictive activity status is **Discretionary under Rule ENG.4(B)** of the Energy Chapter.

Relevant Clutha District Plan Rules Assessment

Activity Status Summary – Clutha District Plan			
Part of Proposal	Relevant Rule	Activity Status	Comment
Energy Chapter <i>The rules in this section of the Plan provide a complete code for those activities to which this section applies. Other than in relation to Section 3.7 – Subdivision, Section 3.8 – Financial and Reserve Requirements, the application of appropriate noise standards within the general section of the plan, no rule in any other part of this plan shall apply to any activity dealt with by this section, unless the application of that rule is directly referred to in this section of the Plan.</i>			
Substation, Battery Energy Storage System, underground cables, 110kV lines and poles for conveyance including all “construction and commissioning” activities associated.	ELG.1 – Permitted Activities	Permitted Activities	N/A
	A. Scheduled Energy Facilities B. Lawfully Established Energy Facilities C. Investigation and Assessment Works for Electricity Generation Projects		It is noted that the underground cables would fall into a permitted activity status under ELG.1 B. However, consent is conservatively sought for the cables under ELG.4. The substation and transmission lines are not located within the existing envelope of an activity listed in Schedule 6.11 of the District Plan.
Substation, Battery Energy Storage System, underground cables, 110kV lines and poles for conveyance including all “construction and	ELG.2 – Controlled Activities	Controlled Activities	N/A
	A. Lawfully Established Energy Facilities B. Investigation and Assessment Works for Electricity Generation Projects C. Meteorological masts.		The proposal does not fall under the scope of the activities provided for under ELG.2.



Activity Status Summary – Clutha District Plan			
Part of Proposal	Relevant Rule	Activity Status	Comment
commissioning¹” activities associated.			
Substation, Battery Energy Storage System, underground cables, 110kV lines and poles for conveyance including all “construction and commissioning” activities associated.	ELG.3 – Restricted Discretionary Activities Any activity that seeks to extend any lawfully established electricity generation facility or any electricity generation facility that has status as a scheduled activity at Schedule 6.11 of this Plan within an area contiguous to the existing facility is a restricted discretionary activity.	Restricted Discretionary Activity	N/A The proposal does not fall under the scope of the activities provided for under ELG.3. This is because the activity is not an “extension”, rather it is adding new electricity generation facilities that were not previously considered and approved within the original land use consent.
Substation, Battery Energy Storage System, underground cables, 110kV lines and poles for conveyance including all “construction and	Rule ELG.4 B. New Electricity Generation Facilities (including substations)	Discretionary	Consent Required Any activity that involves or is associated with the construction and commissioning of a new electricity generation

¹ Rule ELG.4 defines “construction and commissioning activities” to include “those activities directly involved with the building and operation of a new electricity generation facility. This includes site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations. Activities associated with “construction and commissioning” includes the need to reroute or relocate network utilities and community facilities; the need to construct new infrastructure including the system of electricity transmission (including substations) required to convey electricity to the distribution network and/or the national grid as provided for in the definition of ‘electricity generation facility’.”



Activity Status Summary – Clutha District Plan			
Part of Proposal	Relevant Rule	Activity Status	Comment
commissioning” activities associated.			facility, including transmission lines, underground cables, substations and battery energy storage system associated with electricity conveyance, is a discretionary activity.
Noise Chapter			
Substation, Battery Energy Storage System, 110kV lines and poles for conveyance including all “construction and commissioning” activities associated. Substation & Battery Energy Storage System	Rule NSE.1 Measurement		Will comply
	Rule NSE.2 Construction Noise		Will comply
	Rule NSE.3 Vibration		Will comply
Infrastructure			
Underground cables	INF 7 - Underground Utilities And Associated Infrastructure	Permitted Activity	N/A – the underground cables required for Stage 2 are covered under the ELG rules (see above).
Operation and Maintenance Facility	INF 5 - Buildings Ancillary To Or Associated With Infrastructure <i>NB: Infrastructure under the RMA Definition includes facilities for the generation of electricity.</i>	Permitted Activity, subject to meeting the following: Buildings, excluding substations (see Rule INF.12) and buildings provided for in Rule INF.7 below, used for or in association with network utility activities are permitted activities throughout the District provided that:	Consent Required The O&M Facility will exceed specifications for gross floor area, given it will be 700m ² .



Activity Status Summary – Clutha District Plan			
Part of Proposal	Relevant Rule	Activity Status	Comment
		(a) The building does not exceed 20m ² in gross floor area and/or 4m in height	Restricted Discretionary Activity under Rule INF 5.
		(b) The finish of the building shall be consistent with the surrounding environment.	
		(c) This rule does not apply to buildings on land listed in the following tables and/or areas identified via the application of the following rules...	
Temporary construction site office/s	INF 5 - Buildings Ancillary To Or Associated With Infrastructure	Permitted	No consent required All permitted conditions of INF 5 can be complied with.
Rural Resource Area			
Construction and Maintenance of Access Roads	RRA.7(IV)	Permitted Activity The construction and maintenance of access roads (including bridges and culverts associated therewith) for the purposes of internal access are permitted activities provided that: <ul style="list-style-type: none"> (a) No site of heritage value listed in Table 13.1 to Table 13.8, or archaeological site is adversely affected. (b) The location is not or is not likely to be subject to material damage by erosion, subsidence, slippage or inundation and the proposed development is not likely to initiate or accelerate any of these processes. 	N/A – covered by ELG.4 under ‘construction and commissioning’ works. <i>NB: Where access tracks cross waterbodies, compliance with the statutory plans of the Otago Regional Council and with Rule RRA.8 of this CDP will also be required.</i>



Activity Status Summary – Clutha District Plan

Part of Proposal	Relevant Rule	Activity Status	Comment
		<p>(c) That where such a road or track is to be visible from a public road, or public place that permanent visual effects are mitigated against by vegetating fill batters.</p> <p>(d) Intersections with public roads are to be constructed in accordance with the standards set out in Rule TRAN.4.</p> <p>(e) The following design and construction standards are complied with:</p> <ul style="list-style-type: none"> > All formation surfaces with an inwards crossfall shall be drained by a watertable; and > Cutoffs or culverts shall be constructed or installed so as to prevent scour, gullyng, or other erosion of the formed or constructed surface and to comply with Section VI of the Freshwater Fisheries Regulations 1983 (which requires adequate provision for fish passage); and > All areas of fill including any formation surface overlying fill shall be compacted; and • Fill batters shall be constructed and vegetated, to a standard that is adequate to avoid batter erosion or failure. 	
Riparian Margins	RRA.8	<p>Permitted Activity</p> <p>The following earthworks or vegetation removal activities are permitted within 10 metres of any natural watercourse:</p> <p>(iv) Earthworks required in the maintenance and construction of access tracks, roading, walkways and reserves.</p>	<p>N/A - covered by ELG.4 as ‘construction and commissioning’ works.</p> <p><i>It is noted that regional consents are being sought in this regard.</i></p>



Activity Status Summary – Clutha District Plan

Part of Proposal	Relevant Rule	Activity Status	Comment
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- (vi) Vegetation removal required to give effect to consents under this plan or any other plan developed under the Act.

Provided that any adverse effects on the water body and its margin are avoided, remedied or mitigated by ensuring that:

- (a) No disturbed vegetation, soil or debris is placed in the water body or is placed in such a position where it may enter or move into the water body
- (b) Riparian margins are restored and rehabilitated to a standard necessary to ensure that the margins remain in a stable condition.



OTAGO REGIONAL PLAN – REGIONAL WATER PLAN

TWP also seek a **new suite of regional consents**, including new consents required under the National Environmental Standard for Freshwater 2020 (“**NES-F**”) and for spoil disposal.

NB: There are no bulk earthworks rules that apply to rural land. Any discharges of sediment that are likely to occur as a result of earthworks, stockpiling of spoil or land clearance activities would still be captured by the rules for managing rural diffuse discharges in Chapter 12C.

Relevant Otago Regional Plan Rules Assessment

Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
Water Permits – Ground water takes				
Dewatering for foundations of turbines, access roads, and other infrastructure for construction activities (e.g. concrete batching).	12.2.4.1 (i) Except as provided for by Rules 12.2.1.1 to 12.2.3.5 the taking and use of groundwater is a discretionary activity.	Discretionary		Consent required
Water Permits – Damming and diversion of water				
Diversion of water for construction of Lee	12.3.2.1	Permitted	Provided:	Does not comply



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
Stream Tributary culvert.	Damming and diversion of water		<ul style="list-style-type: none"> 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 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>The Lee Stream catchment is over 50ha in area and therefore (a) cannot be met for the diversion required for culvert installation.</p> <p>Defaults to Rule 12.3.4.1 (below).</p>



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
Diversion of water for construction of culverts.	12.3.4.1 Damming and Diversion	Discretionary	Except as provided for by Rules 12.3.1.1 to 12.3.3.1 and except in the Waitaki catchment, the damming or diversion of water is a discretionary activity.	Discretionary Activity – consent required Can not meet the permitted activity standards in 12.3.2.1.
Discharge Permits <i>NB: 12.B covers Discharge of hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams. 12.C covers all other discharges (i.e. discharges of sediment that are likely to occur as a result of earthworks, stockpiling of spoil or land clearance activities).</i>				
Stormwater discharge from internal access roads	12.B.1.9 Discharge of stormwater from any road not connected to a reticulated stormwater system to water or land	Permitted	Provided: a) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and b) Where the road is subject to works, provision is made for the interception of any contaminant to avoid, after reasonable mixing, the following effects in the receiving water: i. The production of any 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.	Will comply



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
Stormwater discharge from construction works	12.B.3.1 Except as provided for by Rule 12.B.1.9, the discharge of stormwater to water, or onto or into land in circumstances where it may enter water	Restricted Discretionary		Consent Sought NB: Discharge of stormwater from internal roads post construction is permitted under 12.B.1.9.
Discharge of water from batching/industrial processing	12.B.4.1 Discharge of water (excluding stormwater) or any contaminant from an industrial premises to water or land	Discretionary		Discretionary Activity – consent sought Any concrete batching/industrial processing of raw materials or any structures that are associated with the electricity generation that discharge contaminants are subject to this rule and require discretionary consent. <i>NB: Industrial Premises: Includes any structure associated with electricity generation.</i>



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
All other discharges not covered by 12.B (i.e. sediment discharge from earthworks, spoil disposal areas and land clearance activities)	12.C.1.1 Discharge of water or any contaminant to water or into land	Permitted	<p>Provided:</p> <ul style="list-style-type: none"> a) The discharge does not result in flooding, erosion, land instability or property damage; and b) There is no discharge of water from one catchment to water in another catchment; and c) The discharge does not change the water level range or hydrological function of any Regionally Significant Wetland; and d) When the discharge, including any discharge from a drain or water race, enters water in any lake, river, wetland or the coastal marine area; the discharge: <ul style="list-style-type: none"> i) Does not result in: <ul style="list-style-type: none"> 1. A conspicuous change in colour or visual clarity; or 2. A noticeable increase in local sedimentation, in the receiving water (refer to Figure 5); and (ii) Does not have floatable or suspended organic materials; and (iii) Does not have an odour, oil or grease film, scum or foam; and e. When the discharge enters water in any drain that goes to a lake, river, wetland, or the coastal marine area, the discharge: <ul style="list-style-type: none"> (i) Does not result in: 	<p>Unlikely to comply - consent sought under Rule 12.C.3.2</p> <p><i>NB: Schedule 16B sets contaminant thresholds within Schedule 16A before entering a river, lake, wetland or CMA</i></p>



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
			<ul style="list-style-type: none"> (1) A conspicuous change in colour or visual clarity; or (2) A noticeable increase in local sedimentation, in the lake, river, wetland or the coastal marine area (refer to Figure 6); and 	
			<ul style="list-style-type: none"> (ii) Does not result in the production of conspicuous floatable or suspended organic materials in the drain at the first of: <ul style="list-style-type: none"> 1. The downstream boundary of the landholding where the discharge occurs; or 2. Immediately before the drain enters a river, lake, wetland or the coastal marine area; and (iii) Does not have an odour, oil or grease film, scum or foam; and 	
			<ul style="list-style-type: none"> f. When the discharge enters water in any water race that goes to a lake, river, wetland, or the coastal marine area, the discharge: <ul style="list-style-type: none"> (i) Does not result in: <ul style="list-style-type: none"> (1) A conspicuous change in colour or visual clarity; or (2) A noticeable increase in local sedimentation, in the water race (refer to Figure 7); and 	



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
			(ii) Does not result in the production of conspicuous floatable or suspended organic materials in the race at the first of: <ol style="list-style-type: none"> 1. The downstream boundary of the landholding where the discharge occurs; or 2. Immediately before the race enters a river, lake, wetland or the coastal marine area; and (iii) Does not have an odour, oil or grease film, scum or foam; and g. From 1 April 2026, the discharge also complies with 12.C.1.1A.	
All other discharges not covered by 12.B (i.e. sediment discharge from earthworks, spoil disposal areas and land clearance activities)	12.C.3.2 Discharge of water or any contaminant	Discretionary	The discharge of water or any contaminant: <ol style="list-style-type: none"> (i) To water; or (ii) Onto or into land in circumstances which may result in a contaminant entering water, 	Consent sought
Land Use on Lake or Riverbeds or Regionally Significant Wetlands				
Use of existing culvert	13.1.1.1 Use of a structure that is fixed in, on under or over the bed of any	Permitted	Provided: <ol style="list-style-type: none"> a) The structure is lawfully established; and b) In the case of a change in use, the effects of the new use of the structure are the same or similar in 	Will comply



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
	lake or river or Regionally Significant Wetland		character, intensity and scale as the preceding use; and c) Measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and d) The structure is maintained in good repair.	
Pipe/line/cables	13.2.1.1 Erection or placement of a structure over the bed of a lake or river	Permitted	Providing: a) The fence, pipe, line or cable does not cross a lake or river identified in Schedule 1A as being an “Outstanding natural feature or landscape” unless it is attached to an existing lawfully established support structure; and b) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river unless it is attached to an existing lawfully established support structure; and c) No part of any pipe, line or cable is less than two metres above the 1 percent probability flood level, unless it is attached to an existing lawful structure; and d) Where it is attached to an existing lawful structure, no part of any pipe, line or cable extends below the underside of the existing structure; and e) Any fence over the bed of a lake or river, or a wetland, does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or	N/A Cabling will utilise Lee Stream Tributary culvert and wetland 18 support structures. See Rule 13.2.3.1



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
			<p>erosion of the bed or banks of the lake or river, or of a wetland; and</p> <p>f) The fence, pipe, line or cable does not interfere with navigation; and</p> <p>g) For existing overhead network utility services over the bed of a lake or river, there is no reduction in the height of clearance above the waterway; and</p> <p>h) The fence, pipe, line or cable is maintained in good repair.</p>	
Pipe/line/cables	13.2.1.2 Erection of any pipe, line cable on or under the bed of a lake or river	Permitted	Provided a) The pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and b) The location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and c) The pipe, line, or cable is maintained in good repair.	N/A Pipes/lines/cables will not be erected on or under a waterbody.
Single Span Bridges	13.2.1.7 The erection or placement of any single span bridge including for pipes over	Permitted	Provided: a) The bridge or its erection or placement, does not cause any flooding, nor cause any erosion of the bed or banks of the lake or river, or Regionally Significant Wetland, or property damage; and	N/A No new bridges are required.



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
	the bed of a lake or river		b) No more than 20 metres of bridge occurs on any 250 metre stretch of any lake or river; and c) There is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and d) The bridge soffit is no lower than the top of the higher river bank; and e) The bridge and its abutments are secured against bed erosion, flood water and debris loading; and f) Where the bridge is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and g) If the bridge is situated over or on public land, then public access over the public land is maintained.	
Crossings	13.2.1.7B		Provided: a) The crossing, or its erection or placement, does not cause any flooding, nor cause erosion of the bed or banks of the lake, river or Regionally Significant Wetland, or property damage; and b) The top of the crossing is no higher than: (i) 2 metres above the lowest part of the bed where it is located; or	Will Comply Crossing at Wetland 43 uses earthen embankment.



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
			<ul style="list-style-type: none"> (ii) 3.5 metres above the lowest part of the bed where it is located, if the catchment upstream of the crossing is 50 hectares or less in area and there is a culvert with a minimum diameter of 1.2 metres (or equivalent crosssectional area); and c) No more than 24 metres of crossing occurs on any 250 metre stretch of any lake or river, with a minimum separation distance between any two crossings in or on the same lake or river of 12 metres; and d) There is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and e) The crossing and any ancillary structures are stable under flood conditions, and secured against bed erosion and debris loading; and f) Fish passage is retained; and g) Movement of bed material is not impeded; and h) Where the crossing is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and i) If the crossing is situated over or on public land, then public access over the public land is maintained. 	



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
Crossing placement in regionally significant wetland	13.2.2.1	Restricted Discretionary	Except as provided for by Rules 13.2.1.1, 13.2.1.2 and 13.2.1.5 to 13.2.1.7B, the erection or placement of any crossing in, on, under, or over the bed of any lake or river, or the erection or crossing in, on, under or over any Regionally Significant Wetland, is a restricted discretionary activity.	N/A Site does not contain a regionally significant wetland Provided for by Rule 13.2.1.7B (above)
Culvert placement in a waterbody	13.2.3.1	Discretionary	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.	Discretionary Activity - consent required Culvert required at the Lee Stream Tributary <i>NB: no regionally significant wetland affected.</i>
Demolition of structures	13.4.1.1	Permitted	The demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a permitted activity providing: (a) Where any part of the structure remains in situ, nothing remains above the level of the bed; and (b) The structure is not identified as a registered historic place, a building or place identified in any district plan as being of historic value, an archaeological site or a place with interim historic place registration; and	Will comply Removal of existing culverts



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
			<ul style="list-style-type: none"> (c) The structure is not a sacred place identified by Kai Tahu and located in any area identified as MA3 in Schedule 1D; and (d) There is no use of explosives; and (e) The Otago Regional Council is notified of the demolition or removal, at least seven working days prior to commencing the activity; and (f) The demolition or removal of the structure does not cause any erosion; and (g) The site is left tidy following the demolition or removal; and (h) In the case of any dam structure, the dam is no more than 3 metres high, and the volume of water stored by the dam is no more than 20,000 cubic metres; and (i) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and (j) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland. 	
Culvert Construction Crossings	13.5.1.1 Alteration of the bed of a lake or river, or of a	Permitted	<p>is a permitted activity, providing:</p> <ul style="list-style-type: none"> (a) Except in the case of the demolition or removal of a structure, the structure is lawfully established; and (b) Except in the case of (i), there is no increase in the scale of the existing structure; and 	Does not comply Deposition of fill in the bed of a stream/river would be considered “alteration of the bed”.



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
	Regionally Significant Wetland		<ul style="list-style-type: none"> (c) If work is undertaken between 1 May and 30 September inclusive, the Department of Conservation and the relevant Fish and Game Council will be notified as soon as reasonably practicable in advance; and (d) The bed or wetland disturbance is limited to the extent necessary to undertake the work; and (e) The bed or wetland disturbance does not cause any flooding or erosion; and (f) 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 (g) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance, 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 (h) No lawful take of water is adversely affected as a result of the bed or wetland disturbance; and (i) The site is left tidy following completion of the activity; and (j) 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>Construction of culvert in Lee Stream Tributary likely to exceed 10 hours and cannot comply with condition (f).</p> <p><i>Considered under Rule 13.5.3.1</i></p>



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
			(k) 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.	
Alteration to the bed of any river or lake	13.5.3.1	Discretionary Activity	Except as provided for by Rules 13.5.1.1 to 13.5.2.1 the alteration of the bed of any lake or river is a discretionary activity.	Discretionary Activity - consent sought Lee Stream Tributary Culvert construction cannot comply with 13.5.1.1. <i>NB: Mitigated through implementation of sediment controls and construction methodologies.</i>
Vegetation removal of specified plants	13.7.1.1	Permitted	Physical removal of any material of the following plants: (i) Lagarosiphon Lagarosiphon major; or (ii) Eel Grass Vallisneria spiralis; or (iii) Egeria Egeria densa; or (iv) Hornwort Ceratophyllum demersum; or (v) Hydrilla Hydrilla verticillata; or (vi) Sagittaria Sagittaria graminea ssp platyphylla; or (vii) Spartina Spartina anglica; or (viii) Salvinia Salvinia molesta; or	Will comply NB: Would need to notify Otago Regional Council of the location and nature of removal and leave the site tidy (c)-(d) of 13.7.1.1.



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment

(ix) Water Hyacinth *Eichhornia crassipes*; or

(x) Water Lettuce *Pistia stratiotes*,

Provided:

(a) Except in the case of Lagarosiphon *Lagarosiphon major* in Lake Wanaka or Lake Dunstan, containment is utilised to ensure no weed fragments escape; and

(b) In the case of Lagarosiphon *Lagarosiphon major* in Lake Wanaka, containment is utilised to ensure no floating mats or rafts of weed fragments are released onto the lake surface; and

(c) The Otago Regional Council is notified of the location and nature of the removal, at least seven working days prior to commencing the removal; and

(d) The site is left tidy following the removal.

Land Use other than in Lake or Riverbeds				
Construction of bore for dewatering	14.1.1.1	Controlled	Control is reserved over location, depth, nature, drill method, duration and consent conditions.	<p>Controlled Activity - consent required for dewatering.</p> <p><i>NB: The definition of a 'bore' in the Regional Plan is very broad and is as follows:</i></p> <p>Every device or means, including any well or pit, which is drilled or constructed for the purpose of</p>



Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
				taking groundwater, or which results in groundwater being taken, other than piezometers or other monitoring devices used for water sampling purposes only.



OTAGO REGIONAL PLAN – REGIONAL AIR PLAN

Activity Status Summary – Regional Plan Water				
Part of Proposal	Relevant Rule	Activity Status	Parameters	Comment
Concrete Batching	16.3.5.2	Permitted	<p>Discharges from the sorting, crushing, screening, conveying and storage of powdered or bulk products - permitted activity</p> <p>The discharge of contaminants into air from the sorting, crushing, screening, storage and conveying (including loading and unloading) of fertilisers, grains, berries, coal, coke, wood chips, sawdust, wood shavings, bark, sand, aggregates, and other powdered and bulk products whether in dry or liquid form, where:</p> <p>(1) The total capacity of outside storage of bulk materials is less than 1,000 m3 if located on a site in Air Zone 1 or 2; and</p> <p>(2) The crushing and screening of bulk materials is at a rate less than 100 tonnes an hour; is a permitted activity, providing any discharge of odour, or particulate matter is not offensive or objectionable at or beyond the boundary of the property.</p>	<p>Will comply</p> <p>NB: Mahinerangi Wind Farm is in Air Zone 3</p>



NATIONAL ENVIRONMENTAL STANDARD FOR FRESHWATER (NES-F)

The NES-F sets requirements for carrying out certain activities that pose a risk to freshwater and freshwater ecosystems. The standards are designed for the protection of natural inland wetlands and freshwater, included in the legislation is provision for specified infrastructure.

The NES-F directs definition of specified infrastructure to the National Policy Statement for Freshwater Management (“**NPS-FM**”). Included in the NPS-FM definition of Specified Infrastructure is “*regionally significant infrastructure identified as such in a regional policy statement or regional plan.*” The Otago Operative **RPS 2019** defines infrastructure of regional or national importance (Policy 4.3.2) as including:

- a) *Renewable electricity generation activities, where they supply the National Grid or local distribution network;*
- b) *.....*
- c) *Electricity sub-transmission infrastructure;...*

As the Mahinerangi Wind Farm Stage 2 is for renewable electricity generation and transmission, it is considered to meet the definition of “specified infrastructure” under the NPSFM.

An assessment of the relevant provisions of the NES-F are provided in **Error! Reference source not found.** below. The most restrictive activity is **Discretionary Activity** under Regulation 45.



Activity	Regulation	Comment	Assessment
Construction of specified infrastructure	Discretionary Activity under Regulation 45	<p>The construction of specified infrastructure including the below is a discretionary activity:</p> <ul style="list-style-type: none"> > Vegetation clearance within, or within a 10 m setback from a natural inland wetland; > Earthworks or land disturbance within, or within a 10 m setback from a natural inland wetland; > Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland > The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland; and <p>The discharge of water into water within, or within a 100 m setback from, a natural inland wetland</p>	<p>The proposed vegetation clearance, earthworks and land disturbance activity relates to specified infrastructure that is located within 10 meters of a natural inland wetland and therefore requires Discretionary Consent under Regulation 45(1) and 45(2).</p> <p>Noting the activity does not involve direct discharge to water, there may be indirect discharges of water into water within, or within a 100 m setback from, a natural inland wetland and therefore requires Discretionary Consent under Regulation 45(5).</p> <p>The activity involves earthworks outside 10m, but within a 100 m, setback from a natural inland wetland but will not result in complete or partial drainage of all or part of the natural inland wetland and therefore does not require consent under Regulation 45(3).</p> <p>The activity involves taking, use, damming, or diversion of water (i.e. for dewatering purposes) within, or within a 100 m setback from, a natural inland wetland but will not alter hydrological function, nor cause loss or degradation of the wetland's extent or values and therefore does not require consent under Regulation 45(4).</p>



Activity	Regulation	Comment	Assessment
Construction of a culvert for specified infrastructure	Permitted Activity under Regulation 70	<p>The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the following:</p> <ul style="list-style-type: none"> > The culvert provided for the same passage of fish upstream and downstream as would exist without the culvert; > the culvert is laid parallel to the slope of the bed of the river or connected area; and > the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and > the culvert's width must be wide enough compared to the river bed; and > the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and > the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and > the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris). 	As set out in the Civil Assessment contained in Part C, the installation of the culvert at Lee Stream meets the permitted conditions of Regulation 70.



