



Version 8.0  
August 2017

# **PROPOSED Plan Change 10: Lake Rotorua Nutrient Management**

## **COUNCIL DECISIONS TRACK CHANGES VERSION 8.0**

### **August 2017**

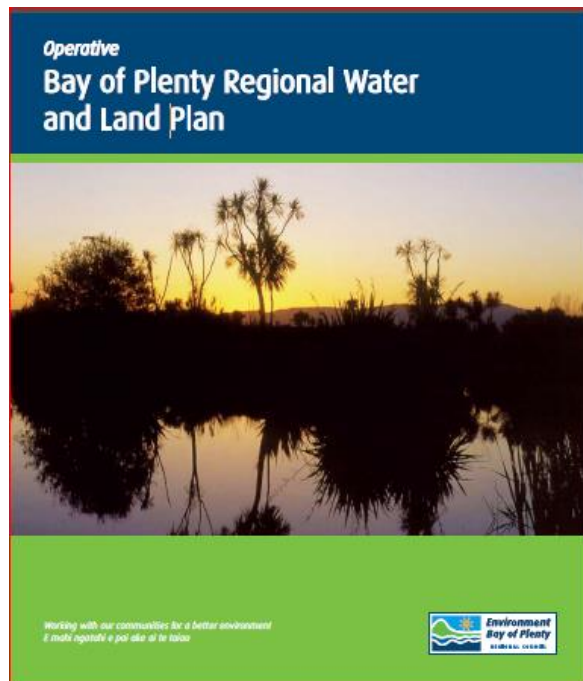
This version shows the changes to the Proposed Plan Change 10 publicly notified on 29 February 2016 as a result of the recommendations received by the Independent Hearing Panel in its "Panel Recommendations on Provisions with Submissions and Further Submissions report" dated 30 June 2017. These changes have been accepted and adopted by Council.

Text to be added is underlined, and text proposed to be deleted has a line through it (is struckout).

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New Zealand



## **Consequential changes resulting from Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the Operative Bay of Plenty Regional Water and Land Plan**



20 January 2017  
August 2017

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## Consequential changes to the Operative Bay of Plenty Regional Water and Land Plan

### Notes:

- 1) Amendments to the Operative Bay of Plenty Regional Water and Land Plan are shown in track changes – underline for additional text, and ~~strikeout~~ for deleted text.
- 2) Only pages that have consequential changes are included. The assumption can be made that if a page is not included that there is no proposed consequential amendments on that page.
- 3) The consequential changes included in this document are open for comment as part of the submission process on the Lake Rotorua Nitrogen Rules Plan Change.
- 4) The Lake Rotorua Nutrient Management provisions are being introduced as a separate subject into the Bay of Plenty Regional Water and Land Plan. Policies and methods are contained in Part II of the Bay of Plenty Regional Water and Land Plan and the rules (including the definitions and schedules) are contained in Part III. Both parts of this subject are identified by the unique identifier “LR”.

# **BAY OF PLENTY REGIONAL WATER AND LAND PLAN**

1 December 2008

Plan Change 8 (Groundwater Bores and Floating Conditions)  
incorporated on 2 March 2010

Amended 28 June 2011 as required by National Policy Statement for  
Freshwater Management 2011

Amended 8 October 2014 as required by National Policy Statement for  
Freshwater Management 2014

Plan Change 10 (Lake Rotorua Nutrient Management) incorporated on  
[dd mm yyyy]



# Contents

## Part I

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Citation .....	1
1.2	Scope of Plan .....	1
1.3	Purpose of Plan .....	5
1.4	Role of Environment Bay of Plenty under the Act.....	6
1.5	Management of Land and Water Resources under the Act .....	9
1.6	Statutory Acknowledgements .....	9
1.7	Use of Guidelines and Standards .....	11
1.8	He Whakamohiotanga mo te Mahere a-Rohe e pa ana ki nga Wai me nga Whenua.....	11
<b>2</b>	<b>Kaitiakitanga.....</b>	<b>15</b>
2.1	Kaitiakitanga.....	18

## Part II

<b>3</b>	<b>The Integrated Management of Land and Water.....</b>	<b>27</b>
3.1	Issues.....	27
3.2	Objectives .....	33
3.3	Policies.....	35
3.4	Methods of Implementation.....	37
3.5	Explanation/Principal Reasons .....	50
<b>4</b>	<b>Discharges to Water and Land .....</b>	<b>63</b>
4.1	Discharges of Contaminants or Water to Water, and Discharges of Contaminants to Land .....	63
4.2	Discharge of Stormwater .....	75
4.3	Contaminated Land.....	84
<b>5</b>	<b>Water Quantity and Allocation.....</b>	<b>91</b>
5.1	Take and Use of Surface Water and Groundwater.....	91
5.2	Damming and Diversion of Water .....	107
5.3	Management of Flood Hazards and Land Drainage.....	111
5.4	Control of Water Levels in Natural Lakes .....	114
<b>6</b>	<b>Beds of Rivers, Streams, Lakes and Wetlands.....</b>	<b>121</b>
6.1	Activities in the Beds of Rivers, Streams and Lakes .....	121
6.2	Stock in Surface Water Bodies .....	133
<b>7</b>	<b>Geothermal Resources.....</b>	<b>139</b>
7.1	Geothermal Resources .....	139
<b>8</b>	<b>Wetlands .....</b>	<b>155</b>
8.1	Wetlands .....	155

## LR Lake Rotorua Nutrient Management

[Page numbers to be added once Part LR is made operative]

## Part III

<b>9</b>	<b>Regional Rules .....</b>	<b>165</b>
9.1	Guide to Rules .....	165
9.2	Land and Soil Disturbance Activities .....	168
9.3	Grazing and Stock in the Beds of Surface Water Bodies .....	196

9.4	Discharges of Nitrogen or Phosphorus from Land Use and Discharge Activities in the Rotorua Lakes Catchments <del>(excluding Lake Rotorua groundwater catchment)</del> .....	203
9.5	Discharges to Water and Land.....	220
9.6	Take and Use of Water .....	243
9.7	Damming and Diversion of Water .....	248
9.8	Motu River and Specified Tributaries .....	258
9.9	Artificial Control of Water Levels in Natural Lakes .....	259
9.10	Activities in the Beds of Rivers, Streams, and Lakes.....	259
9.11	Geothermal Water, Heat or Energy.....	305
9.12	Wetlands .....	311
<b>LR</b>	<b><u>Lake Rotorua Nutrient Management (including Definitions and Schedules).....</u></b>	<b><u>XX</u></b>

[Page numbers to be added once Part LR is made operative]

## Part IV

<b>10</b>	<b>Financial Contributions .....</b>	<b>319</b>
10.1	Circumstances, Purpose and Amount.....	320
10.2	Matters to be considered.....	322
10.3	General Provisions .....	323
<b>11</b>	<b>Information to be Submitted with Resource Consent Applications .....</b>	<b>325</b>
11.1	General Information.....	325
11.2	Land and Soil Disturbance Activities.....	325
11.3	Activities Controlled by Rules in Section 9.4.....	326
11.4	Discharges to Water and Land.....	326
11.5	Take and Use of Water .....	326
11.6	Activities in the Beds of Rivers, Streams or Lakes .....	327
11.7	Geothermal Resources .....	327
11.8	Wetlands .....	328
<b>12</b>	<b>Anticipated Environmental Results.....</b>	<b>329</b>
12.1	Kaitiakitanga .....	329
12.2	Water Quality.....	329
12.3	Soil Resources .....	330
12.4	Water Quantity .....	330
12.5	Beds of Streams, Rivers and Lakes.....	331
12.6	Geothermal Resources .....	331
12.7	Wetlands .....	331
12.8	Ecosystems .....	331
12.9	Community Awareness of Environmental Issues.....	332
<b>13</b>	<b>Cross Boundary Issues .....</b>	<b>333</b>
13.1	Processes to Address Cross-Boundary Issues.....	333
14	Plan Review Process 335	

## Page 27 RWLP

[References to Part II LR and Part III LR will be added to italicised text under Issues 10, 12 and 14]

## Page 51 RWLP

Para 4 Objectives 8 to 22 provide minimum environmental goals, which the policies and methods seek to achieve. Table 5 shows the trophic level indices from Objective 11 (which have been established in relation to Burns, 2001<sup>1</sup>, and current levels as at 2007. Policy 21 is the main guidance mechanism used in this section of the regional plan which links the management of water and land resources. Water Quality Classifications have been established for all rivers, streams and lakes in the region to achieve the aims of the regional plan as described in section 1.3. Objective 11 will primarily be achieved through Policies 21, 22, 23, 27, Methods 41, and 52 and Part II LR and rules in section 9.4 and Part III LR. Non-regulatory methods (e.g. Method 24) will be used to maintain water quality in lakes that meet their TLI. The priority areas for the promotion of sustainable land management practices, as identified in Method 24, are the Rotorua Lakes (and in particular the lakes that do not meet their TLI), and Tauranga and Ohiwa Harbours. These areas were identified in *Bay of Plenty Regional Soil Conservation Assessment* (Wilson and Ngapo, February 1993<sup>2</sup>).

## Page 53 RWLP

Para 7 The package of methods to improve lake water quality is shown in Table 7 below, and the implementation of those methods is illustrated in Figure 3. It is important to note that a range of methods will be used to maintain or improve lake water quality, including regulation where necessary. Many methods will be implemented from 2003, or are already being implemented. The Action Plans are the major method used to improve lake water quality, with along with the rules in section 9.4 regional rules. Section 9.4 includes rules to ensure that there is no increase of phosphorus or nitrogen in the Rotorua Lakes catchments, while Part III LR of the RLWP requires managed reduction of nitrogen loss on specific properties in the Lake Rotorua groundwater catchment so that individuals properties Nitrogen Discharge Allowance (NDA) may be reached by 2032. In time, the rules in Section 9.4 may be replaced by rules developed specifically for other Rotorua lakes. Method 41 states that there will be an Action Plan developed for each of the Rotorua Lakes over time. Action Plans have so far been developed for Lakes Ōkaro, Ōkataina, Ōkāreka, Rotoehu, Rotomā, Rotorua, Rotoiti and Tikitapu. Initial work has focused on the five lakes where water quality exceeds the TLI set in Objective 11. A risk assessment will be carried out for the remaining lakes to determine the risk of the lake exceeding the TLI set in Objective 11, after which the development of further Action Plans will be prioritised. Should it be necessary to include any other methods (either regulatory and/or non-regulatory) in this regional plan for other Rotorua Lakes, this will be achieved via a publicly notified plan change process in accordance with the requirements of the Act (refer to Figure 4).

## Page 54 RWLP

Para 8 Section 9.4 uses effects-based regulations for land use activities in the Rotorua Lakes' catchments, which target the export of nitrogen and phosphorus (excluding the Lake Rotorua groundwater catchment which has specific policies and methods in Part II LR and rules in Part III LR of this regional plan). ~~Both sections (Section 9.4 and Part III LR) does not preclude specific land uses from lakes' catchments, prescribe how a land use must be carried out, or require land retirement within a catchment. Regulations in section 9.4.1 set a nutrient cap for each property in the lake catchment, within which landowners can make their own decisions about the~~

<sup>1</sup> Burns, N., 2001. Trophic Level Index Baselines and Trends for 12 Rotorua District Lakes, 1990 to 2000. Report by Lakes Consultancy prepared for Environment Bay of Plenty.

<sup>2</sup> Wilson, A., and Ngapo, N., 1993. Bay of Plenty Regional Soil Conservation Assessment. Bay of Plenty Regional Council unpublished report.



type of land use activity and land management practices implemented on the property. Over time it is likely that technology and innovation will reduce nutrient losses, so it is not appropriate to either prohibit or require a specific land use. Integrating land use planning and regulations in regional council and district council plans under Method 43 will be implemented by applying the water quality objectives in this regional plan, and outcomes from Action Plans developed under Method 41. Under the Act, district plan provisions must not be inconsistent with a regional plan. It is also anticipated that regional plans and district plans may be amended in accordance with catchment requirements identified in Action Plans, which Environment Bay of Plenty will work in conjunction with Rotorua District Council to achieve. The land use regulations in Section 9.4 of this regional plan currently apply to Lakes Rotorua, Rotoiti, Okareka, Rotoehu and Okaro. Where any of the other Rotorua Lakes meets the requirements of Method 52(1) or (2), an action plan for that lake will be developed in accordance with Method 41, and appropriate land use regulations developed.

**Page 54 RWLP**

**Table 7 – Methods to Manage Lake Water Quality**

Method	All Lakes	Degraded Lakes
<b>Non-Regulatory Methods</b>		
Riparian Retirement (Method 24)	✓	✓
Action Plans (Method 41)	✓	✓
Review of Rules in Section 9.4 (Method 42)		✓
Education on nutrient management (Method 25, 29, 68)	✓	✓
Best Nutrient Management Practices document (Method 68)	✓	✓
Environment Bay of Plenty Environmental Programmes (Method 48)	✓	✓
Ongoing monitoring and research (Method 66, 69, 70, 71, 72)	✓	✓
<b>Regulatory Methods</b>		
Rules in Section 9.4	✓ (All lakes, excluding Lake Rotorua. Rules for other lakes will be added via a plan change process)	✓
Rules in Part III LR (Lake Rotorua Nutrient Management)	<u>Lake Rotorua groundwater catchment (as shown on Map LR1)</u>	
Other discharges in the catchment	✓	✓

**Para 9**

Blue-green algae (cyanobacteria) are a group of bacteria, rather than true algae, that have acquired chlorophyll to capture light and behave like plants. Some cyanobacteria produce toxins that can cause a range of health problems, such as skin irritations, nervous system disorders, or cause liver problems, where people are exposed to acute or chronic toxicity levels. Surface blooms occur in the Rotorua Lakes when buoyant Anabaena or Microcystis species accumulate in surface water by using elevated light and nutrient to proliferate and form surface blooms. High numbers of blue-green algae can accumulate in bays due to wind drift where they can form surface scums. Objective 12 and Policy 21(c) are necessary to reduce the occurrence and intensity of cyanobacteria blooms in the Rotorua Lakes. Lowering the high levels of both nitrogen and phosphorus in the Rotorua Lakes is the key to reducing the frequency of such blooms. The possibility of solely targeting phosphorus to change the dominant algal species in a lake from blue-green to green has been raised. However, lake scientists have clearly stated that the high concentrations of nitrogen and phosphorus are the critical matters in

the Rotorua Lakes, not just the N:P (Nitrogen to Phosphorus) ratio. Different algal species may utilise different nutrients at different times of the year, so reducing just one nutrient may do little more than change the dominant species. Implementation of Objective 12 and Policy 21(c) are linked to Policy 21(a), Method 41, Method 75, and regulatory mechanisms in section 9.4 and Part III LR. Regular algal monitoring is carried out to help ensure that recreational users of the Rotorua Lakes receive adequate warning when the lakes are not safe for swimming, and other recreational activities. Health warnings are occasionally issued for lakes or bays alerting lake users of potential health risk from using water affected by high levels of cyanobacteria. Algal species and algal numbers (blooms) are monitored as part of the NERMN programme (refer to Method 66 and Para 13).

### Page 55 RWLP

Para 12 In relation to Policy 21(a), the levels of nitrogen and phosphorus in lakes is managed to prevent a net increase in either nutrient. If nitrogen levels decrease, this will not allow for an allowable increase in phosphorus. Note: Part III LR (Lake Rotorua Nutrient Management) of the RLWP contains policies, methods and rules which relate to the management of nitrogen and phosphorus in the Lake Rotorua groundwater catchment (see Map LR1)

### Page 165 RWLP

## 9 Regional Rules

### 9.1 Guide to Rules

Activities under this regional plan are permitted, controlled, discretionary, non-complying or prohibited. A permitted activity is allowed without a resource consent if it complies with all the conditions specified in the rule. A controlled activity must be granted but Council set conditions as part of the consent. Discretionary and non-complying activities require a resource consent but the consent can be granted or declined. A discretionary activity is allowed only if a resource consent is obtained for that activity. A prohibited activity will not be allowed in the region, and no resource consent will be granted in respect of that activity.

Activity	Rule Number	Page Number
<b>Section 9.2: Land and Soil Disturbance Activities</b>		
Coastcare Works	1D, 1E	177, 179
Cultivation	5, 5A	195
Earthworks and Quarries	1, 1A, 1B, 1C	168 - 175
Forest Harvesting and Earthworks by Accredited Operators	3, 3A	186, 188
Land and Soil Disturbance by Vegetation Clearance	2, 2A, 2B, 2C	179 - 184
Vegetation Clearance by Burning	4, 4A	189, 192
<b>Section 9.3: Grazing and Stock in the Beds of Surface Water Bodies</b>		
Controlled Stock Crossings	6	196
Grazing of Land	10, 10A	202, 203
Stock in the Beds of Surface Water Bodies	7, 8, 9	198 – 201
<b>Section 9.4: Discharges of Nitrogen or Phosphorus from Land Use and Discharge Activities in the Rotorua Lakes Catchments</b>		
Land Use Activities in Rotorua Lakes Catchment	11, 11A, 11B, 11C,	207 - 216

Activity	Rule Number	Page Number
	11D, 11E, 11F	
Land Use Activities in Other Rotorua Lakes	12, 13	218, 219
<b>Section 9.5: Discharges to Water and Land</b>		
Agrichemicals - Application to Land	21, 37	223, 241
Aquatic Herbicide for Weed Control - Discharge Over Water	16, 37	220, 241
Bark and Wood Waste - Discharge to Land	29, 37	232, 241
Compost, Wood Fibre, Animal Manure, Grade Aa Biosolids or Vermiculture Material - Discharge to Land	19, 37	222, 241
Composting Operations (Greenwaste) - Discharge of contaminants to land in circumstances where it may enter water	28, 37	230, 241
Composting Operations (Offal and Animal Carcasses) - Discharge of contaminants to land in circumstances where it may enter water	28A, 37	231, 241
Contaminated Land - Active Remediation, Remediation or Disturbance	34, 35, 37	239 – 241
Dairy Shed or Piggery Effluent - Discharge to Land	32, 37	237, 241
Discharge of Water to Water	33B, 37	238, 241
Discharge of Water to Water Between Artificial Watercourses	23A, 37	226, 241
Discharges to Water or Land	37	241
Dumping of Untreated Sewage and Household Wastes, and Discharge of Petroleum Hydrocarbons	36, 37	241
Dye or Gas Tracers - Discharge to Water	18, 37	221, 241
Emergency Service Fire Training - Discharge of Foam to Land	17, 37	221, 241
Existing Farm Drains and Pumped Drainage Areas - Take, Diversion and Discharge of Water	22, 37	225, 241
Farm Dumps - Discharge of contaminants to land in circumstances where it may enter water	25, 37	227, 241
Fertiliser - Application to Land	20, 37	223, 241
Land Drainage Canals, Artificial Watercourses, and Modified Watercourses - Discharge of Salt Water to Water	24, 37	227, 241
Offal Holes - Discharge of contaminants to land in circumstances where it may enter water	26, 37	228, 241
Silage Pits and Stacks - Discharge of contaminants to land in circumstances where it may enter water	27, 37	229, 241
Stormwater - Discharge to Land Soakage	30B, 30C, 37	235, 236, 241
Stormwater - Discharge to Water	30, 30A, 37	233, 234, 241
<b>Section 9.6: Take and Use of Water</b>		
Bore Installation	39, 40, 43	243, 245, 247
Dewatering of Building and Construction Sites - Take and Discharge Water	42, 43	246, 247
Groundwater - Take and Use	38, 43	243, 247
Surface Water - Take and Use	41, 41A, 43	245 – 247
Take and Use of Water	43	247
<b>Section 9.7: Damming and Diversion of Water</b>		
Damming of Surface Runoff Water	46, 46A, 48	251, 254, 258
Damming of Water in the Bed of a River or Stream	47, 47B, 48	254, 256, 258

Activity	Rule Number	Page Number
Damming or Diversion of Water	48	258
Diversion of Stormwater (Surface Runoff)	44A, 48	250, 258
Existing Flood Control Structures - Damming and Diversion of Flood Waters	45, 48	251, 258
Lawfully Established Hydroelectric Power Schemes	47C	256
Temporary Damming of Water in a Canal or Drain	44, 48	249, 258
<b>Section 9.8: Motu River and Specified Tributaries</b>		
Activities in the Motu River Catchment (dam, divert, discharge, take and use water)	49	258
<b>Section 9.9: Artificial Control of Water Levels in Natural Lakes</b>		
Artificial Control of Water Levels in Natural Lakes	50	259
<b>Section LR: Lake Rotorua Nutrient Management</b>		
Land Use Rules	LR R1 – LR R12	[Page numbers to be added once Part LR is made operative]
Discharge Rules (diffuse and point source)	LR R13, <u>11F</u> , <u>37</u>	[Page numbers to be added once Part LR is made operative]

### [Page 203 RWLP](#)

## 9.4 Discharges of Nitrogen or Phosphorus from Land Use and Discharge Activities in the Rotorua Lakes Catchments

- 1 This section applies to discharges of nitrogen and phosphorus from land use and discharge activities for the specified Rotorua Lakes catchments. The Lake Rotorua groundwater catchment as shown on Map LR1 is now covered, as a result of a Plan Change 10, in Part II LR and Part III LR of this Regional Plan, and in regard to point source discharges, Rule 11F.

### [Page 204 RWLP](#)

**Table 36 – Rules in Rotorua Lakes**

	Land Use	Applicable Environment Bay of Plenty Rules
(a)	Reticulated urban areas and lakeside settlements	<p>Rule 11 – indicates that the effects of reticulated urban areas and lakeside settlements will be addressed through the control of point source discharges.</p> <p>Rules 11F and 37 – apply to point source discharges of sewerage and stormwater, which are managed by Rotorua District Council. Rule 11F restricts any increase in nitrogen or phosphorus from a point source discharge. <u>These two rules continue to relate to land use activities within the Lake Rotorua Groundwater Catchment.</u></p> <p>Sewage – Resource consents limit the allowable nitrogen and phosphorus discharge from sewage treatment plants. Rotorua City's nutrient loading from sewage has been reduced from 130-150 tonnes nitrogen per year and 33.8 tonnes phosphorus per year (prior to land-based discharge in 1988), to less than 30 tonnes nitrogen per year and less than 3 tonne phosphorus per year (2004). Reticulation of other urban areas and lakeside settlements will reduce the nutrient loading compared to the current outputs from septic tank systems by up to 80%. Refer to the Rotorua District Council Long Term Council Community Plan ('LTCCP') for reticulation dates for other areas in the Rotorua Lakes' catchments, which will be refined in future editions of</p>

	Land Use	Applicable Environment Bay of Plenty Rules
		the LTCCP or as a result of community decisions. Urban stormwater – resource consents will require the appropriate management and treatment of urban stormwater to ensure no net increase of nitrogen or phosphorus within the lake catchment from a discharge (refer to section 4.2 of this regional plan).
(b)	Non-reticulated urban areas and lakeside settlements	Septic tank discharges - Refer to the On-Site Effluent Treatment Regional Plan. The rules in that plan require the nutrient loading from septic tank discharges within 200 metres of the lakeshore, or on properties less than 4 hectares within lake catchments, to be substantially reduced from 40-70 grams nitrogen per cubic metre to 15 grams nitrogen per cubic metre. This requires the installation of an advanced treatment system. Some urban areas and lakeside settlements, and small rural properties will be reticulated over time and will then be covered by Rule 11. Stormwater discharges – managed as per Reticulated Urban Areas (refer to (a) above).
(c)	Properties <0.4 hectares (4,000 m <sup>2</sup> ) where the nitrogen output from the property is less than 10 kg per hectare per year	Rule 11A – permitted providing the nutrient export levels remain below 10 kg per hectare per year (excluding the discharge from on-site effluent treatment systems). <u>This rule does not relate to the Lake Rotorua Groundwater Catchment as shown Map LR1.</u> Recognises that low-intensity lifestyle blocks have minimal nutrient exports, while requiring landowners to retain the low intensity land use.
(d)	Other land uses	Rules 11B, 11C, 11D and 11E – establishes a nutrient benchmark that landowners cannot breach. Sets a cap on the level of nutrients from rural land uses within each of the targeted lake catchments. <u>These rules do not relate to the Lake Rotorua Groundwater Catchment as shown Map LR1.</u>

### Page 205 RWLP

#### Para 3

The Rules in Section 9.4.1 are subject to a 'mandatory review clause' to clearly indicate that Environment Bay of Plenty will review the applicability of the rules to each targeted lake catchment in accordance with Method 42 and the development of Action Plans under Method 41. It is recognised that the current set of rules are 'first generation', and that the Action Plan Working Groups may identify and develop more appropriate means of controlling nitrogen and phosphorus losses from land use activities. The wording of the 'mandatory review clause' ensures that the existing rules remain enforceable until the new reviewed rules for that lake catchment become operative. However, greater weight will be given to new rules as these progress through submission and appeal processes. Environment Bay of Plenty is obligated to implement a review of the rules for each of the targeted lake catchments in accordance with the timeframes stated in Method 41. Specific rules for the groundwater catchment of Lake Rotorua are included in Part III LR of this regional plan.

### Page 205 RWLP

**Table 37 – Section 9.4 Activities and Associated Rules**

Activity	Catchments of Lakes Ōkāreka, Rotoehu, Ōkaro, Rotorua and Rotoiti
Urban areas, lakeside settlements and small properties connected to reticulated wastewater systems	Rule 11
Small properties (less than 0.4 hectares) not connected to reticulated wastewater systems, and nitrogen export level is less than 10 kg/ha/year (excluding land located within the	Rule 11A

<u>Lake Rotorua Groundwater Catchment)</u>	
Land use activities that have undergone conversion between 1 July 2001 and 30 June 2004, and subsequent modification ( <u>excluding land located within the Lake Rotorua Groundwater Catchment</u> )	Rule 11B, 11C, 11D and 11E
Land use activities (not conversions) and subsequent modification ( <u>excluding land located within the Lake Rotorua Groundwater Catchment</u> )	Rule 11C, 11D and 11E
Existing point source discharges of contaminants	Refer to Rules in section 9.5
Increases in the discharge of nitrogen or phosphorus from point source discharges	Activity is subject to rules in section 9.5 and Rule 11F

### Page 206 RWLP

#### 9.4.1 *Increases in Nitrogen and Phosphorus Exports from Non-Point Source Discharges in the Catchments of Lakes ~~Rotorua~~, Rotoiti, Ōkāreka, Rotoehu and Ōkaro*

Para 2 Rules 11A, 11B, 11C, 11D and 11E do not apply to land use activities in the specified lake catchments where reviewed rules for the lake catchment are operative. The mandatory review dates for the rules in the affected lake catchments (including the dates for public notification of reviewed rules) are specified in (a) to (d) below. Rule 11 will remain in place as it is intended that lakeside properties, lake settlements, and other small rural properties (where appropriate), will be connected to reticulated sewage systems. In the case of the Lake Rotorua groundwater catchment, only Rule 11F will remain in place once the new rules in Part III LR are operative.

**Table 38 – Rule 11A-11E Mandatory Review Clause**

	<b>Lake Catchments</b>	<b>Mandatory Review Clause for Rules 11A, 11B, 11C, 11D and 11E</b>
(a)	Lake Okareka	A plan review must be initiated in January 2005 (refer to Method 42), and a plan change will be publicly notified by 1 July 2006.
(b)	Lake Okaro	A plan review must be initiated in January 2006 (refer to Method 42), and a plan change will be publicly notified by 31 December 2007.
(c)	Lake Rotoehu	A plan review must be initiated in January 2006 (refer to Method 42), and a plan change will be publicly notified by 31 December 2007.
(d)	Lakes <del>Rotorua</del> and Rotoiti	A plan review must be initiated in January 2006 (refer to Method 42), and a plan change will be publicly notified by 31 December 2007.
(e)	<u>Lake Rotorua</u>	<u>A Plan Change for the Lake Rotorua groundwater catchment was approved on [dd mm yyyy] and is included in Part LR of this regional plan.</u>

### Page 207 RWLP

Para 3 For administrative efficiency the rules in section 9.4.1 will be applied in accordance with (a), ~~and (b)~~ and (c) where properties cross lake catchment boundaries:

- (a) Where a property lies within two of the following lake catchments; Lakes ~~Rotorua~~, Rotoiti, Rotoehu, Okareka and Okaro, information will be split to

show the nutrient information for those parts of the property within each of the lake catchments.

- (b) Where a property lies partly within the catchment of Lake ~~Rotorua~~, Rotoiti, Rotoehu, Okareka or Okaro, and partly in another catchment, the rules apply only to that part of the property that is within the catchment of a specified lake, unless the area within the targeted lake catchment is less than 4,000 m<sup>2</sup> (0.4 hectares). In situations where the affected area is less than 4,000 m<sup>2</sup> (0.4 hectares), that area is exempt from the rules in Section 9.4.1. (Note, refer to (c) if the catchment that the property extends into is Lake Rotorua groundwater catchment (see Map LR1)).
- ~~(c) Where a property lies partly within the catchment of Lake Rotoiti or Ōkāreka and partly within the catchment of Lake Rotorua, the rules in Part LR will apply to the part of the property that is in the Lake Rotorua groundwater catchment, and the rules in Section 9.4.1 will apply to the part of the property in the Lake Rotoiti or Ōkāreka catchment.~~

**Rule 11 Permitted – Land Use Activities in the Catchments of Lakes Ōkāreka, Rotoehu, Ōkaro, Rotorua and Rotoiti where the property is connected to a reticulated wastewater (sewerage) system.**

Any land use activity in the catchments of Lakes Okareka, Rotoehu, Ōkaro, Rotorua or Rotoiti, where:

[Page 208 RWLP](#)

**Rule 11A Permitted – Small-scale, low nutrient Land Use Activities in the Catchments of Lakes Ōkāreka, Rotoehu, Ōkaro, ~~Rotorua~~ and Rotoiti**

Any land use activity in the catchments of Lakes Okareka, Rotoehu, Okaro, ~~Rotorua~~ or Rotoiti, where:

[Page 209 RWLP](#)

**Rule 11B Permitted – Land Uses on Converted Properties, in the Catchments of Lakes Ōkāreka, Rotoehu, Ōkaro, ~~Rotorua~~ and Rotoiti**

Any land use activity in the catchments of Lakes Okareka, Rotoehu, Okaro, ~~Rotorua~~ or Rotoiti, where:

[Page 209 RWLP](#)

**Explanation/Intent of Rule:**

To allow land use activities in the catchments of those Rotorua Lakes (excluding the Lake Rotorua groundwater catchment (see Map LR1)) where water quality exceeds the TLI in Objective 11, where the effect of the activity does not increase the discharge of nitrogen or phosphorus beyond an established baseline level. Refer to Flow Diagram 8 to assist reading of this rule.

[Page 211 RWLP](#)

**Rule 11C Permitted – Land Use Activities, in the Catchments of Lakes Ōkāreka, Rotoehu, Ōkaro, ~~Rotorua~~ and Rotoiti – properties where land use change (conversion) has not occurred**

Any land use activity in the catchments of Lakes Okareka, Rotoehu, Okaro, ~~Rotorua~~ or Rotoiti, where the land use activity is not otherwise permitted by Rule 11, 11A or 11B; is a permitted activity subject to the following conditions:

**Explanation/Intent of Rule:**

To allow land use activities in the catchments of those Rotorua Lakes (excluding the Lake Rotorua groundwater catchment (see Map LR1)) where water quality exceeds the TLI in Objective 11, where the effect of the activity does not increase the discharge of nitrogen or phosphorus beyond an established baseline level. Refer to Flow Diagram 8 to assist reading of this rule.

### Page 214 RWLP

**Rule 11D**      **Controlled – Land Use Activities, in the Catchments of Lakes Ōkāreka, Rotoehu, Ōkaro, ~~Rotorua~~ and Rotoiti where the increase in nitrogen or phosphorus exports is fully offset on land within the same lake catchment**

The increase in the discharge of nitrogen or phosphorus from a land use activity in the catchments of Lakes Okareka, Rotoehu, Okaro, ~~Rotorua~~ and Rotoiti, where:

### Page 215 RWLP

**Rule 11E**      **Restricted Discretionary – Land Use Activities in the Catchments of Lakes Ōkāreka, Rotoehu, Ōkaro, ~~Rotorua~~ and Rotoiti**

The discharge of nitrogen or phosphorus from a land use activity in the catchments of Lakes Okareka, Rotoehu, Okaro, ~~Rotorua~~ and Rotoiti, that is:

### Page 216 RWLP

9.4.2      *Increases in Nitrogen and Phosphorus from Point source Discharges in the Catchments of Lakes Rotorua, Rotoiti, Ōkāreka, Rotoehu and Okaro*

### Page 216 RWLP

**Rule 11F**      **Restricted Discretionary – Increased Discharges of Nitrogen and Phosphorus from Discharge Activities in the Catchments of Lakes Okareka, Rotoehu, Okaro, Rotorua and Rotoiti**

The increase in the discharge of nitrogen or phosphorus from a:

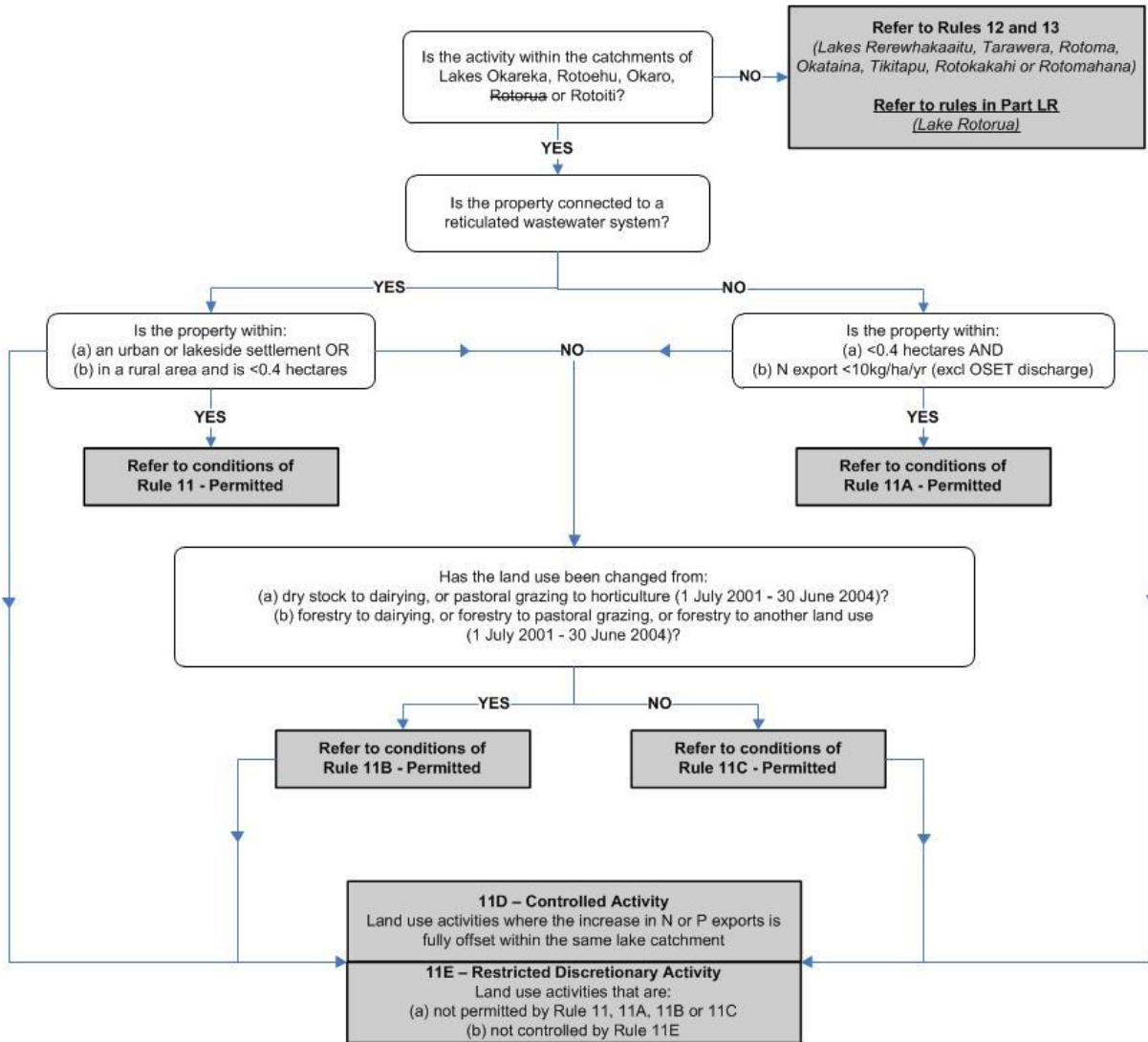
- 1      Point source discharge of contaminants to water; or
- 2      Point source discharge of water to water; or
- 3      Point source discharge of contaminants to land in circumstances where the contaminant may enter surface water or groundwater;

in the catchments of Lakes Okareka, Rotoehu, Ōkaro, Rotorua and Rotoiti,

Is a restricted discretionary activity.

## **Flow Diagram 8 – Discharges and Land Use Activities in the Rotorua Lakes Catchments**





**Advisory Note**

- 1 This flow diagram is to assist working out which rules apply but does not constitute a part of the rules. If there is any inconsistency between the flow diagram and the rules in the regional plan it refers to, the criteria in the rules prevail.

**Page 235 RWLP****Rule 30A                      Restricted Discretionary – Discharge of Stormwater to Surface Water**

The discharge of stormwater to surface water, or to land where the discharge enters surface water, where the rate of discharge is greater than 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm) is a restricted discretionary activity subject to the following conditions:

This activity is also subject to the requirements of the rules in section 9.4 and Part III LR.

**Page 236 RWLP****Rule 32                              Controlled – Discharges of Dairy Shed or Piggery Effluent to Land**

The discharge of dairy shed or piggery effluent to land where the contaminant may enter water where:

- 1        The discharge is spray irrigation; or
- 2        The discharge is soil injection; or
- 3        The discharge is to land soakage and is not within the catchment of the Rotorua Lakes;

Is a controlled activity.

This activity is also subject to the requirements of the rules in section 9.4 and Part III LR.

**Page 242 RWLP****Rule 37 Discretionary – Discharges to Water or Land**

Any:

- 1 Discharge of a contaminant to water.
- 2 Discharge of water to water.
- 3 Discharge of a contaminant onto or into land in circumstances which may result in the contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water.
- 4 Discharge of a contaminant from any industrial or trade premises onto or into land.

That is not:

- (a) Permitted by a rule in this regional plan.
- (b) Permitted by a rule in any other Bay of Plenty regional plan.
- (c) Prohibited by a rule in this regional plan.
- (d) Restricted discretionary status by a rule in this regional plan.
- (e) Controlled status by a rule in this regional plan.

Is a discretionary activity.

This activity is also subject to the requirements of the rules in section 9.4. The activity will also be subject to the rules in Part III LR if the discharge activity is within the Lake Rotorua groundwater catchment (see Map LR1).

**Assessment Criteria**

When assessing resource consent applications under this rule, Environment Bay of Plenty will have particular regard to, but not be limited to, the following provisions as appropriate to the nature of the discharge:

<i>Objective</i>	4, 5, 6, 11, 13, 14, 15, 16, 20, 23, 25, 26, 27, 30, 31, 32, 33, 34.
<i>Policy</i>	5, 11, 14, 15, 17, 18, 19, 20, 21, 38, 42, 44, 45, 47, 48, 50, 51, 53, 54, 55, 56, <u>Part II LR Policies.</u>
<i>Method</i>	13, 17, 18, 20, 21, 56, 60, 77, 109, 110, 111, 112, 113, 114, 118, 119, 120, 127, 135, 138, 139, <u>Part II LR Methods.</u> <i>Water Quality Classification Map, Schedule 9.</i>

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## Definition of Terms

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Terms in *italic text* are defined by the Act. The Act definitions are included in this regional plan for information only, and are correct at the date of public notification of this regional plan.

Note: Part III LR (Lake Rotorua Nutrient Management) has its own set of definitions that apply to rules within that section.

### **Plan Changes 5 and 6 (Lake Ōkāreka and Ōkaro)**

Plan Changes 5 and 6 (Lake Ōkāreka and Lake Ōkaro) introduced new definitions for the terms “Land Use Change”, “Nutrient Mgmt Practices”, “Nutrient Budget”, “Nutrient Discharge Allowance”, “Nutrient Management Plan”. These Plan Changes were withdrawn on 17 September 2009. As a result, these definitions were not adopted or added to the regional plan.

### **Plan Change 8 (Groundwater Bores and Flooding Conditions)**

Plan Change 8 (Groundwater Bores and Flooding Conditions) introduced a revised definition for the term “Geothermal Field” and new definitions for the terms “Aquifer test”, “Bore”, “Backflow prevention”, “Bore pump test”, “Decommission”, “Headworks”, “Hole”, “Water Infiltration gallery” and “Well”.

**Abstraction** – the act of taking water from a water body.

**Abutment** – a construction that anchors and supports the end of a bridge.

**Access track** – a road that crosses a waterway with a contributing catchment of less than 100 hectares and accesses a property that does not have dwellings.

- **Accreditation criteria** – means the criteria provided in section 13.2.1.
- **Accreditation Panel** – means the panel that recommends accreditation to Environment Bay of Plenty.
- **Accredited Forestry Operator** – A forestry operator who has been accredited in accordance with the Bay of Plenty Forestry Operators Accreditation System.

**Activity Site** – A separate area of land on which the activity is undertaken. The activity site may be either a single continuous area or comprise several adjoining blocks, sections, paddocks or compartments that together make up a single continuous area. Earthwork activities for forestry that are physically separate and distinct and do not create overlapping or cumulative environmental effects that are more than minor are classified as separate activity sites.

**AEP, Annual Exceedance Probability** – a statistical measurement of the annual changes of a flow of a specified size being equal or exceeded.

**Agrichemicals** – any substance, whether organic or inorganic, manufactured or naturally occurring, modified or in its original state, that is used for any agricultural, pastoral, horticultural or related activity, to eradicate, modify or control undesirable flora and fauna. For the purposes of this regional plan, it includes agricultural compounds and excludes fertiliser.

**Applicant** – means the party that is applying for accreditation status under the Forestry Operators Accreditation System.

**[End of Consequential Amendments]**