

Bay of Plenty Regional Natural Resources Plan('RNRP') – Assessment of Relevant Rules

Chapter 5 – Land Management																							
RNRP Rule	Description	Comments																					
LM R1 – Permitted – Earthworks and Quarries	<p>This rule prescribes a permitted activity status to the following earthworks and quarry activities together with the associated permitted activity conditions:</p> <p><i>The disturbance of land and soil as a result of earthworks or a quarry, where the activity does not exceed the limits in Table LM 1 within any 12 month period is a permitted activity subject to the following conditions:</i></p> <p>...</p> <p><i>(e) Riparian Management Zone – Schedule 1 streams.</i></p> <table border="1"> <tr> <td>0 to 7°</td><td>Between 0-5 horizontal metres from the edge of the water body</td><td>Earthworks excluding stream crossings - Exposed area no greater than 400 m² and volume no greater than 200 m³.</td></tr> <tr> <td>>7 to 15°</td><td>Between 0-10 horizontal metres from the edge of the water body</td><td></td></tr> <tr> <td>>15 to 25°</td><td>Between 0-20 horizontal metres from the edge of the water body</td><td>Earthworks for stream crossing purposes – exposed area no greater than 600m² per crossing.</td></tr> <tr> <td>>25 to 35°</td><td>Between 0-25 horizontal metres from the edge of the water body</td><td></td></tr> </table> <p><i>(h) Land not in areas covered by (a) to (e), and not in the erosion hazard zone.</i></p> <table border="1"> <tr> <td>0 to 15°</td><td>N/A</td><td>Exposed area no greater than 1 hectare and volume no greater than 5,000 m³.</td></tr> <tr> <td>>15 to 25°</td><td>N/A</td><td>Exposed area no greater than 5,000 m² and volume no greater than 5,000 m³.</td></tr> <tr> <td>>25 to 35°</td><td>N/A</td><td>Exposed area no greater than 500 m² and volume no greater than 500 m³.</td></tr> </table>	0 to 7°	Between 0-5 horizontal metres from the edge of the water body	Earthworks excluding stream crossings - Exposed area no greater than 400 m² and volume no greater than 200 m³.	>7 to 15°	Between 0-10 horizontal metres from the edge of the water body		>15 to 25°	Between 0-20 horizontal metres from the edge of the water body	Earthworks for stream crossing purposes – exposed area no greater than 600m² per crossing.	>25 to 35°	Between 0-25 horizontal metres from the edge of the water body		0 to 15°	N/A	Exposed area no greater than 1 hectare and volume no greater than 5,000 m³.	>15 to 25°	N/A	Exposed area no greater than 5,000 m² and volume no greater than 5,000 m³.	>25 to 35°	N/A	Exposed area no greater than 500 m² and volume no greater than 500 m³.	<p>(e) Riparian Management Zone – Schedule 1 streams</p> <p>Does not comply.</p> <p>The Omanawa River is a Schedule 1 Stream listed in Section B as a habitat for a threatened indigenous species (the Little Shag). Scaling associated with rock stabilisation are earthworks within the Riparian Management Zone on land that exceeds 35 degrees.</p> <p>(h) Land not in areas covered by (a) to (e), and not in the erosion hazard zone.</p> <p>Car Park – Complies / Permitted</p> <p>The proposed earthworks to achieve the design contours for the car parking area (and surrounds) are to occur on land not otherwise covered by items (a) to (e) and occur on an area with a land slope of between 0 to 15 degrees. These works will expose an area of approximately 2,500m² and have a volume of 2,300m³ (being a combination of 1,700m³ cut and 600m³ fill).</p>
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	<p>Permitted Activity Conditions:</p> <p>(a) <i>There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity.</i></p> <p>(b) <i>The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded:</i></p> <p>(i) <i>The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids.</i></p> <p>(ii) <i>Any conspicuous change in colour or visual clarity.</i></p> <p>(iii) <i>Any emission of objectionable odour.</i></p> <p>(iv) <i>The rendering of fresh water unsuitable for consumption by farm animals.</i></p> <p>(v) <i>Any more than minor adverse effects on aquatic life.</i></p> <p>(c) <i>The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</i></p> <p>(i) <i>Instability of land or the banks of the surface water body.</i></p> <p>(ii) <i>Scour to the bed of the surface water body.</i></p> <p>(d) <i>Fill from the earthwork activity shall not be deposited in overland or secondary flow paths that convey stormwater during rainfall events.</i></p> <p>(e) <i>The activity shall not obstruct or divert the flow of water in such a manner that it results in damming, flooding or erosion.</i></p> <p>(f) <i>The activity shall not disturb vegetation in a wetland; or change the water flow or quantity, or water quality in a wetland.</i></p> <p>(g) <i>Where an activity is a cleanfill site, the activity shall comply with the Ministry for the Environment's Cleanfill Guidelines (2001)14.</i></p> <p>(h) <i>The activity shall not disturb an identified contaminated site.</i></p> <p>(i) <i>No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.</i></p> <p>(j) <i>No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be discharged to water, or discharged to land in circumstances where the contaminant may enter water, from the activity.</i></p>	<p>Permitted Activity Conditions</p> <p>(a) Will comply - There will be no point source discharge to surface water bodies during the proposed earthworks.</p> <p>(b) Will comply – Any diffuse discharge of sediment contaminated stormwater will not result in any of the effects listed in sub-clauses (i) to (v).</p> <p>(c) Will comply – The proposed works will not induce erosion effects.</p> <p>(d) Will comply – Proposed areas of filling are not occurring within overland flowpaths.</p> <p>(e) Will comply – The proposed works will not alter the flow of water.</p> <p>(f) Will comply – The works will not affect existing wetlands wither directly or indirectly.</p> <p>(g) N/A – The Proposal does not include a cleanfill activity.</p> <p>(h) N/A – The Site is not identified as contaminated.</p> <p>(i) Will comply – Any machinery used during the proposed earthworks activities will be refuelled in a location where fuel can enter any water body.</p> <p>(j) Will comply – Earthworks are to be managed so that no contaminants (other than sediment) are discharged to water or land (where they might enter water).</p> <p>(k) Will comply – Slash associated with vegetation clearance for track and viewing</p>
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	<p>(k) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.</p> <p>(l) The activity shall be staged, managed and completed, and the activity site closed-off, in a manner that ensures compliance with conditions (a) to (k) inclusive.</p> <p>(m) Any stormwater from outside the exposed area shall be kept separate from the earthworks area.</p> <p>(n) Where the earthworks are for stream crossing purposes, the activity shall also comply with the following conditions:</p> <p>(i) The crossing shall be made at, or near to, right angles to the flow of the water in the river or stream, ensuring minimal roading in the Riparian Management Zone.</p> <p>(ii) The area shall be stabilised as soon as practicable, but no later than 3 months from the end of the activity.</p> <p>(iii) All practicable steps shall be taken to keep stormwater away from the stream crossing approach.</p>	<p>platform construction will be placed in areas where it will not enter the Omanawa River.</p> <p>(l) Will comply.</p> <p>(m) Will comply – Clean water diversions will be in place during the construction of the car park.</p> <p>(n) N/A – The proposed works are not associated with a stream crossing.</p>
LM R4 – Discretionary Earthworks and Quarries	<p>This rule prescribes a discretionary activity status to the following:</p> <p><i>The disturbance of land and soil as a result of earthworks or a quarry, where the activity:</i></p> <ol style="list-style-type: none"> Is not permitted by a rule in this regional plan, and Is not a controlled activity under a rule in this regional plan, and Is not a restricted discretionary activity under a rule in this regional plan. 	<p>The following proposed earthworks activities are not otherwise prescribed an activity status by the RNRP and, therefore require resource consent as a Discretionary Activity:</p> <ul style="list-style-type: none"> Earthworks for the rock scaling associated with cliff stabilisation works and on land with a slope exceeding 35 degrees.
LM R7 – Permitted – Land and Soil Disturbance by Vegetation Clearance	<p>This rule prescribes a permitted activity status to the following land and soil disturbing activities by way of vegetation clearance together with the associated permitted activity conditions:</p> <p><i>The disturbance of land and soil resulting from vegetation clearance, where:</i></p> <ol style="list-style-type: none"> The activity is not: <ol style="list-style-type: none"> On land with a dominant slope greater than 35 degrees; or In the Erosion Hazard Zone; or In the Coastal Margin; <p>And either (2) or (3):</p>	<p>Does not comply</p> <p>The Proposal includes land disturbance by way of vegetation clearance associated with cliff stabilisation and the construction of the walking track (in locations where it exceeds 1.5m) and ancillary structures on land with a slope exceeding 35 degrees. This includes works within the Riparian Management Zone of the Omanawa River.</p>

2. *The activity complies with 4, 5, 6, 7 or 8 below.*
3. *The activity is on any other land not covered by 2 above.*
- Is a permitted activity subject to compliance with conditions (a) to (l) inclusive below.*
4. *The activity is vegetation clearance in an ephemeral flowpath (refer to definition), and either (a) or (b):*
- (a) *Is the clearance of vegetation that is causing erosion, or is blocking water flow; or*
- (b) *Is the removal of exotic weed tree species, including, but not limited to, willows and wilding pines.*

Or

5. *The activity is the harvesting of existing exotic vegetation species where the plants were planted as of 8 July 2008, and the activity is in the Riparian Management Zone, with a dominant slope no greater than 25 degrees in relation to Table LM 4(a) to (c), or with a dominant slope no greater than 35 degrees in relation to Table LM 4(d), and the area specified in Table LM 4 is replanted in indigenous vegetation or allowed to re-vegetate for retirement purposes;*

Table LM 4 Riparian Retirement Distance

	General Area	Land Slope	Riparian Retirement Distance
(a)	Riparian Management Zone – Rotorua Lakes	0 to 25°	Between 0-10 horizontal metres from the edge of the lake
(b)	Riparian Management Zone – streams and rivers listed in Schedule 1	0 to 25°	Between 0-10 horizontal metres from the edge of the river or stream
(c)	Riparian Management Zone – streams and rivers classified as Water Supply in the Water Quality Classification Map	0 to 25°	Between 0-10 horizontal metres from the edge of the river or stream
(d)	Riparian Management Zone - All streams, rivers not other addressed by (b) or (c); wetlands; and lakes not specified in (a)	0 to 25°	Between 0-5 horizontal metres from the edge of the water body
		25-35°	Between 0-10 horizontal metres from the edge of the water body

Or

6. *The activity is in the Riparian Management Zone with a dominant slope no greater than 25 degrees in relation to Table LM 4(a) to (c), or with a dominant slope no greater than 35 degrees in relation to Table LM 4(d), and the riparian area specified in Table LM 4 has previously been retired and is retained.*

Or

7. *The activity is associated with stream crossings in the Riparian Management Zone where the dominant slope is no greater than 35 degrees, and the area of vegetation clearance on the activity site is no greater than that permitted for stream crossings in LM R1 Table LM 1 within any 12 month period.*

Or

8. *The activity is in the Riparian Management Zone with a dominant slope no greater than 35 degrees, and the area of vegetation clearance on the activity site is no greater than that specified in Table LM 5, within any 5 year period.*

Table LM 5 Permitted Vegetation Clearance in the Riparian Management Zone

	General Area	Land Slope	Riparian Management Zone distance	Permitted Vegetation Clearance – exposed area
(a)	Riparian Management Zone – Rotorua Lakes	0 to 15°	Between 0-10 horizontal metres from the edge of the lake	Exposed area no greater than 100 m²
		>15 to 25°	Between 0-20 horizontal metres from the edge of the lake	
		25 to 35°	Between 0-25 horizontal metres from the edge of the lake	
(b)	Riparian Management Zone - other lake not specified in (b), wetland	0 to 7°	Between 0-5 horizontal metres from the edge of the water body	Exposed area no greater than 400 m²

	General Area	Land Slope	Riparian Management Zone distance	Permitted Vegetation Clearance – exposed area
	or the bed of any river or stream, excluding streams and rivers with Water Supply water quality classification and Schedule 1 streams	>7 to 15°	Between 0-5 horizontal metres from the edge of the water body	
		>15 to 25°	Between 0-20 horizontal metres from the edge of the water body	
		25 to 35°	Between 0-25 horizontal metres from the edge of the water body	
(c)	Riparian Management Zone – streams and rivers with Water Supply water quality classification	0 to 15°	Between 0-10 horizontal metres from the edge of the water body	Exposed area no greater than 400 m²
		>15 to 25°	Between 0-20 horizontal metres from the edge of the water body	
		25 to 35°	Between 0-25 horizontal metres from the edge of the water body	
(d)	Riparian Management Zone – Schedule 1 streams	0 to 7°	Between 0-5 horizontal metres from the edge of the water body	Exposed area no greater than 400 m²
		>7 to 15°	Between 0-5 horizontal metres from the edge of the water body	
		>15 to 25°	Between 0-20 horizontal metres from the edge of the water body	
		25 to 35°	Between 0-25 horizontal metres from the edge of the water body	

Permitted activity conditions for LM R7:

- (a) There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity.*
- (b) The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded:*
 - (i) The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids.*
 - (ii) Any conspicuous change in colour or visual clarity.*
 - (iii) Any emission of objectionable odour.*
 - (iv) The rendering of fresh water unsuitable for consumption by farm animals.*
 - (v) No more than minor adverse effects on aquatic life.*

	<p>(c) <i>The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</i></p> <p>(i) <i>Instability of land or the banks of the surface water body.</i></p> <p>(ii) <i>Scour to the bed of the surface water body.</i></p>	
<p>LM R10 – Discretionary – Land and Soil Disturbance by Vegetation Clearance</p>	<p>This rule prescribes a discretionary activity status to the following:</p> <p><i>The disturbance of land and soil resulting from vegetation clearance, where the activity:</i></p> <ol style="list-style-type: none"> <i>Is not permitted by a rule in this regional plan, and</i> <i>Is not a controlled activity under a rule in this regional plan, and</i> <i>Is not a restricted discretionary activity under a rule in this regional plan.</i> 	<p>The following proposed disturbance of land and soil resulting from vegetation clearance activities are not otherwise prescribed an activity status by the RNRP and therefore require resource consent as a Discretionary Activity:</p> <ul style="list-style-type: none"> Vegetation clearance for the construction of the walking track and ancillary structures (where the track exceeds 1.5m in width) within the riparian management zone of the Omanawa River (a Schedule One stream) and on land with a slope exceeding 35 degrees. Vegetation clearance for cliff stabilisation works on land with a slope exceeding 35 degrees.
Chapter 6 – Discharges to Water and Land		
RNRP Rule	Description	Comments
<p>DW R20 – Discharge of Stormwater to Surface Water</p>	<p>This rule prescribes a permitted activity status for the discharge of stormwater to surface water together with the associated permitted activity conditions:</p> <p><i>The discharge of stormwater to surface water, or to land where the discharge enters surface water, is a permitted activity, subject to the following conditions:</i></p> <p>(a) <i>The suspended solids concentration of the discharge shall not be greater than 150g/m³, except where a 10 minute duration 10% AEP storm event (10 year return period storm) is exceeded.</i></p>	<p>Complies</p> <p>The Proposal includes the discharge of stormwater collected from the car parking area via the existing channel drains that run parallel to the existing 4WD track. In addition, temporary discharges of sediment laden water may occur during earthworks. All permitted activity conditions will be met (refer to AEE).</p>

	<p>(b) <i>The discharge shall not be to a surface water body in an area otherwise covered by a Comprehensive Catchment Discharge Consent.</i></p> <p>(c) <i>The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable materials.</i></p> <p>(d) <i>The rate of discharge shall not exceed 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm).</i></p> <p>(e) <i>The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored.</i></p> <p>(f) <i>The discharge shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</i></p> <p style="padding-left: 20px;">(i) <i>Instability of land or the banks of the surface water body.</i></p> <p style="padding-left: 20px;">(ii) <i>Scour to the bed of the surface water body.</i></p> <p style="padding-left: 20px;">(iii) <i>Damage to the margins or banks of the surface water body.</i></p> <p>(g) <i>The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.</i></p> <p>(h) <i>The discharge shall not contain hazardous substances, or substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 2000)</i></p> <p>(i) <i>The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process.</i></p> <p>(j) <i>The discharge shall not cause a conspicuous change in the colour of the receiving waters.</i></p> <p>(k) <i>Where the discharge is to a part of a receiving water body that is classified as Water Supply, the discharge shall not contain any substance that renders the water unsuitable for treatment (equivalent to coagulation, filtration, disinfection or micro-infiltration) for human consumption.</i></p>	
Chapter 8 – Beds of Water Bodies		
RNRP Rule	Description	Comments
<i>BW R36 - Activity in the Beds of Streams, Rivers and Lakes</i>	<i>Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the bed of a stream, river or lake is a discretionary activity.</i>	<i>The lower platform is to be located between existing boulders on the edge of the waterfall pool, which is outside the wetted part of the</i>

		<i>river, but falls within the definition of the 'bed and banks of a river'.</i>
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