

Appendix 15: Rule assessment and consent requirements

NESF

The NESF		
Regulation 45 Construction of specified infrastructure		
(1)	Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.	Discretionary activity
(2)	Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.	Discretionary activity
(3)	Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it— (a) is for the purpose of constructing specified infrastructure; and (b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland.	Discretionary activity
(4)	The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the activity is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.	Discretionary activity
(5)	The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the discharge is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the discharge and the wetland; and (c) the discharge will enter the wetland; and (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.	Discretionary activity
(6)	A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first— (a) satisfied itself that the specified infrastructure will provide significant national or regional benefits; and (b) satisfied itself that there is a functional need for the specified infrastructure in that location; and (c) applied the effect s management hierarchy.	Can be demonstrated

CRC

CLWRP		
Section 5 Region-wide rules. No rules apply from section 14 (Orari-Temuka-Opihi-Pareora)		
General Rules		
5.6	Any activity that— (a) would contravene sections 13(1), 14(2), s14(3) or s15(1) of the RMA; and (b) is not a recovery activity; and (c) is not classified by this Plan as any other of the classes of activity listed in section 87A of the RMA — is a discretionary activity.	This rule is included because some of the works, particularly those in modified natural watercourses (s13) but also smaller s 9 drains are not well defined by activity-specific permitted activity rules. Using this rule enables a full assessment of effects related to earthworks in, and sediment discharges into waterbodies.
Construction phase stormwater		
5.94A	The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, to a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, is a permitted activity, provided the following conditions are met: 1. The area of disturbed land from which the discharge is generated is less than:	The proposed discharge can comply with all conditions except: 1(b): Cannot be guaranteed 2(b): Cannot be guaranteed

	(a) 1000m² for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or (b) two hectares in any other location; and 2. The concentration of total suspended solids in the discharge shall not exceed: (a) 50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or (b) 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case Schedule 5 visual clarity standards shall apply; and 3. The discharge does not result in an increase in the flow in the receiving waterbody at the point of discharge of more than 1% of a flood event with an Annual Exceedance Probability of 20% (one in five year event); and 4. The discharge is not from, into or onto contaminated or potentially contaminated land; and 5. The discharge does not contain any hazardous substance; and 6. The discharge does not occur within a Community Drinking-water Protection Zone as set out in Schedule 1.	4: At some locations, the discharge will be from, into or onto contaminated or potentially contaminated land. The following rule applies.
5.94B	The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, into a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, that does not meet one or more of the conditions of Rule 5.94A is a restricted discretionary activity. The exercise of discretion is restricted to the following matters: 1. The actual and potential effects of the discharge on the quality of surface water, aquatic ecosystems, Ngāi Tahu cultural values; and 2. The actual and potential effects of the discharge on the quality and safety of human and animal drinking water; and 3. The actual and potential adverse environmental effects of the quantity of water to be discharged on the banks or bed of a waterbody or on its flood carrying capacity, and on the capacity of the network to convey that discharge; and 4. The potential benefits of the activity to the applicant, the community and the environment.	Restricted discretionary
Structures		
5.137	The installation, alteration, extension, or removal of bridges and culverts, including the associated excavation, disturbance and deposition of substances on, in or under the bed of a lake or river, and, in the case of culverts, the associated take, discharge or diversion of water is a permitted activity, provided the following conditions are met: 1. Any material deposited in, on, under or over the bed of a lake or river in order to construct or maintain the structure is of inert materials of colour and material type that blends with the surrounding natural environment and does not contain or is not coated with any hazardous substance; and 2. The activity is undertaken at a distance greater than 10 m from any dam, weir, bridge, or network utility pole, pylon or flood protection vegetation, or 150 m from any water level recorder, or 50 m from any defence against water, or closer where there is evidence that permission has been obtained from the owner of the infrastructure or the works are being carried out by or on behalf of the owner; and 3. The works do not occur in flowing water; and 4. The activity is not undertaken in a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the inanga spawning season of 1 March to 1 June inclusive, or in any Critical Habitat; and 5. Upon completion of the activity: a. any area of the bed of a lake or river which has been disturbed is returned to as near as practicable to its original state; and b. any excavated areas are left with battered slopes not steeper than 3:1 slope angle (3 horizontal to 1 vertical) and any flow channels disturbed during the activity are reinstated; and 6. For any permanent culvert at the time of its installation: a. the maximum length is 25 m; and b. the maximum width of the river bed at the point of the crossing is 5 m; and c. the culvert is installed so that the base of the culvert is below bed level to an extent that a minimum of 25% of the internal width of the culvert is below the level of the bed of the river or lake or is covered with water at the estimated 7DMALF; and	This rule relates to the extension of the Aorangi Road south side culvert extension. 1) Will comply. 2) Will comply 3) It is unlikely that this can be complied with 4) Will comply 5) Will comply or N/A 6) Will comply 7) N/A relates to bridges 8) Will comply as a manual flap gate is being installed and it will only be used in large flood events.

	d. the culvert provides a 5% Annual Exceedance Probability flood flow capacity without increasing upstream water levels; and e. the location is not within any urban area or settlement; and 7. For any bridge: a. there are no piers within the bed; and b. the bridge and the approaches are designed so that a 5% Annual Exceedance Probability flood event does not cause any increase in upstream water levels; and c. the soffit (underside) of any bridge is higher than the top of the river bank, and at least 500 mm above the 5% AEP flood level; and d. the bridge abutments are constructed parallel to the flow; and 8. The works or structures do not prevent any existing fish passage.	
5.141A	The placement, installation, erection, reconstruction, alteration or removal of any structure, excluding dams, on, in or under the bed of a lake or river, and including any associated excavation, disturbance, diversion and discharge in the bed of a lake or river, or any diversion or discharge in an artificial watercourse, that does not comply with Rules 5.135 to 5.141 is a discretionary activity.	Discretionary activity
5.141B	Where not classified by any other Rule in this plan, the diversion or discharge of water and contaminants as a result of the excavation and disturbance of a river or lake bed, or the establishment of a structure or defence against water, is a discretionary activity.	Catch all rule for: Ultimate diversion of water into new drain alignment, and associated discharges when this occurs. Construction discharges into and diverts of s13 waterways. Discretionary activity
Wetlands		
5.162	Reducing the area of a wetland by the taking, use, damming or diversion (including draining) of water or other means, including vegetation clearance, cultivation, burning or earthworks, except as provided for in Rule 5.161 is a non-complying activity.	Existing drain wetland may eventually disappear. Replaced by new drain. Wetlands in realignment will be impacted during works but offset. Non-complying activity
Earthworks and Vegetation Clearance in Riparian Areas		
5.168	The use of land for earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within: (a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk on the Planning Maps; or (b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met: 1. Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the extent of earthworks within the riparian margin: (a) does not at any time exceed: (i) an area of 500 m², or 10% of the area, whichever is the lesser; or (ii) a volume of 10m³ on land shown as High Soil Erosion Risk on the Planning Maps; or (b) is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or (c) for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 and the NZ Forest Road Engineering Manual (2012); and 2. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed: (a) 50g/m³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or (b) 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case the Schedule 5 visual clarity standards shall apply; and 3. The activity does not occur adjacent to a salmon spawning area listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, or in any Critical Habitat; and	Earthworks only. Works will occur in these setbacks near to the existing drain, at the tie in points (existing drain) and at the existing wetlands. The new system is a network utility per RMA s166, so conditions 1,2 and 4 don't apply. Can't comply with condition 3 inanga spawning at south end unless outside season. Condition 5 N/A RMA s166 definition of network utility operator includes person who (e) undertakes or proposes to undertake a drainage or sewerage system;

	4. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, any earthworks or cultivation is not within 5 m of any flood control structure without the prior written permission of the person or agency responsible for maintaining that flood control structure; and 5. From 5 September 2015, and in the riparian margins of Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and Waitaki rivers, earthworks or cultivation do not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 4 above are met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure.	
5.169	Vegetation clearance and earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within: (a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk on the Planning Maps; or (b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water that does not comply with one or more of the conditions in Rules 5.167 or 5.168 is a restricted discretionary activity. The exercise of discretion is restricted to the following matters: 1. For forest harvesting, the harvesting method, location of haulage and log handling areas, access tracks, and sediment control; and 2. The actual and potential adverse environmental effects on soil quality or slope stability; and 3. The actual and potential adverse environmental effects on the quality of water in rivers, lakes, or artificial watercourse, or wetlands; and 4. The actual and potential adverse environmental effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation, indigenous biodiversity and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua; and 5. The actual and potential adverse environmental effects on the banks or bed of a waterbody or on its flood carrying capacity; and 6. The actual and potential adverse environmental effects on transport networks, neighbouring properties or structures.	Restricted discretionary activity NB – rule requirement triggered by works in inanga spawning area which will be covered by existing spawning area consent
Earthworks over aquifers		
5.175	The use of land to excavate material is a permitted activity, provided the following conditions are met: 1. Over the Coastal Confined Gravel Aquifer System, as shown on the Planning Maps: a. there is more than 1 m of undisturbed material between the deepest part of the excavation and Aquifer 1; and b. if more than 100 m³ of material is excavated, the excavation does not occur within 50 m of any surface waterbody; or 2. Over an unconfined or semi-confined aquifer: a. the volume of material excavated is less than 100 m³; or b. the volume of material excavated is more than 100 m³ and: (i) there is more than 1 m of undisturbed material between the deepest part of the excavation and the highest groundwater level; and (ii) the excavation does not occur within 50 m of any surface waterbody.	The volume of material removed will be more than 100 m³, and the excavations will occur below groundwater level and in places within 500m of the existing drain. The following rule applies.
5.176	The use of land to excavate material that does not comply with one or more of the conditions of Rule 5.175 is a restricted discretionary activity. The exercise of discretion is restricted to the following matters: 1. The actual and potential adverse environmental effects on the quality of water in aquifers, rivers, lakes, wetlands; and 2. Any need for remediation or long-term treatment of the excavation; and 3. The protection of the confining layer and maintaining levels and groundwater pressures in any confined aquifer, including any alternative methods or locations for the excavation; and 4. The management of any exposed groundwater; and 5. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.	Restricted discretionary activity

RCEP		
Hazards		
9.1 a	a. The reconstruction or replacement of any structure, other than a structure damaged or destroyed by the action of the sea, provided that: i. the structure shall be reconstructed or replaced with one of the same or similar specifications; and ii. the structure shall not be reconstructed or replaced in a position that is further seaward than the original structure; and iii. if the structure is a habitable building, the floor area shall not be increased; and iv. where the habitable building is reconstructed or replaced in a different position on the site pursuant to this rule, the habitable building shall be erected in accordance with the requirements of the zone (within Christchurch City the zone shall be the Living 1 Zone) in the Proposed or Operative District Plan with respect to site coverage, recession planes and setbacks.	The proposed stopbank complies with i and ii and is a permitted activity.
9.1 g	The excavation, filling, or disposal of spoil, or the removal of sand, rocks, shingle, shell, or other natural material and associated vegetation clearance, in order to undertake earthworks for the installation, maintenance, extension to, or removal of, network utility services, excluding the cutting of an access track across an active beach system, provided that all disturbed land not physically covered by any structure shall be reinstated to conform to the natural or physical state pertaining in the area before the activity permitted by this rule commenced.	The proposed drain realignment will not comply with this rule because the land will be different from before.
9.2	Except where the activity is a Permitted Activity in accordance with Rule 9.1 of this Plan, or a Prohibited Activity in accordance with Rules 9.3 or 9.4 of this Plan, the following activities within Hazard Zone 1 or within Hazard Zone 2 are Discretionary Activities for which Environment Canterbury has restricted the exercise of its discretion: a. The erection, reconstruction, placement, alteration, or extension of any structure; b. The disturbance (burning, grazing, or removal) of vegetation within active beach systems; c. The formation of access tracks (including board walks) across an active beach system; d. The artificial adjustment of a beach profile, (including dune re-contouring), within an active beach system; e. The excavation, filling, or disposal of spoil in volumes greater than 5 cubic metres per 100 square metres of land area; f. The removal of sand, rocks, shingle, shell, or other natural material from an active beach system in volumes greater than 5 cubic metres by any person within any 12 month period. The matters for discretion are: a. whether the activity is likely to exacerbate coastal erosion; and b. whether the activity is likely to lead to adverse effects from natural hazards on any other property, (where property has the same meaning as in Section 2 of the Building Act 1991); c. provision for the removal of any structure or parts of any structure that are rendered unusable through coastal erosion.	Not prohibited by 9.3 or 9.4 The proposed excavation complies with and is a restricted discretionary activity under this rule.

TDC

The Operative Timaru District Plan		
In R3 Zone		
Rule 1.8	Maintenance and minor upgrading of existing utility services; and the establishment or upgrading of utility services which are covered by the Definition of Utility Services (1), (2) or (5) in Part D7 of this Plan not within areas of significant indigenous vegetation or significant habitats of indigenous fauna or within active beach systems.	The definition of utility services includes: (2) Water and irrigation races, drains, channels, pipes and necessary incidental equipment, including water intakes. The definition of significant indigenous vegetation in part B2 of the plan includes freshwater wetlands. Therefore, this rule makes the installation of the drain and associated structures permitted, <u>other than where it affects the wetlands</u>.
	PS 5.13 All earthworks including track or road formation, mining, quarrying and/or extraction of soil, rock, gravel and sand shall be set back 10 metres from the bank of any river including streams, except for crossing places, including bridges and their approaches and 200 metres landward of the coastal marine area boundary.	Parts of the drain realignment will be within these setbacks – the exact amount is difficult to establish but a component will be within the CMA setback, and all crossings of tributary drains will breach the 10m setback for rivers
	PS 5.14 All earthworks including track or road formation, mining, quarrying and/or extraction of soil, rock, gravel and sand shall be set back 30 metres from the edge of any wetland.	Parts of the drain realignment will breach this setback.
	Outcome	The areas of the drain realignment within 200m of the CMA boundary or 10m of rivers require consent under rule 3.10 (discretionary activity) , which states that: Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
Rule 1.14	Drainage works other than those affecting wetlands	The part of the project not affecting wetlands. Apply this to the works in general. Can't comply with setbacks so goes to rule 3.10 as above (discretionary activity)
Discretionary activities		
Rule 3.4	Utility services within significant indigenous vegetation and significant habitats of indigenous fauna.	This rule applies to the drains where they impinge on the wetland areas.
Non-Complying activities		
Rule 4.1	Clearance by any means (including burning and spraying with herbicides) of significant indigenous vegetation and significant habitats of indigenous fauna.	This rule applies to vegetation clearance within the wetland areas.
Rule 4.2	Drainage affecting wetlands and reclamation (or infilling) of wetlands.	This rule applies to the existing wetlands, which will be subject to draining as part of the works, before being remediated

The Proposed Timaru District Plan		
GRUZ-R31	Any activities not otherwise listed in this chapter	Discretionary activity GRUZ rules largely do not apply to the proposal.
GIZ-R6	Any other activities, including associated buildings and structures not otherwise listed in this chapter.	Non-complying activity GIZ rules largely do not apply to the proposal
NOSZ-R5	Buildings and structures including fences Activity status: Permitted Where: PER-1 The building or structure is associated with or is ancillary to a permitted activity; and PER-2 The building or structure complies with all the standards of this chapter.	The structure (stopbank) does not comply with PER-1, and also does not comply with standard S2 – scale as it will be larger than 50 m ² . The following rule applies Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. Activity status when compliance not achieved with PER-1: The same status as the activity the building or structure is associated with or ancillary to. See below.
NOSZ-R8	Any activities not otherwise listed in this chapter 5	Discretionary activity NOSZ rules largely do not apply to the proposal
NH-R7 1 Flood Assessment Area Overlay	Regionally Significant Infrastructure - maintenance, repair, replacement and upgrading Activity status: Permitted Where: PER-1 The infrastructure: 1. is underground infrastructure only; or 2. is within 20m of the existing alignment or location; and PER-2 The above ground footprint of any building or structure is not increased by more than 10%	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. any adverse effects arising from locating the regionally significant infrastructure in this location; and 2. [sic] and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. alternative locations for the regionally significant infrastructure 5. any positive effects of locating the regionally significant infrastructure at this location 6. the ability for the regionally significant infrastructure to be efficiently recovered after a hazard event 7. the operational need or functional need for the activity to be established in this location
NH-R7 2 Coastal Erosion Overlay Sea Water Inundation Overlay	Regionally Significant Infrastructure - maintenance, repair, replacement and upgrading Activity status: Permitted Where: PER-1, 3 and 4 N/A as they relate to buildings PER-2 Any upgrading does not increase the building or structure coverage by more than 10% within a 10-year period from the plan operative date.	This rule is likely to comply with PER-2 due to the timing of works. If not, it would be restricted discretionary with matters for discretion restricted to: 1. any impacts on natural elements, processes and patterns, and landforms; and 2. the extent to which the building or structure has a functional need or operational need for its location; and 3. the extent of any positive benefits that will result from the proposal; and 4. the extent to which the proposal creates natural hazard risks on adjacent properties and any risk to human life; and 5. the risk to the building or structure taking into account: a. the nature of the building, structure or activity, including its materials and ability to be relocated; b. the anticipated lifespan of the building, structure or activity c. the level of uncertainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.
CE-R5	Earthworks, excluding: 1. earthworks for natural hazard mitigation works; and 2. any land disturbance; and	This rule applies to earthworks at the north end of the realignment in a small area where the diversion from the existing to new drains will occur.

Coastal High Natural Character Area Overlay	3. earthworks for access tracks for network utilities under CE-RY6.91 Activity status: Permitted Where: PER-1 The earthworks are for the purpose of maintenance and repair of existing fence lines, roads or tracks, underground network utilities and ancillary structures and are located within 2m of the fence line, road or track; or PER-2 The earthworks are for the purpose of installation of underground network utilities and ancillary structures; or PER-3 Any other earthworks do not exceed the following quantum per calendar year: 1. 100m3 within the area of the site located within the Coastal High Natural Character Area Overlay; or 2. 100m2 within the area of the site located within the Coastal High Natural Character Area Overlay.	PER-1 and 2 do not apply. The works are unlikely to comply with PER-3 Activity status when compliance not achieved: Discretionary
CE-R8 1: Coastal Environment Area overlay outside urban zoned areas	Regionally significant infrastructure - maintenance and upgrade Activity status: permitted Where: PER-1 Any upgrading does not increase the building or structure envelope by more than 25% within a continuous 25-year period, up to a maximum of 1,000m2.	This rule applies to the entire project within the coastal environment area (most of the project area). PER-1 will not be complied with, as the old system including stopbank will be retired and left intact but not maintained for its infrastructure purpose. Activity status when compliance not achieved: Restricted discretionary Matters of discretion are restricted to: 1. any adverse impacts on the identified matters contained in CE-P3, CE-P4, CE-P5, CE-P6 and CE-P9; and 2. the extent to which the building or structure has a functional need or operational need for its location; and 3. the extent of any positive benefits that will result from the proposal Policies: CE-P3 Coastal natural character matters CE-P4 Kati Huirapa values CE-P5 Restoration or rehabilitation of natural character CE-P6 Maintain and/or enhance the quality of the coastal environment CE-P9 Preserve the natural character qualities of areas with coastal high natural character
SASM-R1 1 Earthworks Within the General Rural Zone or Rural Lifestyle Zone and within one or more of the following: Wahi Tupuna Overlay Wahi Taoka Overlay	Activity status: Permitted Where: PER-1 The activity is either: 1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / network utilities, do not exceed a maximum area of 2000m2 in any 12-month period per site; or 2. earthworks for the purpose of maintaining, repairing or replacing existing fences, roads, tracks, pipelines, buildings, rock weirs or natural hazard mitigation works, and are within the footprint or the area of ground previously modified by the existing fence, road, track, pipeline, building or natural hazard mitigation works. PER-2 Except where an archaeological authority has been obtained from HNZPT, the earthworks are undertaken in accordance with the he Accidental Discovery Protocol, contained within APP4 – Accidental Discovery Protocol.	The proposal will not comply with PER1, but will comply with PER--2 Activity status when compliance not achieved: Restricted discretionary Matters of discretion are restricted to: 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and 4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM; and 5. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and 6. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM, and any potential to: a. affirm the connection between mana whenua and place; or

		b. enhance the cultural values of the SASM; or c. provide for the relationship of Kāti Huirapa with their taoka; or d. maintain or enhance the ability of Kati Huirapa to access and use the SASM commensurate with the scale and nature of the proposal; and 7. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and 8. in respect of network utilities, the extent to which the proposed network utility has functional needs or operational needs for its location; and 9. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken. Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.
Noise-R4 Construction noise	Activity status: Permitted Where: PER-1 The noise from construction activities undertaken on a site must be measured, assessed, managed and controlled to comply with the requirements of New Zealand Standards NZS 6803:1999 Acoustics – Construction Noise.	No measurement or assessment has been undertaken. Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the level, hours of operation, duration and characteristics of the noise; and 2. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and 4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and well-being of people; and 6. any noise reduction measures; and 7. the practicality of mitigating noise.