



APPENDIX 20 NATIONAL ENVIRONMENTAL STANDARDS ASSESSMENT



NATIONAL ENVIRONMENTAL STANDARDS ASSESSMENT



**138 Hectare / 100 MW Agrivoltaic Development, including Battery Energy
Storage System**

3954A State Highway 2, Waingawa

29 February 2024

1.0 SITE DETAILS

Feature	Site
Address	3954A State Highway 2, Waingawa
Legal Description and Title	Pt Lot 2 DP 2099 (RT WNF1/1189) Pt Lot 3 DP 2099 (RT WNF1/1188) Pt Lot 1 DP 46533 (RT WN17B/749) Lot 1 DP 19148 (RT WN765/45) Pt Lot 4 DP 2099 (RT WND1/413) Lot 1 DP 17189 (RT WN638/13) Lot 1 DP 3447 (RT WN248/15) Pt Lot 4 DP 2099 (RT WN213/272)
Proposal Description	Construct and operate an agrivoltaic development that will occupy approximately 138ha of the subject site, and will include erecting photovoltaic modules, inverters, transformers, battery energy storage system (BESS), a substation, and a site office, as well as establishing a connection to the nearby TransPower Masterton Substation

2.0 NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011

Regulation #	Regulation Text	Proposal
Regulation 5: Application		
(1)	These regulations— (a) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8): (b) do not apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (9).	Noted Please refer to the below that outline how the proposal is for an “activity” and how the subject site is a “piece of land”.
(2)	Activities An activity is removing a fuel storage system from the piece of land or replacing a fuel storage system in or on the piece of land, which means...	Not Applicable The proposal does not include either of these activities.
(3)	An activity is sampling the soil of the piece of land, which means sampling it to determine whether or not it is contaminated and, if it is, the amount and kind of contamination.	
(4)	An activity is disturbing the soil of the piece of land, which— (a) means disturbing the soil of the piece of land for a particular purpose: (b) does not include disturbing the soil of the piece of land, whatever the purpose, if the land is land	Applies the proposal will include the disturbance of soil, which is an “activity” under the NES-CS.

	to which regulation 33(9) or 36 of the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 applies.	
(5)	An activity is subdividing land, which means subdividing land...	Not Applicable The proposal does not include either of these activities.
(6)	An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.	
(7)	Land covered The piece of land is a piece of land that is described by 1 of the following: (a) an activity or industry described in the HAIL is being undertaken on it: (b) an activity or industry described in the HAIL has been undertaken on it: (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.	Applies The subject site is identified by both the District and Regional Council as having been subject to historic contamination activities. The subject site is therefore considered to be “land covered” by the NES-CS.
(8)	If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to— (a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land: (b) sample or disturb— (i) soil under existing residential buildings on the piece of land: (ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings: (iii) soil that would be under proposed residential buildings on the piece of land: (iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings: (c) subdivide land in a way that causes the piece of land to stop being production land: (d) change the use of the piece of land in a way that causes the piece of land to stop being production land.	Applies The subject site is “land” covered by the NES-CS in accordance with subclause (7) and is also production land. However, it has been confirmed within the SLUR information from Greater Wellington Regional Council that the site is contaminated to levels above background concentrations. As such, this exemption does not apply to this proposal.
(9)	Land not covered These regulations do not apply to a piece of land described in subclause (7) or (8) about which a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.	Not Applicable Not such DSI exists in relation to this piece of land.

Regulation 8: Permitted Activities		
(1)	Removing or replacing fuel storage system	Not Applicable
(2)	Sampling soil	The proposal does not include either of these activities.
(3)	<p>Disturbing soil</p> <p>Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</p> <p>(a) controls to minimise the exposure of humans to mobilised contaminants must—</p> <p>(i) be in place when the activity begins:</p> <p>(ii) be effective while the activity is done:</p> <p>(iii) be effective until the soil is reinstated to an erosion-resistant state:</p> <p>(b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:</p> <p>(c) the volume of the disturbance of the soil of the piece of land must be no more than 25m³ per 500m²:</p> <p>(d) soil must not be taken away in the course of the activity, except that,—</p> <p>(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</p> <p>(ii) for all other purposes combined, a maximum of 5m³ per 500m² of soil may be taken away per year:</p> <p>(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</p> <p>(f) the duration of the activity must be no longer than 2 months:</p> <p>(g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</p>	<p>Does Not Comply</p> <p>(a) The proposal will be subject to controls to minimise the exposure of humans to mobilised contaminants.</p> <p>(b) The soil will be reinstated to an erosion-resistant state.</p> <p>(c) The proposal will involve disturbing approximately 32,550m³ of soil. Based on the site area of 147ha, this equates to a maximum permitted volume of soil that could be disturbed of 73,500m³.</p> <p>(d)-(e) If any soil is removed from the site, it will be disposed of to a suitably authorised facility.</p> <p>(f) The duration of the activity will be >2 months (12-18 months proposed).</p> <p>(g) The proposal does not seek to encapsulate the contamination.</p>
(4)	Subdividing or changing use	Not Applicable The proposal does not include this activity.
(5)	<p>Consequence if requirement not met</p> <p>If a requirement described in any of subclauses (1) to (3) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(1).</p>	Noted Please refer to assessment in relation to Regulation 9(1) below.
(6)	If a requirement described in subclause (4) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(3).	Not Applicable The proposal does not include this activity.

Regulation 9: Controlled Activities		
(1)	<p>Removing or replacing fuel storage system, sampling soil, or disturbing soil</p> <p>If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</p> <ul style="list-style-type: none"> (a) a detailed site investigation of the piece of land must exist: (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (2), if there are any, must be complied with. 	<p>Does Not Comply</p> <p>(a)-(d)A DSI of the piece of land does not yet exist.</p>
(2)	The matters over which control is reserved are as follows...	<p>Not Applicable</p> <p>The proposal does not include any of these activities.</p>
(3)	Subdividing or changing use	
(4)	The matter over which control is reserved is the adequacy of the detailed site investigation...	
(5)	No public notification of application for resource consent	
(6)	<p>Consequence if requirement not met</p> <p>If a requirement described in this regulation is not met, the activity is a restricted discretionary activity under regulation 10 while it meets the requirements in regulation 10(2).</p>	
Regulation 10: Restricted Discretionary Activities		
(1)	This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.	<p>Applies</p> <p>The proposal is for an activity described under Regulation 5(4) and is not a permitted or controlled activity.</p>
(2)	<p>The activity is a restricted discretionary activity while the following requirements are met:</p> <ul style="list-style-type: none"> (a) a detailed site investigation of the piece of land must exist: (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (3), if there are any, must be complied with. 	<p>Does Not Comply</p> <p>(a)-(d)A DSI of the piece of land does not yet exist.</p>
(3)	The matters over which discretion is restricted are as follows...	<p>Not Applicable</p> <p>The site does not meet the activity requirements for a restricted discretionary activity.</p>

(4)	Consequence if requirement not met If a requirement described in this regulation is not met, the activity is a discretionary activity under regulation 11.	Noted Please refer to assessment in relation to Regulation 11 below.
Regulation 11: Discretionary Activities		
(1)	This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.	Applies The proposal is an activity under Regulation (5)(4) that is not a permitted, controlled, or restricted discretionary activity. Resource consent is therefore required as a Restricted Discretionary Activity under Regulation 11(1).
(2)	The activity is a discretionary activity.	

3.0 NATIONAL ENVIRONMENTAL STANDARDS FOR ELECTRICITY TRANSMISSION ACTIVITIES

Regulation #	Regulation Text	Proposal
Regulation 4: Regulations apply only to certain activities relating to existing transmission lines		
(1)	These regulations apply only to an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, including any of the following activities that relate to those things: <ul style="list-style-type: none"> (a) a construction activity; (b) a use of land or occupation of the coastal marine area (within the meanings of use and occupy given by section 2(1) of the Act); (c) an activity relating to an access track to an existing transmission line; (d) undergrounding an existing transmission line. 	Applies <ul style="list-style-type: none"> (a) The proposal will be a construction activity with regards to a transmission line. (b) N/A (c) N/A (d) N/A – the proposal does not involve works to an existing transmission line.
(2)	However, these regulations do not apply to— <ul style="list-style-type: none"> (a) the construction or use of a bridge or culvert to access an existing transmission line; or (b) the control of the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; or (c) the refuelling of a vehicle or equipment; or (d) the use of land as a landing area for helicopters; or (e) an activity carried out in relation to an electricity substation; or 	Not Applicable None of the listed exclusions apply to this proposal.

	(f) earthworks to the extent that they are subject to a regional rule.	
Regulation 5: Operation of transmission line or use of access track		Not Applicable These regulations all relate only to existing electricity transmission lines and assets.
Regulations 6 to 9: Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits		
Regulations 10 to 13: Increasing voltage or current rating, underground conductors, and undergrounding transmission lines		
Regulations 14 to 16: Transmission line support structures: Alteration, relocation, and replacement		
Regulations 17 to 18: Temporary structures and temporary line deviation		
Regulations 19 to 20: Transmission lines: Removal		
Regulations 21 to 22: Telecommunication devices		
Regulations 23 to 24: Signs		
Regulations 25 to 27: Transmission line support structures: Discharges from blasting and applying protective coatings		
Regulations 28 to 29: Discharges to water		
Regulations 30 to 32: Trimming, felling, and removing trees and vegetation		
Regulations 33 to 36: Earthworks		
Regulations 37 to 38: Noise and vibration from construction activity		
Regulation 39: Other transmission activities		
Discretionary activities An activity to which these regulations apply (under regulation 4) is a discretionary activity if it is not described in these regulations as a permitted activity, controlled activity, restricted discretionary activity, or non-complying activity.		Applies As the proposal is an activity to which these regulations apply under Regulation 4, and is not described in these regulations as a permitted, controlled, restricted discretionary, or non-complying activity. Resource consent is therefore required as a Restricted Discretionary Activity under Regulation 39.

4.0 NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER

Regulation #	Regulation Text	Proposal
Regulations 3 to 7: Part 1: Preliminary Provisions		Noted
Regulations 8 to 36: Part 2: Standards for Farming Activities		Not Applicable The proposal does not include any of the farming activities covered by this Part.
Part 3: Standards for Other Activities that Relate to Freshwater		
Subpart 1 – Natural Inland Wetlands		
37	When this subpart does not apply	Not Applicable

	This subpart does not apply to the customary harvest of food or resources undertaken in accordance with tikanga Māori.	The proposal does not include any customary harvest of food or resources.
37A	<p>Meaning in this subpart of applying effects management hierarchy</p> <p>In this subpart, a requirement to apply the effects management hierarchy includes a requirement to apply clause 3.22(3) of the National Policy Statement for Freshwater Management as if a reference in that clause to a regional council were a reference to the consent authority.</p>	Noted
Regulations 38 to 39: Restoration, Wetland Maintenance, and Biosecurity of Natural Inland Wetlands		Not Applicable The proposal does not include any of the activities covered by these regulations.
Regulations 40 to 41: Scientific Research		
Regulation 42: Construction of Wetland Utility Structures		
Regulations 43 to 44: Maintenance of Wetland Utility Structures		
Construction of Specified Infrastructure		
45	<p>Discretionary activities</p> <p>(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.</p> <p>(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.</p> <p>(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—</p> <p>(a) is for the purpose of constructing specified infrastructure; and</p> <p>(b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland.</p> <p>(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—</p> <p>(a) the activity is for the purpose of constructing or upgrading specified infrastructure; and</p> <p>(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</p> <p>(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.</p>	<p>Complies</p> <p>(1) Vegetation clearance is not proposed <10m setback from a natural inland wetland.</p> <p>(2) Earthworks is not proposed <10m setback from a natural inland wetland.</p> <p>(3) Earthworks >10m to <100m setback from a natural inland wetland is proposed but it is not likely to result in any drainage of the natural inland wetland.</p> <p>(4) The proposal does not include taking, use, damming, or diversion of water <100m setback from a natural inland wetland.</p> <p>(5) The discharge of water into water is not proposed <100m from a natural inland wetland.</p> <p>(6) N/A</p>

	<p>(5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—</p> <ul style="list-style-type: none"> (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. <p>(6) A resource consent for a discretionary activity under this regulation must not be granted unless...</p>	
Regulation 45A: Quarrying activities		Not Applicable
Regulation 45B: Landfills and cleanfill areas		The proposal does not include any of the activities covered by these regulations.
Regulation 45C: Urban development		
Regulation 45D: Extraction of minerals and ancillary activities		
Regulations 46 to 47: Maintenance and operation of specified infrastructure and other infrastructure		
Regulations 48 to 49: Sphagnum moss harvesting		
Regulation 50: Arable and horticultural land use		
Regulation 51: Natural hazard works		
Drainage of natural inland wetlands		
52	<p>Non-complying activities</p> <ul style="list-style-type: none"> (1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it— <ul style="list-style-type: none"> (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and (b) does not have another status under any of regulations 38 to 51. (2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it— <ul style="list-style-type: none"> (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and (b) does not have another status under any of regulations 38 to 51. 	<p>Not Applicable</p> <ul style="list-style-type: none"> (1) Earthworks outside, but <100m setback from a natural inland wetland is proposed but will not likely result in the complete or partial drainage of the wetland. (2) The taking, use, damming, or diversion of water outside, but <100m setback from a natural inland wetland is not proposed.
53	<p>Prohibited activities</p> <ul style="list-style-type: none"> (1) Earthworks within a natural inland wetland is a prohibited activity if it— 	<p>Not Applicable</p> <ul style="list-style-type: none"> (1) Earthworks within a natural inland wetland is not proposed.

	<p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p> <p>(2) The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p>	<p>(2) The taking, use, damming, or diversion of water within a natural inland wetland is not proposed.</p>
Other activities		
54	<p>Non-complying activities</p> <p>The following activities are non-complying activities if they do not have another status under this subpart:</p> <p>(a) vegetation clearance within, or within a 10 m setback from, a natural inland wetland;</p> <p>(b) earthworks within, or within a 10 m setback from, a natural inland wetland;</p> <p>(c) the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—</p> <p>(i) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</p> <p>(ii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland;</p> <p>(d) the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—</p> <p>(i) there is a hydrological connection between the discharge and the wetland; and</p> <p>(ii) the discharge will enter the wetland; and</p> <p>(iii) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</p>	<p>Not Applicable</p> <p>(a) Vegetation clearance within, or <10m setback from a natural inland wetland is not proposed.</p> <p>(b) Earthworks within, or <10m setback from a natural inland wetland is not proposed.</p> <p>(c) The taking, use, damming, or diversion of water is not proposed within, or <100m setback from a natural inland wetland.</p> <p>(d) The discharge of water into water within, or <100m setback from a natural inland wetland is not proposed.</p>
General matters		
55	<p>General conditions on natural inland wetland activities</p> <p>(1) This regulation applies if a regulation in this subpart refers to the compliance of an activity with the general conditions in this regulation.</p>	<p>Will Comply</p> <p>The proposal will comply with all of the relevant standards for permitted activities adjacent to natural inland wetlands.</p>

	<p><i>General condition for permitted activities: prior notice of activity</i></p> <p>(2) If this regulation applies in relation to a permitted activity, the 1 or more persons responsible for undertaking the activity must, at least 10 working days before starting the activity, provide the relevant regional council with the following information in writing:</p> <ul style="list-style-type: none"> (a) a description of the activity to be undertaken; and (b) a description of, and map showing, where the activity will be undertaken; and (c) a statement of when the activity will start and when it is expected to end; and (d) a description of the extent of the activity; and (e) their contact details. <p><i>General conditions: water quality and movement</i></p> <p>(3) The general conditions relating to water quality and movement are as follows:</p> <ul style="list-style-type: none"> (a) the activity must not result in the discharge of a contaminant if the receiving environment includes any natural inland wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects: <ul style="list-style-type: none"> (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (ii) a conspicuous change in colour or visual clarity; (iii) an emission of objectionable odour; (iv) the contamination of freshwater to the extent that it is not suitable for farm animals to drink; (v) adverse effects on aquatic life that are more than minor; and (b) the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but see subclause (4)); and (c) the activity must not alter the natural movement of water into, within, or from any natural inland wetland (but see subclause (5)); and (d) the activity must not involve taking or discharging water to or from any natural 	
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	<p>inland wetland (but see subclause (5)); and</p> <p>(e) debris and sediment must not be placed—</p> <p>(i) within a setback of 10 m from any natural inland wetland; or</p> <p>(ii) in a position where it may enter any natural inland wetland.</p> <p>(4) Subclause (3)(b) does not apply if the person undertaking the activity—</p> <p>(a) owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or</p> <p>(b) has—</p> <p>(i) obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and</p> <p>(ii) satisfied the relevant regional council that they have complied with subparagraph (i).</p> <p>(5) Despite subclause (3)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following conditions are complied with:</p> <p>(a) the activity must be undertaken during a period when there is a low risk of flooding; and</p> <p>(b) the activity must be undertaken only for as long as necessary to achieve its purpose; and</p> <p>(c) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and</p> <p>(d) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no</p>	
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	<p>later than 14 days after the start of the activity; and</p> <ul style="list-style-type: none"> (e) if the activity is damming, the dam must be no higher than 600 mm; and (f) if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake. <p>(6) In subclauses (3) and (4), 1% AEP floodplain means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year.</p> <p><i>General condition: earth stability and drainage</i></p> <p>(7) The general condition relating to earth stability and drainage is that the activity must not create or contribute to—</p> <ul style="list-style-type: none"> (a) the instability or subsidence of a slope or another land surface; or (b) the erosion of the bed or bank of any natural inland wetland; or (c) a change in the points at which water flows into or out of any natural inland wetland; or (d) a constriction on the flow of water within, into, or out of any natural inland wetland; or (e) the flooding or overland flow of water within, or flowing into or out of, any natural inland wetland. <p><i>General conditions: earthworks, land disturbance, and vegetation clearance</i></p> <p>(8) The general conditions on earthworks, land disturbance, and vegetation clearance are as follows:</p> <ul style="list-style-type: none"> (a) during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural inland wetlands; and (b) the measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and (c) the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and 	
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	<p>(d) if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months.</p> <p><i>General conditions: vegetation and bird and fish habitats</i></p> <p>(9) The general conditions relating to vegetation and bird and fish habitats are as follows:</p> <p>(a) only indigenous species that are appropriate to a natural inland wetland (given the location and type of the natural inland wetland) may be planted in it; and</p> <p>(b) the activity must not result in the smothering of indigenous vegetation by debris and sediment; and</p> <p>(c) the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and</p> <p>(d) the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and</p> <p>(e) the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.</p> <p><i>General condition: historic heritage</i></p> <p>(10) The general condition relating to historic heritage is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site’s historic heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.</p> <p>(11) In subclause (10), enactment includes any kind of instrument made under an enactment.</p> <p><i>General conditions: machinery, vehicles, equipment, and construction materials</i></p> <p>(12) The general conditions on the use of vehicles, machinery, equipment, and materials are as follows:</p> <p>(a) machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural inland wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and</p> <p>(b) machinery that is used for the activity must sit outside a natural inland wetland, unless it is necessary for the machinery to</p>	
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	<p>enter the natural inland wetland to achieve the purpose of the activity; and</p> <p>(c) if machinery or vehicles enter any natural inland wetland, they must be modified or supported to prevent them from damaging the natural inland wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and</p> <p>(d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural inland wetland.</p> <p><i>General conditions: miscellaneous</i></p> <p>(13) The other general conditions are as follows:</p> <p>(a) the activity must be undertaken only to the extent necessary to achieve its purpose; and</p> <p>(b) the activity must not involve the use of fire or explosives; and</p> <p>(c) if there is existing public access to a natural inland wetland, the activity must not prevent the public from continuing to access the natural inland wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and</p> <p>(d) no later than 5 days after the activity ends,—</p> <p>(i) debris, materials, and equipment relating to the activity must be removed from the site; and</p> <p>(ii) the site must be free from litter.</p>	
56	Restricted discretionary activities: matters to which discretion is restricted	Not Applicable The proposal complies with all permitted activity regulations and standards.
Regulations 56A to 57: Subpart 2—Reclamation of rivers		Not Applicable The proposal will not include this activity.
Subpart 3—Passage of fish affected by structures		
How this subpart applies		
58	Purpose of this subpart The purpose of this subpart is to deal with the effects on the passage of fish of the placement, use, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area:	Noted

	<ul style="list-style-type: none"> (a) a culvert: (b) a weir: (c) a flap gate (whether passive or non-passive): (d) a dam: (e) a ford. 	
59	<p>When multiple provisions of this subpart apply</p> <p>If an overall structure is made up of 2 or more structures to which different provisions of this subpart apply (for example, a culvert with a flap gate), those provisions apply to the respective parts of the overall structure.</p>	Noted
60	<p>When this subpart does not apply</p> <p>This subpart does not apply to any of the following structures in, on, over, or under the bed of any river or connected area:</p> <ul style="list-style-type: none"> (a) an existing structure, meaning a structure that was in the river or connected area at the close of 2 September 2020, and including any later alterations or extensions of that structure: (b) a customary weir, meaning a weir that is used for the purpose of practising tikanga Māori, including customary fishing practices. 	Noted
Information requirements		
61	<p>Purpose of information requirements</p> <p>The purpose of the regulations in this subpart that require information is to ensure that the relevant regional council obtains information on the design and performance of structures in relation to the passage of fish.</p>	Noted
62	<p>Requirement for all activities: information about structures and passage of fish</p> <ul style="list-style-type: none"> (1) This regulation applies to any activity that— <ul style="list-style-type: none"> (a) is the placement, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area: <ul style="list-style-type: none"> (i) a culvert: (ii) a weir: (iii) a flap gate (whether passive or non-passive): (iv) a dam: (v) a ford; and (b) is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise. (2) The information specified in this regulation must be collected and provided to the relevant regional council, together with the time and 	<p>Will Comply</p> <p>The proposal involves the placement of three culverts within the bed of the Taratahi water race (a river) within the subject site.</p> <p>Detail regarding how each of these information requirements will be complied to has been at a high-level within the Stormwater Management Plan (Appendix 14) and the Ecological Assessment (Appendix 12).</p>

	<p>date of its collection, within 20 working days after the activity is finished,—</p> <p>(a) for a permitted activity; or</p> <p>(b) as a condition of a resource consent granted for the activity, for another class of activity.</p> <p>(3) The information is—</p> <p>(a) the type of structure:</p> <p>(b) the geographical co-ordinates of the structure:</p> <p>(c) the flow of the river or connected area (whether none, low, normal, or high):</p> <p>(d) whether the water is tidal at the structure’s location:</p> <p>(e) at the structure’s location,—</p> <p>(i) the width of the river or connected area at the water’s surface; and</p> <p>(ii) the width of the bed of the river or connected area:</p> <p>(f) whether there are improvements to the structure to mitigate any effects the structure may have on the passage of fish:</p> <p>(g) whether the structure protects particular species, or prevents access by particular species to protect other species:</p> <p>(h) the likelihood that the structure will impede the passage of fish:</p> <p>(i) visual evidence (for example, photographs) that shows both ends of the structure, viewed upstream and downstream.</p>	
<p>63</p>	<p>Requirement for culvert activities: information about culverts</p> <p>(1) This regulation applies to any activity that—</p> <p>(a) is the placement, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area; and</p> <p>(b) is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise.</p> <p>(2) The information specified in this regulation must be collected and provided to the relevant regional council, together with the time and date of its collection, within 20 working days after the activity is finished,—</p> <p>(a) for a permitted activity; or</p>	<p>Will Comply</p> <p>The proposal involves the placement of three culverts within the bed of the Taratahi water race (a river) within the subject site.</p> <p>Detail regarding how each of these information requirements will be complied to has been at a high-level within the Stormwater Management Plan (Appendix 14) and the Ecological Assessment (Appendix 12).</p>

	<p>(b) as a condition of a resource consent granted for the activity, for another class of activity.</p> <p>(3) The information is—</p> <p>(a) the culvert’s asset identification number, if known:</p> <p>(b) whether the culvert’s ownership is—</p> <p>(i) held by the Crown (for example, the Department of Conservation), a regional council, a territorial authority, the New Zealand Transport Agency, or KiwiRail Holdings Limited; or</p> <p>(ii) held publicly by another person or organisation; or</p> <p>(iii) held privately; or</p> <p>(iv) unknown:</p> <p>(c) the number of barrels that make up the culvert:</p> <p>(d) the culvert’s shape:</p> <p>(e) the culvert’s length:</p> <p>(f) the culvert’s diameter or its width and height:</p> <p>(g) the height of the drop (if any) from the culvert’s outlet:</p> <p>(h) the length of the undercut or erosion (if any) from the culvert’s outlet:</p> <p>(i) the material from which the culvert is made:</p> <p>(j) the mean depth of the water through the culvert:</p> <p>(k) the mean water velocity in the culvert:</p> <p>(l) whether there are low-velocity zones downstream of the culvert:</p> <p>(m) the type of bed substrate that is in most of the culvert:</p> <p>(n) whether there are any remediation features (for example, baffles or spat rope) in the culvert:</p> <p>(o) whether the culvert has wetted margins:</p> <p>(p) the slope of the culvert:</p> <p>(q) the alignment of the culvert:</p> <p>(r) the numbers of each other type of structure to which this subpart applies, or of wingwalls or screens, on the culvert:</p> <p>(s) if there is any apron or ramp on the culvert, the information required by regulation 68 for each of them.</p>	
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64	Requirement for weir activities: information about weirs	Not Applicable The proposal will not include any of these activities.
65	Requirement for flap gate activities: information about flap gates	
66	Requirement for dam activities: information about dams	
67	Requirement for ford activities: information about fords	
68	Requirement for certain structure activities: information about aprons and ramps	
Monitoring and maintenance requirements		
69	Condition of resource consent for activities: monitoring and maintenance	Will Comply The proposal will comply with any relevant conditions imposed regarding monitoring and maintenance for the proposed culverts.
Culverts		
70	<p>Permitted activities</p> <p>(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the conditions.</p> <p><i>Conditions</i></p> <p>(2) The conditions are that—</p> <p>(a) the culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and</p> <p>(b) the culvert must be laid parallel to the slope of the bed of the river or connected area; and</p> <p>(c) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and</p> <p>(d) the culvert’s width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, must compare as follows:</p> <p>(i) where $w \leq 3$, $s \geq 1.3 \times w$;</p> <p>(ii) where $w > 3$, $s \geq (1.2 \times w) + 0.6$; and</p> <p>(e) the culvert must be open-bottomed or its invert must be placed so that at least 25%</p>	<p>Does Not Comply</p> <p>(a) The culverts will for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, the culvert.</p> <p>(b) The culverts will be laid parallel to the slope of the bed of the river.</p> <p>(c) The mean cross-sectional water velocity in the culvert will be compliant.</p> <p>(d) The widths of the culverts where they intersect with the bed of the river will be less than that required due to incised nature of much of the channel.</p> <p>(e) The culverts will either be open-bottomed, or its invert will be placed so that at least 25% of the culvert’s diameter is below the level of the bed.</p>

	<p>of the culvert’s diameter is below the level of the bed; and</p> <p>(f) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and</p> <p>(g) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).</p> <p><i>Information requirements</i></p> <p>(3) See also regulations 62 and 63 for information requirements that apply to the permitted activity (unless the activity is use).</p>	<p>(f) The bed substrate will be present over the full length of the culverts and stable at the flow rate.</p> <p>(g) The culverts will provide for continuity of geomorphic processes.</p>
71	<p>Discretionary activities</p> <p>(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the conditions in regulation 70(2).</p> <p><i>Conditions required in resource consent</i></p> <p>(2) A resource consent granted for the discretionary activity must impose the conditions required by—</p> <p>(a) regulations 62 and 63 (information about structures and passage of fish and about culverts), unless the activity is use; and</p> <p>(b) regulation 69 (monitoring and maintenance).</p>	<p>Applies</p> <p>The placement of the 3 culverts in the bed of a river does not comply with conditions of Regulation 70(2)(d).</p> <p>Resource consent is therefore required as a Discretionary Activity under Regulation 71(1) of the NES-F.</p>
Regulations 72 to 73: Weirs		Not Applicable The proposal will not include any of these activities.
Regulation 74: Passive Flap Gates		
Regulation 75: Part 4: Local authorities may charge for monitoring permitted activities		

5.0 OTHER NATIONAL ENVIRONMENTAL STANDARDS

National Environmental Standard Name	Proposal
National Environmental Standards for Air Quality	Not Applicable The proposal does not include any emissions to air.
National Environmental Standards for Greenhouse Gases from Industrial Process Heat	Not Applicable The proposal does not include any greenhouse gas emissions from industrial process heat.
National Environmental Standards for Marine Aquaculture	Not Applicable The proposal does not include any marine aquaculture activities.

<p>National Environmental Standards for Plantation Forestry</p>	<p>Not Applicable The proposal does not include any plantation forestry activities.</p>
<p>National Environmental Standards for Sources of Human Drinking Water</p>	<p>Not Applicable The proposal does not include any provision for human drinking water.</p>
<p>National Environmental Standards for Storing Tyres Outdoors</p>	<p>Not Applicable The proposal does not include any storage of types.</p>
<p>National Environmental Standards for Telecommunication Facilities</p>	<p>Not Applicable The proposal does not include any telecommunication facilities.</p>