



Sanderson

G R O U P

*The family name in luxury
retirement living*

Rebecca Perrett
Acting Manager – Fast-track Consenting team
Ministry for the Environment
Email: fasttrackconsenting@mfe.govt.nz

Dear Rebecca,

**RE: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – request for further information
– The Pitau Project**

Thank you for the review of our Pitau Project application for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).

Please refer to the below for further information as requested:

1. *Confirm the number of apartments the project involves. The application form states 167 apartments, however the plans in Appendix 2 only show 160 apartments.*

The applicant intends to develop a total of 160 apartments. We can confirm pages 7 to 12 of Appendix 2 accurately reflect this total number of number of 160 apartments.

| | |
|----------------|-----------------------|
| Ground Floor = | 18 Apartments |
| Level 1 = | 31 Apartments |
| Level 2 = | 31 Apartments |
| Level 3 = | 31 Apartments |
| Level 4 = | 31 Apartments |
| Level 5 = | 18 Apartments |
| Total = | 160 Apartments |

Please note this is the total number of Independent Living Apartments, not Care Suites (hospital-level, dementia, or general care).

2. *Confirm which activities required consent, as the project proposes to divert overland flowpaths and take and store stormwater (temporarily) which may require consent.*

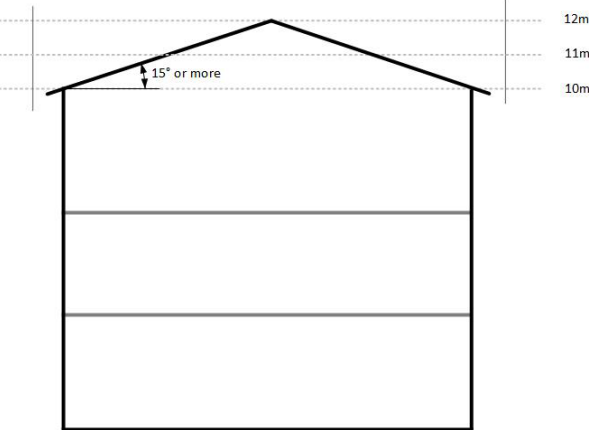
Please find attached an updated Consent Rule Breach Assessment table (Appendix 18). We note for completeness that there is no water take for stormwater storage proposed as the stormwater that lands on the site will be retained and then discharged to ground as a permitted activity. The discharge to ground will be less than the permitted 125L/sec in the 10 year 10 minute storm event permitted under rule DW R22 of the Regional Plan.

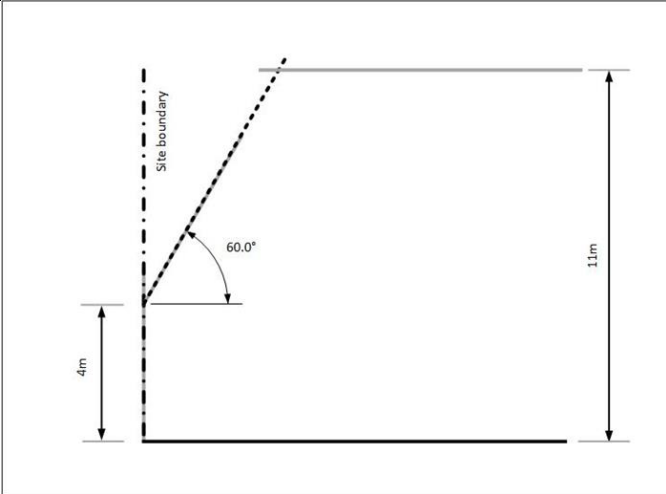
Yours Sincerely,

Jared Baronian
Chief Executive Office
Sanderson Group

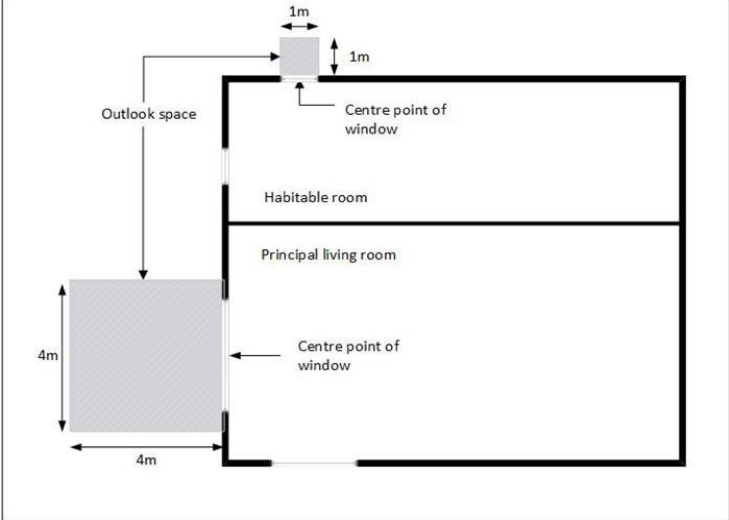
Appendix 18: Rule Breach Assessment (Q10), Revised 11 April 2023

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity | | | | | | | | |
|---------------------------|--|---|---------------------------------|-------------------------------|--|---------------|--|-------------------------|--|---|-----------------------------------|--|
| Tauranga City Plan (PC33) | 14G.1 - Activity Status in the Medium Density Residential Zone All activities in the Medium Density Residential Zone shall have the status identified in Table 14G.1 Medium Density Residential Zone Activity Status. Symbols used in Table 14G.1 Medium Density Residential Zone Activity Status have the meaning described in Table 1A.2: Activity Status. | Breaches as per below | Discretionary Activity | All of Site | | | | | | | | |
| Tauranga City Plan (PC33) | 14G.2.1 – Density a. The maximum development density for residential activities on a site shall be: <table><tr><th>Activity</th><th>Density</th></tr><tr><td>i. Shared accommodation</td><td>Maximum of 8 permanent residents per site (excluding staff).</td></tr><tr><td>ii. Rest home</td><td>1 bed and/or bedroom per 75m² of site area; Maximum of 20 rest home residents per site (excluding staff).</td></tr><tr><td>iii. Retirement village</td><td>Up to three independent dwelling units per site. 1 rest home bed and/or bedroom per 75m² of site area; Maximum of 20 rest home occupants per site (excluding staff).</td></tr></table> | Activity | Density | i. Shared accommodation | Maximum of 8 permanent residents per site (excluding staff). | ii. Rest home | 1 bed and/or bedroom per 75m² of site area; Maximum of 20 rest home residents per site (excluding staff). | iii. Retirement village | Up to three independent dwelling units per site. 1 rest home bed and/or bedroom per 75m² of site area; Maximum of 20 rest home occupants per site (excluding staff). | The proposal falls entirely within the definition of retirement village. The proposal consists of 10 sites (separate titles) to be developed together and 160 apartments (independent dwelling units) and 60 rest home beds. | Restricted Discretionary Activity | |
| Activity | Density | | | | | | | | | | | |
| i. Shared accommodation | Maximum of 8 permanent residents per site (excluding staff). | | | | | | | | | | | |
| ii. Rest home | 1 bed and/or bedroom per 75m² of site area; Maximum of 20 rest home residents per site (excluding staff). | | | | | | | | | | | |
| iii. Retirement village | Up to three independent dwelling units per site. 1 rest home bed and/or bedroom per 75m² of site area; Maximum of 20 rest home occupants per site (excluding staff). | | | | | | | | | | | |
| Tauranga City Plan (PC33) | 14G.2.2 - Building Height a. Buildings or structures must not exceed 11 metres in height, except that 50% of a building’s roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, | a. Building height will be 22.2m as a maximum (from the ground floor slab to top off roof). | Discretionary (see Rule 14G.29) | | | | | | | | | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|---------------------------|---|---|-----------------------------------|-------------------------------|
| | <p>where the entire roof slopes 15° or more, as shown on Figure 14G.2.2.1 Building Height below:</p>  <p>b. Provided that no building or structure within any identified Viewshaft Protection Area shall exceed the maximum elevation identified within the Plan Maps (Part B).</p> | b. There is a minor breach of a protected viewshaft area. | | |
| Tauranga City Plan (PC33) | <p>14G.2.5 - Building Height in Relation to Boundary</p> <p>a. Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown in Figure 14G.2.5.1 – Building Height in Relation to Boundary below;</p> <p>b. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way;</p> | Recession planes are breached in part; please refer to diagrams which show locations of breaches on sheets 3500 to 3502 (page reference 17 to 19) of Appendix 2 - Project Pitau Drawings and Renders. | Restricted Discretionary Activity | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|---------------------------|--|---|-----------------------------------|-------------------------------|
| |  <p>c. This standard does not apply to:</p> <ul style="list-style-type: none"> i. A boundary with a road; ii. Existing or proposed internal boundaries within a site; iii. Site boundaries where there is an existing common wall between buildings on adjacent sites or where a common wall is proposed. | | | |
| Tauranga City Plan (PC33) | <p>14G.2.6 - Site Coverage</p> <ul style="list-style-type: none"> a. The maximum building coverage must not exceed 50% of the nett site area. b. The impervious surfaces shall not exceed 70% of site area. | <ul style="list-style-type: none"> a. Total building coverage is 64% b. Impervious surfaces will exceed 70% of site area at nominal 98% | Restricted Discretionary Activity | |
| Tauranga City Plan (PC33) | <p>14G.2.7 - Outdoor Living Area for Independent Dwelling Units located at Ground Floor</p> <p>An independent dwelling unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that:</p> <ul style="list-style-type: none"> a. Where located at ground level, has no dimension less than 3 metres; and | The proposal is designed to comply with this rule but consent is applied for as a precautionary approach for minor non compliances. | Restricted Discretionary Activity | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|---------------------------|--|---|-----------------------------------|-------------------------------|
| | <ul style="list-style-type: none"> b. Where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and c. Is accessible from the independent dwelling unit; and d. May be: <ul style="list-style-type: none"> i. Grouped cumulatively by area in one communally accessible location; or ii. Located directly adjacent to the independent dwelling unit; and e. Is free of buildings, parking spaces, and servicing and manoeuvring areas. | | | |
| Tauranga City Plan (PC33) | <p>14G.2.8 - Outdoor Living Area for Independent Dwelling Units located above Ground Floor</p> <p>An independent dwelling unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:</p> <ul style="list-style-type: none"> a. Is at least 8 square metres and has a minimum dimension of 1.8 metres; and b. Is accessible from the independent dwelling unit; and c. May be: <ul style="list-style-type: none"> i. Grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or ii. Located directly adjacent to the independent dwelling unit. | The proposal is designed to comply with this rule but consent is applied for as a precautionary approach for minor non compliances. | Restricted Discretionary Activity | |
| Tauranga City Plan (PC33) | <p>14G.2.9 - Outlook Space</p> <ul style="list-style-type: none"> a. An outlook space must be provided for each independent dwelling unit as specified in this rule. b. An outlook space must be provided from habitable room windows as shown in Figure 14G.2.9.1 Outlook Space below: | The proposal is designed to comply with this rule but consent is applied for as a precautionary approach for minor non compliances. | Restricted Discretionary Activity | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------|---|--------------------|-----------------|-------------------------------|
| |  <p>c. The minimum dimensions for a required outlook space are as follows:</p> <ol style="list-style-type: none"> A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and All other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width. <p>d. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</p> <p>e. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</p> <p>f. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</p> <p>g. Outlook spaces may be under or over a balcony.</p> <p>h. Outlook spaces required from different rooms within the same building may overlap.</p> <p>i. Outlook spaces must:</p> <ol style="list-style-type: none"> Be clear and unobstructed by buildings; and | | | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|---------------------------|---|--|-----------------------------------|-------------------------------|
| | ii. Not extend over an outlook space or outdoor living space required by another independent dwelling unit. | | | |
| Tauranga City Plan (PC33) | <p>14G.2.11 - Landscaped Area</p> <p>a. An independent dwelling unit at the ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</p> <p>The landscaped area may be located on any part of the development site, and does not need to be associated with each independent dwelling unit.</p> | Minimum landscaped area for ground floor units have small percentage breach of minimum area. | Restricted Discretionary Activity | |
| Tauranga City Plan (PC33) | <p>14G.9.c – Restricted Discretionary Rules</p> <p>Any retirement village or rest home that does not comply with rule 14G.2.1</p> | Density requirements not met as above | Restricted Discretionary Activity | |
| Tauranga City Plan (PC33) | <p>14G.29 – Discretionary Activity Rules</p> <p>a. Any building that does not comply with 14G.2.2 building height</p> <p>d. Any retirement village provided under rule 14G.9 that does not comply with rule with 14G.17.b</p> | Height and density requirement not met as described above | Discretionary Activity | |
| Tauranga City Plan (PC27) | 8D.2.1 - Activities within Floodplains, Overland Flowpaths and Flood Prone Areas | <p>The proposal is an activity identified as within an overland flowpath and flood prone area;</p> <ul style="list-style-type: none"> • New business activity (RD) • New residential building (D) • New structure (D) | Discretionary Activity | |
| Tauranga City Plan (PC27) | <p>8D.3.2 – Minor Overland Flowpaths</p> <p>Any permitted activity within the minor overland flowpath shall:</p> <p>a. Allow the stormwater to flow safely without causing damage to any site and/or building;</p> | The proposal provides for onsite storage and soakage which accommodates any additional stormwater retention as required. | | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------------------|--|---|-----------------------------------|-------------------------------|
| | b. Retain the water carrying capacity of the overland flowpath; | The proposal also provides for an overland flow channel around the perimeter of the site which safely retains and discharges overland flow. | | |
| Tauranga City Plan (operative) | 4B.4.1.1 - Provision of More than 25 Carparks Where more than 25 on-site carparks are provided on-site, with the exception of sites within the City Centre Zone, an Integrated Transport Assessment relevant to the scale of the proposal shall be submitted with an application for resource consent in accordance with Appendix 4K – Integrated Transport Assessment Information Requirements. | The site will have 224 carparks and ITA is provided. | Restricted Discretionary Activity | |
| Tauranga City Plan (operative) | 4C.3 – Restricted Discretionary Activity Rules The following are Restricted Discretionary Activities: Earthworks that do not comply with Rule 4C.2 – Permitted Activity Rules; | The earthworks do not comply with permitted activity rules including earthworks within flood prone areas. | Restricted Discretionary Activity | |
| Tauranga City Plan (operative) | 14.B.7.b – Suburban Residential Zone Discretionary Activity Rules | Suburban Residential Zone Discretionary Activity Rules to the extent they are inconsistent with Plan Change 33 rules as already identified above. | Discretionary Activity | |
| Bay of Plenty Natural Resources Plan | LM R1 (Rule 1) Permitted – Earthworks and Quarries 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:. | Does not Comply. Preliminary earthworks volumes are in excess of 52,000m ³ of cut across the site. Consent is triggered as a discretionary activity under LM R4 (Rule 1C) | Discretionary Activity | |

| Relevant plan / standard | Relevant rule / regulation | | | | | Reason for consent | Activity status | Location of proposed activity |
|--------------------------|----------------------------|---|---------------------|---|---|--------------------|-----------------|-------------------------------|
| | | General Area | Land Slope | Distance from Water Body | Permitted Limits within any 12 month period | | | |
| | (a) | Urban areas on Sand Dune Country, and previously developed subdivisions on Sand Dune Country | No greater than 35° | Coastal land between 50 metres landward of the Coastal Marine Area and either: (i) 150 horizontal metres landward of the Coastal Marine Area; or (ii) the point where land changes from sand dune country to another soil type; whichever is the lesser distance. | Exposed area no greater than 400 m² and volume no greater than 200 m³. | | | |
| | (b) | Riparian Management Zone – Rotorua Lakes | 0 to 15° | Between 0-20 horizontal metres from the edge of the lake | Exposed area no greater than 100 m² and volume no greater than 50 m³. | | | |
| | | | >15 to 25° | Between 0-25 horizontal metres from the edge of the lake | | | | |
| | | | >25 to 35° | Between 0-40 horizontal metres from the edge of the lake | | | | |
| | (c) | Riparian Management Zone - other lake not specified in (b), wetland or the bed of any river or stream, excluding streams and rivers with Water Supply water quality classification and Schedule 1 streams | 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 | Earthworks for stream crossing purposes – exposed area no greater than 1,000 m² per crossing. | | | |
| | | | >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 – streams and rivers with Water Supply water quality classification | 0 to 15° | Between 0-20 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. | | | |
| | | | >15 to 25° | Between 0-25 horizontal metres from the edge of the water body | Earthworks for stream crossing purposes – exposed area no greater than 1000 m² per crossing. | | | |
| | | | >25 to 35° | Between 0-40 horizontal metres from the edge of the water body | | | | |
| | (e) | Riparian Management Zone – Schedule 1 streams | 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 | Earthworks for stream crossing purposes – exposed area no greater than 600m² per crossing. | | | |
| | | | >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 | | | | |

| Relevant plan / standard | Relevant rule / regulation | | | | Reason for consent | Activity status | Location of proposed activity |
|--------------------------|--|---|---------------------|--|---|-----------------|-------------------------------|
| | | General Area | Land Slope | Distance from Water Body | Permitted Limits within any 12 month period | | |
| | (f) | Ephemeral Flowpath not in the Erosion Hazard Zone | No greater than 35° | N/A | Earthworks excluding roading crossings - Exposed area no greater than 100 m² and volume no greater than 50 m³ per individual flowpath. Earthworks outside urban areas for roading crossing purposes – exposed area no greater than 400 m² per crossing. | | |
| | (g) | Coastal Margin | No greater than 35° | Land between 20-40 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast. | Exposed area no greater than 400 m² and volume no greater than 200 m³. | | |
| | (h) | Land not in areas covered by (a) to (e), and not in the Erosion Hazard Zone | 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. | | |
| | Notes: 1 Any earthworks: (a) In the Erosion Hazard Zone, or (b) On slopes greater than 35 degrees; or (c) On coastal land between 0-50 metres of the Coastal Marine Area on Sand Dune Country; or (d) On coastal land between 0-20 metres of the Coastal Marine Area on the Coastal Margin; are discretionary activities under LM R4. 2 The area covered by Table LM 1(a) will be interpreted to be modified or stabilised Sand Dune Country which has a vegetative cover, sealed or compacted soil, and a previously modified or flattened topography. This excludes unmodified or natural dune systems. 3 Any earthworks in the Coastal Margin between 0 to 20 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast are a discretionary activity under LM R4. | | | | | | |
| | 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: | | | | | | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------|--|--------------------|-----------------|-------------------------------|
| | <ul style="list-style-type: none"> 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. Any more than minor adverse effects on aquatic life. <p>c. 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:</p> <ul style="list-style-type: none"> i. Instability of land or the banks of the surface water body. ii. Scour to the bed of the surface water body. <p>d. Fill from the earthwork activity shall not be deposited in overland or secondary flow paths that convey stormwater during rainfall events.</p> <p>e. The activity shall not obstruct or divert the flow of water in such a manner that it results in damming, flooding or erosion.</p> <p>f. The activity shall not disturb vegetation in a wetland; or change the water flow or quantity, or water quality in a wetland.</p> <p>g. Where an activity is a cleanfill site, the activity shall comply with the Ministry for the Environment's Cleanfill Guidelines (2001)¹⁴.</p> <p>h. The activity shall not disturb an identified contaminated site.</p> <p>i. No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.</p> <p>j. 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.</p> | | | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------------------|--|--|------------------------|---|
| | <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> <ul style="list-style-type: none"> 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. ii. The area shall be stabilised as soon as practicable, but no later than 3 months from the end of the activity. iii. All practicable steps shall be taken to keep stormwater away from the stream crossing approach <p>Advisory Note</p> <ol style="list-style-type: none"> 1. Cleanfill sites that do not produce leachate are included in the definition of 'earthworks'. 2. In relation to condition (a), where there is a point source discharge of sediment contaminated stormwater to surface water from earthworks, then a resource consent is required under DW R8. Discharges to land soakage are permitted under DW R22. 3. In relation to condition (g), the disturbance of a contaminated site is addressed by DW R24 and DW R25. | | | |
| Bay of Plenty Natural Resources Plan | <p>LM R4 (Rule 1C) Discretionary – Earthworks and Quarries</p> <p>The disturbance of land and soil as a result of earthworks or a quarry, where the activity:</p> <ol style="list-style-type: none"> 1. Is not permitted by a rule in this regional plan, and 2. Is not a controlled activity under a rule in this regional plan, and | Large scale earthworks will exceed the permitted levels in the Plan. | Discretionary Activity | Across the Site discretionary activity as |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------------------|--|--------------------|---|-------------------------------|
| | <p>3. Is not a restricted discretionary activity under a rule in this regional plan, Is a discretionary activity.</p> <p>Assessment Criteria</p> <p>When assessing resource consent applications under this rule, the Regional Council will have particular regard to, but not be limited to, the following provisions:</p> <p>Objective KT O44, KT O5, LM O1, LM O2, LM O3, LM O5, DW O9, DW O10, DW O12</p> <p>Policy KT P5, KT P14, KT P15, KT P17, KT P18, KT P20, IM P1, DW P15, DW P18</p> <p>Method KT M12, KT M19, KT M20, IM M10, IM M12, DW M28</p> <p>Advisory Note</p> <p>1. This rule does not apply to plantation forestry activities as these are regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</p> <p>Explanation/Intent of Rule</p> <p>To control earthworks and quarries that present a high risk to the environment, and where it is appropriate to assess the effects of the activity within the resource consent application process.</p> | | | |
| Bay of Plenty Natural Resources Plan | <p>Rule 41</p> <p>Permitted – Take and Use of Surface Water</p> <p>a. The take and use of water from any surface water body for any purpose, where the water has a temperature of less than 30° Celsius, is a permitted activity subject to the following conditions:</p> <p>b. The take of water shall not be from a wetland.</p> <p>c. The quantity of water taken shall not exceed 15 cubic metres per day per property.</p> <p>d. Where the take is from a river or stream, the rate of abstraction shall not exceed 2.5 litres per second or 10% of the estimated five year low</p> | Permitted | Compliance with the permitted standards can be achieved | Across the site |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------------------|--|--------------------|--|-------------------------------|
| | <p>flow (Q5 7 day low flow) at the point of abstraction whichever is the lesser.</p> <p>e. Where the take is from a river or stream, the total abstraction (all users) of surface water takes shall not exceed the instream minimum flow requirement (including the default instream minimum flow requirement) for the river or stream at any point.</p> <p>f. The intake structure shall be screened with a mesh aperture size:</p> <ol style="list-style-type: none"> Not exceeding three (3) millimetres by 30 millimetres in the tidal areas of rivers and streams. Not exceeding five (5) millimetres by 30 millimetres or five (5) mm diameter holes in any other area that is not in the tidal area of a river or stream. The intake velocity through the screen shall not exceed 0.3 metres per second. <p>Advisory Note</p> <p>1. Potential water abstractors are encouraged to seek the advice of the Regional Council to ensure that there is sufficient flow in a water body to accommodate their water take and comply with condition (d). This is particularly relevant for small streams. The Regional Council will take appropriate action when flows fall below the instream minimum flow requirement.</p> <p>Surface water intake structures for the take and use of water under this rule must also be authorised (refer to Rule 52).</p> | | | |
| Bay of Plenty Natural Resources Plan | <p>Rule 42</p> <p>Permitted – Take of Water and Discharge of Sediment Contaminated Water from the Dewatering of Building and Construction Sites</p> <p>The:</p> <ol style="list-style-type: none"> Take of water, and Temporary discharge of sediment contaminated water to water or to land where the contaminant may enter water, for the purposes of | Permitted | Compliance with the permitted standards can be achieved including the water quality and volume | Across the site |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------|--|--------------------|-----------------|-------------------------------|
| | <p>dewatering of building and construction sites is a permitted activity subject to compliance with the following conditions:</p> <ol style="list-style-type: none"> The discharge shall not be water taken from contaminated land (refer to Definition of Terms and Advisory Note (3), or a trade or industrial site. There shall be no direct discharge of water to water in Lake Rotorua, Rotoiti, Rotoehu, Rotoma, Okataina, Okareka, Tikitapu, Rotokakahi, Tarawera, Okaro, Rotomahana, or Rerewhakaaitu. Discharge to these lakes shall pass through a filter system or a land soakage pond prior to overland flow, and the suspended solids concentration shall comply with condition (g). The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. The discharge shall not cause a conspicuous change in the colour of the receiving waters as measured at a downstream distance of three (3) times the width of the stream or river at the point of discharge. Where the discharge is to 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-filtration) for human consumption. The discharge shall not contaminate an authorised water take (refer to Advisory Note 4). Where the discharge is to a surface water body, the suspended solids concentration of the discharge shall not be greater than 80g/m³. Where the discharge is to land soakage where there is overland flow to a surface water body, the suspended solids concentration of the discharge shall not be greater than 150g/m³. The volume of discharge from the activity site shall not be greater than 80 litres per second. The discharge shall not damage or destroy aquatic ecosystems. This includes, but is not limited to, the smothering of flora and fauna by sedimentation of aquatic habitats. | | | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------------------|--|--------------------|---|-------------------------------|
| | <p>k. The take of water, or the discharge, shall not cause or induce subsidence, 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:</p> <ul style="list-style-type: none"> i. Instability of land or the banks of the surface water body. ii. Scour to the bed of the surface water body. <p>l. The discharge shall not cause flooding or ponding on any land or property owned or occupied by another person, unless the written approval of the affected person(s) has been obtained.</p> <p>m. Where the activity prevents the normal use of any existing bore or well in the vicinity due to draw-down, the activity shall be halted immediately.</p> <p>Advisory Note</p> <ul style="list-style-type: none"> 1. Where the discharge is made to a closed/piped stormwater system, permission for the discharge shall be obtained from the city or district council. 2. For the purposes of Rule 42, 'building or construction site' means an activity for the construction or maintenance of a building, structure, or infrastructure. 3. In relation to condition (a), contact the Regional Council for more information on the location of contaminated land. | | | |
| Bay of Plenty Natural Resources Plan | <p>DW R22 (Rule 31)</p> <p>Permitted – Discharge of Stormwater to Land Soakage</p> <p>The discharge of contaminated stormwater to land soakage is a permitted activity, subject to the following conditions:</p> <ul style="list-style-type: none"> a. 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). b. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable materials. c. The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. | Permitted | Permitted as the discharge to ground can comply with the Permitted activity conditions including volume and water quality | |

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|---|---|---|-----------------|-------------------------------|
| | <p>d. The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored.</p> <p>e. 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.</p> <p>f. Erosion includes:</p> <ul style="list-style-type: none"> i. Instability of land or the banks of the surface water body. ii. Scour to the bed of the surface water body. iii. Damage to the margins or banks of the surface water body. <p>g. The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.</p> <p>This activity is also subject to the requirements of the rules in the Rotorua Lakes section of this regional plan.</p> <p>Explanation/Intent of Rule</p> <p>To allow point source discharges of clean stormwater and encourage the discharge to land soakage, where this is appropriate. Such discharges present a low risk to the environment. DW R22 is consistent with DW O13, DW P21, and DW M44. Refer to Flow Diagram DW 1 to assist reading of this rule.</p> | | | |
| National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health | <p>Reg. 9(1) - 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>Soil disturbance requires a controlled activity consent.</p> <p>Refer to Appendix 8 - Geotechnical and Environmental Assessment ENGEO.</p> | C | Controlled Activity |