

Rule assessment details

Environment Southland Regional Plans

Table 1 Regional Water Plan for Southland - Rule Assessment

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
1	Discharges to surface water bodies that meet water quality standards Except as provided for elsewhere in this Plan or in any other Southland Regional Council regional plan, the discharge of any: (a) contaminant or water into a surface water body; or (b) contaminant onto or into land in circumstances where it may enter a surface water body is a discretionary activity provided the following condition is met: (i) the discharge does not reduce the water quality below any standards set for the relevant water body in Appendix G "Water Quality Standards" after reasonable mixing.	Discretionary Activity The proposal involves two discharges to the Waikaka Stream: 1. The discharge of water and contaminants, via the treatment facilities within the site infrastructure area, from the gold processing return water, stormwater and dewatering operations. 2. The discharge of the entire flow of the Waikaka Stream and Shepherds Creek, and resultant entrained sediment, via diversion channels, to re-join the existing Waikaka Stream. The water quality of the Waikaka Stream meets some, but not all of the Water Quality standards for "Lowland hard bed" surface water. Refer to Dungey report, Table 13, Attachment [L]. The mixing zone extends 10m upstream and 60m downstream of the discharge in Waikaka Stream (refer to Heller report, page 35, Attachment [K]). Comment on the above discharges is addressed with the same numbering below. 1. Based on the proposed treatment mitigation, this discharge is not expected to reduce the water quality below the relevant standards. This discharge is a discretionary activity. 2. This discharge may temporarily reduce visual clarity, but is expected to meet the relevant water quality standards after reasonable mixing. This discharge is a discretionary activity.
3	Other discharges to water (a) Except as provided for elsewhere in the Plan, the discharge of any contaminant or water into water is a discretionary activity.	Discretionary Activity This rule applies to the discharge of water and contaminants into the western drain and other unnamed drains.
11	Discharge of stormwater into surface water The discharge of stormwater into a surface water body or water in an artificial watercourse is a permitted activity provided the following conditions are met: (a) the discharge is not from a reticulated system.	Permitted Activity Stormwater from roofs and hardstand areas will be discharged to drains (artificial watercourse) or to the settling ponds. Stormwater from haul roads will be directed into drains (artificial watercourses) or the

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(b) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless: (i) hazardous substances cannot enter the stormwater system; or (ii) there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system; or (iii) the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge. (a) the discharge does not contain any sewage, foul water or agricultural effluent; (b) the discharge does not result in the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials; (c) except for the discharge of stormwater from a roof, road or vehicle parking area, the discharge is not into water within Natural State Waters.	mine void and pumped to the settling ponds. Stormwater in the settling ponds will be discharged to the Waikaka Stream. There will be some limited discharge to shallow groundwater via losses from the surface water conveyance systems. There is no reticulated system on the site. Hazardous substances will be stored and used on the site, and an oil interceptor system will be installed such that stormwater passes through it prior to discharge. There will be no sewerage or agricultural effluent in the stormwater. Wastewater from the site will be removed off site and the active mine area will not be grazed. The criteria will also be met by utilizing the treatment capability of the settlement ponds prior to discharge. The stormwater discharge will be designed so as not to cause flooding, erosion, or land instability to any other person's property.
12	Discharge of stormwater into or onto land (a) The discharge of stormwater onto or into land is a <u>permitted activity</u> provided the conditions below are met: (i) the discharge is not from a reticulated system; (ii) where discharge does not originate from an industrial or trade premises where hazardous substances are stored or used unless: 1. hazardous substances cannot enter the stormwater system; or 2. there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert to a trade waste system; or 3. the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge; (iii) the discharge does not contain any sewage, foul water or agricultural effluent; (iv) the discharge does not result in the production of any conspicuous oil or grease films; (v) the discharge does not cause flooding of any other person's property, erosion or land instability; (vi) except for the discharge of stormwater from a roof, road or vehicle parking area, the discharge is not onto land where it may enter water within Natural State Waters. (b) The discharge of stormwater onto or into land that cannot meet the above conditions is a <u>discretionary activity</u>.	Permitted Activity Stormwater from roofs and hardstand areas will be discharged to drains (artificial watercourse) or to the settling ponds. There will be some limited discharge to shallow groundwater via losses from the surface water conveyance systems. There is no reticulated system on the site. Hazardous substances will be stored and used on the site, and an oil interceptor system will be installed such that stormwater passes through it prior to discharge. There will be no sewerage or agricultural effluent in the stormwater. Wastewater from the site will be removed off site and the active mine area will not be grazed. The criteria will also be met by utilizing the treatment capability of the settlement ponds prior to discharge. The stormwater discharge will be designed so as not to cause flooding, erosion, or land instability to any other person's property.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
16D	Discharge of contaminants originating from industrial or trade premises <i>Except as provided elsewhere in this Plan or any other regional plan, the discharge of contaminants that has originated from any industrial or trade premises onto or into land is a discretionary activity.</i>	Discretionary Activity Gold processing on site is an <i>industrial or trade process</i> , though mineral extraction is not. Gold processing return water will be directed to the settlement ponds, and tailings will be replaced back into the mine pit. All dewatering water will transit through the GRP and so is captured by this rule.
18	Abstraction, diversion and use of surface water (d) Except as provided for in Rules 18(a), 18(b), 18(c), 20(a), 20(b), 20(c), 21(a) and 21(b) and the takes authorised by Section 14(3) of the Act, the abstraction, diversion and use of water from the following sources is a restricted discretionary activity: (iii) any surface water body or artificial watercourse where the water abstracted or diverted is returned in the vicinity of the abstraction or diversion point; or (f) Except as provided for in Rules 18(a), 18(b), 18(c), 18(d), 20(a), 20(b), 20(c), 21(a) and 21(b) and the takes authorised by Section 14(3) of the Act, the abstraction, diversion and use of water from the following sources is a non complying activity:	Non-Complying Activity The diversion of the Waikaka Stream and Shepherds Creek will be returned to the same watercourse. The meaning of "in the vicinity of" in part (iii) of the rule is not defined, however guidance is taken from the equivalent rule in the PSLWP, which refers to a distance of 100m for non-consumptive diversions. The diversions will exceed this distance significantly (most are in the order of 400m) and therefore, the proposal to divert the entire flow of the Waikaka Stream and Shepherds Creek is considered to be a non-complying activity under part (f) of the rule.
19	Damming of water (a) (i) The damming of water associated with the placement or erection of a dam or weir permitted under Rule 29(a); and (ii) The damming of water associated with the placement, erection or use of a dam or weir in an artificial watercourse, are permitted activities provided they do not result in adverse effects on existing water users. (b) Except as provided for in Rules 19(a), 19(c), 21(a), 21(b), the damming of water is a discretionary activity.	Discretionary Activity The damming of water to affect the diversion of the Waikaka Stream and Shepherds Creek will not meet the criteria in part (a) of the rule, and therefore is a discretionary activity under part (b) of the rule.
22	Bores and Wells (a) The drilling or construction of any bore or well is a <u>controlled activity</u> provided the following conditions are met: (i) the bore or well design and headworks prevents: 1. the infiltration of contaminants; and 2. the uncontrolled discharge or leakage of water to the surface and between aquifers. (b) The drilling or construction of any bore or well that cannot meet the above conditions in Rule 22(a) is a <u>discretionary activity</u> . (c) The use, maintenance and decommissioning of any bore or well is a permitted activity provided the following conditions are met: (i) the bore or well design and headworks prevents: 1. the infiltration of contaminants; and 2. the uncontrolled discharge or leakage of water to the surface and between aquifers.	Discretionary Activity The mine pit walls (during/after dewatering) meet the definition of a bore or well. They will not be constructed in accordance with the standards in part (a) and (c) of the rule and therefore are discretionary activity to construct, use, maintain and decommission under parts (b) and (d) of the rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(d) The use, maintenance and decommissioning of any bore or well that cannot meet the above conditions in Rule 22(c) is a <u>discretionary activity</u> .	
23	Abstraction and use of groundwater (e) Except as provided for in Rules 23(a) and (b) and the takes authorised by Section 14(3) of the Act, the abstraction and use of groundwater from any of the following sources is a <u>non-complying activity</u>: (iv) a source outside of the groundwater zones identified on Groundwater Map 1 of Appendix D, or a fractured rock aquifer, where the total volume of water applied for is greater than 50 percent of the rainfall recharge over the relevant land area where the water is to be used.	Non-complying Activity The abstraction of groundwater for dewatering purposes is located outside of identified groundwater zones and may exceed 50% of the rainfall recharge criteria. Groundwater abstracted will be used for gold processing, dust suppression and rehabilitation purposes.
24	Monitoring and sampling structures (a) The placement, erection or reconstruction and any associated bed disturbance of any equipment, measuring apparatus or similar device, in, on, under or over the bed of any river, modified watercourse, stream or lake for the purpose of carrying out inspections, surveys, investigations, tests, measurements, or taking samples, is a <u>permitted activity</u> provided the following conditions are met: (i) the standard conditions in Rule 48 (a) and (b). (c) The use of any equipment, measuring apparatus or similar device, in, on, under or over the bed of any river, modified watercourse, stream or lake for the purpose of carrying out inspections, surveys, investigations, tests, measurements, or taking samples, is a <u>permitted activity</u> provided the following conditions are met: (i) the structure was lawfully established (either before or after this plan came into force); (ii) use of the structure shall not cause a hazard to navigation; (iii) the structure shall not be used to store hazardous substances; (iv) the standard conditions in Rule 48 (b) and (c); (v) fish passage shall not be impeded as a result of the activity.	Permitted Activity The installation of monitoring equipment as part of a compliance monitoring regime is permitted.
26	Bridges (a) The placement, erection or reconstruction and any associated bed disturbance of any bridge in, on or over the bed of any river, modified watercourse, stream or lake is a <u>permitted activity</u> provided the following conditions are met: (i) there are no support structures (for example, piles) in the bed; (ii) the bridge and its abutments shall not increase the risk of flooding to surrounding land; (iii) the bridge and its bank abutments shall not impede the flow of water within the river channel; (iv) the bridge shall not be a hazard to navigation; (v) the standard conditions in Rule 48(a) and (b).	Permitted Activity A new single span farm access bridge will be constructed over the new diversion channel to replace an existing farm access bridge over the existing Waikaka Stream, which will be removed as part of the project. The construction and use of this new bridge can comply with the conditions of the rule.
29	Dams and weirs	Discretionary Activity

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(a) The placement, erection or reconstruction and any associated bed disturbance of any dam or weir, in, on or over the bed of any lake, river, modified watercourse or stream and the associated damming of water, is a <u>permitted activity</u> provided the following conditions are met: (i) if the dam is two metres or less in height (measured from the crest of the dam to the bed), the impoundment area shall be less than ten hectares; (ii) if the dam is three metres or less in height (measured from the crest of the dam to the bed), the impoundment area shall be less than five hectares; (iii) the dam or weir is located below a catchment area of less than 500 hectares; (iv) the dam or weir shall not be located upstream of any railway, formed public road, or residence, where these are likely to be affected by any failure of the structure; (v) the dam or weir shall have a spillway, or an auxiliary spillway that is capable of conveying flood flows; (vi) the dam or weir shall neither impound water nor adversely affect drainage beyond the property on which it is constructed, unless agreed to in writing by any affected landowner; (vii) the discharge from the dam or weir shall be to the original channel, and shall not cause significant erosion of, or deposition on, the downstream bed or banks; (viii) the standard conditions in Rule 48(a) and (b); (ix) the dam or weir is not in the Mataura or Waikaia River; (x) dams or weirs in the tributaries of the Mataura or Waikaia River shall not harm spawning or prevent passage of salmonid fish. (b) The placement, erection or reconstruction and any associated bed disturbance of any dam or weir in, on, under or over the bed of any lake, river, modified watercourse or stream that cannot meet the above conditions and is not included in (c) is a <u>discretionary activity</u>. (c) The placement or erection of dams or weirs in the Mataura or Waikaia River, and damming in the tributaries of the Mataura and Waikaia River where the dam or weir would harm spawning or prevent passage of salmonid fish is a <u>prohibited activity</u>. (d) The use of any dam or weir in, on or over the bed of any river, modified watercourse, stream or lake is a <u>permitted activity</u> provided the following conditions are met: (i) the structure was lawfully established (either before or after this plan came into force). (ii) use of the structure shall not cause a hazard to navigation. (iii) the structure shall not be used to store hazardous substances. (iv) the standard conditions in Rule 48 (b) and (c). (v) fish passage shall not be impeded as a result of the activity.	A dam structure will be required to affect the diversion of the flow of the Waikaka Stream and Shepherds Creek into the temporary diversion channels. The catchment area of the Waikaka Stream is around 318km² (refer to Heller report, Attachment [K], page 4), therefore the construction and use of the dam, and associated bed disturbance, will not comply with clause (iii) of part (a) of the rule. Clauses (c) and (d) of the rule are not applicable to the proposal therefore the construction of a temporary dam structure to facilitate the diversion of the flow of the Waikaka Stream and Shepherds Creek into temporary diversion channels, and the associated bed disturbance, is discretionary under clause (b). The use of the dam structure is discretionary under clause (e) of the rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(e) The use of any dam or weir in, on, under or over the bed of any river, modified watercourse, stream or lake that cannot meet the above conditions in (d) is a discretionary activity.	
30	Erosion control structures (a) Notwithstanding any other rule in this Plan to the contrary, the placement or reconstruction and any associated bed disturbance of rock rip rap or anchored or layered trees in, on, under or over the bed of any river, modified watercourse, stream or lake is a <u>permitted activity</u> provided the following conditions are met: (i) the work is not in a lake bed, national park, reserve or land in respect of which there is a covenant under the Conservation Act 1987, Queen Elizabeth the Second Trust Act 1977 or Reserves Act 1977; (ii) any anchored or layered trees shall be anchored to the bed or banks so that they will not wash away in a flood; (iii) the standard conditions in Rule 48(a) and (b); (iv) there shall be no planting of pest plant species as identified in any Southland Regional Pest Management Strategy unless an exemption has been granted under the Strategy enabling the propagation of that pest plant species and the planting is carried out in accordance with the terms of that exemption. (b) The placement or reconstruction and any associated bed disturbance of concrete in, on, under or over the bed of any river, modified watercourse, stream or lake is a <u>permitted activity</u> provided the following conditions are met: (i) the river is less than three metres wide on average over the area of construction; (ii) the placement of the concrete shall be for the sole purpose of remedying or mitigating an erosion problem; (iii) the work shall not be in a lake bed, national park, reserve or land in respect of which there is a covenant under the Conservation Act 1987, Queen Elizabeth the Second Trust Act 1977 or Reserves Act 1977; (iv) the concrete shall have a minimum length of 300 mm; (v) the concrete shall be intact and not dusting or containing large amounts of fines; (vi) there shall be no concrete that has not set, or loose cement present; (vii) the concrete shall not have been used in direct contact with chemicals that are toxic to aquatic life; (viii) the concrete shall not contain asbestos pipe or asbestos cement mixtures; (ix) no reinforcing steel shall protrude from the completed works; (x) the standard conditions in Rule 48(a) and (b).	Permitted The proposal involves placement of erosion control material within the bed and on the banks of the rehabilitated Waikaka Stream and Shepherds Creek channel, and around the new bridge and any outfall structures. All conditions of the rule will be complied with.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(c) The placement, erection or reconstruction and any associated bed disturbance of erosion control structures, debris traps, rail and mesh, rope retards, gabion baskets, drop structures, groynes, weirs, and pre-formed concrete in, on, under or over the bed of any river, modified watercourse, stream or lake is a <u>discretionary activity</u>. (d) The use of any erosion control structures in, on or over the bed of any river, modified watercourse, stream or lake is a <u>permitted activity</u> provided the following conditions are met: (i) the structure was lawfully established (either before or after this plan came into force). (ii) use of the structure shall not cause a hazard to navigation. (iii) the structure shall not be used to store hazardous substances. (iv) the standard conditions in Rule 48 (b) and (c). (v) fish passage shall not be impeded as a result of the activity. (e) The use of any erosion control structures in, on or over the bed of any river, modified watercourse, stream or lake that cannot meet the above conditions in (d) is a <u>discretionary activity</u>.	
31	Fords (a) The excavation or disturbance of the bed of any river, stream, modified watercourse or lake for the purpose of constructing a ford is a <u>permitted activity</u> provided the following conditions are met: (i) the standard conditions in Rule 48(a) and (b). (c) The use of any ford in, on or over the bed of any river, stream, modified watercourse or lake is a <u>permitted activity</u> provided the following conditions are met: (i) the ford was lawfully established (either before or after this plan came into force); (ii) use of the ford on navigable rivers, modified watercourses, streams and lakes shall not cause a hazard to navigation; (iii) the ford shall not be used to store hazardous substances. (iv) the standard conditions in Rule 48 (b) and (c); (v) fish passage shall not be impeded as a result of the activity. (vi) where the ford is used as a stock crossing, the activity shall meet the conditions set out in Rule 42(a) "Stock access to river and lake beds"; (vii) where the ford is used as a vehicle crossing, the activity shall meet the conditions set out in Rule 45(a) "Vehicles and machinery". Demolition and/or removal of structures (d) The demolition or removal and any associated bed disturbance of any structure in, on, under or over the bed of any river, modified watercourse, stream or lake is a <u>permitted activity</u> provided the following conditions are met:	Permitted Activity Fords may be constructed to facilitate the movement of vehicles and machinery to the opposite side of the Waikaka Stream. The construction and use of any fords will be compliant with the rule.
37		Permitted Activity The proposal will require the removal of existing structures within the diverted extent of the Waikaka Stream and Shepherds Creek. All removal and/or demolition of structures can comply with the conditions of the rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(viii) the structure is not listed on the New Zealand Historic Places Register, and was not constructed prior to 1920; (ix) the standard conditions in Rule 48(a) and (b).	
39	Channel realignment or deepening The excavation or disturbance of the bed of any river, modified watercourse, stream or lake for the purpose of realigning or deepening any channel within the bed is a <u>discretionary activity</u> .	Discretionary Activity The proposal will involve some excavation and disturbance to the bed of the Waikaka Stream and Shepherds Creek as part of the channel rehabilitation. This could be interpreted as realignment or deepening, hence resource consent is sought under this rule.
44	Vegetation planting The introduction or planting of any plant, or part of any plant, in the bed of any lake, river, modified watercourse or stream is a <u>restricted discretionary activity</u> .	Discretionary Activity The proposal involves planting vegetation within the bed and on the banks of the rehabilitated Waikaka Stream and Shepherds Creek channels.
45	Vehicles and machinery (a) The entry into or passage across the bed of any river, modified watercourse, stream or lake by any wheeled or tracked vehicle or machine is a <u>permitted activity</u> provided the following conditions are met: (i) the activity is necessary for the purposes of crossing over the bed, or carrying out another permitted or consented activity within the bed; (ii) there shall be no significant alteration to the original profile of the bed; (iii) the standard conditions in Rule 48.	Permitted Activity Machinery will enter into / pass across the bed of the Waikaka Stream using fords that will comply with the permitted activity criteria in Rule 31 and will therefore comply with part (a) of the rule.
48	Standard Conditions (a) Standard conditions for placement, erection, reconstruction, maintenance, alteration, extension, demolition and removal of structures and bed disturbance activities: (i) fish passage shall not be impeded as a result of the activity; (ii) there shall be no bed disturbance of the roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel; (iii) any activity in the water shall be kept to a minimum to avoid, as much as practicable, discoloration to the river or lake. Where any sediment release occurs, it will be only temporary; (iv) any bed disturbance shall be kept to the minimum necessary to undertake the activity, and the site shall be reinstated, as near as practicable, to its original condition on completion of the activity (with the exception of revegetation); (v) no fuel storage or machinery refuelling shall occur on any area of the bed; (vi) no contaminants, other than sediment released from the bed, shall be discharged to water during the activity unless allowed by a relevant permitted activity rule or resource consent; (vii) there are no recorded historic heritage sites, at the site of the activity; (viii) before any equipment, machinery, or operating plant is moved to a new activity site it shall be effectively cleaned to prevent the spread of	An assessment of activities against the standard conditions is provided against each activity specific rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	"pests" or "unwanted organisms" as defined by the Biosecurity Act 1993; (ix) all equipment, machinery, operating plant and debris associated with the structure or bed disturbance activity shall be removed from the site on completion of the activity; (x) the activity shall not result in significant adverse effects on aquatic ecosystems; (xi) between the beginning of November and the end of May, there shall be no disturbance of the tidal river habitat up to the spring tide level. (b) Additional standard conditions for placement, erection, reconstruction, use, maintenance, alteration, extension, demolition and removal of structures: (i) the structure shall not cause significant erosion of, or deposition on, the surrounding bed or banks; (ii) any build-up of debris against the structure, which may adversely affect flood risk, drainage capacity or bed or bank stability, shall be removed as soon as practicable; (iii) the structure shall be maintained in a state of good repair. (c) Additional standard condition for the use of structures only: (i) no contaminants, shall be discharged to water as a result of use of the structure unless allowed by a relevant permitted activity rule or resource consent.	
53	Cleanfill sites (a) The discharge of cleanfill into or onto land at a cleanfill site is a <u>permitted activity</u> provided the following conditions are met: (i) the total amount of cleanfill discharged at all cleanfill sites on a landholding does not exceed 500 cubic metres; (ii) the discharge does not occur within: 1. the bed of a lake or river; 2. 50 metres of a surface water body, artificial watercourse, the coastal marine area, or landholding boundary; 3. the flood banks of the Waiau, Aparima, Oreti or Mataura rivers, or 50 metres of the main stems of these rivers where flood banks are not present; 4. 100 metres of a water abstraction point; (iii) there are no adverse effects on recorded historic heritage sites; (iv) stormwater is directed away from the discharge site. (b) The discharge of cleanfill into or onto land at a cleanfill site that does not meet all of the conditions in Rule 53 (a) is a <u>restricted discretionary activity</u>.	Restricted Discretionary Activity Overburden material replaced within the mine pit will meet the definition of cleanfill. No liquid waste will be placed in the mine pit. The cleanfill material placed within the mine pit will exceed the volume restriction in the rule and will be located within 50 metres of artificial watercourses (farm drains) and the landholding boundary, and the bed of the Waikaka Stream.
57	Land contaminated by a Hazardous Substance (a) The discharge of contaminants from land contaminated by a hazardous substance onto or into land in circumstances which may result in contaminants entering water is a <u>permitted activity</u> provided:	Not applicable The PSI report identifies very low risk of there being land contaminated by a hazardous substance on the site (refer Attachment [M]).

Table 2 Proposed Southland Water and Land Plan Rule Assessment

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
Discharge Rules		
5	Discharges to surface water bodies Except as provided for elsewhere in this Plan the discharge of any: (i) contaminant, or water, into a lake, river, artificial watercourse, modified watercourse or natural wetland; or (ii) contaminant onto or into land in circumstances where it may enter a lake, river, artificial watercourse, modified watercourse or natural wetland; is a discretionary activity provided the following conditions are met: 1. where the water quality upstream of the discharge meets the standards set for the relevant water body in Appendix E "Water Quality Standards", the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or 2. where the water quality upstream of the discharge does not meet the standards set for the relevant water body in Appendix E "Water Quality Standards", the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; and 3. except for discharges from a territorial authority reticulated stormwater or wastewater system, the discharge does not contain any raw sewage.	Discretionary Activity The proposal involves two discharges to the Waikaka Stream: 1. The discharge of water and contaminants, via the treatment facilities within the site infrastructure area, from the gold processing return water, stormwater and dewatering operations. 2. The discharge of the entire flow of the Waikaka Stream and Shepherds Creek, and resultant entrained sediment, via diversion channels, to re-join the existing Waikaka Stream. The water quality of the Waikaka Stream meets some, but not all of the Water Quality standards for "Lowland hard bed" surface water. Refer to Dungey report, Table 13, Attachment [L]. The mixing zone extends 10m upstream and 60m downstream of the discharge in Waikaka Stream (refer to Heller report, page 35, Attachment [K]). There will be no discharge of raw sewerage as part of the proposal. Comment on the above discharges is addressed with the same numbering below. 1. Based on the proposed treatment mitigation, this discharge is not expected to reduce the water quality below the relevant standards. This discharge is a discretionary activity. 2. This discharge may temporarily reduce visual clarity, but is expected to meet the relevant water quality standards after reasonable mixing. This discharge is a discretionary activity.
15	Discharge of stormwater (a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, is a permitted activity provided the following conditions are met: (i) the discharge is not from a reticulated system; and (ii) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless: (1) hazardous substances cannot enter the stormwater system; or (2) there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system; or	Permitted Stormwater from roofs and hardstand areas will be discharged to drains (artificial watercourse) or to the settling ponds. Stormwater from haul roads will be directed into drains (artificial watercourses) or the mine void and pumped to the settling ponds. Stormwater in the settling ponds will be discharged to the Waikaka Stream. There will be some limited discharge to shallow groundwater via losses from the surface water conveyance systems. There is no reticulated system on the site.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(3) the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge; and (iii) the discharge does not contain any sewage, contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent; (iv) for discharges to a lake, river, artificial watercourse, modified watercourse or wetland, the discharge does not result in: (1) the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials; or (2) the rendering of freshwater unsuitable for the consumption by farm animals; or (3) significant adverse effects to aquatic life; or (4) any conspicuous change in the colour or visual clarity of the receiving waters at the downstream edge of the reasonable mixing zone; (v) except for the discharge of stormwater from a roof, road or vehicle parking area, the discharge is not into water within natural state waters; and (vi) for discharges to land, the discharge does not cause flooding, erosion, or land instability to any other person's property.	Hazardous substances will be stored and used on the site, and an oil interceptor system will be installed such that stormwater passes through it prior to discharge. There will be no sewerage or agricultural effluent in the stormwater. Wastewater from the site will be removed off site and the active mine area will not be grazed. The criteria in clause (iv) will be met by utilizing the treatment capability of the settlement ponds prior to discharge. The stormwater discharge will be designed so as not to cause flooding, erosion, or land instability to any other person's property.
17	Dust Suppressants (a) The discharge of a dust suppressant onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided one of the following conditions are met: (i) the dust suppressant is not a hazardous substance; or (ii) the dust suppressant is approved under the Hazardous Substances and New Organisms Act 1986 and the use and discharge of the dust suppressant is undertaken in accordance with all conditions of the approval.	Permitted Dust suppressants may be used on the site. Any dust suppressants will be selected for compliance with the rule, or a further resource consent will be sought if necessary.
32C	Construction, maintenance and use of new non-agricultural effluent storage facilities (a) The use of land for the construction, maintenance and use of a new non-agricultural effluent storage facility and ancillary structures (other than an onsite wastewater system, composting toilet system, mobile toilet or agricultural effluent storage facility but including for wastewater, sludge or effluent from industrial or trade processes), and any incidental discharge of effluent directly onto or into land from that facility which is within the normal operating parameters of a leak detection system or the pond drop test criteria set out in Appendix P, is a restricted discretionary activity provided the following conditions are met: ...	Not applicable Gold processing on site is an industrial or trade process, though mineral extraction is not. The slimes treatment plant and settlement ponds are non-agricultural effluent storage facilities and ancillary structures. The rule is not applicable as neither a leak detection system nor pond drop test is proposed.
34	Industrial and trade processes (a) Other than as provided for by Rule 32C, the discharge of wastewater, sludge or effluent from industrial and trade processes, other than agricultural effluent, onto or into land in circumstances where contaminants may enter water is a discretionary activity provided the following condition is met:	Discretionary Activity Gold processing on site is an industrial or trade process, though mineral extraction is not. Gold process return water can be defined as wastewater from an industrial or trade process and will be placed onto and into land as part of the treatment processes through the settlement ponds.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(i) any pond, tank or structure used to store the wastewater, sludge or effluent prior to discharge is certified by a Chartered Professional Engineer as having no visible cracks or defects that would allow wastewater, sludge or effluent to leak from the storage.	The settlement pond structures will be certified by a Chartered Professional Engineer as having no visible cracks or defects that would allow leakage. All dewatering water will transit through the GRP and so is captured by this rule.
42	Cleanfill sites (a) The discharge of cleanfill into or onto land at a cleanfill site in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met: (i) the total amount of cleanfill discharged at all cleanfill sites on a landholding does not exceed 500 cubic metres per calendar year, except for a formed road reserve or a rail corridor in which case no limit applies; (ii) the discharge does not occur within: (1) the bed of a lake or river; or (2) 50 metres of a lake, river, artificial watercourse, modified watercourse, natural wetland, the coastal marine area or landholding boundary; or (3) 50 metres of the main stems of the Waiau, Aparima, Oreti or Mataura rivers, or inside flood banks of the main stems of these rivers (if flood banks are present); or (4) 100 metres of any authorised water abstraction point; and (iv) stormwater is directed away from the discharge site. (b) The discharge of cleanfill into or onto land at a cleanfill site in circumstances where contaminants may enter water that does not meet one or more of the conditions of Rule 42(a) is a restricted discretionary activity. An application for resource consent under Rule 42(b) will be processed and considered without public or limited notification unless the applicant requests notification or the Southland Regional Council considers special circumstances exist that warrant notification of the application.	Restricted Discretionary Overburden material and tailings replaced within the mine pit will meet the definition of cleanfill. Cleanfill will exceed the volume restriction in the rule and will be located within 50 metres of artificial watercourses (farm drains) and the landholding boundary, and the bed of the Waikaka Stream.
46	Land contaminated by a hazardous substance	Not applicable The PSI report identifies very low risk of there being land contaminated by a hazardous substance on the site (refer Attachment [M]).
49	Abstraction, diversion and use of surface water (b) Except as provided for in Rules 49(a), 49(ab), 50(a), 50(b), 51(a) and 51(b), the taking, diversion and use of surface water is a restricted discretionary activity provided the following conditions are met: (i) for non-consumptive takes, the total volume of water taken or diverted is returned within 100 metres of the take or diversion point; or	Non-complying Activity The proposal to divert the entire flow of the Waikaka Stream and Shepherds Creek does not meet the distance required for return of the flow to the same waterbody in part (b)(ii) of the rule and is therefore a non-complying activity.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(d) Except as provided for in Rules 49(a), 49(ab), 49rule(b), 49(c), 50(a), 50(b), 51(a), 51(b), 51(c), 52(a), 52(b), 52A(a) and 52A(b), the taking, diversion and use of surface water is a non-complying activity.	
51	Minor diversions of water (b) Despite any other rule in this Plan, the diversion of water for the purpose of land drainage is a permitted activity provided the following conditions are met: (i) the diversion and associated discharge does not cause erosion or deposition; (ii) the diversion does not cause flooding of downstream or adjacent properties; and (iii) the diversion of water is not from a Regionally Significant Wetland or Sensitive Water Body identified in Appendix A or any natural wetland.	Permitted Minor diversion of land drainage water by farm drains though the site will meet the conditions of the rule.
53	Bores and wells (a) The use of land for the drilling or construction of any bore or well is a controlled activity provided the following conditions are met: ... (b) The use of land for the drilling or construction of any bore or well that does not meet the conditions in Rule 53(a) is a discretionary activity. (d) The use, maintenance or decommissioning of any bore or well that does not meet the conditions in Rule 53(c) is a discretionary activity.	Discretionary The mine pit walls (during/after dewatering) meet the definition of a bore or well. They will not be constructed in accordance with the standards in part (a) of the rule and therefore are discretionary activity to construct, use, maintain and decommission.
54	Abstraction and use of groundwater ... (ca) The take and use of groundwater for the purpose of dewatering for carrying out excavation, construction or maintenance and the associated use and discharge of that water is a permitted activity provided the following conditions are met: ... (f) Other than as provided by Rules 54(a), 54(b) and 54(c) and 54(ca) the take and use of groundwater outside the groundwater management zones listed in Appendix L.5 is a discretionary activity provided the following conditions are met; (i) the total volume of authorised groundwater abstraction is within the primary allocation limit established following the methodology outlined in Appendix L.7; and (ii) any interference effects are 'acceptable' in accordance with Appendix L.3. (g) The take and use of groundwater that does not otherwise comply with Rules 54(b) to 54(f) is a non-complying activity.	Non-complying The dewatering of the mine pit is not permitted under (ca) as the scale of dewatering will exceed a number of the rule criteria. Groundwater abstracted will be used for gold processing, dust suppression and rehabilitation purposes. There are a number of wells identified where the modelled well-interference effects exceed the acceptable criteria in Appendix L.3 (refer to Heller report, Attachment [K] , section 5, page 23). Clause (g) is therefore applicable to the proposed take and use of groundwater for dewatering, gold processing, dust suppression and rehabilitation purposes.
55A	General conditions for activities in river and lake beds (a) Fish passage is not impeded as a result of the activity; (b) There is no disturbance of roosting and nesting areas of the black fronted tern, black billed gull, banded dotterel or black fronted dotterel; (c) Any activity in the water is kept to a minimum to avoid, as much as possible, discoloration of the water in the water bodies listed in the chapeau of the rule, including from any temporary sediment release;	Compliance is achieved with this rule as follows: Fish passage through the Waikaka Stream will be maintained at all times. There are no known roosting or nesting areas of the listed bird species in the locality.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(d) Any bed disturbance is kept to the minimum necessary to undertake the activity and the bed is returned as near as practicable to its original channel shape, area, depth, and gradient on completion of the activity (with the exception of revegetation); (e) No fuel storage or machinery refuelling occurs on any area of the bed; (f) No contaminants, other than sediment released from the bed, are discharged to water as a result of use of the structure unless allowed by a relevant permitted activity rule in this Plan or a resource consent; (g) Before any equipment, machinery, or operating plant is moved to a new activity site it is effectively cleaned to prevent the spread of "pests" or "unwanted organisms" as defined by the Biosecurity Act 1993; (h) All equipment, machinery, operating plant and debris associated with the structure or bed disturbance activity is removed from the site on completion of the activity; (i) The structure or bed disturbance activity does not cause significant erosion of, or deposition on, the surrounding bed or banks; (j) Any build-up of debris against the structure which may adversely affect flood risk, drainage capacity or bed or bank stability is removed as soon as practicable; (k) The structure is maintained in a state of good repair; and (l) From the beginning of November until the end of May, there is no disturbance of whitebait spawning habitat.	Diversion of the Waikaka Stream and Shepherd's Creek will likely create discolouration of the water on a temporary basis, though all practicable measures will be taken to minimize sediment discharge. The bed of the diversion channel will be created to replicate as far as practicable, the area, shape, depth and gradient of the existing Waikaka Stream. Fuel storage and refueling will not occur within the bed of the Waikaka Stream. No contaminants (other than sediment) are associated with structures included in the proposal. Equipment will be cleaned to prevent the spread of unwanted organisms and pest species. All equipment will be removed on completion of the proposal. Measures will be taken to minimise erosion of the bed, including the placement of erosion protection materials in locations that may be prone to erosion. The activity will be managed so as not to cause erosion of / deposition on the bed or banks. The proposal is designed to avoid risk of reduction of flood carrying capacity of the Waikaka Stream. Any structures will be maintained in good repair. The site is not associated with whitebait spawning.
55	Monitoring and sampling structures (a) The use, placement, erection or reconstruction (and any associated bed disturbance and discharge) of any equipment, measuring apparatus or similar devices in, on, under or over the bed of a lake, river, modified watercourse or wetland for the purpose of carrying out inspections, surveys, investigations, tests, measurements, or taking samples is a permitted activity provided the following conditions are met: (ai) the general conditions set out in Rule 55A other than conditions (k) and (l) of that Rule.	Permitted The installation of monitoring equipment as part of a compliance monitoring regime is permitted.
57	Bridges (a) The placement, erection or reconstruction of any bridge in, on or over the bed of a lake, river, modified watercourse or wetland and any associated bed	Permitted A new single span farm access bridge will be constructed over the new diversion channel to replace an existing farm access bridge over the existing Waikaka Stream, which will be removed as part of the

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	disturbance and discharge resulting from the carrying out of the activity is a permitted activity provided the following conditions are met: (ia) the general conditions set out in Rule 55A; (i) there are no support structures (for example, piles) in the bed; (ii) the bridge and its abutments do not increase the risk of flooding to surrounding land; (iii) the bridge and its bank abutments do not impede the flow of water within the river channel; and (iv) the structure is not within any mātaihai, nohoanga, or taiāpure. (c) The use of any bridge in, on or over the bed of a lake, river, modified watercourse or wetland is a permitted activity provided the following conditions are met: (ai) general conditions (a), (f), (i), (j) and (k) set out in Rule 55A; and (i) the structure is lawfully established.	project. The construction and use of this new bridge can comply with the conditions of the rule.
58	Cables, wires and pipes (a) The placement, erection or reconstruction of any cable, wire, pipe or pipeline (including any intake or discharge pipe or temporary gauging system) and associated safety signs or markers in, on, under or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance and discharge resulting from the carrying out of the activity is a permitted activity provided the following conditions are met: (ia) the general conditions set out in Rule 55A; (i) the structure does not have any support structures (for example, stays or piles) in the bed (other than if it is attached to a pre-existing structure, such as a bridge); (ii) the structure does not cause a hazard to boating/navigation, or aircraft/aviation; ... (vii) where the structure is a discharge pipe, any discharge from the pipe does not cause significant erosion of, or deposition on, the surrounding bed or banks; and (viii) the structure is not within any mātaihai, nohoanga, or taiāpure. (c) The use of any cable, wire, pipe or pipeline (including any intake or discharge pipe or temporary gauging system) and associated safety signs or markers in, on or over the bed of a lake, river, modified watercourse or wetland is a permitted activity provided the following conditions are met: (ai) general conditions (f), (i), (j) and (k) set out in Rule 55A; and (i) the structure is not used to store hazardous substances.	Permitted A new outfall structure will be constructed to the new diversion channel to replace an existing outfall structure from the L&M pond to the existing Waikaka Stream, which will be removed as part of the project. The construction and use of this new outfall structure can comply with the conditions of the rule.
60	Dams and weirs (a) The placement, erection or reconstruction of any dam or weir in, on or over the bed of a lake, river, modified watercourse and the associated damming of water (either inside or outside the bed), and any associated bed disturbance and	Discretionary A dam structure will be required to affect the diversion of the flow of the Waikaka Stream and Shepherds Creek into the temporary diversion channel. The catchment area of the Waikaka Stream is 318km² (refer to Heller report, Attachment [K], page 4), therefore the

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met: (ia) the general conditions set out in Rule 55A; (i) if the maximum height of the dam or weir exceeds 4 metres or the impoundment volume exceeds 20,000 cubic metres of water or other fluid, a building consent is obtained for the dam or weir prior to its construction commencing; (iii) the dam or weir is located below a catchment area of less than 500 hectares; and (iv) the dam or weir is not located upstream of any railway, formed public road, or residence where these are likely to be affected by any failure of the structure; (v) the dam or weir has a spillway, or an auxiliary spillway, that is capable of safely conveying flood flows; (vi) the dam or weir does not impound water or adversely affect drainage beyond the landholding on which it is constructed, unless agreed to in writing by the affected landowner; (vii) the discharge from the dam or weir is to the original channel, and does not cause significant erosion of, or deposition on, the downstream bed or banks; (viii) the dam or weir is not in the Mataura, Oreti or Waikata River; (ix) For the purposes of Rule 60(a) the height of a dam or weir is the vertical distance from the crest of the dam or weir and must be measured: (1) in the case of a dam or weir across a river, from the natural bed of the stream at the lowest downstream outside limit of the dam or weir; or (2) in the case of a dam or weir not across a river, from the lowest elevation at the outside limit of the dam or weir; or (3) in the case of a canal, from the invert of the canal; and (x) the structure is not within any mataitai, nohoanga, or taiāpure. (b) The use, placement, erection or reconstruction of any dam or weir in, on or over the bed of a lake, river, modified watercourse and the associated damming of water (either inside or outside the bed), and any associated bed disturbance and discharge resulting from the carrying out of the activity, that does not meet one or more of the conditions of Rule 60(ab) or Rule 60(a) respectively and is not a non-complying activity under Rule 60(c) or a prohibited activity under Rule 60(d) is a discretionary activity.	construction and use of the dam, and associated bed disturbance and discharge, will not comply with clause (iii) of part (a) of the rule. Clauses (c) and (d) of the rule are not applicable to the proposal therefore the construction of a temporary dam structure to facilitate the diversion of the flow of the Waikaka Stream and Shepherds Creek into temporary diversion channels is discretionary under clause (b).
61	Erosion control structures (a) Notwithstanding any other rule in this Plan, the placement or reconstruction of rock rip rap, gabion baskets or anchored or layered trees in, on, under or over the bed of a lake, river or modified watercourse and any associated bed disturbance and discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met: (ai) the general conditions set out in Rule 55A;	Permitted The proposal involves placement of erosion control material within the bed and on the banks of the rehabilitated Waikaka Stream and Shepherds Creek channel, and around the new bridge. All conditions of the rule will be complied with.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(i) the work is not in a lake bed, national park, reserve or land in respect of which there is a covenant under the Conservation Act 1987, Queen Elizabeth the Second Trust Act 1977 or Reserves Act 1977; (ii) any anchored or layered trees are anchored to the bed or banks so that they will not wash away in a 2% Annual Exceedance Probability flood event; (iii) there is no planting of pest plant species as identified in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act; and (iv) the structure is not within any mātaimai, nohoanga, or taiāpure. (b) The placement or reconstruction of preformed concrete in, on, under or over the bed of a lake, river or modified watercourse and any associated bed disturbance and discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met: (a) the general conditions set out in Rule 55A; (i) the river is less than 3 metres wide on average over the area of construction; (ii) the placement of the concrete is for the sole purpose of remedying or mitigating erosion; (iii) the work is not in a lake bed, national park, reserve or land in respect of which there is a covenant under the Conservation Act 1987, Queen Elizabeth the Second Trust Act 1977 or Reserves Act 1977; (iv) any individual concrete piece has a minimum length of 300 millimetres; (v) there is no concrete that has not set or loose cement present; (vi) the concrete has not been used in direct contact with chemicals that are toxic to aquatic life; (vii) the concrete does not contain asbestos pipe or asbestos cement mixtures; and (viii) reinforcing steel does not protrude from the completed works. (c) The placement, erection or reconstruction of rock rip rap, gabion baskets or anchored or layered trees or pre-formed concrete in, on, under or over the bed of a lake, river or modified watercourse and any associated bed disturbance and discharge resulting from the carrying out of the activity, that does not meet one or more of the conditions listed in Rule 61(a) or Rule 61(b) is a discretionary activity.	
62	Fords (a) The excavation of the bed of a lake, river or modified watercourse and any associated bed disturbance and discharge resulting from the carrying out of the activity for the purpose of constructing a ford is a permitted activity provided the following conditions are met: (a) the general conditions set out in Rule 55A.	Permitted Fords may be constructed to facilitate the movement of vehicles and machinery to the opposite side of the Waikaka Stream. The construction and use of any fords will be compliant with the rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	(c) The use of any ford in, on or over the bed of a lake, river or modified watercourse and any associated bed disturbance and discharge resulting from the carrying out of the activity is a permitted activity provided the following conditions are met: (ai) general conditions (f), (i), (j) and (k) set out in Rule 55A; (i) the ford is lawfully established; and (ii) where the ford is used as a vehicle crossing, the activity meets the conditions set out in Rule 62(a).	
68	Demolition or removal of structures (a) Unless otherwise stated in this Plan, the demolition or removal of any structure in, on, under or over the bed of a lake, river or modified watercourse and any associated bed disturbance and discharge resulting from carrying out the activity is a permitted activity provided the following conditions are met: (ai) the general conditions set out in Rule 55A other than conditions (i), (j) and (k) of that Rule; and (xii) demolition or removal of the structure does not cause significant erosion of, or deposition on, the surrounding bed or banks.	Permitted The proposal will require the removal of existing structures within the diverted extent of the existing Waikaka Stream. All removal / demolition of structures can comply with the conditions of the rule.
71	Channel realignment, widening or deepening (a) Except as provided for elsewhere in this Plan, the excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of realigning, widening or deepening any channel within the bed is a discretionary activity.	Discretionary The proposal will involve some excavation and disturbance to the bed of the Waikaka Stream and Shepherd's Creek as part of the channel rehabilitation. This could be interpreted as realignment or deepening, hence resource consent is sought under this rule.
76	Vegetation planting (a) The introduction or planting of any plant, or part of any plant, in the bed or margins of a lake, river, modified watercourse or wetland is a permitted activity, provided the following conditions are met: (i) the planting is undertaken pursuant to a Farm Environmental Management Plan prepared in accordance with Appendix N, or is for the purposes of soil conservation or river control, or for enhancing biodiversity, or for enhancing mahinga kai or taonga species identified in Appendix M; (ia) the planting does not restrict access to the lake, river, modified watercourse or wetland that is necessary for giving effect to Rule 78(a) or (b); (ii) the planting is not production forestry (excluding forestry species planted pursuant to the Soil Conservation and Rivers Control Act 1941); and (iii) no plants listed in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, are introduced or planted in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act. (c) The introduction or planting of any plant, or part of any plant, in the bed or margins of a lake, river, modified watercourse or wetland not provided for under Rule 76(a) is a discretionary activity.	Permitted The proposal involves planting vegetation within the bed and on the banks of the new Waikaka Stream channel, and around the transition areas connecting to the existing Waikaka Stream. The planting is for the purpose of enhancing biodiversity and minimising erosion enabling soil conservation and river control.
77	Vehicles and machinery (a) The entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine and any associated	Restricted Discretionary Machinery will enter into / pass across the bed of the Waikaka Stream to mine the land under the bed and to create the diversion channels.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
	bed disturbance and discharge resulting from carrying out the activity is a permitted activity provided the following conditions are met: (ai) the general conditions set out in Rule 55A other than conditions (a), (i), (j) and (k) of that Rule; (i) there is no alteration to the original profile of the bed; and (ii) the activity is necessary for the purposes of crossing over the bed, or carrying out another permitted or consented activity within the bed. (b) The entry into or passage across the bed of a lake, river or modified watercourse by any wheeled or tracked vehicle or machine, and any associated bed disturbance and discharge resulting from the carrying out of the activity, that does not meet one or more of the conditions of Rule 77(a) is a restricted discretionary activity. The Southland Regional Council will restrict its discretion to the following matters: 1. the location, type of vehicle or machine, and frequency and duration of the activity; 2. any effects on water quality, river morphology and dynamics (including erosion or deposition), taonga species, and aquatic and riverine ecosystems and habitat; and 3. the conditions in Rule 77(a) that cannot be met.	The activity does not comply with part (a)(ai)(ii) of the rule and consent is required for a restricted discretionary activity under part (b) of the rule.

Table 3 Regional Effluent Land Application Plan for Southland - Rule Assessment

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
5.5.1	Industrial And Trade Processes The discharge onto or into land of effluent from industrial and trade processes, other than agricultural effluent, is a discretionary activity.	Discretionary Activity Gold processing on site is an <i>industrial or trade process</i>, though mineral extraction is not. 'Effluent', in the form of process return water from the GRP will be placed onto and into land as part of the treatment processes through the settlement ponds.

District Plan Rule Assessment

Rule Reference	Use Activities - Rules	Explanation / Requirement	Activity Status / Compliance / Comment
Chapter 4 – Land Use			
4.2.4	Any land use activity that: 1. does not comply with Rule 4.2.1 or Rule 4.2.2 and 2. is not otherwise explicitly provided for as a permitted, controlled, discretionary, non-complying or prohibited activity by any other rule in this Plan is a discretionary activity.		Discretionary The proposed mining, processing and ancillary activities are not provided for in Rules 4.2.1 or 4.2.2, and are not expressly provided for as a permitted, controlled, discretionary, non-complying or prohibited activity by any other rule in the plan.
Discretionary Activities			
4.5.1	Noise	1) Noise limits in rural and residential zones On any day: • 7.00 a.m. to 10.00 p.m. 55 dBA Leq • 10.00 p.m. to 7.00 a.m. 40 dBA Leq • 10.00 p.m. to 7.00 a.m. 75dBA Lmax Measured: Rural zones at any point in the notional boundary of any noise sensitive activity. (2) Exemptions on noise limits in rural and residential zones The standards set out in [1] above shall not apply: (a) Where there is any noise sensitive activity on the same site as a noise source being assessed. ... (6) Methods of measurement and assessment Unless stated otherwise, sound shall be measured in accordance with the provision of NZS 6801:1999 Acoustics Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:1999 Acoustics Assessment of Environmental Noise. (7) Effect of non-compliance Any land use activity which does not comply with the standards in (1), (3) and (5) above is a restricted discretionary activity. The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance. (1) All activities shall comply with the following standards: (a) Rural and residential zones	Permitted The Hegley noise report (Attachment [O]), section 3.9 and 4) concludes that operational noise from the proposal will comply with the district plan provisions.
4.6.1	Lightspill		Permitted Lighting will be designed to comply with this rule.

Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
	The emission of light spill and/or glare measured at the boundary of the site of the emission, does not exceed: • 7.00p.m. - 7.00a.m. 5 Lux	
4.7.1. Daylight Admission	(1) Any structure... shall comply with the following standards: (a) Rural zones - Except as provided for by (ii) below, no building or other structure shall extend beyond the recession plane calculated from Diagram 4.2 measured from the boundary of the site. - No recession plane is required along the boundary of any site that is contiguous with the boundary of any Commercial, Industrial or Mixed Use Zone.	Permitted Any buildings and structures will comply with this rule.
4.7A.1 Yards	(2) Rural Zones - Except as provided for in (b) below and subject to (c) – (e) below, all buildings shall be set back at least 6 meters from the property boundary. - Buildings of less than 10 square metres in area may be located no less than 2 metres from any property boundary, provided that no animals are housed within them. ... - Buildings shall be set back 6 meters from any waterway more than 2 meters in width. - In rural zones - 12 meters	Permitted Any buildings and structures will comply with this rule.
4.8.1 Height	(1) No structure shall exceed the following heights: In rural zones - 12 meters	Permitted Any buildings and structures will comply with this rule.
4.9.1 Site Coverage	(1) All activities shall comply with the following standards: (a) Rural zones On any property with an area of more than 2Ha, structures used...for purposes other than agriculture, shall not exceed 1500 square metres in area. (2) Any land use activity that does not comply with [1] above is a restricted discretionary activity. The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.	Restricted Discretionary Structures forming the Infrastructure Area will likely have a combined footprint exceeding the 1500m² threshold. To take a precautionary approach, consent is sought for breach of the standard.
4.10.2 Signs	Signs not provided for by (1) above, is a permitted activity: Provided that: General	Restricted Discretionary Signage identifying the site will be visible from public spaces and the frontage road has a speed limit of 100kph. The signage has not yet

Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
	(i) The sign is not designed to be viewed from a public road where the authorised speed limit equals or exceeds 70 kph. (ii) An illuminated sign does not create glare or lightspill beyond the site boundary. (iii) Lettering on signs intended to be read from public roads is not less than 125 mm. (iv) The size, scale and characteristics of any sign does not obscure or detract from any public information or safety signage. (v) The sign shall not exceed the height permitted in the appropriate zone. (b) In Rural zones (i) No more than two signs shall be erected on any site. (ii) Signs on any site do not exceed a cumulative area of 2m². (iii) The sign is not flashing. (iv) Where the sign is intended to be viewed from a public road, the sign must not contain more than six words or symbols and no more than 40 characters. (v) No part of any freestanding sign shall be greater than 3 metres above ground level. (vi) Signs on buildings and other structures may be placed on the vertical faces of the building or structure but shall not extend above the height of that portion of the building or structure on which it is located. (vii) The signage is related to an activity occurring on the site.	been designed but will likely contain more than six words and 40 characters. More than two signs will be erected on the site and total signage will exceed 2m².
4.13.1 Ground Disturbance Earthworks	(1) ... any land use activity that involves earthworks or results in the disturbance of the ground where the period from the commencement of such earthworks or disturbance until the completion of rehabilitation work exceeds twelve months is a restricted discretionary activity.	Restricted Discretionary The proposed earthworks are anticipated to occur over a 7-8 year period after such time the area will be fully rehabilitated.
4.14.1 Transportation	(1) All land use activities shall comply with the following standards: (a) Lighting shall not be constructed or maintained so that direct or indirect luminance or glare causes adverse effects on traffic safety. (b) In Rural Zones, there is no obstruction to sight lines at intersections, as defined in Diagram 4.4. (c) Trees and structures in Rural Zones shall not be positioned where the road surface would be shaded between the hours of 10.00 a.m. and 2.00 p.m. on the shortest day of the year... (2) Any land use activity that does not comply with (1) above is a restricted discretionary activity. The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.	Permitted The proposal will comply with these provisions. Lighting will be designed so as to achieve compliance with (a). Bunds will be constructed so as not to obstruct sightlines in accordance with (b). A setback of 6.6m between the road surface and the crest of the bund would achieve compliance (c) considering a bund crest height of 3m. At 2pm and 10am when the sun is lower (~17°), a setback of 9.8m is required. The crest of the bund will be at least 12m from the road surface and will comply.

Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
		A setback of 32m between the top of Stockpile 1 (10m high) and the road surface is required for compliance with (c) and this will be achieved.
Chapter 5 - Transport		
5.9.1 Access	(1) Where the site is located in a Rural Zone and adjoins a state highway, the site access to the state highway is a restricted discretionary activity.	Permitted Rule 5.9.1 does not apply as Waikaka Road is classified as an Arterial Road in the GPD's roading hierarchy, and not classified as a state highway.
5.9.3 Vehicle loading	(2) Where vehicle loading or unloading is provided as part of any activity, the following standards shall apply: a) Access to loading facilities shall be appropriate for the type of vehicles servicing the site, but in all cases the minimum standard specified for two axled trucks in Diagram 5 shall apply. Entrance to and egress from the site by vehicles using the loading facility shall be by forward direction.	Permitted Vehicle loading will be designed to comply with the activity standards and appropriate for heavy vehicles utilizing the site. Vehicles using the loading facility will enter/ egress the site via a forward facing motion.
5.9.4 Off-street carparking requirements	Any land use activity that does not comply with Rules 5.9.1 to 5.9.3 is a restricted discretionary activity. The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.	Restricted Discretionary The proposed activity is not listed in Table 5.9.2 and so Rule 5.9.4 applies. Twelve vehicle parking space are provided. The off-street parking facility will comply with the standards in Rule 5.9.2 (3) – (7), except that landscaping will not be provided in accordance with (7)(a).
Chapter 6 – Hazardous Substances		
6.9	(1) It is a permitted activity to store or use hazardous substances provided that the quantities in storage or use do not exceed the amounts specified in Table 6.2. (2) Any storage or use of hazardous substances that exceeds the quantities specified in Table 6.2 is a restricted discretionary activity.	Restricted Discretionary Activity Diesel is classed as a 3.1D Flammable Liquid in Table 6.1. and 2,000L of above-ground storage is permitted in the Rural Zone. 60,000L of diesel will be stored on the site in above ground containers, either as a single tank or two 30,000L tanks. A mobile tanker with capacity between 2,000L and 4,000L will be used to take diesel to machinery for refueling on site.
Chapter 7 – Utilities		
7.9	(3) Electricity lines a) The operation, maintenance, upgrading relocation, or removal of an existing transmission line, including any of the following activities that relate to those things: ... ii) a use of land...	Permitted Upgrading of transmission lines to provide power to the site will comply with the permitted activity rules.

Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
	...Is not required to comply with Rules 2.2.9, 2.3.9 or 2.4.9, but is subject to the following: (i) The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. (ii) All debris shall be removed from the site upon completion of the works. (iii) The ground shall be reinstated as far as practical upon completion of the works. (iv) Any lines crossing a navigable water body shall be located more than 10 metres above the level of the water body. b) New electricity lines up to (and including) 110kV are a permitted activity, subject to the following standards: (i) Other than where existing support structures are used, lines are to be located underground in Residential, Commercial, Industrial and Mixed Use Zones. (ii) Any lines crossing a navigable water body shall be located more than 10 metres above the level of the water body. (iii) Within Rural Zones, any support structure greater than 6 metres in height, in relation to land zoned Residential, shall comply with Rule 4.7.1 Daylight Admission. (d) Any works, or electricity lines up to (and including) 110 kV, that do not comply with any part of (3) (c) above is a restricted discretionary activity.	