

National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health

Regulation	Compliance	Comment
9 Controlled Activities		
Removing or replacing fuel storage system, sampling soil, or disturbing soil		
<p>(1) 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 detailed site investigation of the piece of land must exist: the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7: the consent authority must have the report: conditions arising from the application of subclause (2), if there are any, must be complied with. 	Controlled Activity	The site is considered to be a piece of land under Regulation 5(7) of the NES:CS as HAIL A10 is considered likely to have occurred at the site. Heavy metal concentrations in soil samples were above the predicted background soil concentrations, but below NES:CS SCS concentrations. Therefore, a controlled activity consent under Regulation 9(1) of the NESCS is required.

Matamata-Piako Operative District Plan

Part B: Section 6 – Subdivision

Section 6.1 – Subdivision Activity Table

Activity	Rural	Rural-Residential	Compliance	Comments
1. All Zones				
1a. Boundary Adjustment	Controlled	Controlled	Not applicable	No boundary adjustments are proposed on the site.
1b. Bonus Protection Lots	Discretionary	Discretionary	Not applicable	No bonus protection lots are proposed
1c. Works and Networks Utilities	Controlled	Controlled	Not applicable	No works and network utilities are proposed.

Activity	Rural	Rural-Residential	Compliance	Comments
1d. Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> Within a National Grid Subdivision Corridor; Within 20m either side of the centreline of a sub-transmission line 	<u>Restricted Discretionary</u>	<u>Restricted Discretionary</u>	Not applicable	The site does not meet the specified criteria.
1e. Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> Any state highway, or A railway line included in the definition of “regionally significant infrastructure”. 	<u>See 6.3.11</u>	<u>See 6.3.11</u>	Not applicable	The site does not adjoin a State Highway or a railway line.
1f. Subdivision of scheduled sites	<u>N/A</u>	<u>N/A</u>	Not applicable	The site is not scheduled.
2. Subdivision in Residential, Medium Density Residential, Business and Industrial Zones				
The site does not fall within any of the specified zones. Therefore, no consents are required under 6.1.1.2				
3. Rural-Residential				
3a. Rural-Residential 1 and 2	<u>N/A</u>	<u>Restricted Discretionary</u>	Restricted Discretionary	The site falls partially within the Rural-Residential Zone, and subdivision is a Restricted Discretionary Activity .
3b. Subdivision within the Eldonwood South Structure Plan Area	<u>N/A</u>	<u>Restricted Discretionary</u>	Restricted Discretionary	Part of the site falls within the Eldonwood South Structure Plan area, and subdivision is therefore allowed for as a Restricted Discretionary Activity . However, the proposed subdivision does not comply
4. Rural Subdivision on High Quality Soils				
4a. Rural lot Minimum Lot size 40ha	<u>Controlled</u>	<u>N/A</u>	Non-Complying	All Lots are less than 40ha in size. The subdivision of high-quality soils in the Rural Zone is therefore considered to be a non-complying activity pursuant to Rule 2.1.5

Activity	Rural	Rural-Residential	Compliance	Comments
4b. Small Rural Lot. One Small Rural Lot per title in existence at 4 December 2013 or per title created after 4 December 2013 where an entitlement to apply for subdivision of a Small Rural Lot as a controlled activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size between 8ha and 40ha and subject to a balance lot area of 20ha or more.	<u>Controlled</u>	<u>N/A</u>	Not applicable	Not relevant to proposal
4c. One Rural Lifestyle Lot per title in existence at November 1996 or per title created as a result of a Small Rural lot subdivision after November 1996 where an entitlement to apply for subdivision of a Rural Lifestyle Lot as a restricted discretionary activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size of between 2500m ² and 10,000m ² and subject to a balance area of 40ha or more.	<u>Restricted Discretionary</u>	<u>N/A</u>	Not applicable	Not relevant to proposal

5. Rural Subdivision on General Quality Soils

The portion of the site within the rural zone is considered to contain high quality soils. Therefore, no consents are required under Rule 6.1.5.

6. Rural Lot with a Complying Dwelling Site

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Activity	Rural	Rural-Residential	Compliance	Comments
6a. Within 500 metres of an existing intensive farm as at 1 September 2003.	<u>Restricted Discretionary</u>	<u>N/A</u>	Not applicable	There are no known intensive farms within the surrounding area.
6b. Within 250 metres of an existing litter poultry farm as at 1 September 2003.	<u>Restricted Discretionary</u>	<u>N/A</u>	Not applicable	There are no known litter poultry farms within the surrounding area.
6c. Within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou as at 1 September 2003.	<u>Restricted Discretionary</u>	<u>N/A</u>	Not applicable	The site is not known to be within the existing Matamata treatment plant.
6d. Within 300 metres of the existing Fonterra – (Waitoa) wastewater plant as at 1 September 2003.	<u>Restricted Discretionary</u>	<u>N/A</u>	Not applicable	The site is not located in proximity to the Fonterra wastewater plant.
6e. Within the Reverse Sensitivity Areas for the Motumaoho Quarry as shown in Appendix 8 as at 13 May 2005.	<u>Restricted Discretionary</u>	<u>N/A</u>	Not applicable	The site is not located within the Reverse Sensitivity Areas for the Motumaoho Quarry.
7. Rural Zone				
7a. Boundary relocation lot	<u>Discretionary</u>	<u>N/A</u>	Not applicable	A boundary relocation is not proposed
7b. Subdivision in the Banks Road to Mangawhero Road Structure Plan Area that results in the first road connection to Banks Road through the Rural Zone and Future Residential Policy Area from subdivision of the Residential Zone	<u>Discretionary</u>	<u>N/A</u>	Not applicable	The site does not fall within the Banks Road to Mangawhero Road Structure Plan Area.
7c. Subdivision in the Banks Road to Mangawhero Road Structure Plan Area that results in a second or	<u>Non-Complying</u>	<u>N/A</u>	Not applicable	The site does not fall within the Banks Road to Mangawhero Road Structure Plan Area.

Activity	Rural	Rural-Residential	Compliance	Comments
subsequent road connection to Banks Road through the Rural Zone and the Future Residential Policy Area				

8. Settlement Zone

The site is not within the settlement zone. Therefore, no consents are required under Section 6.1.1.8

9. Subdivision of Papakāinga

The proposal does not involve subdivision of Papakāinga. Therefore, no consents are required under Section 6.1.1.9

Section 6.2 – Subdivision General Performance Standards

Rule	Compliance	Comment
6.2.1 All Subdivision – General Performance Standards		
i. All subdivision shall comply with the relevant performance standards in this section		
6.2.3 Infrastructure and Servicing Standards		
i. The standards within Section 5.9 shall apply ii. In addition, adequate provision shall be made for on-site wastewater and stormwater disposal for subdivision in the Rural and Rural-Residential and Māori Purpose Zones, where there is no connection to Council services	Does not comply	<p>No physical works are proposed to service lots 1-7 as part of this subdivision application. Physical works will be provided via separate consents addressed as Volumes 3-5 of this application.</p> <p>On this basis, the subdivision application does not comply with the requirements of Section 5.9, noting that no provision is physically made for servicing. This is therefore a Restricted Discretionary activity pursuant to Rule 6.2.1(iii).</p> <p>Proposed lots 8 and 9 are considered to be excluded from this standard in accordance with performance</p>

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Rule	Compliance	Comment
		standard 5.9.1 as all servicing will be provided for on-site. For completeness, it is also noted that proposed lot 10 is an esplanade reserve.
6.2.4 Development Suitability		
(i) Building Site		
<p>Excluding Lockerbie Development Area Plan.</p> <p>Each lot must contain a minimum 150m² rectangular area of land for a building site with no dimension less than 10m and make provision for a 6m diameter circle to the north, east or west of rectangle area. The area shall also be free of impediments to buildings such as: drainage lines, building line restrictions, easements, development controls, protected registered significant features or other items or topographical impediments.</p>	Complies	<p>All Lots are sufficiently sized to accommodate a building platform.</p> <p>Specifically, two rural-residential Lots are proposed as Lots 8 and 9. As demonstrated by Sheet 3 of the Scheme Plan (refer Appendix 2A), the proposed Lots are capable of accommodating a building platform of 150m², a 6m indicative outdoor living area, along with indicative on-site domestic wastewater disposal.</p>
6.2.5 Development Contributions		
<p>The standards within Section 7 shall apply.</p> <p>The consent holder shall contribute to the provision of services, reserves and recreation facilities identified as being necessary to serve the anticipated demand resulting from the subdivision of the land.</p> <p>The consent holder shall provide any other services required at their own expense.</p>	Complies	<p>The applicant will comply with required development contributions in accordance with Section 7 as applicable.</p>
6.2.6 Esplanades		
(i) Esplanade Reserves		
<p>Where subdivision occurs, creating lots less than 4 hectares, or greater than 4 hectares along rivers specified in (d) below, Council shall require esplanade reserves of 20m in width. However in some circumstances it may be appropriate either to increase or decrease the width of the reserve or to establish an esplanade strip as an alternative.</p>	Complies	<p>The proposed subdivision adjoins the Waitoa River, a specified river in sub-point (d). As such, a 20m esplanade reserve is proposed (refer Appendix 2A).</p>

Rule	Compliance	Comment
<p>a. An esplanade reserve may be reduced below 20m in the following circumstances:</p> <ul style="list-style-type: none"> • Where an existing structure is located within the 20m reserve and an appropriately smaller esplanade reserve can be vested; • Where a natural hazard protection area is operative on land that would otherwise be an esplanade reserve; • Where the topography limits the effectiveness of the reserve. <p>b. An esplanade reserve of a greater width than 20m may be taken in the following circumstances:</p> <ul style="list-style-type: none"> • Where the area has significant conservation and heritage values which require protection greater than a 20m reserve can provide; • Where the topography requires it to be more effective. <p>c. An esplanade reserve may be waived in the following circumstances:</p> <ul style="list-style-type: none"> • Where the land is identified on a Queen Elizabeth II National Trust Protective Covenant, Reserves Act Covenant, Conservation Act Covenant or other Covenant that is in perpetuity; • Where by reason of public safety and/or security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example, where there are defence lands, existing public road, sensitive machinery, irrigation works or activities. <p>d. Where subdivision occurs creating lots 4 hectares or more in size, Esplanade Reserves shall be taken along the following rivers:</p> <ul style="list-style-type: none"> • Waihou, Waitoa, Piako, Waitakaruru, Waiomou, Rapurapu, Topehaehae and from land immediately adjoining the Kopuatai Peat Dome; 		

Rule	Compliance	Comment
<ul style="list-style-type: none"> The width of the reserve shall be 20m unless any of the above circumstances (a, b or c) apply. 		
(ii) Esplanade Strips		
<p>a. An esplanade strip may be established instead of an esplanade reserve in the following circumstances:</p> <ul style="list-style-type: none"> Where significant erosion is known to occur. <p>b. Where an esplanade strip is considered to be more appropriate than an esplanade reserve, the width of that esplanade strip shall be:</p> <ul style="list-style-type: none"> A minimum of 20m where erosion is a known problem; A minimum of 5m where the esplanade strip is established solely for access purposes. <p>The situations relating to a reduction or increase in width of esplanade reserves shall relate to the physical conditions of the site.</p>	Not applicable	An esplanade reserve is provided as required in 6.2.6(i), above.
(iii) Access Strips		
<p>a. An access strip may be established instead of an esplanade reserve or an esplanade strip in the following circumstances:</p> <ul style="list-style-type: none"> Where for reasons of public security or public safety restrictions, access is required; Where existing development means that an esplanade reserve or esplanade strip cannot practically be established; Where roads are available for the purpose. 	Not applicable	An esplanade reserve is provided as required in 6.2.6(i), above.
6.2.7 Protection and preservation of existing drainage channels		
<p>All subdivisions shall be planned, designed and constructed so as to:</p> <p>i. Protect and preserve existing natural or open drainage channels;</p> <p>ii. Ensure all drainage systems do not cause erosion or flooding outside the subdivision to any greater extent that would occur in the absence of subdivision and improvements;</p>	Complies	All drainage channels will be retained as part of this subdivision. Note that no physical works are proposed to service the subdivision, with works being provided through land-use activities addressed in Volumes 3-5 of this application.

Rule	Compliance	Comment
<ul style="list-style-type: none"> iii. Avoid flooding of land; iv. Leave all drainage channels in as natural a condition as possible, enhance fish habitats and water quality with riparian planting where appropriate; v. Provide for crossing of water courses whose bed has an average width of 3 metres or more by spanning so that natural stream beds will not be altered thereby causing adverse environmental damage. <p>See also Section 8: Works and Network Utilities and Section 11: Natural Hazards.</p>		
6.2.8 Earthworks		
See Performance Standards: Section 5 and the requirements of the Development Manual.	Not applicable	No earthworks are proposed, as no physical works are proposed as part of this subdivision.
6.2.9 Natural Hazards		
See Natural Hazards: Section 11.	Not applicable	The site is not subject to any natural hazards, as set out in the Infrastructure Reports supporting the land use activities on site (Refer Appendix 3F, 4D, and 5F)
6.2.10 Conservation		
See Performance Standards: Section 5	Not applicable	No relevant standards apply
6.2.11 Vesting of beds and rivers		
The bed of any river over 3m in width included in a subdivision consent shall be west in the Crown	Not applicable	No river over 3m in width is included within the subdivision area.
6.2.12 Protection of Scheduled Significant Items		
Council shall require the legal protection in perpetuity of any scheduled significant item or feature with the exception of Scheduled Item 213 of Schedule 3, as a condition of subdivision consent. Scheduled significant items are listed in Schedules 1, 2 and 3.	Not applicable	No scheduled significant items are present on site.

Rule	Compliance	Comment
<ul style="list-style-type: none"> a. Council shall require that legal boundaries are located in a position that does not impair or destroy the integrity of the scheduled significant item; b. Suitably qualified persons shall, be engaged, if necessary, to determine the boundaries or significance of such items; c. Any such required protective measures shall be taken into account when addressing the Development Contribution for reserves that would otherwise apply. See Section 7: Development Contributions. 		
6.2.13 Protection of Other Items		
<p>Council may require, as a condition of subdivision consent, the legal protection in perpetuity of a significant feature that is found to exist on the property for the purpose of protecting the feature. A feature may include an area or item of significant indigenous, ecological, landscape or heritage value to the community.</p> <p>Provided that this rule shall not apply to Scheduled Item 213 of Schedule 3 and where approval has otherwise been given for use of archaeological sites from Heritage New Zealand. Evaluation shall be undertaken in accordance with the criteria in Appendix 1. The feature/area must be fully described and intrinsic value ranked alongside other similar features. Any protective measures shall be taken into account when assessing the financial contribution for reserves that would otherwise apply. See Development Contributions: Section 7.</p> <p>Council may require that legal boundaries are located in a position that does not impair or destroy the integrity of the significant feature found to exist on the property.</p>	Not applicable	It is not considered that there any significant indigenous, ecological, landscape, or heritage value items on the site, that cannot be adequately managed
6.2.14 Protection of riparian areas		
See Performance Standards: Section 5.1.1.	Not applicable	Note that no physical works are proposed to service the subdivision, with works being provided through

Rule	Compliance	Comment
		land-use activities addressed in Volumes 3-5 of this application.
6.2.15 Existing Buildings to Comply		
<p>All subdivision consent applications shall demonstrate that existing and proposed buildings comply with the provisions of the District Plan once the new lots have been created.</p> <p>If an existing building is unable to comply with the provisions of the District Plan with respect to yard setbacks from external, un-changed boundaries a land use consent will not be required in respect of this non-compliance.</p>	Not applicable	Note that no physical works are proposed to service the subdivision, with works being provided through land-use activities addressed in Volumes 3-5 of this application.

Section 6.3 - Additional Performance Standards by Subdivision Activity

Rule	Compliance	Comment
6.3.1 Residential, Business and Industrial (Non-Scheduled) Lot (Controlled Activity)		
The site is not within these zones, therefore this section is not applicable		
6.3.2 Banks Road Structure Plan Area (Controlled Activity)		
The site is not within the Banks Road Structure Plan Area, therefore this section is not applicable		
6.3.3 Structure Plan Areas and Development Area Plans		
<p>i. Additional Performance Standards</p> <p>Compliance with the relevant Structure Plan or Development Area Plan for subdivision within the following areas:</p> <ul style="list-style-type: none"> • Eldonwood South Structure Plan • Tower Road Structure Plan • Banks Road, Matamata Structure Plan • Banks Road to Mangawhero Road Structure Plan 	Does not comply	The proposed subdivision does not comply with the requirements of the Eldonwood Structure Plan. This is therefore a non-complying activity pursuant to Rule 6.3.3(iii)

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Rule	Compliance	Comment								
<ul style="list-style-type: none">Lockerbie Development Area PlanAvenue Business Park Development Area Plan <p><i>Note: The Structure Plans and Development Area Plans provide important rules that affect the type of subdivision which may be granted including in some cases, restrictions on the number of lots that may be consented.</i></p> <p>ii. Restricted Discretionary Assessment Criteria</p> <p>See Section 6.5.</p> <p>iii. Non-compliance</p> <p>Subdivisions within the Structure Plan areas and Development Area Plans that fail to comply with the additional restricted discretionary standard in 6.3.3(i) above shall be a non-complying activity, except in the Avenue Business Park Development Area Plan where it shall be a discretionary activity.</p>										
6.3.4 General Quality Soils (Controlled Activity and Restricted-Discretionary Activity)										
<p>i. General quality soils – additional performance standard</p> <p>For subdivisions utilising the general quality soils lot rules the parent lot shall contain no more than 25% high quality soils and site specific soil classification assessment from a suitably qualified person may be required to determine the amount of high quality soils on the site at a scale of 1:5,000.</p> <p>ii. Controlled and Restricted Discretionary Assessment Criteria</p> <p>iii. Non-compliance</p> <p>Subdivisions utilising the general quality soil rules that fails to comply with the standards in 6.3.4(i) above shall be a non-complying activity.</p>	Not applicable	The site contains high quality soils, therefore this standard is considered to be not applicable.								
6.3.5 Rural-Residential Zone (Restricted Discretionary Activity)										
<p>i. Additional performance standards</p> <table><tr><td></td><td>Density (per existing title)</td><td>Minimum Lot Size</td><td>Additional Provisions</td></tr><tr><td>Rural-Residential 1</td><td>1 lot per ha</td><td>2,500m²</td><td><ul style="list-style-type: none">Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at</td></tr></table>		Density (per existing title)	Minimum Lot Size	Additional Provisions	Rural-Residential 1	1 lot per ha	2,500m ²	<ul style="list-style-type: none">Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at	Complies	The subdivision is intended to create superlots in the Rural-Residential Zone for the delivery of the activities assessed in Volumes 3-5 of this application. Notwithstanding, the superlots comply with the requirements of
	Density (per existing title)	Minimum Lot Size	Additional Provisions							
Rural-Residential 1	1 lot per ha	2,500m ²	<ul style="list-style-type: none">Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at							

Rule				Compliance	Comment
			least half of the total number of additional lots proposed		
Rural-Residential 2	1 lot per 5,000m ²	2,500m ²	<ul style="list-style-type: none"> Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at least half of the total number of additional lots proposed. Any previous restriction regarding average lot sizes from subdivisions granted prior to 6 April 2018 shall be nullified. 		this standard, with all lots provided in excess of 2,500m ² and no more than 1 lot per ha.
ii. Access to all lots created from one title is to be from a new road or, if none is provided for, then one entranceway off an existing road.					
iii. Restricted Discretionary Assessment Criteria See Section 6.5.					
iv. Non-compliance Any subdivision proposed which does not comply with 6.3.5(i) and (ii) above shall be a non-complying activity.					

6.3.6 – 6.3.16

No relevant subdivision activities are proposed. Therefore, the above sections are considered to be not applicable.