

Appendix 5M – Volume 5: Residential Development and Greenway Rules Assessment

Contents

National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health	2
Waikato Regional Plan	2
Chapter 3 – Water Module	2
Chapter 4 – River & Lake Bed Module	21
Chapter 5 – Land and Soil Module	29
Chapter 6 – Air Module	32
Matamata-Piako Operative District Plan	35
Part B: Section 2 – Activity Table	35
Part B: Section 3 – Development	38
Part B: Section 4 – Activity Related Performance Standards	39
Part B: Section 5 – Performance Standards – All Activities	40
Part B: Section 6 – Subdivision	48
Section 6.2 – Subdivision General Performance Standards	51
Section 6.3 - Additional Performance Standards by Subdivision Activity	54
Part B: Section 8 – Works and Network Utilities	56
Part B: Section 9 – Transportation	60

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) a detailed site investigation of the piece of land must exist: (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (2), if there are any, must be complied with. 	Controlled Activity	<p>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.</p>

Waikato Regional Plan

Chapter 3 – Water Module

Rule	Compliance	Comment
3.3 Water Takes		
<p>3.3.4.12 Permitted Activity Rule – Supplementary Groundwater Takes</p> <p>In addition to the taking of groundwater as allowed by s14(3)(b) of the RMA</p> <ol style="list-style-type: none"> 1. <u>The taking of up to 1.5 cubic metres per day on sites equal to or less than one hectare; or</u> 2. The taking of up to 1.5 cubic metres per day on sites where the well is within 600 metres of the coastal marine area; or 	Does not comply	<p>As outlined in the Hydrogeology Report (Appendix 1N) and the Infrastructure Report (Appendix 5F), a groundwater take is proposed for dust suppression during construction of the residential subdivision and greenway of 336m³/day. The take</p>

Rule	Compliance	Comment
<p>3. The taking of up to 15 cubic metres of groundwater per day on all other sites</p> <p>by means of a well is a permitted activity subject to the following conditions:</p> <ul style="list-style-type: none"> (a) The take(s) shall be within a single site. (b) The site of the activity shall not be within 100 metres of a Significant Geothermal Feature except for those features that are Recent Sinter or Hydrothermal Eruption Craters containing no geothermal pools or discharging geothermal features in which case the take shall not be located within 20 metres of the feature. (c) The activity shall not result in salt water intrusion or any other contamination of the aquifer. <p>The total of all takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6.</p>		<p>exceeds 1.5m³ per day, and is for an area of between 10-15ha.</p> <p>Note: the proposed take of 336m³/day will be used for irrigation and potable water supply for the proposed Retirement Village subsequent to the construction phase.</p> <p>The groundwater take therefore requires resource consent as a discretionary activity pursuant to Rule 3.3.4.24, addressed below.</p>
3.3.4.13 Permitted Activity Rule – Supplementary Surface Water Takes	Not applicable	No supplementary surface water takes are proposed.
<p>3.3.4.14 Permitted Activity Rule – Temporary Takes</p> <p>The taking of up to 150 cubic metres of water per day (calculated on a net take basis for surface water takes) for no more than five days per annum from any river or aquifer is a permitted activity subject to the following standards and terms:</p> <ul style="list-style-type: none"> (a) The net rate of the take, assessed in combination with all other authorised water takes, shall not exceed 100 percent of the primary allocable flows for catchments specified in Table 3-5. (b) For groundwater takes the well is not within 600 metres of the coastal marine area and the total rate of the take in combination with all other takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6. (c) The intake structure shall comply with the screen and velocity standards as set out in the Water Management Class for that water body (see 	Does not comply	<p>As outlined in the Hydrogeology Report (Appendix 1N) and the Infrastructure Report (Appendix 5F), a groundwater take is proposed for dust suppression during construction of the residential subdivision and greenway of 336m³/day. The activity therefore does not comply with permitted activity standards, and consent is required.</p>

Rule	Compliance	Comment
Chapter 3.2 of this Plan) and with the provisions in Rule 4.2.10.1 of this Plan. (d) This rule shall not apply when water restrictions are in place in accordance with Standard 3.3.4.27. Written notice of the location, time and duration of take shall be provided to the Waikato Regional Council 10 working days before works commence.		
3.3.4.15 Permitted Activity Rule – Well or Aquifer Testing	Not applicable	No well or aquifer testing is proposed as part of this consent.
3.3.4.16 Controlled Activity Rule – Taking of Surface Water Except as permitted by Rules 3.3.4.13 and 3.3.4.14 of this Plan, the taking of surface water up to and including 70 percent of the allocable flow identified in Table 3-5 is a controlled activity (requiring resource consent) subject to the following standards and terms: (a) The net rate of the take, assessed in combination with all other authorised water takes (all calculated on a net take basis), shall not exceed 70 percent of the primary allocable flows for catchments specified in Table 3-5 (b) The water take location shall not be within a water body classified as Natural State Water on the Water Management Class Maps. (c) Where the take is for a domestic or municipal supply a water management plan which meets the requirements of Method 8.1.2.2 shall be provided. All applications to take water under this rule shall be assessed on a net take basis	Not applicable	No surface water takes are proposed.
3.3.4.17 Controlled Activity Rule – Taking of Surface Water for Cooling Water for the Huntly Power Station	Not applicable	Not relevant to proposal
3.3.4.18 Controlled Activity Rule – Replacing Authorised Taking of Surface Water for Domestic or Municipal Water Supply	Not applicable	No surface water takes are proposed
3.3.4.19 Controlled Activity Rule – Taking of Surface Water for Existing Milk Cooling and Dairy Shed Wash Down	Not applicable	Not relevant to proposal

Rule	Compliance	Comment
3.3.4.20 Controlled Activity Rule – Taking of Groundwater for Existing Milk Cooling and Dairy Shed Wash Down	Not applicable	Not relevant to proposal
3.3.4.21 Restricted Discretionary Activity Rule – The Taking of Surface Water	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.23 Discretionary Activity Rule – Surface Water Takes	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.24 Discretionary Activity Rule – Groundwater Takes The taking of groundwater that, when assessed in combination with all other authorised takes from the same aquifer: <ol style="list-style-type: none"> 1. Is a supplementary take, temporary take or well and aquifer testing take that does not comply with Rules 3.3.4.12, 3.3.4.14 or 3.3.4.15; or 2. Is a non-qualifying s14(3)(b) take described by Policy 10 c); or 3. Does not exceed the Sustainable Yield if listed in Table 3-6; or 4. Is from an aquifer that is not listed in Table 3-6; or 5. Is for domestic or municipal supply takes where a water management plan is provided that meets the requirements of Method 8.1.2.2 of this Plan. is a discretionary activity (requiring resource consent)	Discretionary Activity	As outlined in the Hydrogeology Report (Appendix 1N) and the Infrastructure Report (Appendix 5F), a groundwater take is proposed for dust suppression during construction of the residential subdivision and greenway of 336m ³ /day. The activity therefore does not comply with permitted activity standards, and consent is required as a Discretionary Activity .
3.3.4.25 Non-Complying Activity Rule – Surface Water Takes from Wetlands, Natural State Water Bodies, and Lakes	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.26 Non-Complying Activity Rule – Water Takes Except as provided in Rules 3.3.4.17, 3.3.4.18, 3.3.4.19, 3.3.4.20, 3.3.4.23, 3.3.4.24, and 3.3.4.25 and the takes described by Policy 6 the taking of groundwater or surface water (surface water calculated on a net take basis) that:	Not applicable	Consent is sought under Rule 3.3.4.24, and this Rule is therefore not applicable.

Rule	Compliance	Comment
<ol style="list-style-type: none"> 1. Is for a surface water take which when assessed in combination with all other authorised water takes exceeds the combined primary and secondary allocable flows in Table 3-5; or 2. Is for a surface water harvesting take which when assessed in combination with all other authorised surface water harvesting water takes exceeds the limits set in Policy 20 b); or 3. Is for a groundwater take which exceeds the Sustainable Yields (if listed) in Table 306; or 4. Is for a domestic or municipal supply and a water management plan developed in accordance with Method 8.1.2.2 has not been provided to the Waikato Regional Council and to the Waikato River Iwi within whose rohe the take is located is a non-complying activity (requiring resource consent) 		
3.5 Discharges		
3.5.4 Implementation Methods - Discharges		
<p>3.5.4.4 Permitted Activity Rule – Discharges of Water to Water – General Rule</p> <p>Except as expressly provided for by other rules in this Plan any discharge of water (excluding geothermal water), into water is a permitted activity subject to the following conditions:</p> <ol style="list-style-type: none"> (a) There shall be no adverse effect on water quality of the receiving water body. (b) Any adverse erosion effects occurring as a result of the discharge to be remedied as soon as practicable. (c) There shall be no adverse effects from increased water levels downstream of the discharge point. <p>The Waikato Regional Council shall be notified in writing of the discharge, its volume, contaminant concentrations and the water quality of the receiving water body 10 working days prior to the discharge commencing.</p>	Does not comply	Discharge of water or sediment-laden water from temporary dewatering activities is not otherwise provided for in the plan, therefore is likely to require consent under Rule 3.5.4.5.

Rule	Compliance	Comment
3.5.4.5 Discretionary Activity Rule – Discharges – General Rule Any discharge of a contaminant into water, or onto or into land, in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, that is not specifically provided for by any rule, or does not meet the conditions of a permitted or a controlled activity rule in this Plan, is a discretionary activity (requiring resource consent).	Discretionary Activity	Discharge of water or sediment-laden water from temporary dewatering activities is not otherwise provided for in the plan, therefore is likely to require consent as a Discretionary Activity under Rule 3.5.4.5.
3.5.4.6 Non-Complying Activity Rule – Discharges into other Water Bodies The discharge of contaminants (not including stormwater or contaminants associated with the take and use of geothermal water), into Natural State Water Bodies or wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna or cave entrances or lakes (excluding artificial lakes and Lake Rotoaira) is a non-complying activity (requiring resource consent)	Not applicable	No discharge of contaminants into water bodies is proposed.
3.5.5 Implementation Methods – Farm Effluent Discharges	Not applicable	No new active farming areas are proposed in this consent
3.5.6 Implementation Methods – Discharge of Biosolids and Sludges or Liquids from Activated Sludge Treatment Processes to Land	Not applicable	No relevant discharges are proposed in this consent
3.5.7 Implementation Methods – On-Site Sewage Discharges	Not applicable	The residential subdivision will connect to the public network, and no discharge of sewage is proposed.
3.5.8 Implementation Methods – Well and Aquifer Testing Discharges	Not applicable	No well or aquifer testing discharges are proposed
3.5.9 Implementation Methods – No Tracer Discharges	Not applicable	No tracer discharges are proposed
3.5.10 Implementation Methods – Drainage Water Discharges	Not applicable	No drainage water discharges are proposed
3.5.7 Implementation Methods – Stormwater Discharges		
3.5.11.4 Permitted Activity Rule – Discharge of Stormwater to Water	Does not comply	The proposal will result in the discharge of stormwater into water (via the proposed

Rule	Compliance	Comment
<p>The discharge of stormwater to surface water (including geothermal water) is a permitted activity subject to the following conditions:</p> <ul style="list-style-type: none"> (a) The discharge shall not originate from a catchment that includes any high risk facility, contaminated land*, operating quarry or mineral extraction site unless there is an interceptor system* in place. (b) Any erosion occurring as a result of the discharge shall be remedied as soon as practicable (c) The catchment shall not exceed one hectare for discharges that originate from urban areas. (d) There shall be no adverse increase in water levels downstream of the discharge point which causes flooding on neighbouring properties, as a result of the discharge. (e) The discharge shall comply with the suspended solids standards in Section 3.2.4.6. (f) The discharge shall not contain any material which will cause the production of conspicuous oil or grease films, scums or foams, or floatable suspended materials at any point downstream that is a distance greater than three times the width of the stream at the point of discharge (g) The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment. (h) There shall be no discharge to any Significant Geothermal Feature. 		<p>greenway to the Waitoa River) that will not comply with permitted activity condition (c).</p>
<p>3.5.11.5 Permitted Activity Rule – Discharge of Stormwater Onto or Into Land</p> <p>The discharge of stormwater (including geothermal water) onto or into land is a permitted activity subject to the following conditions:</p>	<p>Permitted Activity</p>	<p>Discharge of stormwater to land is proposed for Residential Lots and to manage stormwater for proposed roads up to the 10% AEP. Overland flow is proposed only for events equivalent to or exceeding the 10%</p>

Rule	Compliance	Comment
<p>(a) The discharge shall not originate from a catchment that includes any high risk facility or contaminated land* unless there is an interceptor system* in place.</p> <p>(b) The discharge shall be below a rate that would cause flooding outside the design discharge soakage area, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater. Any exceedence shall go into designated overland flow paths.</p> <p>(c) There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge</p> <p>(d) Any erosion occurring as a result of the discharge shall be remedied as soon as practicable.</p> <p>(e) The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment.</p>		<p>AEP event, with overland flow directed to dry basins for temporary detention.</p> <p>Discharge of stormwater to land is therefore anticipated to comply with permitted activity standards. Refer to the Infrastructure Report (Appendix 5F) and Stormwater Management Plan (Appendix 5I) for further details.</p>
<p>3.5.11.6 Controlled Activity Rule – Discharge of Stormwater Onto or Into Land</p> <p>The discharge of stormwater (including geothermal water) onto or into land that does not comply with Rule 3.5.11.5 is a controlled activity (requiring resource consent) subject to the following standards and terms:</p> <p>(a) The discharge shall be below a rate that would cause overland flow leading to a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater. Any exceedence shall go into designated overland flow paths</p>	Not applicable	The proposal is anticipated to comply with Rule 3.5.11.5 above, and this rule is therefore not applicable
<p>3.5.11.7 Controlled Activity Rule – Discharge of Stormwater Into Water</p> <p>The discharge of stormwater to surface water (including geothermal water) that is lawfully established at the time of notification of this Plan (28 September 1998) and does not comply with Rule 3.5.11.4 is a controlled activity (requiring resource consent) subject to the following standards and terms:</p>	Controlled Activity	The discharge of stormwater to water does not comply with Rule 3.5.11.4, however will comply with Controlled Activity Standards. Consent is therefore required as a Controlled Activity under Rule 3.5.11.7

Rule	Compliance	Comment
(a) The discharge shall not contain concentrations of hazardous substances that are causing significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment		
3.5.11.8 Discretionary Activity Rule – Discharge of Stormwater The discharge of stormwater into water, and/or into or onto land which does not comply with Rules 3.5.11.4, 3.5.11.5, 3.5.11.6 and 3.5.11.7 is a discretionary activity (requiring resource consent).	Not applicable	The proposed discharge of stormwater to water complies with Rule 3.5.11.7 and the discharge of stormwater to land complies with Rule 3.5.11.5. This rule is therefore not applicable.
3.6 Damming and Diverting		
3.6.4 Implementation Methods – Damming and Diverting		
3.6.4.4 Permitted Activity Rule – Small Dams and Damming Water <ul style="list-style-type: none"> The damming of water and its diversion, taking, and discharging related to its passage through, past or over the dam, in any off-stream area or ephemeral river or stream or artificial watercourse, and The use, erection, reconstruction, placement, alteration or extension of any associated structure in or on the bed of an ephemeral river or stream, where: <ol style="list-style-type: none"> the catchment area is less than one square kilometre (100 hectares), and the maximum retained water depth in the pond is less than three metres, and the dam retains not more than 20,000 cubic metres of water except that: <ol style="list-style-type: none"> the damming shall not affect Significant Geothermal Features the dam shall not occur in a cave system; is a permitted activity subject to the following conditions: <ol style="list-style-type: none"> The dammed water is not a Natural State Water Body as identified in the Water Management Class Maps. 	Does not comply	<p>The Projects includes damming of surface water flows within the artificial watercourse (Ashbourne Greenway) prior to discharge into the Waitoa River. The catchment exceeds 100ha, and the proposal therefore is not considered to meet permitted activity standards.</p> <p>Stormwater Basin B provides offline attenuation for stormwater flows prior to discharge to the Ashbourne Greenway, and is not considered to comply with Rule 3.6.4.4. For completeness, it is noted that other SW basins across the development are not considered dams as they do not discharge into any watercourse.</p>

Rule	Compliance	Comment
<ul style="list-style-type: none"> b. The dammed water shall not raise water levels on neighbouring properties. c. Any erosion or scour as a result of the dam and associated discharges shall be remedied as soon as practicable. d. The damming or discharge of water from the dam shall not increase the potential for land instability. e. A spillway must be constructed to prevent the dam being overtopped, and the spillway shall be designed to pass the probable maximum flood. f. The spillway shall be constructed on underlying parent material. g. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme or by the Historic Places Trust except where Historic Places Trust approval has been obtained. h. In the event of any waahi tapu that is not subject to condition g) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. i. The structure shall be maintained in a structurally sound condition at all times. j. Any discharge from construction works associated with the structure shall comply with the suspended solid standards as set out in Section 4.2.21. 		
3.6.4.5 Permitted Activity Rule – Existing Lawfully Established Damming of Perennial Water Bodies	Not applicable	There are no existing lawfully established dams.
3.6.4.6 Permitted Activity Rule – Existing Lawfully Established Stopbanks	Not applicable	There are no existing lawfully established stopbanks.

Rule	Compliance	Comment
3.6.4.7 Permitted Activity Rule – Existing Lawfully Established Diversions and Discharges	Not applicable	There are no existing lawfully established diversions and discharges
3.6.4.8 Permitted Activity Rule – Diversions and Discharges in Artificial Watercourses and Drainage Systems Unless restricted by Rule 3.7.4.6, the diversion and any consequent discharge of water within an established artificial watercourse* or drainage system, undertaken after the date of notification of this Plan is a permitted activity subject to the following conditions: <ul style="list-style-type: none"> a. The catchment area above the diversion shall not exceed two square kilometres. b. No discharge shall be made outside of the natural catchment of the drainage system. c. The activity shall be undertaken and structures maintained in a manner that does not increase adverse effects of flooding on any land or property owned or occupied by any person. d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's State Recording Scheme or by the Historic Place Trust except where Historic Places Trust approval has been obtained. e. In the event of any waahi tapu that is not subject to condition d) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. f. Any discharge from construction works associated with the structure shall comply with the suspended solid standards as set out in Section 4.2.21. 	Does not comply	The proposal involves the diversion of existing farm drains within the site into the proposed artificial watercourse (Ashbourne Greenway), and the discharge of these flows into the Waitoa River. The catchment area above the diversion is less than 2km ² , with a catchment of approximately 1.6km ² . However, the artificial watercourse proposed to carry diverted water does not provide for safe passage of fish, with the proposed dam structure impeding fish passage. Consent is therefore required.

Rule	Compliance	Comment
<ul style="list-style-type: none"> g. The structure shall provide for the safe passage of fish both upstream and downstream. h. Where the diversion occurs in a waterway classified as Indigenous Fisheries in the Water Management Class Maps the operator of the diversion shall notify the Waikato Regional Council of its location three weeks prior to the construction of the diversion. i. Any erosion occurring as a result of the activity shall be remedied as soon as practicable. 		
<p>3.6.4.9 Controlled Activity Rule – Offstream Damming and Damming Ephemeral Streams and Damming of Artificial Watercourses</p> <p>Unless authorised by Rule 3.6.4.4, the damming of water in any off-stream area, ephemeral river or stream or artificial watercourse, and any associated:</p> <ul style="list-style-type: none"> 1. Diversion, taking, and discharging of water related to the passage of water through, past, or over the dam, or 2. Diversion, taking, and discharging of water related to the passage of water through, past, or over the dam <p>Is a controlled activity (requiring resource consent) subject to the following standards and terms:</p> <ul style="list-style-type: none"> a. The dammed water shall not raise water levels on neighbouring properties; b. Any erosion or scour as a result of the dam and associated discharges shall be remedied as soon as practicable c. Spillways or other mechanisms shall be provided so that the dam can safely pass the probable maximum flood d. The activity shall not disturb any archaeological site of waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association’s State Recording Scheme or by the Historic Place Trust except where Historic Places Trust approval has been obtained 	<p>Controlled Activity</p>	<p>The proposal includes offline attenuation by way of attenuation pond B which provides attenuation for future stormwater flows prior to discharge to the Ashbourne Greenway. This component of the project does not comply with Rule 3.6.4.4, therefore consent is required for offstream damming as a controlled activity.</p>

Rule	Compliance	Comment
<ul style="list-style-type: none"> e. In the event of any waahi tapu that is not subject to standard and term (d) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council f. The structure shall be maintained in a sound condition g. The diversion and discharge does not affect Significant Geothermal Features h. The dam does not occur in a cave system 		
3.6.4.10 Controlled Activity Rule – Existing Lawfully Established Damming of Perennial Water	Not applicable	No existing lawfully established dams are present.
3.6.4.11 Controlled Activity Rule – Existing Lawfully Established Diversions and Discharges	Not applicable	No existing lawfully established diversions and discharges are present.
3.6.4.12 Controlled Activity Rule – Wetland and Lake Level Control Structures The following activities: <ul style="list-style-type: none"> 1. The use, erection, reconstruction, placement, alteration or extension of any structure, for the purpose of maintaining or establishing minimum water or bed levels of peat lakes and wetlands and any associated bed disturbance, in or on the bed of a lake or river; and 2. Any associated damming of water are controlled activities (requiring resource consent), subject to the following standards and terms: <ul style="list-style-type: none"> a. The structure shall be maintained in a structurally sound condition at all times. b. All construction materials and equipment shall be removed from the river or lake bed on the completion of that activity. c. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be released to water from the activity. 	Not applicable	The purpose of the proposed dam in the Ashbourne Greenway is not to maintain minimum water levels for any wetlands or peat lakes.

Rule	Compliance	Comment
<p>d. The activity does not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust, except where the Historic Places Trust approval has been obtained.</p> <p>e. Any erosion occurring as a result of the structure shall be remedied as soon as practicable.</p> <p>f. The structure shall be fixed in place to prevent it being washed away in the event of a flood.</p>		
<p>3.6.4.13 Discretionary Activity Rule – Stopbanks, Diversions and Associated Discharges of Water</p> <p>Where the diversion and subsequent discharge of water does not comply with Rules 3.6.4.6, 3.6.4.7, 3.6.4.8, 4.2.9.1, 4.2.9.2 or 4.2.9.3 any:</p> <ol style="list-style-type: none"> 1. Damming or diversion of water by way of a stopbank, and 2. Diversion of water, and 3. The use, erection, reconstruction, placement, alteration or extension of any structure on or in the bed of a river or stream associated with the above activities that: <ol style="list-style-type: none"> a. is undertaken after the date of notification of this Plan, or b. affects a Significant Geothermal Feature c. does not occur in a cave system; <p>is a discretionary activity (requiring resource consent).</p>	Discretionary Activity	<p>The proposal requires the diversion of existing farm drains into the proposed Ashbourne Greenway that does not comply with Rule 3.6.4.8, therefore consent is sought as a Discretionary Activity pursuant to Rule 3.6.4.13.</p>
<p>3.6.4.14 Discretionary Activity Rule – New Dams/Damming of Water</p> <p>Except as provided for by Rules 3.6.4.4, 3.6.4.9, 3.6.4.10 and 3.6.4.12 the following activities, if undertaken after the date of notification of this Plan:</p> <ol style="list-style-type: none"> 1. Damming of water and associated diversion, taking and discharging of water related to the passage of water through, or past or over the dam 	Discretionary Activity	<p>The project includes damming of surface water flows from the proposed Ashbourne Greenway prior to discharge into the Waitoa River that are not otherwise provided for. Consent is therefore required as a Discretionary Activity under Rule 3.6.4.14.</p>

Rule	Compliance	Comment
<p>2. The use, erection, reconstruction, placement, alteration or extension of any structure in or on the bed of a river or stream associated with the above activities;</p> <p>provided they do not:</p> <ul style="list-style-type: none"> a. occur in any perennial river or stream that is classified as Natural State in the Water Management Class Maps b. affect Significant Geothermal Features <p>is a discretionary activity (requiring resource consent).</p>		<p>For the avoidance of doubt, it is noted that the offline attenuation by way of Stormwater Basin B is provided for by Rule 3.6.4.9</p>
3.6.4.15 Non-Complying Activity Rule – New Dams/Damming of Water in Natural State Water Bodies	Not applicable	The dam is proposed in an artificial watercourse.
3.6.4.16 Controlled Activity Rule – New Small Dams in Perennial Waters for Creation and Enhancement of Wetlands	Not applicable	The dam is proposed in an artificial watercourse.
<p>3.6.4.17 Controlled Activity Rule – Cofferdams</p> <p>The following activities:</p> <ul style="list-style-type: none"> 1. The temporary diversion of water, and 2. The use, erection, reconstruction, placement, alteration or extension of a temporary diversion structure; and 3. Any associated deposition of construction materials, and 4. Any associated bed disturbance, and 5. Any discharge of sediment associated with construction activities; <p>in, on, under or over the bed of a river or lake for the purpose of maintaining an existing lawfully established structure are controlled activities (requiring resource consents) subject to the following standards and terms;</p> <ul style="list-style-type: none"> a. The diversion structure shall be maintained in a structurally sound condition at all times. b. All construction materials and equipment shall be removed from the river or lake bed on the completion of the activity. 	Not applicable	<p>No coffer dams are proposed near the bed of a river or lake.</p> <p>For completeness, it is noted that temporary sediment and erosion control measures within the Ashbourne Greenway will be utilised during construction, however this is considered to be an artificial watercourse (not a modified watercourse), and does not meet the definition of a river.</p>

Rule	Compliance	Comment
<ul style="list-style-type: none"> c. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents but excluding sediment) shall be released to water from the activity. d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust, except where Historic Places Trust approval has been obtained. e. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. f. Any structure built with materials not naturally present in the bed of the river shall be fixed in place to prevent it being washed away in the event of a flood. g. The entire structure shall be removed immediately after completion of the works that it was built to assist and the bed of the river or lake shall be reinstated to its original state. h. The Waikato Regional Council shall be notified of the commencement date of the works and of the removal date of the structure. i. The activity shall not affect Significant Geothermal Features. 		
3.7 Wetlands		
3.7.4 Implementation Methods – Wetlands		
3.7.4.6 Discretionary Activity Rule – Creation of New Drains and Deepening of Drain Invert Levels The following activities: <ul style="list-style-type: none"> 1. The creation of new drains for the purposes of managing water tables, or 2. The deepening (relative to the wetland level) of the invert level (bed) of lawfully established or authorised drains constructed prior to the date of notification (28 September 1998) of this Plan 	Not applicable	There will be no drainage of wetlands as a result of the development. The greenway will not impact on the hydrology of the Waitoa Stream.

Rule	Compliance	Comment
In areas within 200 metres of the legal property boundaries of any wetland listed in Section 3.7.7 are discretionary activities (requiring resource consent) (except where the location of that activity is hydrologically isolated from the wetland).		
3.7.4.7 Discretionary Activity Rule – Drainage of Wetlands The following activities: <ul style="list-style-type: none"> a. the creation of drains after the date of notification of this Plan (28 September 1998), and b. the deepening (relative to the wetland water level) of the invert level (bed) of lawfully established or authorised drains constructed prior to the date of notification of this Plan (28 September 1998) within a wetland that is an area of significant indigenous vegetation and/or significant habitat of indigenous fauna are discretionary activities (requiring resource consent).	Not applicable	There will be no drainage of wetlands as a result of the development. The greenway will not impact on the hydrology of the Waitoa Stream.
3.8 Drilling		
3.8.4.6 Permitted Activity Rule – Temporary Drilling Below the Water Table Except where classified as a non-complying activity by Rule 3.8.4.9, the drilling of holes below the water table is a permitted activity subject to the following conditions: <ul style="list-style-type: none"> a. Holes drilled shall be sealed and abandoned within two days of the completion of drilling. b. Holes drilled shall be at least 100 metres from any water supply well. c. Holes drilled shall be sealed and managed such that leakage of water or contaminants to or from the ground surface is prevented. d. Holes drilled shall be sealed and abandoned in a manner that prevents cross contamination between different water bodies, or changes in water pressure. e. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association’s Site Recording Scheme, or by the 	Does not comply	It is anticipated that the proposal will not comply with standard (a), and therefore consent is required.

Rule	Compliance	Comment
<p>Historic Places Trust except where Historic Places Trust approval has been obtained.</p> <p>f. In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.</p> <p>g. Within any geothermal system, the depth of any holes drilled shall not be greater than 250 metres vertically down from the well head.</p>		
<p>3.8.4.7 Controlled Activity Rule – Drilling Below the Water Table</p> <p>The drilling of holes or wells below the water table where the hole or well is not permitted by, or does not comply with, Rule 3.8.4.6 and which is not classified as a non-complying activity by Rule 3.8.4.9, is a controlled activity (requiring resource consent) subject to the following standards and terms:</p> <p>a. All drilled holes/wells shall be constructed, maintained and/or abandoned so that they shall not cause cross-contamination between hydraulic units (aquifers) in any water including ground water and geothermal water.</p> <p>b. Holes drilled shall be at least 100 metres away from and Significant Geothermal Feature and shall not be into geothermal water within a Protected or Research Geothermal System.</p> <p>c. All holes/wells shall be managed and maintained such that leakage of water or contaminants to or from the ground surface is prevented.</p> <p>d. Materials used for well construction shall be of such quality and strength to enable the well to be completed without casing or seal leakage during construction or subsequent well operation.</p> <p>e. Wells used for potable water supply shall be located at least 30 metres from any on-site sewage disposal system.</p> <p>f. Wells used for water supply purposes, shall be located at least 50 metres from a lake or stream, and 100 metres from Mean High Water Springs*.</p>	Controlled Activity	<p>As outlined in the Hydrogeology Assessment (Appendix 1N) and Infrastructure Report (Appendix 5F), a temporary groundwater take is required for the dewatering to lower the groundwater table during construction of the Wastewater pump stations. This is provided for as Controlled Activity pursuant to Rule 3.8.4.7.</p>

Rule	Compliance	Comment
<p>g. A log for each drilled hole/well shall be forwarded to the Waikato Regional Council within two months of completion of drilling. Each log shall show:</p> <ul style="list-style-type: none"> i. the location of the hole/well ii. date of completion iii. duration of drilling iv. depth and diameter of the hole/well v. the method of drilling vi. full construction details vii. the subsurface geology viii. results of any tests undertaken during drilling, including permeability, temperature and water quality ix. a site diagram. <p>h. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.</p> <p>i. In the event of any waahi tapu that is not subject to standard and term g) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.</p>		
<p>3.8.4.8 Discretionary Activity Rule – Drilling Below the Water Table</p> <p>The drilling of holes or wells below the water table that is not permitted by, or does not comply with, Rules 3.8.4.6 or 3.8.4.7 and which is not classified as a non-complying activity under Rule 3.8.4.9 is a discretionary activity (requiring resource consent)</p>	Not applicable	Drilling below the water table for the establishment of the wastewater pump stations is provided for under Rule 3.8.4.7, and this Rule is therefore not applicable.
<p>3.8.4.9 Non-Complying Activity Rule – Drilling of Holes below the water table near Geothermal Features</p>	Not applicable	No geothermal features within proximity of the site

Rule	Compliance	Comment
<p>3.8.4.10 Permitted Activity Rule – Discharge of Water from Drilling</p> <p>The discharge of up to 30 cubic metres of water arising from drilling activity into water, and onto or into land is a permitted activity subject to the following conditions:</p> <ul style="list-style-type: none"> a. The discharge shall not cause visually noticeable iron flocculation in the receiving waters. b. Any discharge to water shall comply with the suspended solid standards as set out in Section 3.2.4.5. c. The discharge shall not result in flooding on any downstream property. d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. e. The discharge shall not cause a temperature change of more than 3° C at any point downstream which is three times the stream width at the point of discharge or which in any instance does not exceed 200 metres from the point of discharge. <p>There shall be no discharge to any Significant Geothermal Feature.</p>	Does not comply	It is anticipated that the discharge of water from drilling activities may exceed 30m ³ . As this is not otherwise provided for, Consent is sought under Rule 3.5.4.5 above.

Chapter 4 – River & Lake Bed Module

Rule	Compliance	Comment
4.2 River and Lake Bed Structures		
<p>4.2.4 Implementation Methods – Structures In, On, Under or Over the Beds of Lakes or Rivers</p>	Not applicable	The proposed Ashbourne Greenway is considered to be an artificial watercourse, and does not meet the definition of a modified watercourse as there is no natural channel at its headwaters. It is therefore considered to not meet the definition of a river under the WRP.

Rule	Compliance	Comment
4.2.5 Existing Lawfully Established Structures		
<p>4.2.5.1 Permitted Activity Rule – Existing Lawfully Established Structures</p> <ol style="list-style-type: none"> 1. Unless controlled by Rules 3.6.4.5, 3.6.4.7, 3.6.4.10 and 3.6.4.11 the use or alteration (including operation, repair, upgrading and maintenance activities encompassed by section 13(1)(a)) of any existing lawfully established structure authorised before the date of notification (28 September 1998) of this Plan, and 2. Associated bed disturbances, in, on, under or over the bed of a river or lake; and 3. Any discharge of sediment associated with the use or alteration of activities; <p>are permitted activities subject to the following conditions:</p> <ol style="list-style-type: none"> a. The structure shall be maintained in a structurally sound condition at all times. b. There shall be no obstruction of debris that results in flooding on neighbouring properties. c. Any discharge from the structure from maintenance activities shall comply with the suspended solids discharge standards as set out in Section 4.2.21 of this Plan. d. The structure shall comply with any conditions that are part of a resource consent granted for the structure before the date of notification (28 September 1998) of this Plan, other than conditions relating to review or expiry. e. The activity shall not disturb any archaeological site or waahi tapu identified as at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust (except where Historic Places Trust approval has been obtained). f. In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking 	<p>Permitted Activity</p>	<p>Several existing structures in the form of existing farm drains will be modified and used as part of this proposal, to divert discharge from these channels to the Waitoa River via the Ashbourne Greenway. Erosion and sediment controls will be implemented as set out in the Earthworks Management Plan (Appendix 5G), and the activity is anticipated to comply with permitted standards.</p>

Rule	Compliance	Comment
<p>the use or alteration of the structure, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.</p> <p>g. Any alteration shall not result in any increase in the area of river or lake bed occupied by the structure.</p> <p>h. Any erosion occurring as a result of the activity that is not authorised in condition d) shall be remedied as soon as practicable.</p> <p>i. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents but excluding sediment) shall be discharged to water from the activity.</p> <p>j. For culverts in water bodies classified as Trout Fisheries or Indigenous Fisheries:</p> <ul style="list-style-type: none"> i. the structure shall not impede fish passage where it would otherwise occur, or ii. a mechanism, structure or procedure shall be provided, that allows for fish passage where it would otherwise occur. 		
4.2.6 Whitebait Stands	Not applicable	No whitebait stands are proposed
4.2.7 Maimai, Game Bird Hunting Structures	Not applicable	No bird hunting structures are proposed
4.2.8 Bridges	Not applicable	No bridges are proposed
4.2.9 Culverts		
4.2.9.1 Permitted Activity Rule – Catchments Not Exceeding Five Hectares	Not applicable	Existing culverts will be utilised where applicable across the site. All catchments exceed 5ha, and therefore this rule is not applicable
4.2.9.2 Permitted Activity Rule – Culverts for Catchments Not Exceeding 100 Hectares Unless controlled by Rule 4.2.9.1 and Rule 4.2.5.1 the following activities: <ol style="list-style-type: none"> The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of a river or 	Permitted Activity	Existing culverts will be utilised where applicable across the site. All catchments within the residential site are less than 100ha, and are anticipated to comply with

Rule	Compliance	Comment
<p>lake for a catchment area not exceeding one square kilometre (100 hectares) upstream of the culvert, and</p> <ol style="list-style-type: none"> 2. The subsequent diversion and discharge of water through the culvert, and 3. Any discharge of sediment associated with construction activities; and 4. The associated deposition of construction materials <p>are permitted activities subject to the following conditions:</p> <ol style="list-style-type: none"> a. Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties. b. The structure shall provide for the safe passage of fish both upstream and downstream. c. There shall be no obstruction of debris that causes flooding on neighbouring properties. d. The culvert invert shall be submerged when water is flowing. e. Culverts shall be designed to safely overtop without causing structural failure, or include a spillway to ensure safe passage of flood flows where the two percent annual exceedance probability flood flow will overtop the embankment over the culvert. f. The structure shall not cause; <ol style="list-style-type: none"> i. water depth upstream to exceed three metres, and ii. the water level immediately upstream to exceed the water level immediately downstream by more than three metres. g. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. h. This Rule does not apply within a Natural State water body as identified in the Water Management Class Maps of this Plan. 		<p>permitted activity conditions. The use of culverts is therefore a permitted activity.</p> <p>For completeness, it is noted that the use of culverts on the southern solar farm have a catchment exceeding 100ha, and consent is sought for this in Volume 3 of this application.</p>

Rule	Compliance	Comment
<p>i. All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.</p> <p>j. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.</p> <p>k. The owner of the structure shall inform the Waikato Regional Council in writing, at least 10 working days prior to commencing construction, of the location of the structure and whether that structure is located within a flood control or drainage scheme managed by the Waikato Regional Council or a territorial authority.</p> <p>l. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.</p> <p>m. In the event of any waahi tapu that is not subject to condition l) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.</p> <p>n. Any erosion occurring as a result of the structure or diversion and discharge of water shall be remedied as soon as practicable.</p> <p>o. No discharge shall be made outside of the natural catchment.</p> <p>p. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.</p>		
4.2.10 Discharge and Intake Structures		
4.2.10.1 Permitted Activity Rule – Discharge and Intake Structures	Permitted Activity	A discharge structure is proposed into the Waitoa River from the Ashbourne

Rule	Compliance	Comment
<p>1. Unless controlled by Rule 4.2.5.1, 4.2.9.1, 4.2.9.2 and 4.2.9.3 the use, erection, reconstruction, placement, alteration or extension of a discharge or intake structure and associated bed disturbance, in, on, under or over the bed of any river or lake, and</p> <p>2. Any discharge of sediment associated with construction activities;</p> <p>are permitted activities subject to the following conditions:</p> <ol style="list-style-type: none"> Total pipe diameter shall not exceed 300 millimetres or have a cross sectional area exceeding 0.071 square metres. The intake or discharge structure shall not extend more than five metres, horizontally from the river or lake bank, or for more than 10 percent of the river bed width, whichever is the lesser. The structure shall be kept free of debris. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. The structure shall be maintained in a structurally sound condition at all times. Where the water body exceeds 10 metres wide the presence of the structure shall be clearly indicated to river users by the use of signs. All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic laces Trust approval has been obtained. 		<p>Greenway that is anticipated to comply with permitted activity standards, and is therefore a permitted activity under Rule 4.2.10.1.</p>

Rule	Compliance	Comment
<p>j. In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.</p> <p>k. The structure shall provide for the safe passage of fish both upstream and downstream.</p> <p>l. Any erosion occurring as a result of the structures shall be remedied as soon as practicable.</p> <p>m. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.</p> <p>n. The structure shall be consistent with the provisions specified in the Water Management Classes in Section 3.2.4. of this Plan.</p>		
4.2.11 Fords	Not applicable	No fords are proposed
4.2.12 Boat ramps and jetties	Not applicable	No boat ramps or jetties are proposed
4.2.13 Moorings, Navigational Markers, Safety/Interception Booms, Signs, Ski Lane Markers and Canoe Gates	Not applicable	Not relevant to proposal
4.2.14 Lines, Cables, Pipelines, Ropeways and Associated Structures	Not applicable	Not relevant to proposal
4.2.15 Erosion Control Structures	Not applicable	For the avoidance of doubt, erosion control structures are proposed within the Ashbourne Greenway. This is considered to be an artificial watercourse (not a modified watercourse) and therefore doesn't meet the definition of a river. Therefore, no consent is required for these structures under this Rule.
4.2.16 Channel Training Structures	Not applicable	No channel training structures are proposed in any river.

Rule	Compliance	Comment
4.2.17 Monitoring and Sampling Structures	Not applicable	No monitoring or sampling structures are proposed
4.2.18 Maintaining Access for Maintenance of Artificial Watercourses and Beds of Rivers in Drainage Districts and River Control Schemes	Not applicable	Not relevant to proposal
4.2.19 Gradient Control Structures	Not applicable	Not relevant to proposal
4.2.20 Removal or Demolition of a Structure or Part of a Structure	Not applicable	Not relevant to proposal
4.2.21 Suspended Solids Discharge Standards for Permitted Activity Rules in Chapters 4.2 and 4.3		
<p>a. In any river or stream (including Hydro Electricity Reservoirs): the suspended solids concentrations as a result of works associated with a structure in the stream downstream of the structure shall not exceed the suspended solids concentration as measured at the same time in the stream immediately upstream of the structure.</p> <p>b. In any lake (excluding Hydro Electricity Reservoirs): as a result of works associated with a structure the suspended solids concentration in the lake shall not exceed the ambient lake concentration (i.e. as measured in the lake in areas unaffected by the discharge).</p> <p>c. The restrictions in a) and b) shall not apply with regard to the erection, reconstruction, placement, alteration or removal of a structure within a water body within any 24 hour period within 30 days from commencement of the works, except in:</p> <ul style="list-style-type: none"> i. Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive. ii. Significant Trout Fisheries and Trout Habitat class waters during May to September inclusive. <p>The point at which compliance with standards a) and b) shall be measured is:</p> <ul style="list-style-type: none"> i. For rivers and streams (including Hydro Electricity Reservoirs): at a distance downstream of the discharge point (or site of the activity) which is three times the width of the river or stream and which in any instance does not exceed 200 metres from the point of discharge. 	Will comply	The proposed structures within the artificial watercourse (Ashbourne Greenway) are anticipated to comply with suspended solids discharge standards.

Rule	Compliance	Comment
ii. For lakes (other than Hyrdo Electricity Reservoirs): at a distance of 15 metres from the location of the discharge or the activity.		
4.3 River and Lake Bed Disturbances		

There will be no disturbance of the bed of the Waitoa River as part of the proposal. The Ashbourne Greenway is considered to be an artificial watercourse not meeting the definition of a river. Therefore, no consents are required under Section 4.3.

Chapter 5 – Land and Soil Module

Rule	Compliance	Comment
5.1 Accelerated Erosion		
<p>5.1.4.11 Permitted Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance</p> <p>(1) Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16, or 5.1.4.17, soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;</p> <p>(2) Any roding and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.1.8.1, 4.2.9.1 and 4.2.9.2, within 20m of that bridge or culvert, and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;</p> <p>(3) Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative;</p> <p>Are permitted activities subject to the conditions in Section 5.1.5. In addition, 5.1.4.11(3) is subject to the following conditions:</p> <p>a) Provided that replanting of planted production forest does not occur within:</p> <p>i. 5m, on either side, of the bed of a water body excluding ephemeral stream (except on Coromandel Peninsula); and</p>	<p>Permitted Activity</p>	<p>Earthworks activities will be carried out in accordance with appropriate Management Plans, as outlined in the Infrastructure Report, included as Appendix 5F, and are anticipated to comply with permitted activity standards. However, given the extent of the project, as a matter of conservatism consent is sought under Rule 5.1.4.13 below.</p>

Rule	Compliance	Comment
<ul style="list-style-type: none"> ii. 10m, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares iii. 5m on either side of the bed of water bodies between 20 and 50 hectares on the Coromandel Peninsula regardless of slope b) On the Coromandel Peninsula where wilding pines are present at a density of greater than 50 stems per kilometre of riparian margin they will all be removed at first thinning so long as practicable from a safety perspective 		
5.1.4.12 Permitted Activity Rule – Soil Cultivation Adjacent to Water Bodies	Not applicable	No soil cultivation proposed
5.1.4.13 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking, and Vegetation Clearance (1) Any soil disturbance, roading and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air that does not comply with the conditions of Permitted Activity Rule 5.1.4.11; (2) Soil cultivation within two metres of the bed of a river or lake that does not comply with Rule 5.1.4.12 Are Discretionary Activities (requiring resource consent)	Not applicable	Earthworks will be supported by a series of management procedures as outlined in the Infrastructure Report and Management Plans (refer Appendix 5F and 5G) and will comply with Rule 5.1.4.11.
5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roding and Tracking, and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas	Not applicable	The site is not located within a High Risk Erosion Area
5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking, and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas	Not applicable	The site is not located within a High Risk Erosion Area
5.1.4.16 Controlled Activity Rule – Vegetation Clearance in Catchments Draining into Coromandel Peninsula Estuaries	Not applicable	The site is not located near any Coromandel estuaries
5.1.4.17 Discretionary Activity Rule – Soil Disturbance/Vegetation Clearance in Karst Landscapes	Not applicable	The site is not located within a Karst Landscape

Rule	Compliance	Comment
5.2.5.8 Controlled Activity Rule – Discharge of Large Volumes of Sediment and Vegetation from Within or Surrounding Lawfully Established Structures or Artificial Watercourses The discharge of sediment and vegetation onto or into land and any subsequent discharge to air or water where the material is derived from the: <ol style="list-style-type: none"> 1. Clearing of debris and bed material from within or surrounding a lawfully established structure or artificial watercourse 2. Maintenance of channels in drainage districts and river control scheme areas that are managed by the Waikato Regional Council or territorial authorities 3. Clearance of floating vegetation and debris behind dams and intake structures Is a controlled activity (requiring resource consent)	Not applicable	Discharge of sediment and vegetation associated with clearing of debris is anticipated to comply with permitted activity Rule 5.2.5.7. Therefore, this rule is considered not applicable.
5.2.5 Discharges Onto or Into Land	Not applicable	The proposed land disturbance activities are managed under 5.1.
5.2.6 Dumps and Offal Holes on Production Land	Not applicable	No dumps or offal holes are proposed.
5.2.7 Landfills	Not applicable	No landfills are proposed.
5.2.8 Composting of Green Waste and Other Organic Materials	Not applicable	No composting of green waste or other organic materials is proposed.
5.2.9 Dust Suppression		
5.2.9.1 Permitted Activity Rule – Use of Dust Suppressants The discharge of contaminants (excluding waste oil) onto or into land for the purpose of dust suppression is a permitted activity subject to the following conditions: <ol style="list-style-type: none"> a) If the dust suppressant is a hazardous substance or if the water or dust suppressant contains hazardous substances it shall be licensed for use as a dust suppressant under the provisions of the Hazardous Substances and New Organisms Act (1996) 	Permitted Activity	As outlined in the Construction Management Plan and Earthworks Management Plan (Appendix 5G and 5H), dust management measures will be applied throughout earthworks that will comply with permitted activity standards. Therefore, the use of dust suppressants is a permitted activity .

Rule	Compliance	Comment
b) The contaminants shall not be applied at a rate or in weather conditions that result in ponding or surface run-off of contaminants into surface water c) Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site		
5.2.9.2 Non-Complying Activity Rule – Waste Oil and Other Dust Suppressants The discharge onto or into land of waste oil or other substances that does not comply with Rule 5.2.9.1 is a non-complying activity (requiring resource consent)	Not applicable	No waste oil or other dust suppressants are proposed.
5.3 Contaminated Land		
5.3.4. Contaminated Land	Not applicable	As set out in the PSI/DSI included as Appendix 1R , the WRP does not apply to the proposal.

Chapter 6 – Air Module

Rule	Compliance	Comment
6.1 Regional and Local Air Management	Not applicable	Objectives and Policies only
6.2 The Discharge of Agrichemicals into Air		
6.2.4.8 Permitted Activity Rule – Spot Spraying Using Hand Held Spray Equipment	Permitted Activity	Any spot spraying required will comply with permitted activity standards
6.2.4.9 Permitted Activity Rule – Widespread Application of Agrichemical(s) Unless provided for in Rule 6.2.4.8, the discharge of agrichemicals into air, into water, and into or onto land is a permitted activity subject to the following conditions:	Permitted Activity	As outlined in the Infrastructure Report (Appendix 5F) and associated Management Plans, chemical treatment will be utilised during earthworks which is anticipated to comply with permitted activity standards.

Rule	Compliance	Comment
<p>a) The agrichemical(s) shall be discharged in a manner that does not contravene any requirement specified in the manufacturer's instructions.</p> <p>b) The discharge shall be undertaken in such a way that no significant adverse effect of off-target drift shall occur beyond the boundary of the property being sprayed.</p> <p>c) Where the agrichemical is being applied to vegetation on the banks and bed of water bodies:</p> <ul style="list-style-type: none"> i. the application and consequent breakdown of vegetation shall not result in the contamination of domestic or commercial water supplies, or the death of fauna (and/or residues being detected in fish). ii. Where agrichemicals are applied directly to water any downstream water take within one kilometre of the point of discharge must be notified between 12 hours and three weeks prior to commencement of the discharge. <p>d) Within twelve months of the Plan (or this rule) becoming operative:</p> <ul style="list-style-type: none"> i. Every person undertaking the application of agrichemicals shall have a qualification certified in writing that meets the performance requirements set out in Section 6.2.10, or be under the direct supervision of a person who meets those requirements, or ii. Every contractor or contractor employee undertaking the land based application of agrichemicals shall hold or be under the on site supervision of a person who holds a current National Certificate in Agrichemical Application, a GROWSAFE® Registered Chemical Applicators Certificate or a qualification that meets the performance requirements for contractors and contractor employees in Section 6.2.10 iii. Every pilot undertaking the aerial application of agrichemicals shall hold a Pilot's Chemical Rating issued by the Civil Aviation Authority or an equivalent qualification. 		

Rule	Compliance	Comment
<p>e) The application of agrichemicals shall be undertaken in accordance with New Zealand Standard 8409:2004, Management of Agrichemicals75.</p> <p>f) The owner, occupier, or manager of the property to be sprayed shall prepare a spray plan, or shall arrange for a spray plan to be prepared, at the beginning of each year or spray season, and the spray plan shall:</p> <ul style="list-style-type: none"> i. contain as a minimum the information as outlined in Section 6.2.7 of this Plan or with reference to Appendix M4 of New Zealand Standard 8409:2004, Management of Agrichemicals. ii. be given to any person within seven days of that person requesting the spray plan. iii. Notwithstanding the requirements of part i) of this condition, for local authority parks and reserves, road side spraying operations and community based spray programmes where the spraying activities for which spray plans are required cover more than 10 properties a single spray plan can be prepared on an annual basis covering all operations. This spray plan must identify as a minimum all known sensitive areas likely to be affected by the activity and the strategies to be employed to avoid adverse effects on those areas (e.g. specific application techniques, specific notification practices, buffer zones, manning boundaries, restrictions on climate conditions when spraying can occur etc). The plan must be provided to the contractor/applicator prior to spraying commencing. <p>g) The owner, occupier, or manager of the property to be sprayed shall keep and maintain records of agrichemical use, or shall arrange for records to be kept. These records shall, as a minimum, include the information in Appendix C of the New Zealand Standard 8409:2004 Management of Agrichemicals.</p> <p>h) The owner, occupier, or manager of the property to be sprayed must follow the relevant notification requirements listed in Table 6-4 of this Plan.</p>		

Rule	Compliance	Comment
6.2.4.10 Controlled Activity Rule – Application of Agrichemical(s) Any discharge of agrichemical(s) into air, into water, and onto or into land in a manner which is not permitted by, or does not comply with Rules 6.2.48, 6.2.4.9 is a controlled activity (requiring resource consent) subject to the following standards and terms: <ul style="list-style-type: none"> a) The agrichemical(s) shall be discharged in a manner that does not contravene any requirement specified in the manufacturer’s instructions b) The discharge shall be undertaken in such a way that no significant effect of off-target drift shall occur beyond the boundary of the property being sprayed 	Not applicable	Chemical treatment proposed during earthworks is anticipated to comply with permitted activity Rule 6.2.4.9. Therefore, this rule is considered not applicable.
6.2.4.11 Discretionary Activity Rule – Application of Agrichemicals Any discharge of agrichemical(s) into air, into water and onto or into land that is not permitted by, or does not comply with, Rules 6.2.4.8, 6.2.4.9 or 6.2.4.10 is a discretionary activity (requiring resource consent).	Not applicable	Chemical treatment proposed during earthworks is anticipated to comply with permitted activity Rule 6.2.4.9. Therefore, this rule is considered not applicable.

Matamata-Piako Operative District Plan

Part B: Section 2 – Activity Table

Activity	Rural	Rural-Residential	Compliance	Comments
1. General				
1.1 Accessory buildings for any permitted or controlled activities	<u>Permitted</u>	<u>Permitted</u>	Not applicable	The proposal is not provided for as a permitted or controlled activity, therefore this rule is not applicable
1.2 Activities listed in the Table that are permitted or controlled not complying with the Developmental Controls and Performance Standards, unless otherwise provided	<u>Restricted Discretionary</u>	<u>Restricted Discretionary</u>	Not applicable	The proposal is not provided for as a permitted or controlled activity, therefore this rule is not applicable

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1.3 Second-hand or pre-used buildings relocated from off-site	<u>Discretionary</u>	<u>Discretionary</u>	Not applicable	No second-hand or pre-used buildings relocated from off-site are proposed
1.4 Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3	<u>Permitted</u>	<u>Permitted</u>	Permitted Activity	Any structures on site will be demolished, and no scheduled buildings or structures are contained on the site
1.5 Activities undertaken on known contaminated sites	<u>Discretionary</u>	<u>Discretionary</u>	Not applicable	The site is HAIL, however no contaminants above background criteria were identified during site investigations. Therefore, the rule is considered not applicable
2. Community Related Activities				
2.1 Educational facilities to maximum of 10 pupils	<u>Permitted</u>	<u>Permitted</u>	Not applicable	A childcare use is sought in the commercial node, however is anticipated to be for more than 10 pupils.
2.2 Educational facilities for greater than 10 pupils	<u>Discretionary</u>	<u>Discretionary</u>	Discretionary Activity	A childcare use exceeding greater than 10 pupils is sought in the commercial node (refer Appendix 5B). Therefore, consent is sought as a Discretionary Activity.
2.3 Places of Assembly	<u>Discretionary</u>	<u>Discretionary</u>	Not applicable	No places of assembly are proposed
2.4 Fire Stations	<u>Non-Complying</u>	==	Not applicable	No fire stations are proposed
3. Dwellings and Dwelling Based Activities				
3.1 One or two dwellings per urban site	<u>Non-complying</u>	<u>Permitted</u>	Does not comply	A total of 518 dwellings units are proposed
3.2 More than two dwellings per urban site	<u>Non-complying</u>	<u>Discretionary</u>	Non-Complying	A total of 518 dwellings units are proposed. Given the split zoning of the site, the least permissive activity status is applied. Essentially a LUC is being applied for each new dwelling as the FT does not change the zone.
3.10 Accommodation Facilities	<u>Discretionary</u>	<u>Discretionary</u>	Not applicable	No accommodation facilities are proposed. For completeness, note that Volume 4 of

				this application seeks consent for a Retirement Village.
4. Scheduled sites				
The activity is not located within any of the scheduled sites within Schedule 5. Therefore, no consents are required under 2.2.4				
5. Industrial Based Activities				
The proposed Retirement Village does not include any industrial-based activities. Therefore, no consents are required under 2.2.5				
6. Papakāinga				
The proposed Retirement Village does not include papākāinga or associated activities. Therefore, no consents are required under 2.2.6				
7. Reserve and Kaitiaki (Conservation) Zones				
No works within reserve or Kaitiaki (Conservation) zones are proposed. Therefore, no consents are required under 2.2.7				
8. Retailing and Office-Based Activities				
8.1 Commercial Services	<u>Non-complying</u>	<u>Non-complying</u>	Non-Complying	Commercial tenancies are proposed within the Commercial Node (Appendix 5B). To enable commercial flexibility, consent for all commercial services is sought as a non-complying activity.
8.2 Medical facilities	<u>Non-complying</u>	<u>Non-complying</u>	Non-Complying	Commercial tenancies are proposed within the Commercial Node (Appendix 5B). To enable commercial flexibility, consent for medical facilities is sought as a non-complying activity.
8.3 Offices	<u>Non-complying</u>	<u>Non-complying</u>	Non-Complying	Commercial tenancies are proposed within the Commercial Node (Appendix 5B). To enable commercial flexibility, consent for offices is sought as a non-complying activity.
8.4 Retailing	<u>Non-complying</u>	<u>Non-complying</u>	Non-Complying	Commercial tenancies are proposed within the Commercial Node (Appendix 5B). To enable commercial flexibility, consent for

				retailing is sought as a non-complying activity.
8.6 Veterinary Clinics	<u>Discretionary</u>	<u>Discretionary</u>	Discretionary	Commercial tenancies are proposed within the Commercial Node (Appendix 5B). To enable commercial flexibility, consent for a veterinary clinic is sought as a discretionary activity.

9. Rural Based Activities

No rural based activities are proposed on the Retirement Village site. Therefore, no consents are required under 2.2.9

Part B: Section 3 – Development

Rule	Compliance	Comment
3.2 Rural and Rural-Residential Zones		
3.2.1(i) Maximum Height 10 metres	Complies	All buildings proposed will be less than 10m in height
3.2.1(ii) Height relative to site boundary No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest site boundary.	Complies	All buildings proposed will comply with height relative to site boundary
3.2.1(iii) Yards <ul style="list-style-type: none"> Rural front yards: 25m Rural side yards (except where the building is part of a papakāinga): 10m River protection yard: 20m Side and rear yards where the building is part of a papakāinga: 20m 	Does not comply	Future buildings within the proposed residential freehold lots are proposed to be set back 1.5m from external boundaries and 3m-5m from front boundaries, depending on the lot size.
3.2.2 Maximum Building Coverage <ul style="list-style-type: none"> Total building coverage for accessory buildings on lots less than 4000m² shall not exceed 10% of the net site area. 	Does not comply	Future buildings within the proposed residential freehold lots are proposed to be developed up to 45% or 55% maximum building coverage, depending on the lot size.

<p>ii. Except that in an identified Structure Plan (refer Activity Table 2.2) total building coverage of the site shall not exceed:</p> <ul style="list-style-type: none"> - 15% of the net site area <p>iii. Except that where the building is part of a Papakāinga, Rule 4.4.1(2) shall apply.</p>		
<p>3.2.3. Development Contributions</p> <p>A Development Contribution is required to be made in accordance with Section 7.2 (iii) prior to the issue of a building consent for the second or subsequent complying dwelling per lot where a contribution has not been made at the time of the subdivision to create the said lot.</p>	Complies	The applicant, or future applicants for building consent, agrees to pay development contributions in accordance with Section 7.2(iii)

Part B: Section 4 – Activity Related Performance Standards

Rule	Compliance	Comment
4.1 Plantation and conservation forestry		
The proposal does not include forestry activities.		
4.2 Forestry and woodlot setbacks		
The proposal does not include forestry activities.		
4.3 Home occupations		
The proposal does not include home occupation activities.		
4.4 Papakainga		
The proposal does not include papakainga activities.		
4.5 Goat and deer farming		
The proposal does not include goat and deer farming activities.		
4.6 Buildings not requiring building consent		
The proposal does not trigger consent under this section.		
4.7 Dependant persons dwelling		
The proposal does not include dwellings or dwelling/residential-based activities.		
4.8 Aerial topdressing/spraying		

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The proposal does not include spraying activities.

4.9 Mining, quarrying and mineral processing

The proposal does not include mining, quarrying and mineral processing activities.

4.10 Service stations

The proposal does not include service station activities.

4.11 Temporary Activities

4.11.1 Permitted Activities

4.11.1(a) Temporary offices, storage sheds, storage yards, builder's workshops, ablution facilities and other similar buildings and activities incidental to a building or construction project, for the duration of that project specific to the issued building consent

Will comply

Temporary site offices, storage sheds and storage yards will be required during construction.

4.12 Cleanfill

The proposal does not include cleanfill activities.

4.13 Residential Infill Development

The site does not fall within an identified residential infill area on the planning maps.

4.14 Business Activities within Business/Residential Zone

The proposal is not within the business zone, or within the interface to a business zone.

Part B: Section 5 – Performance Standards – All Activities

Rule	Compliance	Comment
5.1 Conservation		
5.1.1 Riparian Planting and Retirement		
i. Any resource consent granted in respect of land contiguous to a riverbank may require the establishment and maintenance of conservation planting or the retirement of land for regeneration of indigenous vegetation up to a maximum of	Complies	While this volume of the application does not relate to land contiguous to a riverbank, it is noted that this is addressed in Volume 2 of

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<p>20 metres along all rivers to avoid, remedy or mitigate any adverse effects from the land use practices for which consent has been granted.</p> <p>For the purposes of this rule river means all natural perennial flowing streams and modified watercourses; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).</p> <p>ii. With the exception of Scheduled Item 213 of Schedule 3, the establishment of such areas may be subject to a covenant or consent notice or other such legal instrument as may be considered appropriate in the circumstances to ensure the long term protection of the waterway as well as the maintenance of the planted area as a protective environment. Such an instrument shall include provisions for fencing, and where stock are present, stock proof fencing, maintaining the waterway, clearing noxious weeds, maintaining and replacing the trees as required and shall define the extent of planting.</p> <p>iii. Consultation with the Waikato Regional Council, where it has responsibilities for operation and maintenance for soil conservation, river control or drainage assets, be undertaken concerning access and conservation provisions.</p>		<p>this application, and a 20m riparian planting margin is proposed as an esplanade reserve with a bond to Council proposed.</p>
<p>5.2.1 Rehabilitation</p>		
<p>i. All activities involving extraction, excavation, drilling, tunnelling or other disturbance or deposition of land shall, where practicable, restore the land and structures to a stable land form with a soil structure and fertility that is capable of supporting vegetation similar to that found in local habitats.</p> <p><u>Provided that</u> these provisions do not apply to road construction, farm tracks (including farm or forestry access tracks) or excavation for a building platform of less than 1000m³ in volume.</p> <p>Restoration includes loosening of the soil to prevent over-compaction and slipping surfaces and to aid root penetration. In particular:</p> <p>a. Topsoil stripped from the working area shall, where practicable, be retained for future restoration of the land;</p> <p>b. All excavations, heaps, dumps, spoil, tailings or other materials shall be restored in a manner that will enable reinstatement of a natural vegetated landscape, similar to that found locally;</p>	<p>Complies</p>	<p>All land will be restored where practicable, in accordance with the Construction Management Plan and Earthworks Management Plan (Appendix 5G and 5H).</p>

<p>c. Rehabilitated lands shall be planted within the first growing season following restoration of the soil profile.</p> <p>Site rehabilitation associated with mining and quarrying shall include the management of tailings to avoid discharges, and the removal of all machinery, buildings, equipment and solid waste. See Section 1.4.13.</p> <p>ii. Where vegetation clearing and/or burning is undertaken the land shall be rehabilitated and replanted in a way that avoids any potential for adverse effects from soil erosion and water sedimentation.</p> <p>iii. All rehabilitation and replanting that is required in standards (i) and (ii) above shall be certified as being completed in accordance with the provisions of these rules by a suitably qualified or experienced person.</p> <p>iv. To ensure that appropriate restoration is undertaken, Council may apply bonds or financial charges to an equivalent value.</p>		
5.1.3 Cleanfill		
<p>i. Cleanfill shall be rehabilitated to a state similar in land, form and visual appearance to that found locally.</p> <p>ii. Such sites shall not be located within 20m of a significant natural environment or heritage feature identified in Schedules 1, 2 or 3, or features that meet the evaluation criteria listed in Appendix 1.</p>	Not applicable	No cleanfill activities are proposed.
5.2 Noise		
5.2.1 General Noise		
<p>i. Where any dwelling in a Business zone is to be constructed within 10m of any road boundary an acoustic design report, prepared by a suitably qualified acoustic engineer, confirming that the specific design of the dwelling will provide a noise level (24 hours Leq) that will not exceed 45dBA and the maximum noise level (Lmax) that will not exceed 78dBA in all habitable rooms with all opening windows closed shall be obtained within twelve months of the commencement of construction.</p> <p>ii. For any new activity in any zone Council may require the submission of an acoustic design report from a suitably qualified Acoustic Engineer confirming that the anticipated noise levels will be in accordance with the requirements for the zone (or Development Concept Plan with respect to Scheduled Industrial Sites).</p>	Does not comply	<p>i. Not applicable</p> <p>ii. An acoustic assessment has been prepared and is included as Appendix 5K, however note that this does not address</p>

<p>iii. For any noise with special audible characteristics as defined by NZS6802:1991 the L10 noise level standards shall be reduced in accordance with the standard.</p> <p>iv. Construction noise from the site shall meet the limits recommended in Table 1 of NZS6803P:1984. The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work and shall be measured in accordance with NZS6803P:1984. Adjustments provided in Clause 6.1 of NZS6803P:1984 shall apply, and references in the Tables of NZS6803P:1984 to “NZS6802” shall read as references to Clause 4.2.2 of NZS6802:1991.</p> <p>v. The noise levels shall be measured and assessed in accordance with the requirements of NZS6801:1991 Measurement of Sound and NZS6802:1991 Assessment of Environmental Sound.</p>		<p>operational noise which is anticipated to comply with permitted standards.</p> <p>iii. No noise with special audible characteristics proposed</p> <p>iv. Tree works associated with enabling works are anticipated to exceed with relevant standards, as set out in Appendix 5K and will therefore not comply with this standard</p> <p>v. Complies</p>
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5.2.6 Rural and Rural-Residential and Māori Purpose Zones

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- d. The noise levels set by this Rule do not apply within the Quarry Noise Control Boundary shown in Appendix 8. The noise levels set by this Rule will apply to Rural zoned land outside that boundary.

5.3 Vibration

- i. Industrial (including the General Industrial Zone) and Business Activities
Advice note: This Section does not include vibration created as a result of blasting. See Section 4.9.1 for rules related to blasting.

Vibration from Industrial and Business activity shall not exceed the following average levels:

- a. At or within the boundary of any site zoned Residential, or within 20m of any dwelling in the Rural or Rural-Residential zones

Time	Average weighted vibration level (Wb or Wd)
Monday to Saturday: 7.00am to 6.00pm (0700 to 1800)	45 mm/s ²
At all other times	15 mm/s ²

- b. At or within the boundary of any adjacent site zoned Business or Industrial (including the General Industrial Zone):

Time	Average weighted vibration level (Wb or Wd)
At all times	60 mm/s ²

The weighted vibration levels Wb and Wd shall be measured according to BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying an adjacent site.

- ii. Buildings adjacent to railway lines and state highways

Complies

Construction vibration will be compliant with construction vibration standards. Please refer to the acoustic assessment contained in **Appendix 5K** for further details.

5.3 Lighting and Glare

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<ul style="list-style-type: none"> i. At no time between 7.00am and 10.00pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of any non-Industrial zoned or non-Industrial precinct site adjoining. ii. At no time between the hours of 10.00pm and 7.00am shall any outdoor lighting be used in a manner that causes: <ul style="list-style-type: none"> a. An added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjoining building within a non-Industrial zone or non-Industrial precinct; b. An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any non-Industrial zone boundary or non-Industrial precinct. iii. Where measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting. iv. The outdoor lighting on any site adjoining any non-Industrial zoned or non-Industrial precinct site shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of the non-industrial site. 	Complies	A lighting plan has been included with the application within Appendix 5D , and is anticipated to comply with permitted standards.
5.5 Air Emissions		
5.5.1 Odour		
<p>The management of activities shall ensure that there is no odour nuisance at or beyond the boundary of the property.</p> <p>For the purpose of this rule an odour nuisance is defined as one that can be detected and determined to be a nuisance by three observers who are neutral to the issue, able to apply the frequency, intensity, duration and offensiveness to their observations and who are able to report these accurately; or an appropriately experienced Council or Regional Council Officer after having considered objectives, policies and guidelines of assessment as provided in the relevant sections of a Regional Air Plan or consideration of the provisions in Section 17 and Part XII of the RMA.</p>	Complies	No objectionable odour will be generated from the proposed development.

5.5.2 Dust

Activities shall operate so as to ensure that dust generation is minimised. These activities shall be undertaken in a manner so as to avoid any adverse effects associated with dust and particulate emissions beyond the boundary of the site of emission

As a guide, activities that result in a deposition rate beyond the boundary of the subject property of 4 grams or less per m² per 30 day period may be considered to be at an acceptable level in terms of mitigating dust nuisance.

The reason that this is a guide in the Waikato Regional Plan for modelling to assess whether effects are objectionable, and is also a guide on the District Plan as opposed to a standard, is that what is acceptable will vary depending on the receiving environment and the background levels of deposited particulate matter already present.

In other instances (i.e., where site characteristics differ) higher levels of deposition may be acceptable without resulting in objectionable effects or lower levels may be appropriate where for example background levels are low. Levels shall be determined on a site by site basis.

Deposition monitoring shall be undertaken in accordance with draft ISO Standard 4222.2.

Complies

Dust control measures will be implemented on the site. Refer to the Infrastructure Report (**Appendix 5F**), Earthworks Management Plan (**Appendix 5G**), and Construction Management Plan (**Appendix 5H**) for further detail.

5.6 Management and Disposal of Wastes

5.6.1 General

- i. All activities shall provide solid waste storage areas which shall be visually screened when viewed from any adjoining site or public place
- ii. No unauthorised dumping of solid waste materials shall be permitted

Complies

All Lots will be provided with bin storage areas that are appropriately screened

5.6.2 Effluent Disposal Systems

No disposal of non-human waste is proposed, therefore this standard is not applicable.

5.7 Use and Storage of Hazardous Substances

No hazardous facilities are proposed, therefore this standard is considered not applicable.

5.8 Regular Stock Movement within a Road

No stock movements are proposed, therefore this standard is considered not applicable.

5.9 Infrastructure and Servicing

5.9.1 Performance Standards

<ul style="list-style-type: none"> i. Stormwater – the subdivision and development of land shall be carried out so as to provide for effective stormwater management, in compliance with the Development Manual ii. Wastewater – where available within a reticulated area, every allotment or household unit shall be provided with a connection to the Council’s wastewater reticulation system, in compliance with the Development Manual iii. Water supply – where available within a reticulated area every allotment or household unit shall be provided with a connection to the Council’s water reticulation system, in compliance with the Development Manual iv. Transportation – The performance standards for transportation set out in Section 9 Transportation must be met. In addition: <ul style="list-style-type: none"> a. In any subdivision every Certificate of Title shall have access to a formed, legal road in compliance with the Development Manual b. Where a new road is created, street lighting, streetscape planting, and any street furniture shall be designed and provided in compliance with the Development Manual c. Subdivision and development of the Industrial Zone area east of Rockford Street (Lot 2 DP 313622 and Part Lot 4 DPS 803) or any subsequent titles shall not have direct access onto SH24. v. Other reticulation – Telecommunication and electricity reticulation shall be provided at the time of subdivision and in accordance with the requirements of the relevant network utility operator in compliance with the Development Manual. Refer also to Section 8: Works and Network Utilities vi. Firefighting Water Supply - Where a connection to a reticulated water supply is not possible, adequate provision shall be made for firefighting water supply and access to the supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. vii. Papakāinga 	<p>Complies</p>	<ul style="list-style-type: none"> i. Stormwater management will be provided in accordance with the Stormwater Management Plan (Appendix 5I) ii. Reticulated wastewater connections will be provided to all Lots iii. Reticulated water connections will be provided to all Lots iv. The performance standards for the zone set out in Section 9 are not complied with, however all Lots have access to a formed legal road, and street lighting, streetscape planting, and street furniture is designed in compliance with the Development Manual. v. Telecommunications and electricity reticulation will be provided to all Lots vi. N/A – reticulated water supply proposed vii. N/A – no Papakāinga proposed
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Part B: Section 6 – Subdivision

Activity	Rural	Rural-Residential	Compliance	Comments
1. All Zones				
1a. Boundary Adjustment	<u>Controlled</u>	<u>Controlled</u>	Not applicable	No boundary adjustments are proposed
1b. Bonus Protection Lots	<u>Discretionary</u>	<u>Discretionary</u>	Not applicable	No bonus protection lots are proposed
1c. Works and Networks Utilities	<u>Controlled</u>	<u>Controlled</u>	Not applicable	No subdivision for works and network utilities is proposed
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	No lots are proposed within a national grid subdivision corridor or within 20m of a sub-transmission line
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	No lots are proposed adjoining a state highway or 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>	Non-Complying	Subdivision is proposed within the Rural Residential Zone that does not comply with relevant performance standards. Therefore, subdivision within the rural-residential zone is

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				a non-complying activity pursuant to Rule 6.3.5(iv)
3b. Subdivision within the Eldonwood South Structure Plan Area	<u>N/A</u>	<u>Restricted Discretionary</u>	Non-Complying	Subdivision is proposed within the Eldonwood South Structure Plan Area that does not comply with the Eldonwood South Structure Plan. Therefore, subdivision within the Eldonwood South Structure Plan Area is a non-complying activity pursuant to Rule 6.3.3(iii).
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 proposed is therefore considered to be a non-complying activity pursuant to Rule 2.1.5.
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	<u>Restricted Discretionary</u>	<u>N/A</u>	Not applicable	Not relevant to proposal

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.				
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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

No Lots contain a compliant dwelling when taking into consideration the rural and rural-residential zone standards. Therefore, no consents are required under Rule 6.1.6.

7. Rural Zone

7a. Boundary relocation lot	<u>Discretionary</u>	<u>N/A</u>	Not applicable	No boundary relocations are 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 is not located within the Mangawhero Road Structure Plan Area
7c. Subdivision in the Banks Road to Mangawhero Road Structure Plan Area that results in a second or subsequent road connection to Banks Road through the Rural Zone and the Future Residential Policy Area	<u>Non-Complying</u>	<u>N/A</u>	Not applicable	The site is not located within the Mangawhero Road Structure Plan 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		
iv. All subdivision shall comply with the relevant performance standards in this section	Does not comply	The proposed subdivision does not comply with Performance Standards 6.2.3, 6.2.4, and 6.2.8.
6.2.3 Infrastructure and Servicing Standards		
v. The standards within Section 5.9 shall apply vi. 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	The proposal does not comply with Standard 5.9.1(iv), as the proposal does not comply with Transportation Standards within Section 9. However, the proposal complies with all other elements of Section 5.9, and adequate provision is made for wastewater and stormwater disposal.
6.2.4 Development Suitability		
(i) Building Site		
Excluding Lockerbie Development Area Plan. Each lot must contain a minimum 150m ² 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.	Does not comply	Lots greater than 450m ² comply with this standard, however lots 450m ² and under will only allow for a 4m diameter circle to the north, east, or west of the building platform. 150m ² building platforms are provided for on all Lots.
6.2.5 Development Contributions		
The standards within Section 7 shall apply. 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. The consent holder shall provide any other services required at their own expense.	Complies	The proposal will comply with Section 7

6.2.6 Esplanades

Esplanade requirements are addressed in **Volume 2** of this application, and are not further discussed here.

6.2.7 Protection and preservation of existing drainage channels

All subdivisions shall be planned, designed and constructed so as to:

- i. Protect and preserve existing natural or open drainage channels;
- 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;
- 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.

See also Section 8: Works and Network Utilities and Section 11: Natural Hazards.

Complies

Refer to the Infrastructure Report (**Appendix 5F**) for further details.

6.2.8 Earthworks

See Performance Standards: Section 5 and the requirements of the Development Manual.

Complies

The proposal is considered to comply with relevant standards in Section 5, and with the requirements of the Development Manual. An Earthworks Management Plan is included with the application as **Appendix 5G**.

6.2.9 Natural Hazards

See Natural Hazards: Section 11.

Complies

The site is not subject to any natural hazards.

6.2.10 Conservation

See Performance Standards: Section 5

Complies

The proposal is considered to comply with relevant standards

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 site.
6.2.12 Protection of Scheduled Significant Items		
<p>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.</p> <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. 	Not applicable	There are no scheduled significant items on the site.
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 the site contains any features of value to the community.
6.2.14 Protection of riparian areas		

See Performance Standards: Section 5.1.1.	Complies	The proposal complies with Section 5.1.1.
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>	Does not comply	All existing buildings are to be removed from the site. Proposed buildings will not comply with the District Plan once the new Lots have been created, and a blanket land use consent is sought alongside this subdivision consent.

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 the residential, business, or industrial zone. Therefore, this is considered 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 is considered 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 • Lockerbie Development Area Plan • Avenue Business Park Development Area Plan 	Does not comply	The proposal does not comply with the requirements of the Eldonwood South Structure Plan. In accordance with 6.3.3(iii), consent is sought as a non-complying activity as set out above.

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.

ii. Restricted Discretionary Assessment Criteria

See Section 6.5.

iii. Non-compliance

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.

6.3.4 General Quality Soils (Controlled Activity and Restricted-Discretionary Activity)

i. General quality soils – additional performance standard

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.

ii. Controlled and Restricted Discretionary Assessment Criteria

iii. Non-compliance

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.

Not applicable

Outside of the Eldonwood Structure Plan Area, the site contains High Quality Soils. Therefore, there are no general quality soils on the site and this is considered not applicable.

6.3.5 Rural-Residential Zone (Restricted Discretionary Activity)

i. Additional performance standards

	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 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

Does not comply

The proposal does not comply with the density or minimum lot size requirements of the rural-residential zone. Consent is therefore sought as a **non-complying activity** pursuant to 6.3.5(iv).

			<p>of 5,000m² or greater for at least half of the total number of additional lots proposed.</p> <ul style="list-style-type: none"> Any previous restriction regarding average lot sizes from subdivisions granted prior to 6 April 2018 shall be nullified. 		
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.

Part B: Section 8 – Works and Network Utilities

Activity	Rural	Compliance	Comment
8.1 Telecommunications			
8.1.1 Activity Table			
1. Underground telecommunications lines	<u>Permitted</u>	Permitted Activity	New underground telecommunications lines will be laid to service all Lots. Refer to the Infrastructure Report for further details (refer Appendix 5F)

The provisions of 8.1.1(2) – (15) are considered to not be applicable to the proposal.

8.2 Electricity Transmission and Distribution Activities

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8.2.1 Activity Table

1. Underground electrical cables and ancillary electrical equipment	<u>Permitted</u>	Permitted Activity	New underground electrical cables are proposed to service all Lots. Refer to the Infrastructure Report for further details (refer Appendix 5F)
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The provisions of 8.2.1(2) – (12) are considered to not be applicable to the proposal.

8.3 Renewable Energy Generation Activities

No renewable energy generation activities are proposed as part of this consent. Therefore, no consents are required under 8.3.1

8.4 Liquid fuels and gas transmission and distribution

No liquid fuels or gas transmission facilities are proposed as part of this consent. Therefore, no consents are required under 8.4.1.

8.5 Water, Wastewater and Stormwater

8.5.1 Activity Table

1. Water, wastewater, and stormwater connections to public networks	<u>Permitted</u>	Permitted Activity	Water, and wastewater connections to the public network will be provided. No public stormwater network is available in proximity to the site. Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details
2. Ventilation, drop shafts and manholes	<u>Permitted</u>	Permitted Activity	Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details
3. Underground pipelines and fittings for the conveyance of water, wastewater, and stormwater	<u>Permitted</u>	Permitted Activity	Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details
4. Above ground pipelines and fittings for the conveyance of water, wastewater and stormwater, attached to existing bridges or structures	<u>Permitted</u>	Not applicable	No existing bridges or structures will be retained on the site
5. Above ground pipelines and fittings for the conveyance of water, wastewater, and stormwater, not attached to existing bridges or structures	<u>Restricted Discretionary</u>	Not applicable	No above ground pipes are proposed
6. Wastewater pump stations	<u>Permitted</u>	Permitted Activity	Three wastewater pump station is proposed on the site, which will be vested to MPDC.

			Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details
7. Water storage tanks	<u>Permitted</u>	Not applicable	No water storage tanks are proposed.
8. Water reservoirs	<u>Permitted</u>	Not applicable	No water reservoirs are proposed.
9. Water treatment plants	<u>Permitted</u>	Not applicable	No water treatment plants are proposed
10.1 Stormwater detention ponds and similar facilities to reduce stormwater runoff volume, flow, and contaminant loads prior to discharge, excluding: <ul style="list-style-type: none"> rain gardens infiltration trenches wetlands domestic-scale on-site stormwater management and disposal systems 	<u>Permitted</u>	Permitted Activity	<p>Four stormwater detention ponds are proposed to manage stormwater runoff volume and flow.</p> <p>Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details</p>
10.2 Stormwater detention by means of: <ul style="list-style-type: none"> Rain gardens; Infiltration trenches; Wetlands; All stormwater detention facilities and ponds on sites subject to a DCP 	<u>Permitted</u>	Permitted Activity	<p>Raingardens and infiltration trenches are proposed for stormwater detention within the road network.</p> <p>Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details</p>
11. Domestic-scale on-site stormwater management and disposal systems. (See Waikato Regional Plan for consent requirements)	<u>Permitted</u>	Permitted Activity	<p>All stormwater is proposed to managed and disposed of on-site.</p> <p>Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details</p>
12. Secondary flow paths	<u>Restricted Discretionary</u>	Restricted Discretionary	<p>Secondary flow will be directed through proposed road corridors to the stormwater basins. This is a Restricted Discretionary Activity.</p> <p>Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details</p>

13. Water and irrigation races, open drains, and channels (not being secondary flow paths)	<u>Permitted</u>	Permitted Activity	Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details
14. Wastewater treatment plants (exclusive of domestic-scale on-site wastewater disposal systems)	<u>Restricted Discretionary</u>	Not applicable	No wastewater treatment plants are proposed
15. Domestic-scale on-site wastewater disposal systems	<u>Permitted</u>	Not applicable	No on-site wastewater disposal systems are proposed
16. Erosion protection, culverts, measuring devices (flow structures) and water quality monitoring devices	<u>Permitted</u>	Not applicable	No relevant structures are proposed
8.5.2 Performance Standards			
8.5.2.i The standards in the Development Manual		Complies	Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details
8.5.2.ii The following structures must meet the development controls for the zone within which they are located: a. Water storage tanks; b. Water reservoirs; c. Water treatment plants; d. Wastewater treatment plants. The Rural zone development controls shall apply in the Kaitiaki (Conservation) zone.		Not applicable	No relevant structures are proposed
8.6 Transport Network			
8.6.1 Activity Table			
1. Operation, maintenance, and safety works relating to existing public roads and state highways. (See advice notes below.)	<u>N/A</u>	Not applicable	N/A in the Rural zone
2.1 New public roads, service lanes, cycleways, walkways, and public car parks, as part of a subdivision	<u>Discretionary</u>	Discretionary Activity	Public roads, cycleways, and walkways are proposed as part of the proposal. This is a Discretionary Activity .

			Refer to the Infrastructure Report and Engineering Drawings (Appendix 5F) for further details
2.2 New cycleways and walkways not part of a subdivision or included in a Reserve Management Plan	<u>Permitted</u>	Not applicable	No new public cycleways or walkways are proposed that are not part of the subdivision
2.3 New cycleways and walkways not part of a subdivision, but included in Reserve Management Plan	<u>Permitted</u>	Not applicable	No new public cycleways or walkways are proposed that are not part of the subdivision
3. New public roads, service lanes, cycleways, walkways, and public car parks, as part of a subdivision	<u>Refer Rule 9.1.2(v)</u>	Restricted Discrt	Refer below.
4. New state highways	<u>Discretionary</u>	Not applicable	No new state highways are proposed
5. New railway network and ancillary equipment (outside of Designation 88)	<u>Discretionary</u>	Not applicable	No new railway network proposed

8.7 Stock movements and stock crossings

Stock movements will be handled outside of the road reserve, where applicable. Therefore, no consents are sought under Section 8.7.

8.8 Flood Control Works

No flood control works are proposed. Therefore, no consents are sought under Section 8.8

8.9 Miscellaneous works and network utilities

No matters under Section 8.9 are proposed as part of this consent. Therefore, no consents are sought under Section 8.9

Part B: Section 9 – Transportation

Rule	Compliance	Comment
9.1.2 Access		
ii. Activity Table – Vehicle Crossing		
Performance Criteria	Activity Status	
1. Significant Roads		
The site does not adjoin or gain access from any significant roads. Therefore, no consent is required under 9.1.2.1		
2. Arterial Roads		

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The site does not adjoin or gain access from any arterial roads. Therefore, no consent is required under 9.1.2.2

3. Collector and Local Roads

3.1. An existing vehicle crossing that does not change in character, scale, or intensity of use.	<u>Permitted</u>	Not applicable	No existing vehicle crossings are present on the residential portion of the site.
3.2. An existing vehicle crossing that changes in character, scale, or intensity of use, meeting the performance standards in 9.1.2(iv)(a)(i)–(iv).	<u>Permitted</u>	Not applicable	No existing vehicle crossings are present on the residential portion of the site.
3.3. An existing vehicle crossing that changes in character, scale, or intensity of use not meeting the performance standards in 9.1.2(iv)(a)(iii) provided that: <ul style="list-style-type: none"> ▪ The crossing is utilised for a new activity that requires the same or lesser standard of entranceway than the current use; and: ▪ The current formation is greater or equal to the vehicle crossing required for the new activity; and: The crossing will serve an activity that is otherwise a permitted activity under the District Plan.	<u>Permitted</u>	Not applicable	No existing vehicle crossings are present on the residential portion of the site.
3.4. A new vehicle crossing that complies with the performance standards in 9.1.2(iv)(a)(i)–(iv).	<u>Permitted</u>	Does not comply	The proposed vehicle crossings do not comply with the development manual requirements, and therefore do not comply with Standard 9.1.2(iv)(a) (i) and (iii).
3.5. An existing vehicle crossing that changes in character, scale or intensity of use or a new vehicle crossing where: <ul style="list-style-type: none"> ▪ The performance standards in 9.1.2(iv)(a)(i)–(iii) are met except that the separation distance from an intersection cannot be met; and: ▪ The vehicle crossing is not associated with a new subdivision; and: 	<u>Permitted</u>	Does not comply	The proposed vehicle crossings do not comply with the Development Manual for rural-residential crossings, and therefore do not comply with performance standard 9.1.2(iv)(a)(i), and the vehicle crossings are associated with a new subdivision. This Rule therefore does not apply to the proposal.

<ul style="list-style-type: none"> ▪ The vehicle crossing is the only vehicle crossing serving the property; and: ▪ The vehicle crossing is located on the furthest property boundary so as to maximise the separation distance from the intersection. 			
<p>3.6. An existing vehicle crossing that changes in character, scale, or intensity of use or new vehicle crossing where:</p> <ul style="list-style-type: none"> ▪ The vehicle crossing is not associated with a new subdivision; and: ▪ The vehicle crossing is the only vehicle crossing serving the site; and: ▪ The performance standards in 9.1.2(iv)(a)(i) and 9.1.1(iv)(a)(ii) can be met; and: ▪ There is no location anywhere along the site's frontage that can comply with the minimum sight distances and/or separation distances to intersections contained within the Development Manual; and the activity is not a permitted activity under 3.1–3.5. 	<u>Controlled</u>	Does not comply	New vehicle crossings are associated with a new subdivision and do not comply with performance standards 9.1.2(iv)(a)(i).
3.7. Any vehicle crossing on to Collector or Local Roads that is not permitted under 3.1–3.5; or controlled under 3.6.	<u>Restricted Discretionary</u>	Restricted Discretionary	As set out above, the new vehicle crossings are associated with a new subdivision, and do not comply with performance standards 9.1.2(iv)(a) (i) – (iii). Therefore, consent for vehicle crossings is required as a Restricted Discretionary Activity .

Advice Note: References in the District Plan and in the table above to “changes in character, scale, or intensity” means an increase in the number of vehicle movements, and/or an increase in peak vehicle movements, and/or an increase in the number of heavy vehicles.

iii. Access to Significant Roads and Arterial Roads

The site does not gain access from or to a significant road or arterial road. This is therefore considered not applicable.

iv. Access to Collector and Local Roads

A – Performance Standards

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<p>i. The vehicle crossing shall be designed, formed, and constructed in accordance with the Development Manual;</p> <p>ii. There shall be less than an average of 250 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows: 1 car to and from the site = 2 car equivalent movements 1 truck to and from the site = 6 car equivalent movements 1 truck and a trailer to & from the site = 10 car equivalent movements Provided that a single residential dwelling is deemed to generate 8 car equivalent movements per day;</p> <p>iii. The vehicle crossing shall comply with the minimum sight distances, and separation distances to intersections, contained within the Development Manual;</p> <p>iv. A second or subsequent vehicle crossing serving the same site shall meet the vehicle crossing separation standards in the Development Manual.</p>	<p>Does not comply</p>	<p>i. Vehicle crossing designs do not comply with the development manual requirements for rural residential or rural zones</p> <p>ii. More than 350 equivalent movements per day are proposed across several crossings, particularly to Peakedale Drive</p> <p>iii. Lots 123, 370, and 440 do not provide sufficient sight distances. All other crossings comply</p> <p>iv. Vehicle crossing separation standards are not met within the subdivision.</p>
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v. Roads, private ways and access legs within a new subdivision

A – Performance Standards

<p>i. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall comply with the standards in Table 3.1 of the Development Manual.</p> <p>ii. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall be designed, constructed and located in accordance with the Development Manual.</p>	<p>Does not comply</p>	<p>Roads 2-6 and 8-16 do not comply with the dimensional requirements of the Development Manual (road reserve). All ROWs and JOALS do not comply with dimensional requirements of the Development Manual. This is therefore a restricted discretionary activity pursuant to Rule 9.1.2(v)(c).</p>
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vi. Access for seasonal rural activities

No access for seasonal rural activities is proposed, and this is therefore not applicable.

vii. Access to properties with frontage to “Shopping Frontage”

No “shopping frontage” within vicinity of the site. This is therefore not applicable.

viii. General access standards (all roads)

A – Performance Standards

<p>i. Every owner or occupier shall provide vehicular access to their property for parking and/or loading from a formed legal road or over land by mutual right of way or service lane.</p> <p>ii. The primary access to a lot shall be designed and constructed in accordance with the relevant standards being DG307, DG308, or Diagrams C, D, or E in the Development Manual or alternatively to such standards as agreed with the relevant road controlling authority. The design and construction of any secondary access shall be based on the anticipated use of the access and shall comply with an appropriate entranceway standard as contained within the Development Manual (see Rule 9.1.2 (ii)–(vii)). For the purpose of this rule “secondary access” includes accesses used occasionally, but excludes accesses used by heavy vehicles and the main working access to a property/lot, which are considered primary accesses.</p> <p>iii. Where upgrading of existing roads/construction of new roads is required to serve any controlled, restricted-discretionary, discretionary or non-complying activities, Council shall:</p> <ul style="list-style-type: none"> ▪ Determine the appropriate roading standards; ▪ Having regard to: <ul style="list-style-type: none"> ➤ The road classification (hierarchy); ➤ Current and future traffic volumes; and ➤ The intended function of the relevant road. <p>iv. Where any part of land being subdivided is required for road widening or for other street purposes or for other works, the subdivision shall be designed as though such land had been dedicated prior to the time of subdivision.</p>	<p>Does not comply</p>	<p>i. Access will be provided to all Lots</p> <p>ii. Relevant standard for rural-residential zone is DG307 – proposed vehicle crossings do not comply with this standard.</p> <p>This is therefore a discretionary activity pursuant to Rule 9.1.2(viii)(b)</p>
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v.	All work on crossings within the road boundaries shall be in accordance with the Development Manual (unless otherwise consented) and shall be undertaken at the expense of the owner.		
vi.	In respect of the urban environment, subdividers shall be required to provide only those crossings where the location is fixed at the time of subdivision, such as private access ways, rights of way, and where lots have less than 5m road frontage. In all other cases, the crossings shall be constructed at the time of building in accordance with the Development Manual.		

9.1.3 On-site Loading

i. Shopping Frontage

The site is not located within vicinity of an existing “shopping frontage”. This is therefore not applicable.

ii. Outside Shopping Frontage or within shopping frontage where the FAR exceeds 1

The FAR for the commercial area is less than 1, therefore this rule is considered not applicable.

9.1.4 On-site Parking

(i) Every person who proposes to erect, re-erect, construct or substantially reconstruct, alter or add to a building on a site or who changes the use of any land or building, shall provide suitable areas for the parking of vehicles as required below, except for within the urban areas of the Towns of Matamata, Morrinsville and Te Aroha which include all landuse within the Residential, Business and Industrial Zones.		Complies	Adequate parking provision is provided for all uses on site. Refer to the Integrated Transport Assessment included as Appendix 1P for further details.
Activity	Parking Spaces Required		
Dwellings / Residential Unit	2 spaces Note: One may be “stacked” where it does not interfere with shared access		

Nursing and convalescent homes	Visitor parking at a ratio of 1 space per ten beds, plus 1 space per two employees, plus 1 space per ambulance		
Restaurants/licensed premises	1 space per 10m ²		
Recreational and community activities with no buildings including playing fields and outdoor courts	1 space per ten persons the facility is designed to accommodate		
Childcare centres	1 space for every four children, plus 2 spaces for every three full-time staff equivalents		
Health care services (doctors/dentists) / Healthcare facilities (Whare Hauora)	3 spaces per consultant		
Administrative, commercial and professional offices (excluding home occupations)	1 space per 40m ² gross floor area		
Supermarkets	1 space per 20m ² gross floor area		
Retail/shops under 5,000m ² gross floor area	1 space per 40m ² gross floor area		
Works and network utilities	All permanent employee parking and loading requirements to be on-site		

9.1.5 General parking, loading and formation standards

(i) Location of Parking and Loading Areas			
a. The provision for parking and loading in respect of any site shall not be on: <ul style="list-style-type: none"> Part of any manoeuvring area or access lane, or road; Any screening required by this Plan; 		Complies	The proposed parking is anticipated to comply with this standard. Refer to the Integrated Transport Assessment included as Appendix 1P for further details.

<ul style="list-style-type: none"> Any solid waste storage area required by this Plan. <p>b. In the Business and Industrial zones manoeuvring may be on service lanes.</p> <p>c. Parking and loading spaces are to be either visible from the public road or clearly signposted at the road frontage.</p>		
<p>(ii) Access, parking and loading areas</p> <p>All shared private accessways, rights of way, access lots, common area for access, parking and loading areas shall be designed, formed and surfaced in accordance with the Development Manual.</p>	Complies	The proposal is anticipated to comply with this standard. Refer to the Integrated Transport Assessment included as Appendix 1P for further details.
<p>(iii) Stacked parking</p> <p>Council shall accept stacked parking only in the case of dwellings provided that the stacking area is exclusive of all those matters listed in(i) above.</p>	Complies	The proposed parking is anticipated to comply with this standard. Refer to the Integrated Transport Assessment included as Appendix 1P for further details.
<p>(iv) Reverse manoeuvring</p> <p>a. When three or more parking spaces or any loading space are required by this Plan to be provided on site, or where three or more carparks are provided on a site, sufficient space shall be provided on-site so that no reverse manoeuvring on to or from a road is needed.</p> <p>b. This requirement shall not apply where vehicular access to any such parking or loading space or spaces is obtained from a service lane.</p> <p>c. Parking and loading spaces must be able to be entered in a forward direction requiring no more than a three-point turn. The manoeuvring space provided shall take into account the type of vehicle anticipated. Loading and manoeuvring areas must be kept clear of obstructions.</p>	Complies	The proposed parking is anticipated to comply with this standard. Refer to the Integrated Transport Assessment included as Appendix 1P for further details.

9.1.6 Integrated Transport Assessments

An Integrated Transport Assessment is provided as **Appendix 1P**.

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