

Appendix EE – Rules Assessment

Auckland Unitary Plan (Operative in Part)

Rule	Reason	Activity Status
H19. Rural Zones (Countryside Living and Rural Production Zones)		
C1.7	<p>Activities not provided for</p> <p>The proposed community facilities are not specifically provided for. As such, are classified as a discretionary activity.</p>	Discretionary Activity
C1.9	<p>Infringements to Standards</p> <p>The proposed building platforms and subsequent future dwellings proposed as part of the subdivision are anticipated to infringe H19.10.3. Minimum yards setback. Therefore, consent is sought to infringe the yard setbacks.</p>	Restricted Discretionary Activity
Chapter D Overlays		
D1 High-use Aquifer Management Areas Overlay	No rules are contained within these chapters.	
D3 High-use Stream Management Areas Overlay		
D9 Significant Ecological Areas Overlay	Not applicable to the proposal as no works are proposed within the SEA area.	
D26 National Grid Corridor Overlay	<p>(A19) Land disturbance that complies with Standards D26.6.1.1(1)(a), D26.6.1.1(1)(b), D26.6.1.1(1)(c) and D26.6.1.1(1)(d).</p> <p>The proposed link from the retirement village to the Riverhead township complies with the above standards (refer to the Earthworks Management Plan in Appendix V).</p>	Permitted Activity
	<p>(A25) For all other subdivision on land within a rural zone the activity status listed in E39 Subdivision – Rural under Tables E39.4.1 to E39.4.5 will apply</p> <p>The proposed subdivision of Lot 2 does not involve the creation of a new building platform for an activity sensitive to the national grid within the overlay.</p>	
Chapter E Auckland-Wide		

Rule	Reason	Activity Status
E1 Water quality and integrated management	No rules are contained within these chapters.	
E2 Water quantity, allocation and use		
E3 Lakes, Rivers, Streams and Wetlands	<p>(A44) Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.14 to E3.6.1.23</p> <p>Non-compliance with E3.6.1.14(1)(b) scour management as the proposed ripraps for the culvert upgrades exceed 5m.</p> <p>Refer to the SMP in Appendix AA for the assessment against E3.6.1.14 and E36.6.1.18.</p>	Discretionary Activity
E4 Other discharge of contaminants	Not applicable to the proposal.	
E5 On-site and small-scale wastewater treatment and disposal	(A1) Discharge of treated domestic type wastewater onto or into land within a site via a land application disposal system. The proposed countryside living subdivision complies with the permitted activity standards as outlined in the Wastewater Report (Appendix Z).	Permitted Activity
	<p>(A6) Discharge of treated domestic-type wastewater and wastewater (excluding trade waste) that does not meet the relevant standards or is not provided or by any other rule in the Plan.</p> <p>The proposed retirement village includes the discharge of treated wastewater onto land from a wastewater treatment plant.</p>	Discretionary Activity
E6 Wastewater network management	<p>(A6) Discharge of treated or untreated wastewater onto or into land and/or into water from a wastewater treatment plant.</p> <p>The proposed retirement village includes a wastewater treatment plant</p>	Discretionary Activity

Rule	Reason	Activity Status
	that discharges treated wastewater onto land.	
E7 Taking, using, damming and diversion of water and drilling	<p>(A26) Take and use of groundwater not meeting the permitted activity or restricted discretionary activity standards or not otherwise listed.</p> <p>The proposed take and use of groundwater is not provided for. Please refer to the Groundwater Abstraction Desktop Study Report in Appendix Y.</p>	Discretionary Activity
	<p>(A28) The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed.</p> <p>The proposed cuts required for the retirement village do not comply with the permitted Standards E7.6.1.10 and E7.6.1.6 as outlined in the Geotech Report in Appendix H.</p>	Restricted Discretionary Activity
	<p>(A41) New bores for purposes not otherwise specified.</p> <p>The proposed bore is not specifically provided for and complies with E7.6.2.3.</p>	Controlled Activity
E8 Stormwater discharge and diversion	<p>(A10) All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for.</p> <p>The proposal involves the discharge of stormwater from impervious area not otherwise provided for.</p>	Discretionary Activity
	<p>(A11) Diversion and discharge of stormwater runoff from an existing or a new stormwater network.</p> <p>The retirement village includes the diversion and discharge of stormwater into a new stormwater network.</p>	Discretionary Activity

Rule	Reason	Activity Status
E9 Stormwater quality – High contaminant generating car parks and high use roads	<p>(A4) Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m² and up to 5,000m².</p> <p>The proposed community facilities and public car parking is less than 5,000m² and are not located in an industrial or trade activity area and will be designed in accordance with GD05.</p>	Permitted Activity
E10 Stormwater management area – Flow 1 and 2	Not applicable to the proposal.	
E11 Land Disturbance – Regional	<p>(A5) Greater than 50,000m² where land has a slope less than 10 degrees outside the Sediment Control Protection Area.</p> <p>Please refer to the Earthworks Management Plan in Appendix V.</p>	Restricted Discretionary Activity
	<p>(A8) Greater than 2,500m² where the land has a slope equal to or greater than 10 degrees.</p> <p>Please refer to the Earthworks Management Plan in Appendix V.</p>	Restricted Discretionary Activity
	<p>(A9) Greater than 2,500m² within the Sediment Control Protection Area.</p> <p>Please refer to the Earthworks Management Plan in Appendix V.</p>	Restricted Discretionary Activity
E12 Land Disturbance – District	<p>(A6) Greater than 2,500m²</p> <p>Please refer to the Earthworks Management Plan in Appendix V.</p>	Restricted Discretionary Activity
	<p>(A10) Greater than 2,500m³</p> <p>Please refer to the Earthworks Management Plan in Appendix V.</p>	Restricted Discretionary Activity
	<p>Non-compliances to the general standards:</p> <p>E12.6.2(1).as the proposal includes greater than 5m² or 5m³ of earthworks within the riparian yard.</p>	Restricted Discretionary Activity (pursuant to C1.9(2)).

Rule	Reason	Activity Status
	<p>E12.6.2(11) as the proposal includes earthworks within floodplains.</p> <p>All other general standards are complied with (refer to Earthworks Management Plan in Appendix V)</p>	
E13 Cleanfills, managed fills and landfills	Not applicable to the proposal.	
E14 Air quality	Not applicable to the proposal.	
E15 Vegetation management and biodiversity	<p>(A16) Vegetation alteration or removal within 20m of rural streams.</p> <p>The proposal includes vegetation removal within 20m of natural wetlands and streams.</p>	Restricted Discretionary Activity
	<p>(A18) Vegetation alteration or removal within 20m of a natural wetland, in the bed of a river or stream (permanent or intermittent), or lake.</p> <p>The proposal includes vegetation removal within 20m of natural wetlands.</p>	Restricted Discretionary Activity
E16 Trees in open space zones	Not applicable to the proposal.	
E17 Trees in roads	Not applicable as the resource consent triggers are covered by E26 due to removal being required for the proposed roading upgrades.	
E18 Natural character of the coastal environment	Not applicable to the proposal.	
E19 Natural features and natural landscapes in the coastal environment	Not applicable to the proposal.	
E20 Māori Land	Not applicable to the proposal.	
E21 Treaty Settlement Land	<p>(A5) Integrated Māori development.</p> <p>The proposal includes an Integrated Māori development.</p>	Discretionary Activity
E22 Artworks	Not applicable to the proposal.	
E23 Signs	(A53) Comprehensive development signage, including amendments or additions to existing approved comprehensive development signage.	

Rule	Reason	Activity Status
	The proposal includes comprehensive development signage.	
E24 Lighting	(A1) Activities that comply with all the relevant permitted activity standards Indicative lighting has been provided with the proposal, and a comprehensive Lighting Plan will be conditioned.	Permitted Activity
E25 Noise and vibration	(A1) Activities that comply with all the relevant permitted activity standards. A letter has been prepared by Marshall Day offering a condition of consent that will ensure compliance with E25 (Appendix JJ).	Permitted Activity
E26 Infrastructure	(A3) Service connections	Permitted Activity
	(A49) Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines)	Permitted Activity
	(A51) Water, wastewater and stormwater pump stations	Permitted Activity
	(A51A) Water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2 (3)(a)	Permitted Activity
	(A52) Water, wastewater and stormwater storage tanks	Permitted
	(A54) Wastewater treatment plants. The proposed retirement village includes a wastewater treatment plant.	Restricted Discretionary Activity
	(A55) Stormwater detention/retention ponds/wetlands. The proposed retirement village includes a attenuation pond.	Controlled Activity
	(A56) Water, wastewater and stormwater outfalls and ancillary structures.	Permitted Activity

Rule	Reason	Activity Status
	(A58) Stormwater treatment devices; erosion protection; culverts; measuring devices (flows structures).	Permitted Activity
	(A82) Pest plant removal	Permitted Activity
	(A90) Tree trimming, alteration or removal on roads adjoining rural zones.	Permitted Activity
	(A92) Tree alteration or removal of any tree greater than 4m in height and/or greater than 400mm in girth. The proposed upgrade of Forestry Road requires the removal of 21 trees that exceed these dimensions.	Restricted Discretionary Activity
E27 Transport	(A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access.	Restricted Discretionary Activity
	(A3) Any activity or subdivision which exceeds the trip generation standards set out in Standard E27.6.1	Restricted Discretionary Activity
	Please refer to the Integrated Transport Assessment in Appendix K for the assessment against the relevant standards.	
PC79	Please refer to the Integrated Transport Assessment in Appendix K for the assessment against the relevant standards.	
E28 Mineral extraction from land	Not applicable to the proposal.	
E29 Emergency management area – Hazardous facilities and infrastructure	Not applicable to the proposal.	
E30 Contaminated land	Not applicable to the proposal, consent is not triggered under Chapter E30.	
E31 Hazardous substances	Not applicable to the proposal.	
E32 Biosolids	Not applicable to the proposal, trucks will remove biosolids.	
E33 Industrial and trade activities	Not applicable to the proposal.	
E34 Agrichemicals and vertebrate toxic agents	Not applicable to the proposal.	

Rule	Reason	Activity Status
E35 Rural production discharges	Not applicable to the proposal.	
E36 Natural hazards and flooding	<p>(A30) On-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) floodplain.</p> <p>Disposal fields are located within the 1 per cent annual exceedance probability (AEP) floodplain.</p>	Restricted Discretionary Activity
	<p>(A33) Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain.</p> <p>The proposal includes stormwater outfalls within the 1 per cent annual exceedance probability (AEP) floodplain.</p>	Restricted Discretionary Activity
	<p>(A37) All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain.</p> <p>Retaining walls and other structures are located within the 1 per cent annual exceedance probability (AEP) floodplain.</p>	Restricted Discretionary Activity
	<p>(A41) Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path</p> <p>The proposal includes the diversion of overland flow paths.</p>	Restricted Discretionary Activity
	<p>(A56) All other infrastructure in areas listed in the heading above not otherwise provided for.</p> <p>The proposal includes the construction of infrastructure within the 1 per cent annual exceedance probability (AEP) floodplain</p>	Restricted Discretionary Activity

Rule	Reason	Activity Status
E37 Genetically modified organisms	Not applicable to the proposal.	
E38 Subdivision – Urban	Not applicable to the proposal, the site is not located within an urban zone.	
E39 Subdivision – Rural	<p>(A8) Subdivision of land within any of the following natural hazard areas:</p> <ul style="list-style-type: none"> 1 per cent annual exceedance probability floodplain; <p>The proposal involves subdivision within the 1 per cent annual exceedance probability floodplain.</p>	Restricted Discretionary Activity
	<p>(A9) Any subdivision listed in this table not meeting standards in E39.6.1.</p> <p>The defined building areas do not all meet 2000m² and will not be entirely free from yards (riparian) or floodplain areas.</p>	Discretionary Activity
	<p>(A13) Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1.</p> <p>The proposed subdivision does not comply with Standard E39.6.5.1.</p>	Non-complying Activity
	<p>(A15) Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2.</p> <p>The proposed subdivision does not comply with Standard E39.6.5.2.</p>	Non-complying Activity
	<p>(A27) Any other subdivision not provided for in Tables E39.4.1 or E39.4.2.</p> <p>The proposal involves the subdivision of a site within a split zoning which is not explicitly provided for.</p>	Non-complying Activity
E40 Temporary activities	(A24) Specific temporary activities that are not provided as a permitted activity in rules (A12) to (A23).	Restricted Discretionary Activity

Rule	Reason	Activity Status
	The construction of the proposal will exceed 24 months.	

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

Regulation	Reason	Activity Status
s5 Application		
Clause 7	The Preliminary Site Investigation (Appendix I) confirms that no HAIL activities were identified, and no further investigations required. Therefore, the NES-CS is not applicable.	

National Environmental Standard for Freshwater 2020

Regulation	Reason	Activity Status
Subpart 1 – Natural inland wetlands		
Clause 54 Non-complying activities	The proposal includes vegetation clearance and earthworks within 10m of a natural inland wetland and the discharge of water into streams within a 100m of a natural inland wetland.	Non-complying Activity
Subpart 3 – Passage of fish affected by structures		
Clause 70 Permitted activities	Does not comply.	
Clause 71 Discretionary activities	Does not comply with standard 70(2). The proposed replacement culverts will not be placed on the same gradient as the existing streambed/culverts. As such, mitigation through flexi-baffles or alternative measures is required to provide fish passage.	Discretionary Activity